

MOSES LAKE CITY COUNCIL
September 22, 2015

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

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

Public Comment: Mrs. Liebrecht moved that public comment be limited to 5 minutes due to the length of the agenda, seconded by Mr. Voth, and passed unanimously.

PLEDGE OF ALLEGIANCE: Sierra Perales, High School student, led the Council in the flag salute.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the September 8 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 September 22, 2015 the Council does approve for payment claims in the amount of \$481,636.39; prepaid claims in the amount of \$106,461.58; claim checks in the amount of \$898,899.67; and payroll in the amount of \$346,995.84.

Crossroads North Phase 1 Final Major Plat and Findings of Fact: Hayden Homes has submitted a final plat application for a 28-lot residential plat on 8.54 acres located east of Highway 17, north of Crossroads 5 and 6, west of Crossroads Park and The Lakes Manufactured Home Park, and south of Wheeler Road. The site is zoned R-1, Single Family Residential, which corresponds with the underlying Comprehensive Plan Land Use Designation of Low Density Residential. The Planning Commission recommended that the final plat be approved with conditions.

Resolutions - Accept Easement - Desertpoint Retail Major Plat, CBSP, 2nd Amendment: A resolution was presented which accepts an access easement from Maiers Development Corporation for the Desertpoint Retail Major Plat, Commercial Binding Site Plan, 2nd Amendment, located on Yonezawa Boulevard.

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

STORM DRAINAGE PROJECT - 2015

The City received six bids for the Storm Drainage Project 2015. This project includes the construction of a grassy swale, a drywell at five locations, and replacement of eight storm drain manhole castings. The additives include the installation of a drywell at two additional locations and the construction of a storm water retention pond along Road N.

Action Taken: Mrs. Liebrecht moved that the bid be awarded to Cutting Edge Earth Works, Inc. in the amount of \$158,766, seconded by Mr. Avila, and passed unanimously.

MAE VALLEY SEWER IMPROVEMENTS PROJECT - 2015 REBID

The City received four bids for the Mae Valley Sewer Improvement Project 2015 Rebid. 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.

The apparent low bidder, Pegram Construction, did not include a signed addendum with their bid proposal and did not include a total contract price as required by the specifications. Staff recommended that the Council find Pegram Construction's bid as non-responsive and award the bid to the next low bidder POW Contracting, Inc.

There was some discussion on the bidding process.

Action Taken: Mrs. Liebrecht moved that the bid from Pegram Construction be rejected as being non-responsive, seconded by Mr. Avila, and passed unanimously.

Action Taken: Mr. Avila moved that the bid and Alternate A be awarded to POW Contracting, Inc. in the amount of \$739,908, seconded by Mrs. Liebrecht, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

GRANT COUNTY HEALTH DISTRICT

Theresa Adkinson, Acting Administrator of the Grant County Health District, presented information on the public health programs and activities occurring throughout Grant County and updated the Council on other health issues and programs the Health District is involved in.

Todd Phillips, Environmental Director of the Grant County Health District, provided information on the duties and responsibilities of one of the inspector in the Moses Lake area.

COMMUNICATION - DALLUGE

Elisia Dalluge, 211 E. 7th Avenue, #18, requested that her communication to the Council be tabled until the next meeting when all Council members are present.

Action Taken: Mr. Voth moved that the communication from Elisia Dalluge be tabled, seconded by Mrs. Liebrecht, and passed unanimously.

ORDINANCES AND RESOLUTIONS

ORDINANCE - VACATE RIGHT-OF-WAY - 2ND READING

An ordinance was presented which vacates the right-of-way on Lot 6, Replat of Lot 7, Block 4, Moses Lake Industrial Park Plat.

The ordinance vacating a portion of right-of-way was read by title only.

Gilbert Alvarado, Interim City Manager, stated that the reimbursement for the vacated property is based on the purchase value and not the appraised value.

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

ORDINANCES - AMEND 5.06 AND 5.07 - LICENSING REGULATIONS AND ITINERANT VENDORS - 1ST READING

Ordinances were presented which amend Moses Lake Municipal Code Chapter 5.06, Licensing Regulations - Temporary Locations, and Chapter 5.07, Itinerant Merchants and Vendors. The changes will bring the regulations more into line with what is actually required of mobile vendors.

Gilbert Alvarado, Interim City Manager, explained the changes in the mobile food vendors over the past several years and the need to update the City's regulations.

The ordinance amending Chapter 5.06 of the Moses Lake Municipal Code entitled "Licensing Regulations - Temporary Locations" was read by title only.

Action Taken: Mr. Ecret moved that the first reading of the ordinance be adopted, seconded by Mrs. Liebrecht,

and passed unanimously.

The ordinance amending Chapter 5.07 of the Moses Lake Municipal Code entitled "Itinerant Merchants and Vendors" was read by title only.

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

ORDINANCE - CREATE 5.32 - YARD SALES AND GARAGE SALES - 1ST READING

An ordinance was presented which establishes regulations for yard and garage sales.

The ordinance creating Chapter 5.32 of the Moses Lake Municipal Code entitled "Yard Sales and Garage Sales" was read by title only.

Gilbert Alvarado, Interim City Manager, explained some of the proposed regulations for yard and garage sales.

Rod Davis, 1717 Legend Lane, felt that the ordinance needs to define yard sale, garage sale, moving sale, estate sale, etc. but that regulating such sales would hurt the community and the businesses.

Ryann Leonard, 907 Sand Dune, felt that the ordinance is unnecessary but wanted to know if it would apply to churches, garage sale fund raisers, and multi-family yard sales. She was concerned about restricting garage and yard sales.

Dave Funderburgh, 619 N. Crestview, did not feel that yard and garage sales need to be regulated as the proposed ordinance affects too many people unnecessarily.

Scott Ramsden, 622 Crestview, felt that the number of reasonable garage sales needs to be determined as every week is too many.

There was considerable discussion by the Council and it was the consensus that existing ordinances could be amended to regulate yard sales and that definitions be included of the different types of yard and garage sales.

ORDINANCE - AMEND 18.57 - LANDSCAPING - 1ST READING

An ordinance was presented which amends the landscaping regulations to encourage the use of drought tolerant plants and native and naturalized plant species as well as non-living items.

The ordinance amending Chapter 18.57 of the Moses Lake Municipal Code entitled "Landscaping" was read by title only.

Gilbert Alvarado, Interim City Manager, gave the background on the proposed changes to the landscaping ordinance.

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

RESOLUTIONS - NUISANCE ABATEMENTS - 1061 DIVISION AND 926 GRAND

Resolutions were presented which provide for the abatement of nuisances at 1061 Division, owned by Bonita Evens, and 826 S. Grand, owned by Bryan Starrett.

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

There was no other testimony. The hearing was closed.

The resolution determining that Bonita Evens 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.

Action Taken: Mr. Ecret moved that the resolution concerning 1061 S. Division be adopted, seconded by Mr. Avila, and passed unanimously.

The resolution determining that Bryan Starrett 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.

Action Taken: Mr. Avila moved that the resolution concerning 826 S. Grand be adopted, seconded by Mrs. Liebrecht, 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

STREET CLOSURE

John Wilson, 222 E. Third Avenue, requested the closure of 75' of Balsam Street north and south of Third Avenue on September 28 from 3:30 to 5:30 as members of the Steven Siller Tunnel to Tower Foundation will be in Moses Lake to present Skaug Brothers Carpet 1 with a piece of the Twin Towers in recognition of Carpet 1's efforts to construct smart homes for fire fighters and veterans who have been catastrophically injured. He requested the fire trucks park on Balsam and raise the American flag overhead on their ladders during this presentation.

Action Taken: Mr. Ecret moved that the request to close the street be granted with the stipulation that they coordinate with the City staff, seconded by Mrs. Liebrecht, and passed unanimously.

FIRE DEPARTMENT

Troy Hesse, Paramedic/Firefighter, reported that, because the Fire Department is no longer providing non-emergent out-of-town transports, the Department is able to reduce the overtime and respond to emergencies with full crews.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

PROJECTS UPDATE

Gilbert Alvarado, Interim City Manager, provided an update of the current projects within the City.

INVESTMENT REPORT

The City received \$19,060.82 in investment income for August 2015.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$536,287.09 in sales tax and \$59,177.66 in transient rental income in August.

EXECUTIVE SESSION

The regular meeting was recessed at 8:40 p.m. and the Council met in a 10 minute executive session with the City Attorney to discuss personnel. At 8:50 p.m. the Council requested an additional five minute executive session. The executive session was adjourned at 8:55 p.m. and the regular meeting was reconvened.

The regular meeting was adjourned at 8:55 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director