

MOSES LAKE CITY COUNCIL  
September 13, 2011

Council Present: Jon Lane, Dick Deane , Karen Liebrecht, David Curnel, Richard Pearce, Brent Reese, and Bill Ecret

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

PLEDGE OF ALLEGIANCE: Cub Scout Pack 98 led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the August 23, 2011 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 city hall. As of September 13, 2011 the Council does approve for payment claims in the amount of \$3,513,139.35; prepaid claims in the amounts of \$92,272.86 AND \$62,194.76; claim checks in the amount of \$997,884.31; and payroll in the amounts of \$4,714.52 and \$368,467.77.

Accept Work - Stormwater Decant Facility Project - 2011: Central Washington Excavation has completed work on the Stormwater Decant Facility Project. The work should be accepted and the 45 day lien period entered into.

Accept Work - Alley Reconstruction Project 2011: Advanced Excavation has completed work on the 2011 Alley Reconstruction Project. The work should be accepted and the 45 day lien period entered into.

Resolution - Accept Easement - SGL Automotive Carbon Fibers, LLC: A resolution was presented which accepts an easement from SGL Automotive Carbon Fibers, LLC which grants the City the right to access water meters and fire hydrants on a portion of the SGL Carbon Fiber Short Plat located on Randolph Road

Resolution - Accept Grant - Police Department: A resolution was presented which accepts a justice assistance grant in the amount of \$11,400. The funds will be used by the Police Department to purchase two video surveillance cameras as well as accessories to transmit and record.

Industrial Waste Discharge Permit - Americold Corporation: Authorization was requested for the City Manager to sign an industrial waste discharge permit for Amiercold Corporation.

Nuisance Abatement: The Council should set September 27 as the date to consider a resolution to abate nuisances at 210 Vine, 1151 Grand, and 502 Kentucky.

Action Taken: Mr. Reese moved that the Consent Agenda be approved, seconded by Dr. Curnel, and passed unanimously.

COMMISSION APPOINTMENTS - NoneCONSIDERATION OF BIDS AND QUOTESLANDSCAPING PROJECT 2011

The City received two bids for the 2011 Landscaping Project. This project consists of installing landscaping along Road 4 at the Operations Facility.

Action Taken: Mr. Pearce moved that the bid be awarded to Tatum's Lawn Care in the amount of \$21,818, seconded by Mr. Ecret, and passed unanimously.

CIVIC CENTER PARKING LOT AND LANDSCAPING PROJECT 2011

The City received four bids for the 2011 Civic Center Parking Lot and Landscaping Project. This project consists of constructing of two parking lots at the intersection of Balsam Street and Fourth Avenue, constructing a roundabout at the intersection, installing paver sidewalks, and installing landscaping and irrigation systems for the Civic Center area.

Action Taken: Mrs. Liebrecht moved that the bid be awarded to Oceanside Construction in the amount of \$864,300, seconded by Mr. Deane, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGSORDINANCE - ALLEY VACATION - ALANIS - 1<sup>ST</sup> READING AND PUBLIC HEARING

An ordinance was presented which provides for the vacation of a portion of the alley adjacent to the westerly lot line of Lot 27, Broadripple Addition No. 1. The lot is owned by Miguel Alanis and is located on Ashley Way.

The ordinance vacating a portion of an alley was read by title only.

Gilbert Alvarado, Community Development Director, stated that Mr. Alanis has provided construction plans for a home on this lot. The construction plans have been approved. He pointed out that the alley on the rear of the property has not been constructed. Vacating 3' of this 20' unimproved alley will allow Mr. Alanis to adjust the location of his home and will provide the City better access to existing facilities in an already vacated alley and easement on the north side of the property. He mentioned that CenturyLink has requested an easement be maintained over the 3' of vacated alley as they have ariel service in this area. No structures or fences will be constructed over the vacated alley as the 3' is only needed for setback purposes.

The public hearing was opened.

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

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

COMMUNICATION - JON SMITH

Jon Smith requested time before the Council to speak on a number of issues including left turns from Stratford into Walgreens, the Dutch Brothers proposed windmill near the intersection of Broadway and Alder, trees in the downtown area, etc.

ORDINANCES AND RESOLUTIONSORDINANCE - AMEND 16.36 - FIRE CODE - 2<sup>ND</sup> READING

An ordinance was presented which rectifies a conflict concerning connections on fire hydrants. One section requires connections to be fitted with metal, screw-in type caps and another section requires connections to be fitted with Knox locking caps. The Knox locking caps are the preferred requirement so the metal screw-in connection has been eliminated.

The ordinance amending Chapter 16.36 of the Moses Lake Municipal Code entitled "Fire Code" was read by title only.

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

ORDINANCE - AMEND 16.48 - FIRE HYDRANTS - 2<sup>ND</sup> READING

An ordinance was presented which clarifies the ownership of fire hydrants for identification purposes as well as for annual testing and maintenance requirements.

The ordinance amending Chapter 16.48 of the Moses Lake Municipal Code entitled "Fire Hydrants" was read by title only.

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

ORDINANCE - MORATORIUM ON MEDICAL MARIJUANA GARDENS - 1<sup>ST</sup> READING

An ordinance was presented which establishes a moratorium on the establishment of "collective gardens" for the medical use of marijuana. The moratorium is for the purpose of giving the City time to establish performance standards for such gardens as allowed by the recent passage of a bill by the state legislature allowing for collective gardens for the medical use of marijuana.

The interim ordinance of the City of Moses Lake adopting 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, Community Development Director, provided background on the laws pertaining to the use of medical marijuana.

Katherine Kenison, City Attorney, pointed out that one of the problems is the fact that while the state has legalized the use of medical marijuana, it is still illegal under the controlled substances

act at the federal level. She mentioned that the bill raises many questions about the regulation of these collective gardens and it puts the local jurisdictions in a difficult position.

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

#### RESOLUTION - ACCEPT GRANT - CROSSWALK ON STRATFORD

A resolution was presented which accepts a \$150,000 grant from the Department of Transportation for the installation of a pedestrian crossing on Stratford Road near Knolls Vista Drive.

The resolution accepting a grant to the City of Moses Lake from the Washington State Department of Transportation was read by title only.

Gary Harer, Municipal Services Director, explained that the project will consist of a pedestrian crossing on Stratford Road and safety improvements to the intersection of Stratford Road and Knolls Vista Drive.

There was some discussion by the Council.

Action Taken: Dr. Curnel moved that the resolution be adopted, seconded by Mr. Deane, and passed unanimously.

#### RESOLUTION - NUISANCE ABATEMENT - 818 SAGE BAY DRIVE

A resolution was presented which provides for the abatement of nuisances at 818 Sage Bay Drive. The property is owned by EMC Mortgage Corp for FIS Tax.

The resolution determining that EMC Mortgage Corp for FIS TAX 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 this issue. He mentioned that there has been no response from the property owners to any of the notices provided by the city and none of the nuisances have been corrected.

Action Taken: Mrs. Liebrecht moved that the resolution be adopted, seconded by Mr. Pearce, and passed unanimously.

#### RESOLUTION - NUISANCE ABATEMENT - 1230 W. BROADWAY

A resolution was presented which provides for the abatement of nuisances at 1230 W. Broadway. The property is owned by Joli Pesek.

The resolution determining that Joli Pesek 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.

Gilbert Alvarado, Community Development Director, mentioned that the owner of this property is a repeat offender and has been through the process before.

Clair Harden, Code Enforcement Officer, was sworn in and provided testimony concerning this issue.

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

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION

GROUP B WATER SYSTEM - MORGAN TRACTS

A Group B water system was requested to serve the Morgan Tracts Unit 1, Short Plat, Replat of a portion of Lot 8 instead of connecting to the City's water system. The existing exempt well on the original Lot 8, Morgan Tracts Unit 1 Short Plat would serve the three proposed lots. The property is within the City's UGA and water service area. The nearest city water main is approximately 3,500 feet to the north.

Gary Harer, Municipal Services Director, stated that additional information has been obtained and the on-site well is considered an allowed well.

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

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTS

EDC FUNDING - AEROSPACE ASSESSMENT

Jon Lane, Mayor, stated that the Washington Aerospace Partnership has requested help in funding an aerospace assessment by a national consulting firm and to mount a lobbying/PR campaign for promotion purposes necessary to maintain and increase aerospace activities within Washington State, including convincing Boeing to locate their next endeavor in the state. The cost of the assessment is \$600,000. The Grant County EDC and the Grant County Commissioners have each contributed \$5,000 and the Port of Moses Lake has committed \$10,000. The request is for the City to also contribute \$5,000 towards this study.

Action Taken: Mr. Pearce moved that \$5,000 be provided to the Grant County EDC for this project, seconded by Dr. Curnel.

There was considerable discussion by the Council and Mr. Ecret and Mrs. Liebrecht felt that additional information is needed before a decision is made.

The motion passed with Mr. Ecret and Mrs. Liebrecht opposed.

#### CITY MANAGER REPORTS AND COMMENTS

##### AIR FORCE - TAKE OFF AND APPROACH CHANGES - DRAFT EIS

Joseph K. Gavinski, City Manager, provided The Notice of Availability of the Draft Environmental Assessment for the proposed changes in the C-17 flight training operations at the Grant County International Airport. He mentioned that this is an assessment of the change in the C-17 flight training operations which potentially could include aircraft coming in faster and at lower altitudes which could increase the noise level.

Mr. Pearce stated that there are rules that prohibit airplanes from exceeding 250 knots below 10,000 feet but the armed services need to practice sharp high speed turns for use in landing planes near hostile territory in times of war. He explained that in order to break the federal aviation rules by going over 250 knots, the Air force is required to go through this process.

The Council had no objections to the proposed changes in the flight training operations.

##### PROPERTY TAX RATES

Joseph K. Gavinski, City Manager, provided a comparison of the tax levy for 2010 and 2011. It shows that the tax rates are slightly less in the City than in the county.

##### INVESTMENT REPORT

The City received \$23,366.32 in investment income for August 2011.

##### SALES TAX/TRANSIENT RENTAL INCOME

The City received \$453,961.67 in sales tax and \$57,975.95 in transient rental income in August 2011.

The regular meeting was recessed at 8:40 p.m. and the Council met in a 20 minute executive session with the City Attorney to discuss litigation. The executive session was adjourned at 9 p.m. and the regular meeting was reconvened. The regular meeting was adjourned at 9 p.m.

ATTEST

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Jon Lane, Mayor

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Ronald R. Cone, Finance Director