

MOSES LAKE CITY COUNCIL  
March 25, 2014

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

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

PLEDGE OF ALLEGIANCE: Bob Robertson led the Council in the pledge of allegiance.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the March 11 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 March 25, 2014 the Council does approve for payment claims in the amount of \$156,751.87; prepaid claims in the amounts of \$5,338.08 and \$68,238.71; claim checks in the amount of \$800,124.08; and payroll in the amount of \$314,589.47.

Resolution - Accept Easement - Yonezawa Associates, LLC: A resolution was presented which accepts an easement from Yonezawa Associates, LLC for municipal purposes on Parcels F & G, Desertpoint Retail Major Plat Commercial Binding Site Plan, 1<sup>st</sup> Amendment.

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

ALZHEIMER'S ASSOCIATION

Joel Lolocono, Executive Director, Alzheimer's Association, provided information on Alzheimer's disease and the facilities and services available for those with the disease.

ORDINANCE - 2014 ZONE CHANGES - 1<sup>ST</sup> READING AND PUBLIC HEARING

An ordinance was presented which brings the zoning into conformance with the Comprehensive Plan. The City's Comprehensive Plan and the Washington State Growth Management Act require that the City's official Zoning Map be consistent with the Comprehensive Plan. On February 12, 2013 the Council approved amendments to the Comprehensive Plan.

The ordinance amending the official zoning map was read by title only.

Gilbert Alvarado, Community Development Director, explained that the proposed zone changes will bring the zoning into conformance with the previously adopted Comprehensive Plan land use designations.

The public hearing was opened. There were no comments.

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

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

#### ORDINANCES AND RESOLUTIONS

##### ORDINANCE - ALLEY VACATION - FOX PROPERTIES - 2<sup>ND</sup> READING

An ordinance was presented which provides for the vacation of a portion of the alley adjacent to Lots 6 - 11, Lewis Elliot Addition #2. The alley is located between Marina Drive and Third Avenue Extended. The Municipal Services Department requested an easement be retained for access as the Street Division grades the alley and the Wastewater Division maintains a sewer main in the alley.

The ordinance vacating a portion of an alley was read by title only.

Gilbert Alvarado, Community Development Director, explained that, an easement will be retained at the request of the Municipal Services Department.

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

##### ORDINANCE - AMEND 17.27 - OPEN SPACE AND PARKS - 2<sup>ND</sup> READING

An ordinance was presented which amends the fee in lieu of open space regulations by deleting the reference to sub areas in the Comprehensive Plan. The Comprehensive Plan does not include sub areas for park development.

The ordinance amending Chapter 17.27 of the Moses Lake Municipal Code entitled "Open Space and Parks" was read by title only.

Joseph K. Gavinski, City Manager, explained that the existing language states that the funds from the fee-in-lieu of dedication of open space and parks is to be used within the Comprehensive Plan sub-area where the development is located. This language is misleading since no sub-areas were established when the Comprehensive Plan was reviewed and updated by the Planning Commission.

Mr. Voth felt that the language is misleading to the developers and the ordinance is not consistent with the Comprehensive Plan. He felt that the ordinance should be reviewed by the Planning Commission before it is considered by the Council.

Mr. Lane pointed out that adopting this ordinance would bring the language into consistency with current practice by the City.

Mrs. Liebrecht stated that she reviewed the RCW language referenced and felt that the ordinance should be reviewed as it appears the developer should have some say in the use of the fee-in-lieu of funds.

Mr. Deane pointed out that there are no sub-areas within the City so the entire City is a sub-area.

Action Taken: Mr. Lane moved that the second reading of the ordinance be adopted, seconded by Mr. Deane, and failed with Mr. Lane and Mr. Deane in favor and Mr. Voth, Mr. Avila, Mrs. Liebrecht, and Mr. Ecret opposed.

##### ORDINANCE - AMEND 3.62 - UTILITY SYSTEM DEVELOPMENT CHARGES - 1<sup>ST</sup> READING

An ordinance was presented which increases the utility system development charges.

The ordinance amending Chapter 3.62 of the Moses Lake Municipal Code entitled "Utility System Development Charges" was read by title only.

Gary G. Harer, Municipal Services Director, stated that the increases are based on the increase in the CPI and are paid when the service is requested. He pointed out that the increases are needed to keep up with the project costs.

There was some discussion by the Council.

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

#### ORDINANCE - AMEND 8.08 - GARBAGE RATES - 1<sup>ST</sup> READING

An ordinance was presented which establishes a discount for certain low income senior citizens.

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

Bob Taylor, Finance Director, stated that in order to sustain the garbage fund, it is proposed to change the senior discount so that only those seniors in need would be eligible. He explained the reasons for the change to the senior discount.

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

#### ORDINANCE - GARBAGE RATES - 1<sup>ST</sup> READING

An ordinance was presented which increases the garbage rates.

The ordinance establishing charges for garbage collection was read by title only.

Bob Taylor, Finance Director, explained the increases in the various garbage rates.

There was some discussion by the Council.

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

#### ORDINANCE - AMEND 8.14 - NUISANCES - 1<sup>ST</sup> READING

An ordinance was presented which reflects the current manner of weed enforcement in the City as it relates to how different properties are treated.

The ordinance amending Chapter 8.14 of the Moses Lake Municipal Code entitled "Nuisances" was read by title only.

Joseph K. Gavinski, City Manager, stated that the language has been amended to clarify how vegetation shall be managed on different properties and which brings it into conformance with how the City is actually enforcing the regulations. He proposed that the language in section U.2. be changed to read "Property with sidewalks/activity trail but no building shall be required to control vegetation ten feet (10') from the back of sidewalks/activity trail."

Mr. Voth requested that the language be amended to change "building" in section U.1. to "dwelling unit".

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

Mr. Ecret pointed out that while this change addresses some of the issues in the City it does not address other issues such as vacant lots, garbage, and weeds in residential and commercial areas. He felt that those issues need to be addressed as they affect tourism, quality of life, and property values, among other things.

Mr. Voth agreed with Mr. Ecret but felt this was a good start.

The motion passed unanimously.

#### ORDINANCE - AMEND 13.12 - WATER, SEWER, AND STORMWATER RATES - 1<sup>ST</sup> READING

An ordinance was presented which increases the water, sewer, and stormwater rates by the increase in the CPI.

The ordinance amending Chapter 13.12 of the Moses Lake Municipal Code entitled "Water, Sewer, and Stormwater Rates" was read by title only.

Bob Taylor, Finance Director, explained the increases in the rates.

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

#### RESOLUTION - AIRPORT AID APPLICATION

A resolution was presented which supports an Airport Aid Application to the Washington State Department of Transportation Aviation Division, guaranteeing grant match money availability.

The resolution supporting an Airport Aid Application to the Washington State Department of Transportation, Aviation Division guarantee grant match money availability was read by title only.

Joseph K. Gavinski, City Manager, stated that the WSDOT needs the resolution in order to assure that the local match will be available when they make the grant award.

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

#### RESOLUTION - SPRING FESTIVAL

A resolution was presented regarding the Spring Festival to be held on May 22 - 25, 2014.

The resolution regarding the Moses Lake Spring Festival to be held May 22, 23, 24, and 25, 2013 was read by title only.

Sean Salis, 538 Clark, stated that the 3 on 3 tournament brought in over 1,000 people and he requested that the streets between Division and Pioneer be closed.

Action Taken: Mr. Ecret moved that the resolution be adopted and the City Manager be authorized to sign the Hold Harmless Agreement, seconded by Mr. Voth, and passed unanimously.

#### REQUEST TO CALL FOR BIDS - None

#### REFERRALS FROM COMMISSIONS - None

#### OTHER ITEMS FOR COUNCIL CONSIDERATION

##### NORTH CENTRAL REGIONAL LIBRARY - CONTRACT

Authorization was requested for the City Manager to sign the Building use and Maintenance Agreement with the North Central Regional Library. The proposed agreement provides assistance to the City for janitorial and maintenance expenses related to the library facilities. The new agreement will be effective January 1, 2015 and provides for an increase in the reimbursement rate every three years.

Action Taken: Mr. Ecret moved that the City Manager be authorized to sign the agreement, seconded by Mrs.

Liebrecht, and passed unanimously.

#### GRANT COUNTY ECONOMIC DEVELOPMENT COUNCIL - CONTRACT

Authorization was requested for the City Manager to sign the 2014 Municipal Services Agreement with the Grant County Economic Development Council.

Action Taken: Mr. Ecret moved that the City Manager be authorized to sign the contract, seconded by Mr. Lane, and passed unanimously.

#### COMMUNITY STREET AND UTILITY STANDARDS

The 2014 Community Street and Utility Standards were presented. The updated standards include revisions that correlate to the 2014 Washington State Department of Transportation Standard Specifications, housekeeping corrections and clarifications, and some minor changes proposed by staff.

Action Taken: Mr. Lane moved that the 2014 Community Street and Utility Standards be adopted, seconded by Mrs. Liebrecht, and passed unanimously.

#### SEAL COAT PROJECT 2014 - NIGHT HOURS

BCV, Inc. requested approval to start work before 7 a.m. on the seal coating of Third Avenue and the surrounding non-residential streets. This will minimize the inconvenience and exposure to the local businesses and traffic.

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

#### NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

#### COUNCIL QUESTIONS AND COMMENTS

#### RECON CONVENTION

Mr. Lane stated that the Retail Recruitment Committee continues to plan for the ReCon Meeting in Las Vegas and requested the Council approve sending Gilbert Alvarado, Community Development Director, to this meeting.

Action Taken: Mr. Lane moved that Gilbert Alvarado be authorized to attend the conference, seconded by Mrs. Liebrecht, and passed unanimously.

#### CITY MANAGER REPORTS AND COMMENTS

#### RESIDENTIAL VACATION RENTALS

Gilbert Alvarado, Community Development Director, stated that staff researched the issue of residential vacation rentals by contacting Municipal Research and Services. He mentioned that it is not only a zoning issue but also a building code issue. He provided information on how other cities address the issue.

Debbie Doran-Martinez, Vision 2020 and Chamber of Commerce, requested the Council consider the concept of vacation rentals and suggested that a committee be formed to study the idea.

Barry Lawson, 2900 W. Broadway, was in favor of vacation rental homes. He felt that with the proper regulations vacation rental homes would be a benefit to the community.

Lynn Garza, 525 Astor Loop, real estate broker with Windemere, encouraged the Council to endorse a group to consider the idea of residential vacation rentals. The group should consist of staff, members of planning department, and local stake holders.

April Adams, 5303 Road 7.3 NE, Windemere realtor, was in favor of residential vacation homes and provided a draft of proposed regulations.

Duane Francisco, 13507 Road 2 SE, Chamber of Commerce, stated that the members of the Chamber are in favor of vacation rentals.

Nathan Pack, 1217 Ashley Way, Moses Lake Business Association, was also in favor of vacation rentals.

Jonathan Smith, 1604 E. Truman, Vision 2020, was in favor of vacation rentals.

Action Taken: Mr. Ecret moved that Council authorize a stake holder group to investigate the vacation rental issue, seconded by Mr. Avila, and passed unanimously.

#### INVESTMENT REPORT

The City received \$16,033.29 in investment income for February.

#### MARIJUANA

Joseph K. Gavinski, City Manager, stated that the City has received permit notifications from the Liquor Control Board with regard to a marijuana producer and a marijuana processor. The City has objected to the producer based on the fact that the proposed location is not acceptable because of the agricultural use. The processor is proposed to be located in an industrial zone.

The regular meeting was adjourned at 9:15 p.m.

ATTEST

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Dick Deane, Mayor

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W. Robert Taylor, Finance Director