

MOSES LAKE CITY COUNCIL
July 14, 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: Natalie Bunch and Zoe Sterner, 6th graders, led the Council in the flag salute.

PRESENTATION AND AWARDS

PROCLAMATION

The proclamation designating July 2015 as Park and Recreation Month was read in its entirety.

EMPLOYEE PRESENTATIONS

Finance Department: Sam Dart, Engineering Tech I, was presented to the Council.

Finance Department: Sandra Estudillo, Accountant, was presented to the Council.

CONSENT AGENDA

Minutes: The minutes of the June 23 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 July 14, 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 - Accept Easement - Port of Moses Lake: A resolution was presented which accepts a municipal easement from the Port of Moses Lake for the new Aerotec hanger.

Resolution - Accept Easement - Penn Plaza #4 Short Plat: A resolution was presented which accepts a utility access easement from Penn Plaza, LLC for the Penn Plaza #4 Short Plat.

Resolution - Accept Boundary Line Adjustment - Sharma Group, LLC: A resolution was presented which approves the exchange of property associated with a boundary line adjustment between the City and Sharma Group, LLC for a portion of Parkhill-Scea Addition, Lot 1 and Marina Drive right-of-way.

Six Year Street Transportation Improvement Program - Set Date for Public Hearing: A public hearing was set for August 11 to consider the Six Year Street Transportation Improvement Program.

Crossroads North Phase II to VI Major Plats: Hayden Homes applied for five preliminary plats to subdivide 34 acres into 153 single family lots. Deferrals to allow temporary cul-de-sacs were requested. Deviations to block length standards for all east-west streets in the development and for lot width of one lot were also requested. The site is located east of Highway 17, between Wheeler Road and Nelson Road. The site is zoned R-1, Single Family Residential at the south end and R-3, Multi-family residential, at the north end. The Planning Commission recommended that the preliminary plats and deferrals and waivers be approved with conditions. The Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTESSEWER GENERATOR PROJECT

The City received four bids for the 2015 Sewer Generator Project. This project includes the replacement of standby power generators and automatic transfer switches at six lift stations and installing a standby power generator and automatic transfer switch at the Sand Dunes Treatment Plant Lab.

Action Taken: Mr. Lane moved that the bid be awarded to Farmers Electric II, LLC in the amount of \$597,909, seconded by Mrs. Liebrecht, and passed unanimously.

STRATFORD ROAD SIDEWALK PROJECT

The City received two bids for the 2015 Stratford Road Sidewalk Project. This project includes construction of sidewalks, bus turnout, and a pedestrian at-grade railroad crossing on Stratford Road between SR-17 and Maple Drive. The cost of the project is being shared between Grant County Public Works, Washington State Transportation Improvement Board, Grant Transit Authority, and the City.

Action Taken: Mr. Lane moved that the bid be awarded to Moreno & Nelson Construction Corporation in the amount of \$268,210, seconded by Mr. Avila, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGSGARAGE AND YARD SALE FREQUENCY

Scott Ramsden, 622 Crestview, stated that his neighbor purchases abandoned storage units and sells the items at a garage sale at his residence almost every weekend which creates traffic and parking issues in the neighborhood. He mentioned that he did not object to an occasional yard sale but every weekend was excessive and requested an ordinance to limit this type of activity.

Katherine Kenison, City Attorney, explained the restrictions of any possible ordinance that would regulate yard sales.

There was some discussion and staff was requested to investigate the need to regulate the frequency of yard sales.

MOSES LAKE YOUTH HOCKEY

Ty Howard, 2043 Skyline, explained the positive impact the Larson Recreation Center and the ice rink has had in the Northwest and community and the negative impacts of the closure of the Larson Recreation Center including the loss of revenue. He mentioned that hockey teams from all over the state want to use the ice rink since it is the only open air ice rink in the state and requested that the Larson Recreation Center and the ice rink be opened for the coming season.

George Georgeson, 903 Sand Dune Road, hockey coach for 14 years, stated that he was instrumental in starting the hockey program in Moses Lake which gives the youth something to do in the winter and helps keep them off the streets.

Ryann Leonard, 907 Sand Dune Road, felt it was important to at least open the ice rink if the Larson Recreation Center could not be opened.

Gilbert Alvarado, Interim City Manager, stated that staff is researching the possibility of opening the Larson Recreation Center and the ice skating rink and the costs associated with those facilities.

Elisia Dalluge spoke in favor of opening the Larson Recreation Center and the ice rink.

There was some discussion and staff was directed to research the logistics and cost of opening the Larson Recreation Center and the ice rink and the impact on all the departments.

ORDINANCE - EXTEND MORATORIUM ON MEDICAL MARIJUANA GARDENS - SINGLE READING/PUBLIC HEARING

An ordinance was presented which extends the moratorium on the establishment of “collective gardens” for the medical use of marijuana.

The ordinance of the City of Moses Lake extending a moratorium on the establishment of medical marijuana collective gardens, defining “medical marijuana collective gardens”, providing for a public hearing establishing an effective date, and providing that the moratorium, unless extended, will sunset within six (6) months of the date of adoption was read by title only.

Gilbert Alvarado, Interim City Manager, stated that because of the changes since the last moratorium was adopted, he recommended that the issue of collective gardens be forwarded to the Planning Commission for their review and recommendation for inclusion in the zoning code.

Katherine Kenison, City Attorney, stated that a recent court case has upheld the authority of cities to legally ban collective gardens and the legislature has repealed collective gardens effective July 2016 and replaced them with a cooperative. She explained some of the legislative changes and how those changes would affect the regulations dealing with marijuana.

Action Taken: Mr. Voth moved that Planning Commission consider regulations for marijuana uses, seconded by Mr. Avila, and passed unanimously.

ORDINANCES AND RESOLUTIONSORDINANCE - AMEND 18.40 - INDUSTRIAL ZONES - 2ND 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.

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

ORDINANCE - AMEND 16.52 - INSTALLATION AND MAINTENANCE OF AUTOMATIC FIRE EXTINGUISHING SYSTEMS - 1ST READING

An ordinance was presented which provides for local flexibility with the requirement of fire sprinklers systems for a Group 4 occupancy. The proposed amendment would assurance that the City can still provide adequate coverage in certain scenarios if attic fire sprinkler systems are exempt from installation.

The ordinance amending Chapter 16.52 of the Moses Lake Municipal Code entitled “Installation and Maintenance of Automatic Fire Extinguishing Systems” was read by title only.

Gilbert Alvarado, Interim City Manager, explained the changes to the requirement for sprinkler systems.

Brett Bastian, Acting Fire Chief, gave the background on attic sprinkler systems and the systems developers would use to circumvent the requirements. The proposed change would allow a standpipe system rather than an attic fire sprinkler system and still provide adequate safety.

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

ORDINANCE - AMEND 17.42 - BOUNDARY LINE ADJUSTMENTS - 1ST READING

An ordinance was presented which requires the proponent of a boundary line adjustment to pay the Grant County recording fees.

The ordinance amending Chapter 17.42 of the Moses Lake Municipal Code entitled "Boundary Line Adjustments" was read by title only.

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

ORDINANCE - VACATE RIGHT-OF-WAY - 1ST READING

In 2014 Francis Grant submitted a petition to vacate the right-of-way on Lot 6, Replat of Lots 8 and 10, Block 4, Moses Lake Industrial Park Plat. At the June 23, 2015 Council meeting, the property owner's representative objected to the amount requested as compensation for the vacated area. The Council agreed that the price established by staff should be changed to reflect the purchase price of the lot.

An ordinance repealing Ordinance No. 2718 and vacating a portion of right-of-way was read by title only.

Gilbert Alvarado, Interim City Manager, pointed out that the new ordinance reflects the purchase price approved by Council.

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

RESOLUTION - NUISANCE ABATEMENT - 8692 CHARLES AND 1046 DIVISION

Resolutions were presented which provide for the abatement of nuisances at 8692 Charles Road, owned by Kevin McBreen and 1046 Division Street, owned by Carlos Espinoza.

Gilbert Alvarado, Interim City Manager, provided an email from Kevin McBreen concerning the 8692 Charles Road property.

Rick Rodriguez, was sworn in and provided testimony concerning the nuisance violations.

There was no other testimony. The hearing was closed.

The resolution determining that Kevin M. McBreen 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.

The resolution determining that Carlos Chavez Espinoza 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.

Action Taken: Mr. Ecret moved that the resolution concerning 8692 Charles Road be adopted, seconded by Mr. Avila, and passed unanimously.

Action Taken: Dr. Curnel moved that the resolution concerning 1046 Division be adopted, seconded by Mr. Lane, and passed unanimously.

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

FIREWORKS

Joyce Cooley Wood, 1136 Eastlake Drive, stated that the debris from the recent fireworks display ended up on her property and the roof of her home and garage. She pointed out that the 4th of July was windy and the area was very dry which created a high potential for fires.

Gilbert Alvarado, Interim City Manager, stated that he inspected the area and the whole length of the street and the residential property in the area was littered with debris from the fireworks display. One of the reasons for that was the wind shifted and blew the debris into this area instead of out in the lake.

Brett Bastian, Acting Fire Chief, explained that the first fireworks is a windage shot to judge the wind and the first shot went where it was supposed to. After the approval was given to begin, the wind shifted and under those circumstances it is up to the pyrotechnic technician to determine whether or not to continue. The wind was within the parameters set by the standards of the industry. He mentioned that the current launch site is not preferred because of the proximity of the residential neighborhood.

Spencer Grigg, Parks and Recreation Director, stated that the parks personnel mowed the site and the Fire Department burned it off prior to the fireworks show. The site has been used for 25 years and has become more residential in nature over the years.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

CENSUS

The population estimates from the Office of Financial Management were provided and shows that the City's official population for 2015 is 22,080.

FIRE DEPARTMENT - OUT OF TOWN TRANSPORTS

Gilbert Alvarado, Interim City Manager, explained that staff is gathering information and discussing the issue of out-of-town transports which consist of two components - billing and operations. The out-of-town transports also impact the day car issue. The two positions that are assigned to the day car are both vacant at this time and they are being filled by overtime firefighters. The proposed Memo of Understanding with the Fire Union would eliminate non-emergent out-of-town transports. The Memo of Understanding has been reviewed and it is suggested that language be included that would give criteria on how and when to terminate the Memorandum of Understanding.

There was considerable discussion by the Council.

Action Taken: Mr. Ecret moved that non-emergent out-of-town transports be temporarily suspended and staff provide a revised Memo of Understanding to suspend all out-of-town non-emergent transports, seconded by Mr. Lane.

Mr. Alvarado pointed out that there is no signed Memo of Understanding at this time so the suspension of out-of-town transports would not take effect until the document is signed which would be after it is approved by the Council.

There was additional discussion and it was the consensus to continue the meeting to Monday, July 20, 2015, at 6 p.m.

Action Taken: Mr. Lane moved that the meeting be continued to Monday, July 20, 2015 at 6 p.m for the purpose of discussion a Memo of Understanding regarding out-of-town transports, seconded by Mr. Avila, and passed unanimously.

AMBULANCE REPORT

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

CITY MANAGER RECRUITMENT

Gilbert Alvarado, Interim City Manager, stated that Prothman has posted the City Manager position on their website. The description includes the issues the Council and staff felt were important for a new City Manager to be aware of. A draft recruitment schedule was also provided.

QUARTERLY FINANCIAL REPORT

The 2015 second quarter financial report has been posted on the City's website.

The regular meeting was recessed at 9:45 p.m. and the Council met in a 10 minute executive session with the City Attorney to discuss potential litigation. The executive session was adjourned at 9:55 p.m. and the regular meeting was reconvened. The regular meeting was adjourned at 9:55 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director