

MOSES LAKE CITY COUNCIL  
December 23, 2014

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

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

PLEDGE OF ALLEGIANCE: Briar Ivory, Boy Scout, led the Council in the pledge of allegiance.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the December 9 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 December 23, 2014 the Council does approve for payment claims in the amount of \$728,898.80; prepaid claims in the amounts of \$56,886.32 and \$44,118.39; claim checks in the amount of \$1,830,313.96; and payroll in the amount of \$309,589.28.

Resolution - Boundary Line Adjustment - Dress: A resolution was presented which approves a boundary line adjustment between the City and William Dress by exchanging property at the intersection of West Broadway and West Third Avenue.

Accept Work - 204 Drywell Project: Cutting Edge Earthworks, Inc. has completed the 2014 Drywell Project. The work should be accepted and the 60-day lien period entered into.

Action Taken: Mr. Voth 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

AHO CONSTRUCTION - SUN TERRACE PHASES 2 THROUGH 8 PRELIMINARY PLAT - EXTENSION OF APPROVAL

Aho Construction has requested a one year extension of the preliminary plat approval for the Sun Terrace Preliminary Plat, Phases 2 through 8.

Anne Henning, Senior Planner, stated that a one year extension of the preliminary plat approval can be granted by the Council.

Mel Aho, Aho Construction, stated that the plat has over 200 undeveloped lots and because of the economy the one year extension will not be time enough to market them all so the property will be replatted in the future.

Action Taken: Mr. Ecret moved that the request be granted for a one year extension, seconded by Mr. Lane, and passed unanimously.

Mrs. Liebrecht requested that the regulations concerning plat extensions be reviewed.

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 2014 BUDGET - 2<sup>ND</sup> READING

An ordinance was presented which amends the 2014 budget.

The ordinance amending the 2014 budget for the City of Moses Lake, Washington 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 2014 BUDGET - SINGLE READING

An ordinance was presented which amends the 2014 budget.

The ordinance amending the 2014 budget for the City of Moses Lake, Washington was read by title only.

Action Taken: Mr. Lane moved that an emergency be declared and the ordinance be adopted on a single reading, seconded by Dr. Curnel, and passed unanimously.

#### ORDINANCES - AMEND 18.20, RESIDENTIAL ZONES, AND 18.06, DEFINITIONS - 1<sup>ST</sup> READING

Ordinances were presented which amend the residential zones to permit accessory dwelling units as required by the Washington State Housing Policy Act.

Anne Henning, Senior Planner, pointed out that, because the City now exceeds 20,000 in population, state law requires that regulations be adopted dealing with accessory dwelling units. The Planning Commission has reviewed the regulations and recommended that the ordinances be adopted.

Mr. Voth felt that the accessory dwelling units should also be allowed in the R-3 Zone.

The ordinance amending Chapter 18.20 of the Moses Lake Municipal Code entitled "Residential Zones" was read by title only.

Action Taken: Mr. Voth moved that the ordinance be amended by allowing an accessory dwelling unit in the R-3 Zone and the first reading of the ordinance be adopted, seconded by Mr. Avila, and passed unanimously.

The ordinance amending Chapter 18.06 of the Moses Lake Municipal Code entitled "Definitions" was read by title only.

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

#### ORDINANCE - ZONE CHANGE - HAYDEN HOMES - 1<sup>ST</sup> READING

Hayden Homes has requested a zone change for 45.1 acres from C-2, General Commercial and Business, to 17 acres of R-3, Multi-family Residential, and 28 acres of R-1, Single Family Residential. The property is located east of SR-17, south of Wheeler Road, and north of the Crossroads Major Plats.

The ordinance amending Section 18.09.040 of the Moses Lake Municipal Code was read by title only.

Action Taken: Mrs. Liebrecht moved that the first reading of the ordinance be adopted, seconded by Mr. Lane, 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 1046 S. Division, owned by Carlos Espinoza, 2311 Maiers Road, owned by Irreantum, LLC, and 8616 Jean Road, owned by Dick Cullinan.

The resolution establishing the billing to be imposed against Carlos Chavez Espinoza 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. Ecret moved that the resolution be adopted, seconded by Dr. Curnel, and passed unanimously.

The resolution establishing the billing to be imposed against Irreantum, LLC 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. Avila moved that the resolution be adopted, seconded by Mr. Lane, and passed unanimously.

The resolution establishing the billing to be imposed against Dick Cullinan 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 Mrs. Liebrecht, and passed unanimously.

#### RESOLUTION - AMBULANCE SERVICE UTILITY RATES

A resolution was presented which increases the ambulance service utility rates.

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

Joseph K. Gavinski, City Manager, provided information on what would have to be done to raise revenue in order to balance the ambulance fund. He also explained that if an EMS levy were to be approved, it would not take effect until the year after adoption.

There was some discussion on how to balance the revenue and expenditures in the ambulance fund.

Mrs. Liebrecht was in favor of keeping the ambulance service but was interested in funding it in the best possible way.

Dr. Ryan Leonard, 7662 Chanute Street, wanted to know if the city has a balanced budget, how the \$1.7 million would be used when the Revenue Sharing Agreement is completed in 2015, what are the projected revenue figures for new businesses, have departments other than the Fire Department had personnel cuts, what measures have been implemented to make the departments more efficient, where are the savings made by efficiencies made by the departments, and does the increase in the utility rate solve the problems. She suggested a stakeholders group be formed to investigate the issue.

Mark Fancher, 301 E. Inglewood, wanted to know if all residents of the city get the benefit of the ambulance service utility fee, even those who live in apartments and have no utility account.

Debbie Doran-Martinez, 324 S. Pioneer Way, felt that more time is needed to consider all aspects of the situation.

Mr. Ecret felt that a stakeholders group would be a good idea.

Letters were read from James Irwin, MD and Sheila Chilson, Chief Executive Officer, Moses Lake Community Health Center, supporting the ambulance service.

Mr. Gavinski stated that the budget is balanced on paper and since the Council did not act to implement the measures necessary to actually balance the budget, it will need to be discussed the first of next year. He mentioned that all residents of the city get the benefit of the ambulance service. He stated that approximately 15 positions, covering various departments, have not be filled over the last two years. He explained the methods the City uses to collect the ambulance fees and pointed out that the City writes off those amounts that cannot be collected. He mentioned that it does not matter how high the ambulance costs are, the City only collects what the other agencies pay.

Mr. Avila suggested a survey be sent to all utility accounts to see if the citizens are willing to \$15.96 for the service.

Mr. Voth felt that additional information is needed on funding the ambulance service and was not in favor of increase the ambulance utility rate at this time.

Dr. Curnel pointed out that the Council has been discussing the ambulance fund for several months and that increasing the utility rate will help alleviate the budget crisis and provide time for additional study of the issue.

Mayor Deane pointed out that the utility rate has consistently increased over the years as well as contributions from the General Fund to subsidize the ambulance service.

Mr. Ecret felt that the Council lacks the information necessary to make a decision on the ambulance service and to raise the ambulance utility rate would be a mistake at this time.

Mrs. Liebrecht pointed out that the bottom line is finances and the Council needs additional information to make the right decision.

The resolution establishing ambulance service utility rates was read in its entirety.

Action Taken: Dr. Curnel moved that the resolution be adopted, seconded by Mr. Avila and failed with Mr. Avila and Dr. Curnel in favor and Mr. Ecret, Mr. Voth, Mrs. Liebrecht, Mr. Lane, and Mayor Deane opposed as they felt that additional time is necessary to discuss the issue.

#### RESOLUTION - INTER-FUND LOAN

A resolution was presented which provides for an inter-fund loan from the Water/Sewer Fund to the Sanitation Fund.

The resolution authorizing an inter-fund loan to the Sanitation Fund 490 from the Water/Sewer Fund 410 was read by title only.

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

#### REQUEST TO CALL FOR BIDS - None

#### REFERRALS FROM COMMISSIONS

#### BARRINGTON POINTE 3 - DEFERRAL REQUEST

Phil Bloom of Columbia NW Engineering submitted a request for a deferral of the requirement to construct an improved cul-de-sac for the proposed Barrington Point 3 Major Plat. A temporary cul-de-sac will be provided, and the land owner will sign a covenant for permanent improvements in the future if the street is not extended. The approved preliminary plat was approximately twice the size of the current proposal. Due to market conditions, the plat was not developed, and the property has been sold to a different developer, Olsen Homes. Similar to most developers in the current economic climate, Olsen Homes is not able to take on 50+ lots at a time, so the proposal is to scale back the plat to 27 lots. Stopping the street where it is proposed requires a cul-de-sac. The developer's intention is to do a second plat for the remainder of Barrington Point 3 after the current one is completed. Since the street is intended to be extended, a permanent cul-de-sac is not needed. The Planning Commission recommended that the deferral be granted, to allow a temporary gravel cul-de-sac, subject to a covenant being provided for the improvements to Community Standards in the future.

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

#### OTHER ITEMS FOR COUNCIL CONSIDERATION - None

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

ORDINANCE - REAL ESTATE EXCISE TAX - SINGLE READING

Gary Mann, 2405 Lakeside Drive, Carol Calder, 5766 Ridgeview Drive, and Lynn Garza, 1664 Jennifer Lane, felt that the housing industry has not yet recovered and that the ¼ of 1% real estate excise tax should be repealed, especially since it was passed on an emergency reading.

John Higgins, W. Broadway, felt that the funds raised should be allocated to the Police Department.

There was discussion by the Council. it was pointed out that only Coulee City and Krupp have not implemented this tax.

Action Taken: Mr. Ecret moved that the excise tax be repealed, seconded by Mr. Voth, and failed with Mr. Ecret, Mr. Avila. and Mr. Voth in favor, and Mr. Lane, Dr. Curnel, Mrs. Liebrecht, and Mayor Deane opposed.

Action Taken: Mr. Lane moved that an emergency be declared and the real estate excise tax ordinance be amended to change the date of implementation to March 13, 2015, the tax sunset in two years, and the ordinance be adopted on a single reading, seconded by Dr. Curnel.

Jason Hall, 4751 Carl Road, suggested that the date of implementation correspond to the mutually accepted date of the sale.

There was additional discussion by the Council.

The motion passed with Mr. Ecret and Mr. Voth opposed.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

INVESTMENT REPORT

The City received \$17,338.58 in investment income for November 2014.

AMBULANCE REPORT

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

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

ATTEST

\_\_\_\_\_  
Dick Deane, Mayor

\_\_\_\_\_  
W. Robert Taylor, Finance Director