

MOSES LAKE CITY COUNCIL
October 22, 2013

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

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

PLEDGE OF ALLEGIANCE: Mr. Avila led the Council in the pledge of allegiance.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the October 8 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 22, 2013 the Council does approve for payment claims in the amount of \$877,754.14; prepaid claims in the amounts of \$13,859.36 and \$475,571.51; claim checks in the amount of \$1,725,085.59; and payroll in the amount of \$324,080.56.

Action Taken: Mr. Lane moved that the Consent Agenda be approved, seconded by Mr. Avila, 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.

Joseph K. Gavinski, City Manager, explained the process of setting the amounts to be received from property taxes.

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 2014 was read by title only.

The public hearing was opened.

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

Action Taken: Mr. Lane moved that the first reading of the ordinance be adopted, seconded by Mr. Reese, 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 2014 was read by title only.

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

RESOLUTION - SIX YEAR STREET PLAN - PUBLIC HEARING

A resolution was presented which adopts the amended Six Year Transportation Improvement Program.

The resolution to amend Resolution 2695 Transportation Improvement Program for 2013-2018 and 2014-2019 was read by title only.

Gary Harer, Municipal Services Director, stated that the amendment to the Six Year Transportation Improvement Program is necessary in order to add the Heron Bluff Trail project so that the City can receive federal and state funding for the project.

The public hearing was opened. There were no comments.

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

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

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 10.12 - PARKING REGULATIONS - 2ND READING

An ordinance was presented which provides that no vehicle shall be parked within 10' of a fire hydrant, including private parking lots, with a few exceptions. The amendment essentially addresses access to fire hydrants by the Fire Department on private property.

The ordinance amending Chapter 10.12 of the Moses Lake Municipal Code entitled "Parking Regulations" was read by title only.

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

ORDINANCE - AMEND 16.48 - FIRE HYDRANTS - 2ND READING

An ordinance was presented which provides that privately owned fire hydrants located in parking lots shall be posted with signage indicating no parking within 15 feet.

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

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

ORDINANCE - AMEND 18.58 - SIGNS - 2ND READING

An ordinance was presented which includes language regulating outdoor alcohol advertising signs to correspond with the requirements of the Liquor Control Board.

The ordinance amending Chapter 18.58 of the Moses Lake Municipal Code entitled "Signs" was read by title only.

Gilbert Alvarado, Community Development Director, explained that the amendments to the sign ordinance regarding outdoor alcohol advertising signs simply adopts what is already being enforced by the Liquor Control Board.

Action Taken: Mrs. Liebrecht moved that the second reading of the ordinance be adopted, seconded by Dr. Curnel.

There was some discussion and it was pointed out that adopting this ordinance would be redundant since the Liquor Control Board is already enforcing alcohol signage. It was also pointed out that the passage of this ordinance would send a message to the youth of the community about alcohol.

The motion failed with Mrs. Liebrecht and Dr. Curnel in favor and Mr. Lane, Mr. Reese, Mr. Avila, and Mr. Deane opposed.

ORDINANCE - AMEND 18.06 - DEFINITIONS - 1ST READING ADOPTED

An ordinance was presented which adopts the definition of a marijuana retailer in order to establish a regulatory scheme to provide for the sale of marijuana within the commercial zoning districts.

The ordinance amending Chapter 18.06 of the Moses Lake Municipal Code entitled "Definitions" was read by title only.

Gilbert Alvarado, Community Development Director, stated that this amendment will bring the City into compliance with state law as it relates to the marijuana issue.

Joseph K. Gavinski, City Manager, stated that the legalization of marijuana is now state law and while it is still against federal law, the federal government will not interfere provided the state has a robust regulatory system to handle the concerns of the federal government such as making sure marijuana is kept from minors, organized crime, is kept within the state, and a few other issues. He mentioned that cities and counties are preparing for the issuance of licences by the Liquor Control Board beginning December 1.

Katherine Kenison, City Attorney, stated that with the assurances of the federal government that they will not prosecute the State of Washington and will rely on state regulations to provide the robust regulatory system, the decision by a city to prohibit recreational marijuana would be exposing a city to the risk of a lawsuit that the city would probably lose.

Ryann Leonard, Moses Lake Community Prevention Coalition, stated that they are not opposed to the addition of the definition of a marijuana retailer but requested they be notified of any other decisions the Council may consider with regard to marijuana.

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

RESOLUTION - ACCEPT DONATION - HOME DEPOT

A resolution was presented which accepts the donation of trees and shrubs from Home Depot. The trees and shrubs will be planted in various parks in the City.

The resolution accepting a donation of numerous trees and shrubs from Home Depot was read by title only.

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

RESOLUTION - ACCEPT DONATION - VOLUNTEER FIREFIGHTERS

A resolution was presented which accepts five TNT Tools and ten PAC Handleloks for use in the Moses Lake Fire Department.

The resolution accepting the donation of equipment from the Moses Lake Volunteer Firefighter Association was read by title only.

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

RESOLUTIONS - NUISANCE ABATEMENT - 2003 BEAUMONT AND 2225 CLAREMONT

Resolutions were presented which provide for the abatement of nuisances at 2003 Beaumont, owned by the Markova Living Trust, and 2225 Claremont, owned by Enriqueta Reyes.

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 Markova Living Trust 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. Lane moved that the resolution be adopted, seconded by Dr. Curnel, and passed unanimously.

Rick Rodriguez, Code Enforcement Officer, provided testimony concerning this issue.

There was no other testimony. The hearing was closed.

The resolution determining that Enriqueta G. Reyes 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: Dr. Curnel moved that the resolution be adopted, seconded by Mr. Avila, and passed unanimously.

RESOLUTION - NUISANCE ABATEMENT - 1903 W. MARINA

A resolution was presented which provides for the abatement of nuisances at 1903 W. Marina Drive. The property is owned by Ward and Khanitta Womboldt.

Joseph K. Gavinski, City Manager, stated that staff discussed the issue of the sidewalk repair with Mr. Womboldt. It has been determined that, because winter is approaching, the sidewalk could not be repaired at this time, and staff would recommend that the sidewalk repair be put in abeyance until the spring of 2014.

There was discussion on liability to the City and it was pointed out that Mr. Womboldt stated that he has insurance coverage and so the City would look to Mr. Womboldt if there are any accidents because of the lack of sidewalk repair.

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION

SONICO ANNEXATION - PETITION

A petition for annexation was submitted for property adjacent to Patton Boulevard north of 22nd Avenue and south of Randolph Road. The proposed annexation consists of approximately 61.5 acres with an assessed valuation of approximately \$10.3 million.

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

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

DISPLAY OF FLAG

Ilene Reese expressed her displeasure at the condition of the flag located at Walmart and requested the City to look into it.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

HOMELESS SHELTER

Joseph K. Gavinski, City Manager, reminded the Council of the request to use the building on Penn. Street for a homeless shelter. He mentioned that because of legal restrictions the City would have to lease the building at fair market value.

Katherine Kenison, City Attorney, stated that even though the homeless shelter project is a very deserving purpose, the state constitution does not allow the City to gift funds. If the Council wishes to allow the use of City property for a homeless shelter, the building would have to meet all the building code requirements and the renter would have to pay fair market rent.

WEED ABATEMENT

Gilbert Alvarado, Community Development Director, stated that staff was requested to investigate what other jurisdictions do about taking care of vacant lots with regard to weeds. He explained the requirements of other cities. He also pointed out that Moses Lake is unique in that there are large tracts of vacant land inside the City's limits, which is not the case in other jurisdictions. He reminded the Council that Moses Lake requires property owners to trim and maintain 10' behind the right-of-way or sidewalk and not the perimeter.

There was some discussion by the Council and no action was taken.

INSURANCE

Joseph K. Gavinski, City Manager, mentioned that the City is audited each year by WCIA and provided the Risk Profile to the Council.

AMBULANCE REPORT

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

BUILDING ACTIVITY REPORT

The September building activity report was provided.

QUARTERLY FINANCIAL REPORT

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

GAMBLING TAX

The City received \$81,874.87 from gambling tax for the third quarter.

INVESTMENT REPORT

The City received \$16,536.78 in investment income for September.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$457,908.37 in sales tax and \$62,363.32 in transient rental income in September.

The regular meeting was adjourned at 8:40 p.m.

ATTEST

Dick Deane, Deputy Mayor

W. Robert Taylor, Finance Director