

MOSES LAKE CITY COUNCIL
October 27, 2015

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

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

PLEDGE OF ALLEGIANCE: Dr. Curnel led the Council in the flag salute.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the October 13 meeting were presented for approval.

Minutes: The minutes of the October 22 special 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 October 27, 2015 the Council does approve for payment claims in the amount of \$331,116.41; prepaid claims in the amount of \$214,456.48 and \$17,640.70; claim checks in the amount of \$1,431,542.52; and payroll in the amount of \$305,459.06.

Parkview PUD Major Plat and Findings of Fact: Smith Martin LLC submitted an application for a final planned unit development and plat for 21 townhouses, garages, and redevelopment of the existing building for offices on the ground floor and apartments on the second floor. The site is located at 922/928 Division Street and is zoned R-3, Multi-Family Residential, which corresponds with the underlying Comprehensive Plan Land Use Designation of High Density Residential. The Planning Commission recommended that the final plat and planned unit development be approved with conditions.

Resolution - Accept Easement - Dept. of Natural Resources: A resolution was presented which accepts a municipal easement on Road N from the Dept. of Natural Resources for a public road and adjacent storm water retention pond.

Accept Easement - Upper Columbia Corp of 7th Day Adventist: A resolution was presented which accepts an access easement for municipal purposes on Lot 1, Crestview Christian School Major Plat.

Resolution - Accept Improvements - Crossroads Park: A resolution was presented which accepts the improvements constructed in Crossroads Park.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

ORDINANCES - TAXATION - 1ST READINGS/PUBLIC HEARING

Ordinances were presented which fix the estimated amount to be received by the City from property taxes and sets the tax levy rate.

The public hearing was opened. There were no comments.

Action Taken: Mr. Ecret moved that the public hearing be closed, seconded by Dr. Curnel, and passed unanimously.

Bob Taylor, Finance Director, explained the ordinances for the Council.

The ordinance fixing the amount to be received for municipal purposes from taxations on assessed valuations on property within the City of Moses Lake, Washington for 2016 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.

The ordinance fixing the estimated amount to be received for municipal purposes from taxations on assessed valuations on property within the City of Moses Lake, Washington for 2016 was read by title only.

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

APPEAL - CODE ENFORCEMENT - SKAUG

Eric Skaug, Skaug Brothers Investment Co., has appealed the Notice to Correct for the repair of the sidewalk at 223 E. Third Avenue in order to provide a temporary fix.

Mr. Skaug stated that there is a small amount of the sidewalk that is in need of repair at this time but the City is requiring the sidewalk on Third Street and Balsam to be repaired. Since this is in the paver district, a permanent fix would include pavers, landscaping, and irrigation. He pointed out that originally the property owner would pay for a concrete sidewalk and the City covered the cost of the pavers. Currently the property owners are expected to cover the entire cost. He felt that the downtown paver project as a whole needs to be re-evaluated.

Gilbert Alvarado, Interim City Manager, reminded the Council that the paver project as a whole is not under consideration at this time and that there is a need to repair this area of the sidewalk. The staff feels that the request to do a temporary repair is reasonable.

Action Taken: Mr. Ecret moved that the request to use a temporary fix on the sidewalk be approved, seconded by Mr. Avila, and passed unanimously.

COMMUNICATION - DALLUGE

Elisia Dalluge, 211 E. 7th Avenue #18, stated that she has been reviewing the City ordinances with regard to gender neutral language and Council stipends. She suggested that the language in the Municipal Code be changed to become gender neutral. She also felt that the stipends for the Mayor and Council members need to be reviewed to allow for reimbursement for all the meetings they attend instead of limiting it to 10 meetings and that all meetings that the Council members attend should be noted.

Gilbert Alvarado, Interim City Manager, stated that the gender neutral change is an easy fix. He distributed the policy on meetings which establishes a process for per meeting stipend and noted that there is no requirement for a Council member to report every meeting attended.

WATER/SEWER SERVICE - AEROTECH

Matt Davis, Manager, Aerotec, requested permission to connect six temporary portable office trailers to City water and sewer without the requirement to annex. The City's annexation policy does not allow for the connection of temporary structures to the City's services.

Mr. Davis stated that the portable office trailers will accommodate the Mitsubishi personnel and will be located east of the new Aerotec warehouse. Each office will house about 50 personnel and there will also be two smaller trailers to house the restrooms and cafeteria. He stated that they are not intended to be permanent and the City services would only be needed from about January 2016 to June 2019.

Gilbert Alvarado, Interim City Manager, stated that it is the understanding of staff that the trailers will be in place for three years and then the service will be terminated. The issue is that the current policy does not address temporary connections. He recommended that, if the Council were to agree to the request, the annexation policy stay the same and staff work on changes to the municipal code to allow for temporary connections to the water and sewer systems.

Action Taken: Mrs. Liebrecht moved that staff amend the municipal code to allow for a temporary connection

to the City's water and sewer systems, seconded by Mr. Lane, and passed unanimously.

ORDINANCES AND RESOLUTIONS

ORDINANCES - AMEND 17.12 - MAJOR SUBDIVISIONS - 1ST READING

An ordinance was presented which amends Moses Lake Municipal Code Chapter 17.12, Major Subdivisions, in order to bring it into compliance with state law concerning the time limit a final subdivision is vested.

The ordinance amending Chapter 17.12 of the Moses Lake Municipal Code entitled "Major Subdivisions" was read by title only.

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

ORDINANCE - AMEND BUDGET - 1ST READING

An ordinance was presented which amends the 2015 budget.

The ordinance amending the 2015 budget for the City of Moses Lake, Washington was read by title only.

Ryann Leonard, 907 Sand Dune, requested an explanation of the beginning and ending fund balances.

Bob Taylor, Finance Director, stated that the beginning fund balance reflects the cash position of the account at the beginning of year and the ending fund balance reflects the expenditures for the year.

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

ORDINANCE - CREATE 6.07 - CHICKENS - 1ST READING

A draft ordinance was presented which would regulate the keeping of chickens in the City.

Gilbert Alvarado, Interim City Manager, stated that the draft ordinance is the same as the City of Soap Lake. The ordinance is presented due to the request of a citizen of the City. He stated that Mr. Voth provided a definition of the male and female chicken under one year old and some clarification will need to be made on the definition of the chicken to specifically prohibit male chickens. He went over some of the provisions of the ordinance.

Mr. Voth stated that he provided the dictionary definition of a male chicken and a female chicken under one year old. He suggested that the requirement for a new coop license if the location of the coop is changed be eliminated since some of the coops are mobile.

Mr. Ecret suggested that language be included as to where and how the coop should be constructed.

Katherine Kenison, City Attorney, mentioned that the state definition of a dangerous dog provides that anytime a dog goes off its property and kills a domestic animal it is by law a dangerous dog. The City does not allow dangerous dogs in the City limits. She pointed out that even the most calm, friendly dogs have a propensity to chase small active animals. If a dog is off its property and kills a chicken, even if that chicken is outside its coop, that dog is considered a dangerous dog and if the owner wishes to keep the dog they have to go through the onerous state requirements including registering the dog as dangerous, procure a surety bond, homeowners insurance, put it in a six sided kennel, and it cannot be removed from the kennel unless it is on a muzzle and restrained by a leash. She suggested that if the Council moves forward with the chicken ordinance that there be a component of public education and awareness.

Mayor Deane stated that the majority of people he has talked to are opposed to having chickens in the City limits.

Mrs. Liebrecht was in favor of allowing the chickens because of the number of requests to have chickens but suggested that a sunset clause be included in the ordinance.

Mr. Voth stated that he was in favor of allowing chickens as it would allow members of the 4-H and FFA to raise them for the fair as well as those who want to keep them for eggs.

Mr. Ecret stated that he was also in favor of the ordinance but suggested that the fee be reviewed and include the sunset clause.

It was the consensus of the Council that staff amend the ordinance and bring it back for a first reading.

RESOLUTION - NUISANCE ABATEMENT - 945 BALSAM

A resolution was presented which provides for the abatement of nuisances at 945 S. Balsam owned by Juan P. and Paula S. Duran.

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

There was no other testimony. The hearing was closed.

The resolution determining that Juan P. and Paula S. Duran are the owners 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. Avila moved that the resolution be adopted, seconded by Mr. Voth, and passed unanimously.

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION - None

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

BLOCK WATCH - DRUG ACTIVITY

Jon Smith, 246 Northshore, stated that there is a residence in the neighborhood that has on-going drug activity for 30 years which has led to negative impacts in the area.

HUNTING

Austin Sandman, 3179 Westshore, stated that he farms property in Cascade Valley that is within the City's limits and on which he is growing grass for seed. The problem is there are 2,000 geese on the property and the non-lethal methods to scare them away only do so temporarily. The only permanent solution to getting rid of the geese is to hunt them. He requested that the Council allow an exception in order to allowing hunting in the City limits.

Gilbert Alvarado, interim City Manager, stated that banning hunting in the City limits goes back to 1981 and was based on complaints about hunting on Marsh Island. He pointed out that the area was annexed with the intent by a developer to extend water and sewer across the lake but that has not happened. The City does not allow farming but because it was previously farmed it was felt that the land could be farmed again. He mentioned that there is a problem with the geese.

There was some discussion and it was the consensus of the Council that the hunting of geese on this property be allowed by family members only.

Action Taken: Mr. Lane moved that staff be directed to resolve the issue and any enforcement be stayed, seconded by Mr. Avila, and passed unanimously.

BENNY'S TIRES - LANDSCAPING

Benito Lopez, 818 S. Fairbanks, stated that he has constructed a new building on Block Street and requested that the required beautification be delayed until after streets and sidewalks are constructed.

Gilbert Alvarado, Interim City Manager, stated that the construction of a new building triggers the requirement for street frontage landscaping. The street frontage landscaping includes a 10' wide street buffer and if the trees are planted before the street is constructed, the trees will probably have to be removed. The Planning Commission does not have the authority to defer the required landscaping.

There was some discussion and it was the consensus of the Council that the landscaping ordinance be reviewed and the requirement for street frontage landscaping at 124 N. Block be deferred.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

AMBULANCE SERVICE

Gilbert Alvarado, Interim City Manager, distributed a copy of a report from the Fire Chief regarding the ambulance service.

PROJECTS UPDATE

Gilbert Alvarado, Interim City Manager, provided a list of the on-going projects in the City.

QUARTERLY FINANCIAL REPORT

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

INVESTMENT REPORT

The City received \$19,365.54 in investment income for September 2015.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$508,956.66 in sales tax and \$61,340.66 in transient rental income in September.

BUDGET

Gilbert Alvarado, Interim City Manager, stated that information will be provided to the Council about the budget process.

CITY MANAGER RECRUITMENT

Katherine Kenison, City Attorney, went over several of the provisions of the employment contract for the new City Manager.

There was some discussion by the Council on the residency requirements and the severance package.

Action Taken: Mr. Lane moved that the employment agreement be approved as presented, seconded by Mr. Avila and passed with Dr. Curnel and Mr. Voith opposed as they felt the severance package provision should be amended.

The regular meeting was adjourned at 9:10 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director