

MOSES LAKE CITY COUNCIL
August 12, 2014

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

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

PLEDGE OF ALLEGIANCE: Officer Tufte led the Council in the pledge of allegiance.

PRESENTATION AND AWARDS

SERVICE AWARDS

Years of Service pins for 10 years of service with the City were given to Todd Schanze, James Whitmore, and Thomas Tufte. Years of Service pins for 15 years of service with the City were given to Lori Moholt-Phillips and Virginia Kennedy-Novak. Years of Service pins for 20 years of service with the City were given to Mike Moro and Manuel Moreno. A Years of Service pin for 25 years of service with the City was given to Dave Thompson. A Years of Service pin for 35 years of service with the City was given to Joseph K. Gavinski.

CONSENT AGENDA

Minutes: The minutes of the July 22 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 12, 2014 the Council does approve for payment claims in the amount of \$958,897.78; prepaid claims in the amounts of \$66,365.62, \$5,186.71, \$12,828.50, and \$96,057.00; claim checks in the amount of \$1,385,543.60; and payroll in the amounts of \$5,264.82 and \$387,797.19.

Resolution - Accept Easement - Maiers Development Corporation: A resolution was presented which accepts a utility access easement from Maiers Development Corporation for Desertpoint Major Plat, Lot 1, Block 2, Commercial Binding Site Plan 2nd Amendment.

S. L. & A. No. 1 Major Plat - Final Plat and Findings of Fact: Mike Lee, of Sam Lee & Associates, has submitted a final plat application to divide 11.58 acres into two lots. The site is zoned C-2, General Commercial, and abuts Central Drive north of Valley Road. The Planning Commission recommended that the final plat be approved with conditions. The Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

Action Taken: Dr. Curnel moved that the Consent Agenda be approved, seconded by Mr. Lane, and passed unanimously.

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES

HERON BLUFF TRAIL PROJECT

The City received four bids for the Heron Bluff Trail Project. The project includes constructing a 3,000' long activity trail starting at the west end of Neppel Trail and extending through the Blue Heron Park, then along the lakeshore and ending at the existing activity trail that was constructed as part of the Bluff West Plat. There will be benches and trash receptacles at three locations.

Action Taken: Mr. Ecret moved that the bid be awarded to Kelaye Concrete in the amount of \$239,980, seconded by Mrs. Liebrecht, and passed unanimously.

CLOVER DRIVE LIFT STATION PROJECT

The City received six bids for the Clover Drive Lift Station Project. This project consists of rehabilitating the existing lift station and other site work.

Action Taken: Mr. Lane moved that the bid be awarded to POW Contracting in the amount of \$288,486.84, seconded by Mr. Avila, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGSORDINANCE - EXTEND MORATORIUM ON MEDICAL MARIJUANA GARDENS - 2ND 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.

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.

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, stated that the legislature is considering merging some of the medical marijuana issues with the recreational marijuana issues in order to address some of the conflicts between the two.

Action Taken: Mrs. Liebrecht moved that the second 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 2015-2020 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.

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

ORDINANCES AND RESOLUTIONSORDINANCE - AMEND 13.08 - WATER AND SEWER CONNECTIONS - 1ST READING

An ordinance was presented with amends Chapter 13.08, Water and Sewer Connections, by establishing a reimbursement for the installation of the sewer main on Randolph Road to serve AstaReal.

The ordinance amending Chapter 13.08 of the Moses Lake Municipal Code entitled "Water and Sewer Connections" was read by title only.

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

ORDINANCE - AMEND 13.12 - WATER, SEWER, AND STORMWATER RATES - 1ST READING

An ordinance was presented which increases the rate for the delinquent service charge and for turn-ons or turn-offs after 4 p.m and before 8 a.m.

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

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

REQUEST TO CALL FOR BIDS

BIOSOLIDS LAND APPLICATION PROJECT - SAND DUNES WWTP

Staff requested authorization to call for bids for the 2014 Biosolids Land Application Project. This project consists of loading, hauling, and land applying approximately 400 dry tons of biosolids from the Sand Dunes Wastewater Treatment Plant to agricultural land in the Mae Valley area.

Action Taken: Mr. Lane moved that staff be authorized to call for bids, seconded by Mr. Avila, and passed unanimously.

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION

TIB GRANT APPLICATIONS - SIDEWALK AND STREET IMPROVEMENTS

Staff requested authorization to apply for two Transportation Improvement Board (TIB) grants. The grant would pay 75% of the project costs. The projects would be for construction of a sidewalk along the west side of Stratford Road between SR-17 and Maple Drive and for the construction of Lark Avenue from Pioneer Way to Kiefer Drive.

Gary Harer, Municipal Services Director, gave some background on the two projects.

Action Taken: Mr. Ecret moved that staff be authorized to apply for the grants, seconded by Dr. Curnel, and passed unanimously.

REQUEST FOR CITY SERVICES - 2107 WESTSHORE DRIVE

Chris Hansen requested permission to connect 2107 Westshore Drive to City sewer without annexing the property into the City. It would be impractical for the property to be annexed at this time since there are no properties in the area with Extra Territorial Utility Extension Agreements or property owners that want to annex.

Mick Hansen, representing the property owner, stated that a new home is being built on this lot and they would like to connect to City services. There is a community water system so City water is not needed at this time.

Action Taken: Dr. Curnel moved that the request for City services be granted with the stipulation that an Extra Territorial Utility Extension Agreement be required, seconded by Mr. Avila, and passed unanimously.

CODE ENFORCEMENT

A letter from the City Attorney provided information on different methods of code enforcement, including voluntary cooperation, civil infraction, abatement, summary abatement, and administrative enforcement. The

City uses the administrative enforcement process which has been found to be too limiting and lacks the flexibility needed to respond to the variety of code enforcement issues encountered by staff. There are also several provision in the code that are inconsistent and/or in direct conflict. Examples were provided of other code enforcement regulations that include both a consolidation of code enforcement into a single chapter and also provide a greater degree of flexibility for staff in implementing the code enforcement process.

Katherine Kenison, City Attorney, stated that current code enforcement regulations result in the remedy not accomplished in a timely fashion and complaints are still received, and some of the current code provisions are in conflict with each other which confuses staff on how to enforce the code violation. The current administrative code enforcement mechanism is not providing a satisfactory result. She provided several examples of how the administrative code enforcement process does not work.

There was some discussion and it was the consensus of the Council that staff proceed with changes to the code enforcement process.

BLOCK STREET - TRAFFIC CONTROL AND CONSTRUCTION

Gary Harer, Municipal Services Director, stated that Bob Fancher requested that the stop signs on Block Street be relocated to Penn Street and that Block Street be improvement from Fifth Avenue to Wheeler Road. The change of location of the stop signs is simple and will allow better flow of traffic. The request to improve Block Street would include 41' of asphalt and a 10' wide sidewalk on one side and a 6' wide sidewalk on the other side. The estimated cost for the street improvements is \$150,000. The reason for the requested street improvements is the increased traffic because of the new kidney dialysis facility on Elder. Block Street would be used by these patients to access the hospital on Wheeler Road. He mentioned that the street improvement costs could be partially reimbursed by calling in an existing covenant and setting up a reimbursement schedule for when the unplatted property is platted. The existing platted property could not be required to participate in the street construction.

Joseph K. Gavinski, City Manager, pointed out that the City has not been doing many street projects due to budget constraints but the request for street improvements could be discussed during budget sessions.

It was the consensus of the Council that the street improvements be discussed during budget sessions.

DRIVEWAY VARIANCE - 343 GIBBY ROAD

Carly Jansen, Managing Member of Smoothery, LLC, requested a deviation to the driveway standards to allow the driveway to be constructed approximately 15' from the interior lot line at 343 Gibby Road. A driveway cannot be installed along Broadway Avenue in accordance with the setbacks required by the Community Standards. The existing power poles along Gibby Road are located such that a driveway cannot be installed in the window that meets the Community Standard setbacks. The proposed location encroaches into the required 20' setback by approximately 5'.

Gary Harer, Municipal Services Director, stated that the location of the driveway is the best possible for this lot and staff has no issues with it.

There was some discussion by the Council.

Action Taken: Mr. Lane moved that the requested deviation be granted seconded by Dr. Curnel, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

BUSINESS LICENSE - APPEAL

Alan Heroux, on behalf of Brent Heroux, stated that he is appealing the denial by the City of a business license for a marijuana medicinal and botanical manufacture business at 1450 Wheeler Road, which is in a Light Industrial Zone. He stated that their business plan allows them to sell live plants to other producers, which is an allowable use and in the Light Industrial zone includes the manufacturing, processing, or packaging of food products. He provided information supporting his contention that the City was in error by not approving the business license.

Joseph K. Gavinski, City Manager, stated that the statute supplied by Mr. Heroux is a taxing statute and does not apply to the current situation. He pointed out that agricultural uses are not allowed in any of the City's zones and that the business license was for the growing of plants. He mentioned that staff had discussed the application and it was felt that the business was for the harvesting and processing of the product and selling it instead of selling the live plants.

Gilbert Alvarado, Community Development Director, stated that he had requested clarification from Brent Heroux about the description of his business and he only talked about production and nothing about selling potted plants or edibles.

There was some discussion by the Council and it was recommended that the business license application be resubmitted with a clarification of the description of the business.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

SHORELINE MASTER PLAN UPDATE

Gilbert Alvarado, Community Development Director, stated that the staff is working on the cumulative response to the comments from the Department of Ecology on the Shoreline Master Program. The response will be provided to the Council in the near future. When the cumulative response is approved by the Council it will be forwarded to the Department of Ecology. The Department of Ecology will review the response and provide comments.

AMBULANCE REPORT

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

BUILDING ACTIVITY REPORT

The July Building Activity Report was provided.

INVESTMENT REPORT

The City received \$15,196.81 in investment income for May 2014.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$454,949.89 in sales tax and \$53,058.98 in transient rental income in July.

The regular meeting was adjourned at 8:45 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director