

MOSES LAKE CITY COUNCIL
March 24, 2015

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

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

PLEDGE OF ALLEGIANCE: Samantha Frey, Jacob Tucker, Gary Candela, students, led the Council in the flag salute.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the March 10 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 24, 2015 the Council does approve for payment claims in the amount of \$389,501.46; prepaid claims in the amounts of \$7,220.03 and \$63,985.41; claim checks in the amount of \$1,220,702.22; and payroll in the amount of \$306,596.69.

Industrial Waste Discharge Permit No. 5 - Azko Nobel, Eka Chemical: Authorization was requested for the City Manager to sign an industrial waste discharge permit for Azko Nobel, Eka Chemical.

Industrial Waste Discharge Permit No. 17 - D & L Foundry: Authorization was requested for the City Manager to sign an industrial waste discharge permit for D & L Foundry.

Bernhardt Final Major Plat and Findings of Fact: Columbia Northwest Engineering, representing Bill Bernhardt, submitted a final plat for a 14-lot residential development on 4.56 acres located on Lakeside Drive south of Milwaukee Avenue. The site is zoned R-3, Multi-Family Residential, which corresponds with the underlying Comprehensive Plan Land Use Designation of High Density Residential. 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, which are included.

Resolution - Abandon Easement - Bud Wiser Plat: A resolution was presented which abandons easements located between Lots 4 and 5 and 5 and 6 and the 10' access easement adjacent to the west lot lines in the Bud Wiser Plat.

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

LIONESSE CLUB - SIGNS

The Lioness Club requested permission to place signs advertising the opening of their Spaceburger Booth on April 10 through 12. A sandwich board sign will be placed on City right-of-way at the corner of Valley and Stratford and a banner sign will be located at the corner of Broadway and Alder.

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

AMEND 18.50 - MARIJUANA PRODUCTION

Central Terminal requested an amendment to the Heavy Industrial Zone to allow marijuana producers and

processors.

Gilbert Alvarado, Community Development Director, stated that the Council recently amended the zoning regulations to allow production and processing of marijuana in the Light Industrial Zone only.

Mark Fancher, Central Terminals, pointed out the area of the proposed marijuana production and processing operation.

Marc Green, 1395 Myers Creek Road, British Columbia, explained how the operation would function.

Bob Fancher, 6726 N. Frontage Road E., felt that the growing and processing of marijuana is well suited to the Heavy Industrial Zone but that a setback of 250' to 300' from property lines should be established.

Ryan Leonard, Moses Lake Community Prevention Coalition, pointed out that much thought was given to the location of marijuana and requested that the Council give additional consideration before a decision is made to allow it in other areas.

There was some discussion by the Council but no action was taken.

CHARITY FUND RAISING - CERVANTES

Connie Cervantes stated that she is proposing fund raising events in Moses Lake to help the March of Dimes and Seattle Children's Hospital and to have someone from the Seahawks organization come to Moses Lake to accept the funds being donated and requested the Council notify all their friends and families of the events.

ORDINANCES AND RESOLUTIONS

ORDINANCE - REPEAL 6.05 AND CREATE NEW ANIMAL CONTROL CHAPTERS - 2ND READING

An ordinance was presented which repeals Chapter 6.05, Animal Control, and adopts new chapters dealing with animal control.

The ordinance repealing Chapter 6.05 titled "Animal Control" and adopting new Chapters 6.02 titled "Definitions", 6.04 titled "License Requirements", 6.06 titled "Rabies Control", 6.08 titled "Impounds", 6.10 titled "Dangerous Dog and Potentially Dangerous Dog", 6.14 titled "Miscellaneous Provisions", 6.16 titled "Exotic Animals", and 6.18 titled "Penalties and Enforcement" was read by title only.

Joseph K. Gavinski, City Manager, stated that the changes requested by Council at the first reading have been incorporated into the ordinance.

Casey Cooper, 1424 S. Hamilton, mentioned that the regulations require that females in heat be confined and does not provide for the ability to walk such a dog or to enter such a dog in a dog show and he felt that provision should be made to allow such activities.

Mr. Gavinski suggested the following language be included in 6.14.030: after the first sentence "Except that an owner can take the dog out of confinement so long as on a leash and can take the dog to a show and show that dog unleashed if a requirement of the show." Add in the second sentence after "and that is not properly confined", "or leashed or being shown unleashed at a show".

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

ORDINANCE - HANSEN ZONE CHANGE - 2ND READING

An ordinance was presented which would rezone 20.5 acres of property owned by Mick Hansen from C-2, General Commercial and Business to Light Industrial. The property is located south of I-90 across from the Moses Lake Country Club.

Gilbert Alvarado, Community Development Director, stated that zone change will bring the property into compliance with the Comprehensive Plan.

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

ORDINANCE - REPEAL 1.20 - ADMINISTRATIVE ENFORCEMENT AND CREATE 1.20 - CIVIL CODE ENFORCEMENT - 1ST READING

An ordinance was presented which repeals the current Chapter 1.20 of the Moses Lake Municipal Code entitled "Administrative Enforcement" and adopts a new Chapter 1.20 titled "Civil Code Enforcement". This new ordinance is intended to clear up, clean up, and strengthen the civil code enforcement procedures.

The ordinance of the City of Moses Lake repealing the current Chapter 1.20 of the Moses Lake Municipal Code entitled "Administrative Enforcement" and adopting a new Chapter 1.20 titled "Civil Code Enforcement" was read by title only.

Anna Franz, Attorney, stated that the changes were brought about due to a recent court decision regarding the procedures for code enforcement.

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

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

An ordinance was presented which increases the water, sewer, and stormwater rates.

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

Mr. Voth questioned the number of unmetered water services in the City.

There was some discussion and staff was directed to investigate the number of unmetered water services in the City and if none are found, to delete that section of the ordinance.

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

RESOLUTION - INTER-FUND LOAN

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

The resolution authorizing an inter-fund loan to the General Fund 000 from the Water/Sewer Construction Fund 477 was read by title only.

Bob Taylor, Finance Director, stated that the loan is needed to cover current expenses and payroll.

Joseph K. Gavinski, City Manager, stated that loan resolution has been drafted in a form that conforms with what the State Auditor believes the loan should look like even though the City has not yet received a response from the State Auditor on the format of the existing loans.

Action Taken: Mr. Lane moved that the resolution be adopted, seconded by Mr. Avila and passed with Mr. Ecret and Mr. Voth opposed as they felt no action should be taken until a response it received from the State Auditor.

RESOLUTION - SPRING FESTIVAL

A resolution was presented regarding the Spring Festival to be held on May 21 - 24, 2015.

The resolution regarding the Moses Lake Spring Festival to be held May 21, 22, 23, and 24, 2015 was read by title only.

Sean Salis, 538 Clark, stated that there were 68 teams for the 3 on 3 tournament last year and 20 teams were

turned away because they were late. He mentioned that they were hoping for 100 teams this year.

Action Taken: Dr. Curnel moved that the resolution be adopted and the City Manager be authorized to sign the Hold Harmless Agreement, seconded by Mrs. Liebrecht, and passed unanimously.

RESOLUTION - ANNEXATION POLICY

Resolutions were presented which amend the annexation policy by exempting agricultural fairs and port districts.

The resolution repealing Resolution 3463 and adopting a new resolution setting forth a policy with regard to the provision of water and/or sewer utilities outside the corporate limits of the City and setting forth an annexation policy for the City of Moses Lake, Washington was read by title only.

Carolann Swartz, County Commissioner, requested that the Council consider adopting the new policy to allow the fairgrounds to be connected to City water without the requirement to annex.

Mayor Deane provided information that shows that the City allows farm animals in the Public Zone which is what the fairgrounds would be zoned if it were annexed into the City. He also pointed out that there are many fairgrounds in the state that are within a city's limits. He felt that the existing annexation policy should be retained.

Action Taken: Mr. Ecret moved that the resolution be adopted, seconded by Mr. Voth.

Mr. Voth felt that the annexation policy should be amended to allow the fairgrounds to connect to city sewer without the requirement for annexation in order to prevent the installation of a sewer lagoon.

Mr. Ecret pointed out that this would aid in cleaning up the ground water.

Mrs. Liebrecht felt the existing annexation policy should be retained.

Mr. Lane stated that annexation is not a bad thing and he is unaware of other fairgrounds that have suffered from being annexed into a city. He pointed out that the Port of Moses Lake has also requested City services without the requirement to annex and he felt it was unfair to treat one government entity different from another and that the existing policy is fair and equitable to all.

The motion passed with Mr. Ecret, Mr. Voth, Mr. Avila, and Dr. Curnel in favor and Mayor Deane, Mrs. Liebrecht, and Mr. Lane opposed.

REQUEST TO CALL FOR BIDS

MAE VALLEY SEWER IMPROVEMENT PROJECT

Staff requested authorization to call for bids for the 2015 Mae Valley Sewer Improvement Project. This project includes installing 1,850' of 12" force main through Blue Heron Park and 1,800' of 18" gravity sewer main in Westshore Drive, decommissioning the existing Montana Sewer Lift Station, and constructing the new Blue Heron Lift Station.

Gary Harer, Municipal Services Director, stated that these improvements would provide for growth in this area.

Action Taken: Mrs. Liebrecht moved that staff be authorized to call for bids, seconded by Dr. Curnel, and passed unanimously.

REFERRALS FROM COMMISSIONS

KWICKY CORNER - LANDSCAPING

Howard Skaug, 635 Desertview Drive, provided a conceptual plan of the landscaping proposed for the intersection of W. Broadway and Third Avenue known as Kwicky Corner. He mentioned that the estimated cost would be between \$100,00 and \$200,000.

Spencer Grigg, Parks and Recreation Director, stated that the Parks and Recreation Commission approved the conceptual plan for the landscaping of this triangle area but pointed out that any landscaping will have to be well planned because there is a visibility issue at this intersection. He also expressed concern for the ability of the Department to provide maintenance.

There was some discussion by the Council and they were in favor of the concept but because of the City's finances, the project would not be viable at this time.

OTHER ITEMS FOR COUNCIL CONSIDERATION

KNAUF INSULATION - REQUEST FOR DIRECTION

Knauf Insulation requested a Certificate of Occupancy for the former Guardian Insulation production building located at 3741 Road N NE. The building has been inspected by the Building Division and is roughly 95% complete. Outstanding items include some site improvements and completing the code requirements under the Fire Code.

Gilbert Alvarado, Community Development Director, stated that the outstanding improvements will still need to be completed even if a Certificate of Occupancy is granted.

Erik Kowaleski, Knauf Insulation, stated that they would like to use this building as a distribution center for the Northwest and Western Canada within the next 6 weeks. Some of the requirements to obtain a Certificate of Occupancy cannot be completed in that time.

There was some discussion by the Council.

Action Taken: Mr. Lane moved that a variance to MLMC 16.36.015 be granted and that it be found that the variance would be in the best interest and welfare of the community and that fire protection will not be compromised, seconded by Mr. Avila, and passed unanimously.

BUSBY PRELIMINARY PLAT - EXTENSION

Busby International, Inc. has requested a one year extension of the preliminary plat approval for the Busby Preliminary Major Plat. The preliminary plat was approved April 8, 2008.

Gilbert Alvarado, Community Development Director, stated that staff has no concerns with the request.

Action Taken: Dr. Curnel moved that a one year extension of the preliminary plat approval be granted, seconded by Mr. Voth, and passed unanimously.

FIRE DEPARTMENT PERFORMANCE STANDARDS

Information on performance standards for fire departments was presented along with a "white paper" written by Ray Crouch, Sr. University of Tennessee, MTAS Fire Management Consultant.

Joseph K. Gavinski, City Manager, provided information on three additional cities not included in the original Fire Department Report. He stated that the City does have to adopt some standards under RCW 35.92 but it also states that it is not intended to in any way modify or limit the authority of code cities to set levels of service. The statute provides for the type of standards that should be adopted but not the level of service.

Brett Bastian, Asst, Fire Chief, described the need for standards and mentioned that they would be used as a tool to more effectively serve the City.

There was considerable discussion and it was the consensus of the Council that a resolution setting standards for the Fire Department be drafted.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

STREET CLOSURE

Dale Holeman, Relay for Life, stated that they are putting on a fund raiser at Sinkiuse Square on April 4, 2015. The funds will be donated to the American Cancer Society. He requested the closure of half of Ash Street beginning at Third Avenue.

Mr. Lane requested that the merchants be notified of the street closure.

Action Taken: Mr. Ecret moved that the request be approved, seconded by Mr. Voth, and passed unanimously.

COMPREHENSIVE PLAN AMENDMENT

Mark Johnson, Moses Lake School District, stated that the School District has property on Stratford Road and Harris Road that they would like included in the City's Urban Growth Area. The County has requested an endorsement from the City.

Gilbert Alvarado, Community Development Director, pointed out that the County has the authority to include a piece of property in the City's UGA but the county will not consider the request until it has been reviewed by the City Council.

Action Taken: Dr. Curnel moved that the request from the School District be endorsed, seconded by Mr. Avila, and passed unanimously.

NATIONAL FROZEN FOODS - HAZARDOUS PERMIT FEES

Gary Ash, National Frozen Foods, stated that they object to the cost of a hazardous material permit and do not understand the reason for the fee. The EPA requires reporting of hazardous materials along with the Department of Ecology and did not see why the City should collect a fee.

There was some discussion and It was the consensus of the Council that Mr. Ash meet with the staff about this issue.

COUNCIL QUESTIONS AND COMMENTS

RESOLUTION - CITY MANAGER

Mr. Ecret read a resolution stating the Council's intent to remove the City Manager due to a lack of trust and confidence in his ability to carry out his duties and responsibilities in a manner satisfactory to the Council and giving him 30 days to respond.

Action Taken: Mr. Ecret moved that the resolution be adopted, seconded by Mr. Voth.

Mayor Deane requested discussion amongst the Council including the reason for the resolution and for excluding members of the Council from being notified of this resolution in advance.

Mr. Ecret stated that the resolution speaks for itself.

Mrs. Liebrecht stated that she would have liked to have some inkling of what was coming because the Council needs to be prepared to make sound decisions and would not be prepared to pass a resolution that quotes numbers without facts behind them.

Mr. Lane stated that he had complete confidence in the City Manager and that he is doing a good job.

The motion passed with Mr. Ecret, Mr. Voth, Mr. Avila, and Dr. Curnel in favor and Mayor Deane, Mr. Lane, and Mrs. Liebrecht opposed.

Action Taken: Mr. Ecret moved that the City Manager be suspended for the 30 days, seconded by Mr. Voth, and passed with Mr. Ecret, Mr. Voth, Mr. Avila, and Dr. Curnel in favor, and Mayor Deane, Mr. Lane, and Mrs. Liebrecht opposed.

Mr. Ecret pointed out that during the absence of the City Manager the City will need a substitute and recommended Gilbert Alvarado, Community Development Director.

Mr. Alvarado stated that he would do as the Council requested.

Action Taken: Mr. Ecret moved that Gilbert Alvarado be named to substitute for the City Manager, seconded by Mr. Voth, and passed unanimously.

Mr. Ecret requested a special meeting to discuss with the Council and department heads to discuss where the City moves from this point.

It was recommended that the meeting be scheduled for when the City Attorney could be present.

CITY MANAGER REPORTS AND COMMENTS

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$437,747.56 in sales tax and \$22,681.77 in transient rental income in January and \$499,833.67 in sales tax and \$11,360.09 in transient rental income in February.

The regular meeting was adjourned at 9:40 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director