

MOSES LAKE CITY COUNCIL  
June 23, 2015

Council Present: Dick Deane, Bill Ecret, Karen Liebrecht, David Curnel, Todd Voth, Jon Lane, and Jason Avila

The meeting was called to order at 7 p.m. by Mayor Deane.

PLEDGE OF ALLEGIANCE: Conner Johnson led the Council in the flag salute.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the June 9 meeting were presented for approval.

Approval of Claims, Prepaid Claims, Checks, and Payroll: Vouchers audited and certified by the Finance Director as required by RCW 42.24.080, and those expense reimbursement claims, certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Council for approval and is retained for public inspection at the Civic Center. As of June 23, 2015 the Council does approve for payment claims in the amount of \$439,128.98; prepaid claims in the amounts of \$9,751.52 and \$76,115.15; claim checks in the amount of \$1,073,240.05; and payroll in the amount of \$352,793.17.

Resolution - Abandon Easement - Penn Plaza: A resolution was presented which abandons an easement located on the Penn Plaza #4 Short Plat.

Resolution - Accept Easement - Crittenden 2<sup>nd</sup> Addition Major Plat: A resolution was presented which accepts a utility access easement from Odell and Sandra Crittenden for Parcel C, Crittenden 2<sup>nd</sup> Addition Major Plat, Lot 1, Block 3, Industrial Binding Site Plan.

Action Taken: Mr. Lane moved that the Consent Agenda be approved, seconded by Mr. Avila, and passed unanimously.

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

REQUEST TO USE CITY PROPERTY - TRILLIUM WAY

Jolene Gruver, 505 S. Trillium Way, requested the closure of Trillium Way between Wapato Drive and Everett Place on Saturday, July 4 from 3 p.m. to midnight.

Danielle Svilar, 504 S. Trillium, stated that they are planning a neighborhood block party to celebrate the 4<sup>th</sup> of July.

Action Taken: Dr. Curnel moved that the request be granted, seconded by Mrs. Liebrecht, and passed unanimously.

VACATE RIGHT-OF-WAY - GRANT

In 2014 Boyd Grant requested the vacation of the right-of-way on Lot 6, Replat of Lots 8 and 10, Block 4, Moses Lake Industrial Park Plat. He objected to the amount of the appraised value of the property provided in June 2014 and requested reconsideration of the appraised value.

Gilbert Alvarado, Interim City Manager, stated that staff did an analysis of the value of the adjacent parcels and determined the value of the vacated property was \$1.50 a square foot. The City required one half of the value of the property which came to \$9,065.

Kevin Burgess, representing Mr. Grant, stated that the price of the lot when purchased was \$.90 a square foot and the value placed on the right-of-way by the City was \$1.50 a square foot. Mr. Grant did not feel he should have to pay more for the vacated area than the rest of the property. He pointed out that the vacated area will be used as an access between the two lots owned by Mr. Grant and no development will take place because of the 150' canal easement to the west.

There was some discussion on the proposal.

Action Taken: Mr. Voth moved that the cost of the vacated property be set at \$.45 per square foot, seconded by Mr. Lane, and passed with Mayor Deane opposed as he felt the cost should be one half the value as determined by the City.

### ORDINANCES AND RESOLUTIONS

#### ORDINANCE - AMEND 3.62 - UTILITY SYSTEM DEVELOPMENT CHARGES - 2<sup>ND</sup> READING

An ordinance was presented which increases the utility system development charges.

The ordinance amending Chapter 3.62 of the Moses Lake Municipal Code entitled "Utility System Development Charges" was read by title only.

Action Taken: Mr. Avila moved that the second reading of the ordinance be adopted, seconded by Mr. Lane, and passed unanimously.

#### ORDINANCE - AMEND 18.40 - INDUSTRIAL ZONES - 1<sup>ST</sup> READING

An ordinance was presented which would allow towing services and vehicle impound yards in the Moses Lake Industrial Park Zone.

The ordinance amending Chapter 18.40 of the Moses Lake Municipal Code entitled "Industrial Zones" was read by title only.

Gilbert Alvarado, Interim City Manager, explained the background of the request for the amendment. He pointed out that the change only affects the Moses Lake Industrial Park Zone because towing and impound yards are already allowed in the light and heavy industrial zones.

Action Taken: Mr. Lane moved that the first reading of the ordinance be adopted, seconded by Mr. Avila, and passed unanimously.

#### RESOLUTION - FIRE DEPARTMENT PERFORMANCE STANDARDS

A resolution was presented which adopts performance standards for the Fire Department. The adoption of standards for the Fire Department are mandated by the legislature but in establishing the performance measures the legislature did not intend to modify or limit the authority of cities to set levels of service.

The resolution adopting the performance policy, standards, and objectives outlined in Revised Code of Washington (RCW) 35A.92 as Moses Lake Fire Department's emergency response time objectives was read by title only.

Katherine Kenison, City Attorney, mentioned that the criteria adopted by the Council is to be evaluated on an annual basis to determine whether or not they are being met and what modifications may be necessary. She mentioned that to date there has been no formal complaint or challenge to any jurisdiction's performance criteria that has resulted in a court finding that there is a legal responsibility to maintain and meet the adopted performance objectives. It was not the intent of the legislature to create any additional liability for jurisdictions.

Brett Bastian, Acting Fire Chief, stated that eventually a third fire station will be needed at the north end of the City because it is difficult to meet the response time criteria. At this time the call volume is low in that area so there is time to research the best location for an additional station.

Mr. Ecret pointed out that performance standards are a part of the City's Comprehensive Plan as well as required by the legislature.

Action Taken: Mr. Ecret moved that the resolution be adopted, seconded by Dr. Curnel, and passed with Mr. Lane opposed as he felt the new City Manager and new Council members should be involved in the decision on the performance standards.

#### RESOLUTION - ACCEPT DONATION - BUDU RACING

A resolution was presented which accepts a donation of \$800 from Budu Racing. The funds will be used by the Parks and Recreation Department for recreational programs.

The resolution accepting a cash donation of \$800 from Rory and Deanna Muller of Budu Racing, LLC was read by title only.

Action Taken; Dr. Curnel moved that the resolution be adopted, seconded by Mrs. Liebrecht, and passed unanimously.

#### RESOLUTION - NUISANCE ABATEMENT - 2404 LAKESIDE - GIBSON

A resolution was presented which provides for the abatement of nuisances at 2404 Lakeside, owned by Vona M. Gibson Estate.

The resolution determining that Vona M. Gibson Est is the is the owner of certain real property within the City; that a nuisance requiring abatement by City forces or forces contracted by the City exists on such property; and directing the use of such forces to abate the nuisance found was read by title only.

Clair Harden Code Enforcement Officer, was sworn in and provided testimony concerning the nuisance violations.

There was no other testimony. The hearing was closed.

Action Taken: Mr. Voth moved that the resolution be adopted, seconded by Mr. Avila, and passed unanimously.

#### RESOLUTION - NUISANCE ABATEMENT - 814 FAIRBANKS - JANKE

A resolution was presented which provides for the abatement of nuisances at 814 Fairbanks, owned by Mark A. Janke.

The resolution determining that Mark A. Janke is the is the owner of certain real property within the City; that a nuisance requiring abatement by City forces or forces contracted by the City exists on such property; and directing the use of such forces to abate the nuisance found was read by title only.

Katherine Kenison, City Attorney, requested that the hearing be continued to the next meeting because the Code Enforcement Officer involved in this case is not in attendance due to an illness.

Action Taken: Mr. Voth moved that consideration of the nuisance abatement be continued to the next Council meeting, seconded by Mr. Lane, and passed unanimously.

#### REQUEST TO CALL FOR BIDS - None

#### REFERRALS FROM COMMISSIONS - None

#### OTHER ITEMS FOR COUNCIL CONSIDERATION

#### RESIDENTIAL ZONING CODE - AMENDMENT

Paul Klingeman on behalf of Vern's Meats, requested permission to use cargo containers as storage units at 2721 Peninsula. This property is in a residential zone which prohibits cargo containers.

Gilbert Alvarado, Interim City Manager, gave the background on the use of cargo containers in the City. He pointed out that Vern's Meats is a non-conforming use and is reviewed every two years for compliance with the conditions placed on this non-conforming use. Currently they are using 7 old commercial trucks for

storage and they are basically trying to clean up that area. Staff is not in favor of amending the zoning code because it would affect all residential zones and not just this property. If Council is in favor of this request, a public hearing would be held in front of the Planning Commission on the issue of improving this non-conforming use.

Paul Klingeman, 2916 Road 12.8, Ephrata, owner of the property, stated that he would like to remove the storage boxes and pour a 48' x 38' concrete slab to house 3 cargo containers which will be used for storage.

Action Taken: Mr. Voht moved that it be remanded to the Planning Commission, seconded by Mr. Avila, and passed unanimously.

#### PLATTING DEEMED INSUFFICIENT - SUNCREST RESORT MAJOR PLAT

Mitch and Marilyn Molitor submitted a building permit application for Suncrest Resort Major Plat located at 303 Hansen Road, which is a legally platted parcel and requested a waiver of the required improvements.

Gilbert Alvarado, Community Development Director, mentioned that property platted years ago was not required to install municipal improvements that are now required with current plats. In order to rectify the deficiencies, staff cannot issue a building permit for improvements on insufficiently platted property unless the properties are brought into conformance with the current codes or the City Council grants a waiver, deferral, or deviation from the requirements to install the deficient plat improvements. He mentioned that if the Council approves a waiver, covenant additional improvements would be required of the owner.

Mitch Molitor, 4101 W. Peninsula, mentioned that the only improvements not installed at the time the property was platted was sidewalks, curb, and gutter. He pointed out that the closest sidewalk is over one and half miles away and would a waiver is being requested rather than a deferral because with a deferral a covenant for future improvements is placed on the property which makes it more difficult to sell.

No action was taken by the Council.

#### NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

##### FIRE DEPARTMENT

Troy Hesse, Firefighter, stated that the EMS Task Force has recommended four changes to further address the issues regarding the City's Fire Department. The first one was the adoption of the performance standards, which was done. The other changes include adding to MLCM 2.30 three definitions with regard to transports and including an exception to provide that Moses Lake's Fire Department will provide out-of-town emergent transports under certain conditions; elimination of the day car and the two single role positions associated with it; and elimination of the out-of-town transports. He mentioned that the out-of-town transports contribute to the overtime costs at the Fire Department. He explained the advantageous of the proposed changes.

Gilbert Alvarado, Interim City Manager, gave some background on the issue for the Council.

There was considerable discussion about the costs and benefits of the changes.

Staff was directed to review the Memorandum of Understanding with the Fire Department for the elimination of the day car service and to report to Council at the next meeting..

##### MOSES LAKE YOUTH HOCKEY

Debbie Talbot, Moses Lake Youth Hockey Association, requested that the ice rink be opened again for the coming season.

#### COUNCIL QUESTIONS AND COMMENTS

##### CODE ENFORCEMENT

Mayor Deane requested the back ground on the code enforcement program.

Gilbert Alvarado, Interim City Manager, stated that the Code Enforcement Officers handle about 3,600 cases a year. At one time the Code Enforcement Officers would patrol the neighborhoods looking for violations but because of the concern of the residents the policy was changed to respond on a complaint basis.

Mayor Deane felt that City employees should be encouraged to report any violations they notice in the course of their regular work.

Mr. Alvarado stated that he would discuss the issue with the Department Directors to see how such a program would impact their staff.

#### CITY MANAGER REPORTS AND COMMENTS

##### CITY MANAGER RECRUITMENT

Gilbert Alvarado, Interim City Manager, stated that as a result of the interviews by Prothman with Council and staff, a schedule has been drafted for the recruitment of a new City Manager. He pointed out that the Council has yet to review the draft of the profile and felt that another week may be needed before the profile is ready and advertising can begin.

There was considerable discussion and it was the consensus of the Council to add an additional week and have two community meetings.

##### FINANCIAL UPDATE

Gilbert Alvarado, Interim City Manager, reported on the City's finances for the first half of the year. He also pointed out that the Grant County Assessors Office did not include certain new construction projects and values within the tax reporting period so the City did not receive the property taxes for those project.

Bob Taylor, Finance Director, stated that the City is in contact with the County Assessor about this issue and should receive some information by mid-August.

It was the consensus of the Council that a letter, signed by the entire Council, be sent to the Assessor about this issue and that the junior taxing districts should also be made aware of the issue.

##### FIREWORKS

Gilbert Alvarado, Interim City Manager, stated that the Farmer's Market has provided the 25% down payment for the 4<sup>th</sup> of July fireworks display but there is still about \$12,000 that is owing. The Farmer's Market is still soliciting funds but have provided no information to the City no how much has been raised. He pointed out that the City will be required to cover any shortfall.

##### WCIA OPEN PUBLIC MEETINGS TRAINING

Gilbert Alvarado, Interim City Manager, stated that WCIA will provide Open Public Meetings Act training at a cost of between \$3,500 to \$4,000. The training would be a study session with a WCIA attorney.

It was the consensus of the Council to hold the training after the new Council members are elected.

##### AMBULANCE REPORT

The cash report on the ambulance operations for the month of May was provided.

##### INVESTMENT REPORT

The City received \$16,311.31 in investment income for May 2015.

##### SALES TAX/TRANSIENT RENTAL INCOME

The City received \$471,251.00 in sales tax and \$37,172.22 in transient rental income in May.

The regular meeting was recessed at 9:40 p.m. and the Council met in a 10 minute executive session with the City Attorney to discuss an employee performance evaluation. The executive session was adjourned at 9:50 p.m. and the regular meeting was reconvened. The regular meeting was adjourned at 9:50 p.m.

ATTEST

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Dick Deane, Mayor

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W. Robert Taylor, Finance Director