

MOSES LAKE CITY COUNCIL
September 23, 2014

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

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

PLEDGE OF ALLEGIANCE: Ms. Guerrero, Executive Secretary, led the Council in the pledge of allegiance.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

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 September 23, 2014 the Council does approve for payment claims in the amount of \$800,529.83; prepaid claims in the amounts of \$74,436.83 and \$16,212.71; claim checks in the amount of \$1,065,877.76; and payroll in the amounts of \$349,483.96.

Crossroads Phase 6 Final Major Plat and Findings of Fact: Hayden Homes has submitted a final plat application for a 29 lot residential plat on 6.6 acres. The site is located east of Highway 17 and Crossroads 5, north of Crossroads Phase 2 and approximately 2,000' south of Wheeler Road. The area is zoned R-1, Single Family Residential, which corresponds with the underlying Comprehensive Plan Land Use Designation of Low Density Residential. There have been no significant changes from the preliminary plat. 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.

Resolution - Accept Street and Utility Improvements - Crossroads Phase 6 Major Plat: A resolution was presented which accepts the street and utility improvements related to the Crossroads Phase 6 Major Plat.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES

DRYWELL PROJECT

The City received three bids on the 2014 Drywell Project. This project includes installing new and modifying existing stormwater improvements at 14 locations in the City. These improvements will reduce the amount of water that is discharged to the lake during storm events.

Action Taken: Dr. Curnel moved that the bid be awarded to Cutting Edge Earthworks in the amount of \$124,689, seconded by Mr. Avila, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

BUDGET

Joseph K. Gavinski, City Manager, explained that the decision of the State Board of Tax Appeals on the appeal filed by REC Solar Grade Silicon over their property tax assessment was rendered in the favor of the county. The issues for the City on the gap between revenue and expenditures is no longer an issue and the closure of the Larson Recreation Center, the ice rink, and other proposed closures of facilities and program are no longer needed for 2014.

Tyler Howard, President, Youth Hockey Association, stated that on behalf of the Youth Hockey League, the Adult Hockey League, the Youth Hockey Association he was interested in solutions to keep the Larsen Recreation Center open long term. In order to raise funds they are suggesting that the Larson Recreation Center scale back its hours on nights where there is youth hockey practice, charge for public skating, allow out of town teams to use the hockey rink on Sunday mornings, and increase the amount the Moses lake Youth Hockey Association pays for ice time to \$100 per hour.

Robert Dahlgren, BMX track operator, pointed out that there are 41 registered riders that compete on the BMX track and that it brings in funds to the community when the races are held and requested the Council try to keep the track open.

Zoe Dahlgren, BMX racer, explained how important BMX racing was to her.

Chuck Perry, 4202 Lakeshore, stated that the parks and recreation programs in the City are very important to the quality of life in Moses Lake and suggested that the City approach the major businesses about the benefits of the City's Parks and Recreation Department and request they contribute to the programs.

Melody Johnston, BMX volunteer, encouraged the Council to retain the BMX track as it is a beautiful facility and provides a place for people to enjoy their sport. The races that are conducted at the track also help support the community.

Maria Hartman gave a history of the BMX track and encouraged the Council to keep it open.

Nick Sickels, Moses Lake RC Race Club, stated that they are located behind the BMX track and would support efforts to keep the facility open.

Brenda Teals, Moses Lake Tourism Commission, pointed out that the City's facilities are used by many people from outside the area which brings in tourism dollars to the City. She pointed out that the tourism dollars increase every year and closing any of the City's facilities will impact those funds.

AGRICULTURAL USES

Laura Lutz stated that she would like to see agricultural activities allowed in the City limits, such as urban farming, micro farming, including any and all gardening such as fruit trees, composting, bee keeping, poultry, rabbits, sheep, goats, pigs, cattle, etc. She listed her reasons for allowing such agricultural activities in the City.

Spencer Grigg, Parks and Recreation Director, pointed out that the City does have the Community Gardens where people can rent plots if they want to have a garden and do not have the facilities for it.

FREEDOM SPORTS - ZONING

Freedom Sports requested the Council to change the zoning of the Moses Lake Industrial Park to allow the wrestling academy.

Jerry Janke, representing Freedom Sports, stated that the sport of wrestling is important to many children and requested a solution to allow their business to stay in the Moses Lake Industrial Park Plat.

Gilbert Alvarado, Community Development Director, stated that the only solution is to change the zoning to allow for this type of businesses. He pointed out that this area was developed in the county and did not meet the standards of the City's commercial or industrial zones. The area was given its own zoning designation and uses were allowed that would be appropriate in the area. He pointed out that the existing uses would now fall into the City's commercial zone.

There was some discussion and it was the consensus of the Council that staff draft some changes to the zoning to allow for commercial uses.

ORDINANCE - DESERT GOLF ANNEXATION - 2ND READING/PUBLIC HEARING

An ordinance was presented which provides for the annexation of approximately 8.12 acres located adjacent to Fairway Drive and includes the right-of- of Fairway Drive.

The ordinance annexing property commonly known as the Desert Golf Annexation to the City of Moses Lake, Washington, and incorporating the same within the corporate limits of the City of Moses Lake was read by title only.

The public hearing was opened.

Joyce Mulliken, 1654 Jennifer Lane, wanted to know if this annexation would impact the county residences adjacent to the area to be annexed, but not included in the annexation.

Gilbert Alvarado, Community Development Director, stated that the annexation will not impact the county residences adjacent to the area to be annexed, but not included in the annexation.

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

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

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 2.48 - PLANNING COMMISSION - 2ND READING

An ordinance was presented which changes the requirements to serve on the Planning Commission to include that a member shall reside within the City limits or shall own property or a business within the City limits. Since this change would include people within the UGA, the ex officio members from the UGA are eliminated.

The ordinance amending Chapter 2.48 of the Moses Lake Municipal Code entitled "Planning Commission" was read by title only.

Action Taken: Mr. Voth moved that the second reading of the ordinance be adopted, seconded by Mr. Avila, and passed with Mr. Deane opposed as he felt that members of the Planning Commission should reside within the City's limits.

ORDINANCE - CREATE 18.50 - RECREATIONAL MARIJUANA BUSINESSES - 2ND READING

An ordinance was presented which regulates marijuana businesses in the City's limits.

The ordinance creating Chapter 18.50 of the Moses Lake Municipal Code entitled "Recreational Marijuana Businesses" was read by title only.

Action Taken: Mr. Ecret moved that the second reading of the ordinance be adopted, seconded by Dr. Curnel, and passed with Mr. Deane and Mrs. Liebrecht opposed as she felt there should be a moratorium until after the current court cases have been resolved.

ORDINANCE - SHORELINE MASTER PROGRAM - 1ST READING

An ordinance was presented which repeals the existing Shoreline Master Program and adopts the updated Shoreline Master Program.

The ordinance repealing the existing Shoreline Management Master Plan and adopting a new Shoreline Master Program was read by title only.

Gilbert Alvarado, Community Development Director, gave some background and history on the Shoreline Master Program.

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

RESOLUTION - ABANDON EASEMENTS - HAYDEN HOMES

Hayden Homes has requested the abandonment of easements located in Blocks 1 and 2 of Point Lorraine Estates.

The resolution authorizing abandonment of easements was read by title only.

Gilbert Alvarado, Community Development Director, stated that there are no utilities in the easements being abandoned.

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

RESOLUTIONS - NUISANCE ABATEMENT COSTS

Resolutions were presented which affirm the Council's prior authorization to staff to collect the funds expended for the nuisance abatements at 1335 Megan, owned by Robert Sampson, 1170 Grand, owned by Pedro and Maria Sanchez, 8615 Charles, owned by Brenda Cleis, and 823 Fairbanks, owned by Betty Duncan.

The resolution establishing the billing to be imposed against Robert Sampson 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. Lane, and passed unanimously.

The resolution establishing the billing to be imposed against Pedro and Marina Sanchez as the owners 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. Avila moved that the resolution be adopted, seconded by Mr. Lane, and passed unanimously.

The resolution establishing the billing to be imposed against Brenda Cleis 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. Lane moved that the resolution be adopted, seconded by Dr. Curnel, and passed unanimously.

The resolution establishing the billing to be imposed against Betty Duncan 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 - 2003 BEAUMONT - MARKOVA LIVING TRUST

A resolution was provided which provides for the abatement of nuisances at 2003 Beaumont, owned by Markova Living Trust.

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.

Rick Rodriguez, Code Enforcement Officer, was sworn in and provided testimony concerning the nuisance violations.

There was no other testimony. The hearing was closed.

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

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION - None

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

NEPPEL DOCK

Nathan Pack, Moses Lake Business Association, requested Council support for improvements to the dock located behind the Broadway Bar and Grill in Neppel Landing. The dock is maintained by the Moses Lake Irrigation and Rehabilitation District. He mentioned that Downtown Destination, Inc. recommended that Neppel Park be a hub with the existing dock being improved and maintained and including a water taxi service.

Action Taken: Mr. Ecret moved that the city endorse the project of improving the dock, seconded by Mrs. Liebrecht, and passed unanimously.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

BUDGET - GRANT COUNTY BOARD OF EQUALIZATION DECISION - REC/ORDINANCE - AMEND 3.30 UTILITY OCCUPATIONAL TAX - 2ND READING/RESOLUTION - AMBULANCE SERVICE UTILITY FEE

Joseph K. Gavinski, City Manager, stated that the Board of Equalization has made a decision on the appeal by REC of their tax assessment. The decision is favorable to the county so the City will receive will about \$1.3 million, which will cover the City's costs for 2014. There is still an issue for 2015 and 2016 as it is expected that REC will again appeal their property tax assessment. The assessor is appealing the Board of Equalization's assessment 2013 for 2014 and REC has also appealed that decision. It will take about two years before a decision is reached on these appeals. The City cannot depend on any of those funds until they have actually been rendered to the City. He mentioned that REC has appealed the most recent decision to the Thurston County Superior Court. Because of the appeals, the City will still need to find about \$1.2 million in revenue or cuts for 2015.

There was some discussion on the amount of money the City could raise by increasing the ambulance utility rate and placing all the utility occupational tax in the General Fund.

The ordinance amending Chapter 3.30 of the Moses Lake Municipal Code entitled "Utility Occupational Tax" was read by title only.

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

A resolution was presented which sets the ambulance service utility fee at \$11.10 per month.

The resolution establishing ambulance service utility rates was read by title only.

Joseph K. Gavinski, City Manager, pointed out that if the resolution is adopted, the General Fund will no longer subsidize the Ambulance Fund.

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

The regular meeting was adjourned at 9:30 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director