

MOSES LAKE CITY COUNCIL
January 28, 2014

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

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

PLEDGE OF ALLEGIANCE: Margaret Schiffner, Women's Club of Moses Lake, led the Council in the pledge of allegiance.

PRESENTATION AND AWARDS

PROCLAMATION

The proclamation declaring January 29, 2014 as General Federation Women's Club of Moses Lake Centennial Day was read in its entirety.

AWARD

The City of Moses Lake Community Development Department was awarded the 2013 Washington Association of Building Official Outstanding Educational Achievement Award. The award was presented to Kevin Myer, Building Official, and Rob Trumbull, Building Inspector.

CONSENT AGENDA

Minutes: The minutes of the January 14 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 January 28, 2014 the Council does approve for payment claims in the amount of \$1,022,310.50; prepaid claims in the amounts of \$8,355.31 and \$84,201.30; claim checks in the amount of \$708,662.64; and payroll in the amount of \$322,439.47.

Resolution - Accept Easement - Bruce: A resolution was presented which accepts an access easement from Bruce Properties LLC and Randy Bruce for Lot 2 and 3 of Moore Plat #2 located on Stratford Road.

Action Taken: Dr. Curnel 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

TOURISM BROCHURES

The Chamber of Commerce requested the City provide funds for the printing of between 5,000 and 6,000 visitor brochures which would be provided to visitors to Moses Lake and to other cities for display. The cost of printing the brochures should be covered by the lodging tax money that is received by the City. The Chamber suggested that this brochure be incorporated into the City's contract with Burke Marketing.

Spencer Grigg, Parks and Recreation Director, stated that the city used to produce its own visitor guide but about 11 years ago it was discontinued due to budget considerations.

Debbie Doran-Martinez, Chamber of Commerce, stated that on various other publications some aspects of the city are shown, such as the Surf n' Slide Water Park, but she felt that an official city guide would be beneficial for visitor information.

There was considerable discussion.

Action Taken: Mr. Ecret moved that staff work into the existing contract with Burke Marketing for the printing of a brochure to be distributed by the Chamber of Commerce, seconded by Mr. Voth, and passed unanimously..

ORDINANCES AND RESOLUTIONS

ORDINANCE - EXTEND MORATORIUM ON MEDICAL MARIJUANA GARDENS - 1ST READING

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.

Joseph K. Gavinski, City Manager, pointed out that the extension of the moratorium continues the City's wait and see position on the medical marijuana issue. He mentioned that the legislature is considering measures that may eliminate the collective gardens and incorporate them into the recreational marijuana regulations.

Action Taken: Mr. Voth moved that the first reading of the ordinance be adopted and a public hearing be set for February 11, seconded by Mr. Avila, and passed unanimously.

ORDINANCE - AMEND GARBAGE COLLECTION - 1ST READING

An ordinance was presented which amends the garbage regulations to provide for a franchise to haulers who hold a state Certificate of Public Convenience and Necessity in areas annexed by the City and providing that garbage, recycling, and yard waste containers in residential areas are not intended for commercial purposes.

The ordinance amending Chapter 8.08 of the Moses Lake Municipal Code entitled "Garbage Collection" was read by title only.

Joseph K. Gavinski, City Manager, mentioned that, by state law, garbage collectors are entitled to continue collecting garbage within areas that have been annexed into a city. The reason for the provision concerning the containers in residential areas is due to the fact that some landscaping business owners are using the residential containers to get rid of the yard waste from their businesses. Using the yard waste containers to recycle the yard waste generated by the business is not really the issue, it is the clutter that exists with the number of containers that are used.

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

ORDINANCE - AMEND RESIDENTIAL VEHICLE STORAGE - 1ST READING

An ordinance was presented which amends the residential vehicle storage by changing the enforcement procedure.

The ordinance amending Chapter 8.52 of the Moses Lake Municipal Code entitled "Residential Vehicle Storage" was read by title only.

Joseph K. Gavinski, City Manager, stated that the process currently in use for violations of the residential vehicle storage is time consuming and cumbersome and staff is recommending that it be changed so that an infraction notice is issued instead of a Notice to Violation and Order to Correct. He mentioned that the City received a letter from Nickolas Mount objecting to the change in the ordinance.

Katherine Kenison, City Attorney, explained the difference between illegally stored or parked vehicles and junk vehicles and mentioned the City experiences difficulty in obtaining compliance for the illegally stored or parked vehicles since once the owner receives the Notice to Correct the vehicle is removed and in a short period of time is once again parked illegally, requiring the City to start the enforcement process again. With the change to the ordinance, the owners with vehicles that are illegally stored or parked would receive the infraction notice.

Council felt that property owners should be contacted about the illegally parked vehicles prior to the issuance of an infraction.

Gilbert Alvarado, Community Development Director, stated that it is the policy of the department to contact the property owner of an illegally parked vehicle and inform them of the law and request that the vehicle be legally parked or stored. Staff will return to the location to determine if the vehicles have been moved and if not, a citation would be issued.

There was some discussion by the Council and it was the consensus to amend the ordinance to provide for a warning prior to the issuance of an infraction.

Action Taken: Mrs. Liebrecht moved that the ordinance be amended to provide for a warning prior to the issuance of an infraction, seconded by Mr. Avila, and passed unanimously.

ORDINANCE - AMEND STREET CONSTRUCTION OR IMPROVEMENT REIMBURSEMENT CHARGES - 1ST READING

An ordinance was presented which provides for the street improvement charges to Wapato Drive.

The ordinance amending Chapter 12.40 of the Moses Lake Municipal Code entitled "Street Construction or Improvement Reimbursement Charges" was read by title only.

There was some discussion by the Council.

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

RESOLUTION - NUISANCE ABATEMENT COSTS - 8692 CHARLES - WEBER

A resolution was presented which authorizes staff to collect the funds expended for the nuisance abatement at 8692 Charles. The property is owned by James Weber.

The resolution establishing the billing to be imposed against James Weber, as the owner of certain real property upon which the City caused abatement of a nuisance to be performed after a failure of the property owner to abate the same 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 COSTS - 2225 CLAREMONT - REYES

A resolution was presented which authorizes staff to collect the funds expended for the nuisance abatement at 2225 S. Claremont Court. The property is owned by Enriqueta Reyes.

The resolution establishing the billing to be imposed against Enriqueta G. Reyes, as the owner of certain real property upon which the City caused abatement of a nuisance to be performed after a failure of the property owner to abate the same 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 COSTS - 2003 BEAUMONT - MARKOVA LIVING TRUST

A resolution was presented which authorizes staff to collect the funds expended for the nuisance abatement at 2003 Beaumont. The property is owned by the Markova Living Trust.

The resolution establishing the billing to be imposed against Markova Living Trust, as the owner of certain real property upon which the City caused abatement of a nuisance to be performed after a failure of the property owner to abate the same was read by title only.

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

RESOLUTION - LEASE/PURCHASE AGREEMENT

A resolution was presented which accepts the Lease/Purchase Agreement from SunTrust Equipment Finance and Leasing Corporation and authorizes the City Manager to sign the necessary documents.

The resolution authorizing the execution and delivery of a Maser Equipment Lease/Purchase Agreement, and related instruments, and determining other matters in connection therewith was read by title only.

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

RESOLUTION - HAZARD MITIGATION PLAN

A resolution was presented which adopts the 2013 Grant County Hazard Mitigation Plan, which is part of a multi-jurisdictional planning effort adopting the measures of the Federal Disaster Mitigation Act of 2000. By adopting the resolution the City would be eligible for federal disaster funding.

The resolution adopting the Grant County Hazard Mitigation Plan update for 2013-2018 as approved by the Federal Emergency Management Agency (FEMA) was read by title only.

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

REQUEST TO CALL FOR BIDS

CRACK SEAL PROJECT

Staff requested authorization to call for bids for the 2014 Crack Seal project. The project includes sealing approximately 500,000' of cracks in streets, alleys, bike paths, and parking lots throughout the City.

Action Taken: Mrs. Liebrecht moved that staff be authorized to call for bids, seconded by Dr. Curnel, and passed unanimously.

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATIONGROUP B WATER SYSTEM - TATUM

Kevin Tatum requested approval for a Group B water system to serve property located adjacent to Harris Road and Road I NE and east of the railroad tracks. The property is within the City's unincorporated UGA, which is the City's water service area, but the City's water main would need to be extended approximately 2,500' to serve the property.

Action Taken: Dr. Curnel moved that the request be granted, seconded by Mr. Avila, and passed unanimously.

BURKE MARKETING/PROMOTIONS

Authorization was requested for the City Manager to sign the agreements with Burke Marketing/Promotions for the 2014 summer concert series and the promotion of tourism in the City of Moses Lake.

Joseph K. Gavinski, City Manager, stated that the cover letter is in error as the MAC holiday show is not covered by the agreements with Burke Marketing/Promotions.

There was some discussion by the Council on what the City receives for this advertising and how to incorporate the cost of the brochure into the existing contracts with Burke Marketing.

Action Taken: Mrs. Liebrecht moved that the contracts with Burke Marketing be amended to include the cost of 6,000 pamphlets for distribution by the Chamber of Commerce and the City Manager be authorized to sign the contracts, seconded by Dr. Curnel.

There was some additional discussion.

The motion passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTSFIRE STATION USE POLICY

Robert Carter, chairman of the Grant County Committee of Safety, felt that the City's policy for use of the Fire Station Multi-purpose Room is confusing and should be clarified.

Cory Sharp, Grant County Committee of Safety, was also concerned about the City's new policy.

Joseph K. Gavinski, City Manager, explained that the policy differentiates between non-profit organizations and for-profit organizations.

Council suggested the Committee members meet with staff to discuss their concerns.

COUNCIL QUESTIONS AND COMMENTS - NoneCITY MANAGER REPORTS AND COMMENTSQUARTERLY FINANCIAL REPORT

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

GAMBLING TAX

The City received \$76,384.64 from gambling tax for the fourth quarter.

INVESTMENT REPORT

The City received \$17,544.28 in investment income for December.

MARIJUANA

Joseph K. Gavinski, City Manager, stated that the Attorney General has issued an opinion that states that cities have the ability to prohibit or ban the sale of marijuana in their communities. He pointed out that this is just an opinion and does not have the force of law. The issue will probably end up in court.

Katherine Kenison, City Attorney, stated that the city would be at risk for a law suit if it relied on the Attorney General's Opinion and prohibited the sale of marijuana. She mentioned that the collective gardens issue will be discussed by the legislature this year and it will probably be incorporated into the recreational marijuana regulations. The City should continue the moratorium on collective gardens until the issue is finalized by the legislature.

The regular meeting was adjourned at 9.05 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director