

MOSES LAKE CITY COUNCIL
September 27, 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: The Veterans of Foreign Wars led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS

PROCLAMATION

The proclamation declaring September 17 - 23 as Constitution Week was read in its entirety.

CONSENT AGENDA

Minutes: The minutes of the September 13, 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 27, 2011 the Council does approve for payment claims in the amount of \$342,098.51; prepaid claims in the amounts of \$16,371.59 and \$13,589.29; claim checks in the amount of \$3,747,791.41; and payroll in the amount of \$348,033.33.

Nuisance Abatement: The Council should set October 11 as the date to consider a resolution to abate nuisances at 210 Vine, 1151 Grand, 502 Kentucky, 631 Atlantic, 9768 Parkway, and 9882 Kinder.

Resolution - Accept Improvements - Pioneer Commercial Park 4th Addition Major Plat: A resolution was presented which accepts the street and utility improvements constructed as part of the Pioneer Commercial Park 4th Addition Major Plat.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

POW/MIA REMEMBRANCE

George Doles, American Legion Riders, Chapter 209, reported on the success of the POW/MIA Remembrance Day Event held on September 16. He described the activities that took place during

the event and mentioned that there are still 179 missing in action from Washington State. Certificates of Appreciation were presented to the Moses Lake City Council, the Parks and Recreation Department, and the Police Department for their support of the American Legion Riders Chapter 209 during its recognition of National POW/MIA day.

ORDINANCES AND RESOLUTIONS

ORDINANCE - ALLEY VACATION - ALANIS - 2ND READING

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 the ordinance provides for compensation to the City for one half the appraised value. Mr. Alanis intends to build a single family dwelling on this lot. 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 to the easement on the north side of the property. An easement will be retained as there are utilities in this area.

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

ORDINANCE - MORATORIUM ON MEDICAL MARIJUANA GARDENS - 2ND 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.

Gilbert Alvarado, Community Development Director, provided background on the laws pertaining to the use of medical marijuana and pointed out that the moratorium will allow the City time to study the recently passed legislation and determine how to address the issue.

The public hearing was opened.

Donna Strickland, 3010 W. Peninsula, #87, questioned why the City staff feels it will take 6 months to educate themselves on the medical marijuana issue and mentioned that people now have to travel to Seattle to obtain their marijuana medication.

Katherine Kenison, City Attorney, pointed out that federal law still prohibits what the state law is decriminalizing for the limited purpose of the collective gardens. The 6 months is the maximum amount of time that the City can set to review and establish regulations for the collective gardens. She mentioned that the City will also need to review any new laws passed by the legislature during its November session to determine whether additional regulations will be required.

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

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.

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

ORDINANCE - AMEND 6.05 - ANIMAL CONTROL/REPEAL 6.06 - HAZARDOUS DOGS - 1ST READING

Ordinances were presented which amend the animal control regulations and repeals the hazardous dogs regulations.

Katherine Kenison, City Attorney, requested an executive session to discuss the ordinances in relation to current litigation.

It was the consensus of the Council that the ordinances be discussed in executive session.

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION

REQUEST FOR CITY UTILITIES - LARSON SUBDIVISION LOT 558 SHORT PLAT

Paul Snelson, Knudsen Land Surveying, requested Council approval to connect the two lot Larson Subdivision Lot 588 Short Plat to the City's water and sewer system.

Action Taken: Mr. Deane moved that the request be granted with the stipulation that an Extra Territorial Utility Agreement be required, seconded by Mrs. Liebrecht, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

PARKWAYS, PARKING STRIPS, AND SIDEWALKS

Joseph K. Gavinski, City Manager, provided a drawing showing the relationship of the property line to the sidewalk, trees in the sidewalk, and the curb when there are wide sidewalks, usually in a downtown environment. The sidewalk from the property line to the curb is designated a parkway, the area where the trees are planted is designated as a planter, and the area from the planter to the property line is the sidewalk.

DECANT STATION - NOISE

Joseph K. Gavinski, City Manager, stated that city staff has taken noise measurements using a hand-held decibel meter at the operations facility on Road 4 to determine the noise levels. The report shows the noise levels at various locations on the facility and at the surrounding properties and the changes made to reduce the noise.

BUILDING ACTIVITY REPORT

The August 2011 Building Activity Report was presented.

The regular meeting was recessed at 7:45 p.m. and the Council met in a 30 minute executive session with the City Attorney to discuss litigation. The executive session was adjourned at 8:15 p.m. and the regular meeting was reconvened.

ORDINANCE - REPEAL 6.06 - HAZARDOUS DOGS - 1ST READING

The ordinance repealing Chapter 6.06 of the Moses Lake Municipal Code entitled "Hazardous Dogs" was read by title only.

Action Taken; Mr. Pearce moved that an emergency be declared and the ordinance be adopted on a single reading, seconded by Mr. Reese, and passed unanimously.

The regular meeting was adjourned at 8:20 p.m.

ATTEST

Jon Lane, Mayor

Ronald R. Cone, Finance Director