

MOSES LAKE CITY COUNCIL  
August 27, 2013

Council Present: Bill Ecret, Dick Deane, Jon Lane, Karen Liebrecht, Jason Avila, and Brent Reese  
Absent: David Curnel

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

PLEDGE OF ALLEGIANCE: Mayor Ecret led the Council in the pledge of allegiance.

PRESENTATION AND AWARDS

PROCLAMATION

The proclamation declaring September 10 - 17, 2013 as Commemoration and Support of Constitution Week was read in its entirety.

CONSENT AGENDA

Minutes: The minutes of the August 13 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 August 27, 2013 the Council does approve for payment claims in the amount of \$286,114.45; prepaid claims in the amounts of \$85,906.12 and \$481,846.06; claim checks in the amount of \$1,411,543.48; and payroll in the amount of \$354,299.70.

Seal Coat Project - Accept Work: Central Washington Asphalt, Inc completed work on the 2013 Seal Coat Project. The work should be accepted and the 60-day lien period entered into.

Resolution - Accept Improvements - Sunburst Multi-Family Major Plat: A resolution was presented which accepts the improvements constructed as part of the Sunburst Multi-Family Major Plat.

Resolution - Boundary Line Adjustment - Cascade Park: A resolution was presented which approves a boundary line adjustment between the City and the Estate of Ralph B. & Lois E. Kenison along a portion of the east property line of Cascade Park.

Action Taken: Mr. Reese 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

ORDINANCE - EXTEND MORATORIUM ON MEDICAL MARIJUANA GARDENS - 2<sup>ND</sup> 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.

The public hearing was opened. There were no comments.

Action Taken: Mr. Deane moved that the public hearing be closed, seconded by Mr. Lane, and passed unanimously.

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

### ORDINANCES AND RESOLUTIONS

#### ORDINANCE - AMEND 18.20 - RESIDENTIAL ZONES - 1<sup>ST</sup> READING

An ordinance was presented which would allow taller fences on corner lots in residential zones.

The ordinance amending Chapter 18.20 of the Moses Lake Municipal Code entitled "Residential Zones" was read by title only.

Gilbert Alvarado, Community Development Director, stated that there is a tradeoff between the desire of the corner lot owners to have more of the yard hidden from sight and the overall appearance of the City to the neighbors, pedestrians, and visitors.

Victoria Podolyan, 437 N. Crestview Drive, provided a sketch of her lot and pointed out that a 4' fence that is allowed on a corner lot does not provide either privacy or security.

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

#### RESOLUTION - NUISANCE ABATEMENT - 2603 TEXAS

A resolution was presented which provides for the abatement of nuisances at 2603 Texas. The property is owned by Dorothy Hester.

The resolution determining that Dorothy N. Hester 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.

There was no other testimony. The hearing was closed.

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

RESOLUTIONS - NUISANCE ABATEMENTS

Resolutions were presented which provide for the abatement of nuisances at 9859 Olympic, owned by Robert McCourtie, 1046 Division, owned by Carlos Espinoza, and 9972 Sunny, owned by Roland Huff.

Rick Rodriguez, Code Enforcement Officer, was sworn in and provided testimony concerning this issue.

There was no other testimony. The hearing was closed.

The resolution determining that Robert McCourtie 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: Mrs. Liebrecht moved that the resolution be adopted, seconded by Mr. Lane, and passed unanimously.

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. Avila moved that the resolution be adopted, seconded by Mr. Reese, and passed unanimously.

The resolution determining that Roland C. and Anastacia Huff 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. Reese moved that the resolution be adopted, seconded by Mr. Avila, and passed unanimously.

REQUEST TO CALL FOR BIDS - NoneREFERRALS FROM COMMISSIONS - NoneOTHER ITEMS FOR COUNCIL CONSIDERATIONREQUEST FOR CITY SERVICES - ROSE

Rick Rose requested permission to connect his property at 2215 Westshore to the City's water and sewer system. The lot is within one half mile of the City limits but the Council may wish to determine that it is impractical for the property owner to annex because of the intervening properties that are not within the City's limits.

Mr. Rose stated that his septic system has failed and since the property is on the lake side of Westshore, he requested permission to connect to city services.

Action Taken: Mr. Lane moved that the request be granted with the stipulation that an Extra Territorial Utility Agreement be required since it is impractical to annex the property at this time, seconded by Mrs. Liebrecht, and passed unanimously.

#### ANNEXATION - SONICO

The City of Moses Lake submitted a Notice of Intent to Commence Annexation Proceedings for property between Randolph Road and 22<sup>nd</sup> Avenue to which the City holds the Power of Attorney through Extra Territorial Utility Extension Agreements signed by the property owners. The proposed annexation consists of approximately 61.5 acres. If the property for which the City has no Extra Territorial Utility Agreement is excluded, the annexation would consist of approximately 52.19 acres.

Joseph K. Gavinski, City Manager, pointed out which properties have signed Extra Territorial Utility Agreements and what other properties could be included in the proposed annexation.

Bea Stump, owner of property on Patton Boulevard, stated that they do not wish to be annexed at this time as they are currently developing the area and felt that there may be stricter requirements in the city which would increase the cost.

Action Taken: Mrs. Liebrecht moved that the City Council ratify the City Manager's execution on behalf of the City of the Notice of Intent to Commence Annexation Proceedings, seconded by Mr. Deane, and passed unanimously.

Action Taken: Mr. Lane moved that the Notice of Intent be receipted, seconded by Mr. Avila, and passed unanimously.

Action Taken: Mr. Deane moved that the Notice of Intent be accepted, seconded by Mr. Lane, and passed unanimously.

Action Taken: Mrs. Liebrecht moved that the staff draft up the Petition for Annexation to include the properties where the City hold an Extra Territorial Utility Agreement and Power of Attorney, the property where Sonico intends to build a facility, and Parcel Nos. 171049013, 311583000, 171044001, and 121089045, seconded by Mr. Deane, and passed unanimously.

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

COUNCIL QUESTIONS AND COMMENTS - None

#### CITY MANAGER REPORTS AND COMMENTS

#### INVESTMENT REPORT

The City received \$19,840.62 in investment income for July.

The regular meeting was adjourned at 8 p.m.

ATTEST

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Bill J. Ecret, Mayor

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W. Robert Taylor, Finance Director