

MOSES LAKE CITY COUNCIL  
February 11, 2014

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

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

PLEDGE OF ALLEGIANCE: Nia Watts, high school student, led the Council in the pledge of allegiance.

PRESENTATION AND AWARDS

RECOGNITION

Cleo Stevens and Steffanie Bonwell were recognized for their outstanding efforts and contributions to the 2014 "Point in Time" homeless count, which is a nationwide effort to count the homeless and for their efforts to hold an event in Moses Lake which offered many service to those people in need.

CONSENT AGENDA

Minutes: The minutes of the January 28 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 February 11, 2014 the Council does approve for payment claims in the amount of \$530,781.06; prepaid claims in the amount of \$17,946.22; claim checks in the amount of \$1,171,658.64; and payroll in the amounts of \$314,773.43 and \$5,074.25.

Resolution - Alley Vacation - Set Public Hearing: A resolution was presented which sets the public hearing for consideration of the request by Fox Properties, LLC for the vacation of a portion of the alley between Third Avenue and Marina Drive adjacent to Lots 6 - 11, Lewis Elliott Addition #2.

Action Taken: Mr. Voth 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

ORDINANCE - MARIJUANA MORATORIUM - 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: Dr. Curnel moved that the public hearing be closed, seconded by Mr. Lane, and passed unanimously.

Joseph K. Gavinski, City Manager, explained that the legislature is still debating the issue of medical marijuana and may make some changes in the law. Staff is recommending that the moratorium be continued until the legislature makes a final determination on the issue.

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

### ORDINANCES AND RESOLUTIONS

#### ORDINANCE - AMEND GARBAGE COLLECTION - 2<sup>ND</sup> 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.

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

#### ORDINANCE - AMEND RESIDENTIAL VEHICLE STORAGE - 2<sup>ND</sup> 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, pointed out that the only change is to the penalty provision and includes a written warning before any citation is issued.

Gilbert Alvarado, Community Development Director, stated that in 2013 the Code Enforcement Officers dealt with 187 cases, all of which complied without having to resort to a fine. He explained the process that staff uses to gain compliance.

There was considerable discussion by the Council.

Action Taken: Dr. Curnel moved that the second reading of the ordinance be adopted, seconded by Mr. Ecret, and passed with Mr. Voth opposed as he felt the language in the ordinance was too open ended.

#### ORDINANCE - AMEND STREET CONSTRUCTION OR IMPROVEMENT REIMBURSEMENT CHARGES - 2<sup>ND</sup> 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.

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

#### ORDINANCE - AMEND SIDEWALK CONSTRUCTION - 1<sup>ST</sup> READING ADOPTED

An ordinance was presented which updates the sidewalk construction requirements to reflect current policies.

The ordinance amending Chapter 12.12 of the Moses Lake Municipal Code entitled "Sidewalk Construction" was read by title only.

Gary Harer, Municipal Services Director, explained that the changes are being proposed to reflect current practices and to update the language in certain areas.

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

RESOLUTION - LEASE/PURCHASE

A resolution was presented which provides for the reimbursement of capital expenditures from the proceeds of the lease/purchase agreement.

The resolution of the City Council of the City of Moses Lake declaring its intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made and/or to be made in connection with the acquisition, construction and equipping of certain capital improvements was read by title only.

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

RESOLUTION - LOCAL GOVERNMENT INVESTMENT POOL PARTICIPATION

A resolution was presented with reaffirms the authorization of the Finance Director to act on behalf of the City in contributing and withdrawing the City's monies in the Local Governments Investment Pool.

The resolution authorizing investment of City of Moses Lake monies in the Local Government Investment Pool 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 - NoneREFERRALS FROM COMMISSIONS - NoneOTHER ITEMS FOR COUNCIL CONSIDERATIONGUIDELINES - LODGING TAX FUNDING

Currently the City is funding tourism promotion and the operations of special events and festivals without any written guidelines, application, or worksheet. Staff provided a draft set of General Guidelines for Lodging Tax Funding Support, a draft of a Lodging Tax Grant Application, and a draft of a Lodging Tax Expenditure Report.

Joseph K. Gavinski, City Manager, explained the process that would be used to apply for the funds.

Action Taken: Mr. Lane moved that the draft documents be adopted, seconded by Mr. Avila, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - NoneCOUNCIL QUESTIONS AND COMMENTSBIG BEND COMMUNITY COLLEGE

Mr. Lane stated that Big Bend Community College is applying to the state for funds for a professional and technical building and suggested that the Council endorse the proposal. He mentioned that many of the college buildings were constructed for the old Larson Air Force Base and are 50 to 60 years old. The funds would provide for a new building.

Action Taken: Mr. Lane moved that the Council endorse the letter of support for a professional and technical building at Big Bend Community College, seconded by Dr. Curnel, and passed unanimously.

CITY MANAGER REPORTS AND COMMENTSAMBULANCE REPORT

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

BUILDING ACTIVITY REPORT

The January building activity report was provided.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$430,110.34 in sales tax and \$33,221.58 in transient rental income in January.

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

ATTEST

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Dick Deane, Mayor

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W. Robert Taylor, Finance Director