

**CITY OF MOXEE, WASHINGTON
REGULAR COUNCIL MEETING
JUNE 13, 2019
COUNCIL CHAMBERS – CITY HALL**

Mayor LaBree opened the Regular Council Meeting at 7:00 PM.
Present:

Council: Mayor Greg LaBree and Council Members: Maravell Gonsioroski, LeRoy Lenseigne, Rob Layman, Tom Hattrup and Larry Frank
Staff: Byron Adams, City Supervisor, Kristi Heilman, City Clerk-Treasurer and Police Chief Jeff Burkett
Absent: None
Guests: Dale and David Geer, Jan Hutchinson and LeeAnn Mulhair

1. APPROVAL OF MINUTES FROM MAY 9, 2019 CITY COUNCIL MEETING

Mayor LaBree asked if there were any corrections, additions or omissions to the minutes of May 9, 2019. There were none.

ACTION NO. 1 Council member Frank made a motion to accept the minutes as prepared. Council member Lenseigne seconded the motion. The motion carried.

2. PUBLIC HEARING TO REVIEW PROPOSED 6 YEAR STREET IMPROVEMENT PLAN

Mayor LaBree opened the public hearing to review the Six Year Transportation Improvement Plan at 7:00 PM. City Supervisor Adams provided spreadsheets for the Mayor and Council of the proposed Six Year Transportation Improvement Plan (STIP) for the period of 2020-2025. He explained that it is the City's "wish list" of street improvement projects. He further explained that for the City to be eligible for funding programs for street improvements a project has to be addressed in the STIP. There are 13 proposed projects on the STIP for the 2020-2025 period. They are listed in priority order and show the location, proposed improvements and estimated costs for the projects. Adams went over the entire list. There were no questions from the Council or from the public. Mayor LaBree closed the public hearing at 7:04 PM.

3. RESOLUTION 2019-06, A RESOLUTION ADOPTING THE SIX YEAR STREET IMPROVEMENT PLAN

Mayor LaBree read Resolution 2019-06, a Resolution adopting the Six Year Street Improvement Plan for years 2020-2025.

ACTION NO. 2 Council member Gonsioroski made a motion to adopt Resolution 2019-06 adopting the Six Year Street Improvement Plan for years 2020-2025. Council member Hattrup seconded the motion. The motion carried.

4. PROGRESS PAYMENT #1 TO RECLAIM COMPANY FOR THE WORK PERFORMED ON THE ILER STREET SIDEWALK IMPROVEMENT PROJECT

Mayor LaBree read a letter from HLA to the City recommending Progress Estimate 1 to be considered by the Moxee City Council. The Progress estimate is for work performed by Reclaim Company, through May 31, 2019 in connection with their contract on the Iler Street Sidewalk Improvement Project. The amount due the Contractor of \$123,023.17 and is net after retainage as per the contract documents. City Supervisor Adams reported that project is now completed and noted that Reclaim Company was good to work with and that the results looks good.

ACTION NO. 3 Council member Layman made a motion to approve Progress Payment #1 to Reclaim Company for work performed through May 31, 2019 on the Iler Street Sidewalk Improvement Project in the amount of \$123,023.17. Council member Lenseigne seconded the motion. The motion carried.

5. ORDINANCE No. 793, AN ORDINANCE PERMITTING LICENSING OF MARIJUANA RETAIL SALES BUSINESS WITHIN ONE HUNDRED FEET OF A PUBLIC LIBRARY

City Supervisor Adams noted that as discussed at last month's regular Council meeting the Washington Administration Code (WAC) prohibits issuance of a state license to a marijuana retail sales business that is located within 1000 feet of a public library, it does allow that a city may, by local ordinance, permit the licensing of a marijuana retail sales business within one thousand feet but not less than one hundred feet of a public library. The Council stated at that meeting that they wished to reduce the one thousand foot prohibition for locating a marijuana retail sales business from a public library to one hundred feet. Ken Weaver, owner of Slow Burn, a marijuana retail business, is wanting to locate his business in the strip mall located at 304 W. Seattle Ave. There were no comments from the public or the Council. Mayor LaBree read Ordinance No. 793, an Ordinance permitting licensing of marijuana retail sales business within one hundred feet of a public library.

ACTION NO. 4 Council member Gonsioroski made a motion to pass and adopt Ordinance No. 793, an Ordinance permitting licensing of marijuana retail sales business with in one hundred feet of a public. Council member Hatstrup seconded the motion. The motion carried.

6. REVIEW AN INTERLOCAL AGREEMENT BETWEEN YAKIMA COUNTY AND THE CITY OF MOXEE FOR MUNICIPAL COURT SERVICES.

City Supervisor Adams reported that Yakima County District Court, who has not charged the City of Moxee for the handling of its criminal citations, has notified the City that it will now be charging the City for their services. Yakima County District Court also made the proposal to take over Moxee's Municipal Court duties, noting that they have been doing this for other smaller jurisdictions, such as Union Gap. The cost will be based on the average of the number of cases over a four-year period. Their annual projected fee is \$66,537 which would be paid in monthly installments. The prorated fee for 2019 which would become effective July 1st will be \$33,269.00. Adams feels that cost will be a wash with the amount the City already expends on the current court staff, taking in court payments, court scheduling and reporting and with new offsetting revenue. Chief Burkett also agreed that it will ease a big burden from the City Hall staff. Adams noted that the agreement is revocable after giving one year prior notice. Adams is seeking Council's authorization to allow the Mayor to sign this Interlocal Agreement between Yakima County District Court and the City of Moxee for Municipal Court Services.

ACTION NO. 5 Council member Lenseigne made a motion authorize the Mayor to sign an Interlocal Agreement between Yakima County District Court and the City of Moxee for Municipal Court Services. Council member Layman seconded the motion. The motion carried.

7. ORDINANCE No. 794 AN ORDINANCE DESIGNATING YAKIMA COUNTY DISTRICT COURT AS ITS MUNICIPAL COURT AND CONFERRING JURISDICTION

City Supervisor Adams explained that this is an Ordinance that designates Yakima County District Court as its' Municipal Court and Conferring Jurisdiction. Adams read Ordinance No. 794, an Ordinance designating Yakima County District Court as its Municipal Court and Conferring Jurisdiction.

ACTION NO. 6 Council member Hatstrup made a motion to pass and adopt Ordinance No. 794, an Ordinance designating Yakima County District Court as its Municipal Court and Conferring Jurisdiction. Council member Frank seconded the motion. The motion carried

8. RESOLUTION 2019-07 A RESOLUTION APPOINTING JUDGES TO SERVE AS MUNICIPAL JUDGES FOR THE CITY OF MOXEE MUNICIPAL COURT.

City Supervisor Adams explained to the Council that a resolution is required to appoint the judges that will serve as Municipal Court Judges for the City of Moxee. Adams read Resolution 2019-07, a Resolution appointing judges to serve as Municipal Judges for the City of Moxee.

ACTION NO. 7 Council member Layman made a motion to pass and adopt Resolution 2019-07, a Resolution appointing judges to serve as Municipal Judges for the City of Moxee. Council member Lenseigne seconded the motion. The motion carried

9. APPROVE ACCOUNTS PAYABLE & PAYROLL CHECKS AS IDENTIFIED ON THE CLERK'S JOURNAL

Mayor LaBree asked for a motion to approve Claims Check Number 34392 through 34406 plus any direct deposits in the amount of \$28,072.97, dated 5/23/2019 & 5/31/2019 and numbers 34407 through 34460 in the amount of \$157,059.08 dated 6/13/2019. Treasurer's Check number 6601 in the amount of \$60.75 dated June 12, 2019. Payroll Check numbers 28695 through 28709 plus any direct deposits in the amount of \$40,644.35 dated May 15, 2019 and numbers 28710 through 28742 plus any direct deposits in the amount of \$84,318.42 dated May 31, 2019 and numbers 28743 through 28757 plus any direct deposits in the amount of \$42,019.54 dated June 14, 2019.

ACTION NO. 8 Council member Gonsioroski made a motion to approve the above-mentioned checks. Council member Frank seconded the motion. The motion carried.

OTHER BUSINESS:

Sale of Equipment:

City Supervisor Adams noted that Justin Bellamy from HLA is working on a well issue for the City of Tieton and Bellamy remembered that Moxee had a 50 hp vertical pump motor that was taken out of well #2. The City of Tieton is interested in purchasing the old pump motor and Adams is seeking council approval to offer to sell the pump motor for \$500 to the City of Tieton. The Council approved.

ACTION NO. 9 Council member Layman made a motion to approve the sale of a used 50 hp vertical pump motor to the City of Tieton for \$500. Council member Lenseigne seconded the motion. The motion carried.

Aho Construction Lawsuit:

City Supervisor Adams was pleased to inform the Mayor and Council that Aho Construction has dropped their lawsuit against the City of Moxee and it has been filed with the court. He stated that it is all over.

Police Department Business:

Chief Burkett reported the Police Department call statistics for the last 2 weeks and also noted that Legends Casino presented the Moxee Police Department with a check for \$5,000 which will be used to purchase 2 new radar units.

Moxee Block Watch Party:

Jan Hutchinson gave a brief summary of events that will be happening at the Moxee Block Watch Party in the Park.

Resident Complaint:

Dale Geer raised some concerns regarding a neighbor who is violating City code by continuing to run a landscaping business out of his home in a residential zone. He noted that they are not considerate of the neighbors and running equipment at all hours. City Supervisor Adams noted that they have been in contact with the resident and they will be taking action on the problem.

EXECUTIVE SESSION TO DISCUSS A REAL ESTATE PROPOSAL RCW 42.30.110(C)

At 7:52PM Mayor LaBree announced to the public that the Council will going into an executive session to discuss a real estate proposal for approximately 10 minutes. He noted that when the executive session is over the public will be invited back into the Council chambers. He then asked the public to leave the Council chambers. At 7:57 the Mayor ended the executive session and reopened the Council Chambers to the public.

ADJOURNMENT

ACTION NO. 10 Council member Lenseigne made a motion to adjourn the Regular Council meeting at 7:57 PM. Council member Layman seconded the motion. The motion carried.


ATTEST:



CITY CLERK-TREASURER



MAYOR GREG LABREE



LARRY FRANK


TOM HATTRUP



MARAVELL GONSIOROSKI



LEROY LENSEIGNE



ROB LAYMAN