

MOSES LAKE CITY COUNCIL  
November 10, 2015

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

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

PLEDGE OF ALLEGIANCE: Fernando Graray, high school student, led the Council in the flag salute.

PRESENTATION AND AWARDS

Fire Department: Simon Rillera, Firefighter/Paramedic, was introduced to the Council.

Parks and Recreation Department: Philip Hanson, Jr., Parks Maintenance Technician, was introduced to the Council.

Police Department: Captain Mike Williams, Police Department, was introduced to the Council.

CONSENT AGENDA

Minutes: The minutes of the October 27 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 November 10, 2015 the Council does approve for payment claims in the amount of \$1,195,974.76; prepaid claims in the amount of \$56,223.27; claim checks in the amount of \$593,042.18; and payroll in the amounts of \$1,577.41 and \$297,212.04.

Poth Preliminary Major Plat 1 and Findings of Fact: Mark Poth submitted an application for a preliminary plat to subdivide 4.4 acres into 10 residential lots. The site is located east of Peninsula Drive, south of the south end of Lakeside Drive, and north of Lower Peninsula Park. The site is zoned R-1, Single Family Residential, which corresponds with the underlying Comprehensive Plan Land Use Designation of Low Density Residential. A deviation was requested to end Lakeside Drive in a cul-de-sac instead of continuing it to the property line. The cul-de-sac diameter proposed requires a deviation. The Planning Commission recommended that the preliminary plat be approved with conditions.

Resolution - Accept Easement - Inspire/Washington State Migrant Council: A resolution was presented which accepts an access easement for Lot 2, Hardenburgh Short Plat No. 1.

Resolution - Accept Improvements - Grace Harvest Church Major Plat: A resolution was presented which accepts the street and utility improvements constructed as part of the Grace Harvest Church Major Plat.

Resolution - Accept Improvements - Bernhardt Major Plat: A resolution was presented which accepts the street and utility improvements constructed as part of the Bernhardt Major Plat.

Accept Work - Stratford Road Sidewalk Project -2014: Moreno & Nelson Construction Corporation has completed the Stratford Road Sidewalk Project 2015. The work should be accepted and the 60 day lien period entered into.

Action Taken: Mr. Lane 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

BUILD ON UNPLATTED PROPERTY - PENHALLURICK

Richard Penhallurick requested permission to build on his unplatted property behind WalMart.

Gilbert Alvarado, Interim City Manager, reminded the Council that Mr. Penhallurick requested permission to build on this unplatted property in July of 2015. He pointed out that the property does not have direct access onto any right-of-way and the Council requested clarification of the access and the construction that would take place on the property. An easement has been recorded with the county and the Council determined that only mini storage would be allowed to be constructed on the property.

There was some discussion by the Council.

Action Taken: Mr. Ecret moved that the request to build on unplatted property be granted, seconded by Mrs. Liebrecht, and passed unanimously.

## ORDINANCES AND RESOLUTIONS

### ORDINANCES - TAXATION - 2<sup>ND</sup> READINGS

Ordinances were presented which fix the estimated amount to be received by the City from property taxes and sets the tax levy rate.

The ordinance fixing the amount to be received for municipal purposes from taxations on assessed valuations on property within the City of Moses Lake, Washington for 2016 was read by title only.

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

The ordinance fixing the estimated amount to be received for municipal purposes from taxations on assessed valuations on property within the City of Moses Lake, Washington for 2016 was read by title only.

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

### ORDINANCES - AMEND 17.12 - MAJOR SUBDIVISIONS - 2<sup>ND</sup> READING

An ordinance was presented which amends Moses Lake Municipal Code Chapter 17.12, Major Subdivisions, in order to bring it into compliance with state law concerning the time limit a final subdivision is vested.

The ordinance amending Chapter 17.12 of the Moses Lake Municipal Code entitled "Major Subdivisions" was read by title only.

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

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

An ordinance was presented which amends the 2015 budget.

The ordinance amending the 2015 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 Mr. Lane, and passed unanimously.

### ORDINANCE - CREATE 6.07 - CHICKENS - 1<sup>ST</sup> READING

A draft ordinance was presented which would regulate the keeping of chickens in the City.

The ordinance creating Chapter 6.07 of the Moses Lake Municipal Code entitled "Chickens" was read by title only.

Gilbert Alvarado, Interim City Manager, gave some background on the regulations provided.

Katherine Kenison, City Attorney, stated that requiring a license will give the City the authority to enter the premises if a complaint is received. She suggested that if the Council is inclined to view the keeping of

chickens on a trial basis that a sunset clause be placed in the ordinance so that citizens interested in keeping chickens realize that permission could be rescinded.

Laura Lutz, 714 S. Barbara, requested that the number of chickens allowed be increased to 6, the 15' setback be reduced.

Mayor Deane stated that he has received comments about the dust, lice on chickens, smell, flies, other objectionable issues that come with keeping chickens.

Mrs. Kenison pointed out that under state law a dangerous dog includes a dog that kills a domestic animal unprovoked while off of its premises. The City prohibits the keeping of dangerous dogs. She recommended that the public be made aware that should a dog kill a chicken, it would require the removal of the dog from the City's jurisdiction.

Mr. Voth stated that he was in favor of allowing the keeping of chickens.

Ryann Leonard, 907 Sand Dune Road, felt that the 15' setback from the property line is extreme and wanted to know the reasons for keeping the coops 5' from other structures, prohibiting the slaughtering of chickens, and the yearly fee.

Mrs. Liebrecht was in favor of the ordinance but felt that it should be a one time fee and that the sunset clause should be included.

Action Taken: Mr. Ecret moved that the ordinance be amended to change the annual license fee to a one time fee of \$50, and include a sunset clause, seconded by Mr. Voth, and passed with Mr. Lane and Mayor Deane opposed as everyone he has talked to is opposed to allowing the keeping of chickens in the City's limits and Mayor Deane pointed out that only one persons has requested permission to raise chickens .

#### RESOLUTION - NUISANCE ABATEMENT - 2404 W. LAKESIDE

A resolution was presented which provides for the abatement of nuisances at 2404 W. Lakeside, owned by the Vona M. Gibson Estate.

Clair Harden, 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 Vona M. Gibson Est 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: Dr. Curnel moved that the resolution be adopted, seconded by Mr. Avila, and passed unanimously.

#### RESOLUTION - ACCEPT DONATION - MOSES LAKE STEEL

A resolution was presented which accepts a connex valued at \$2,500 for the Police Department. The connex will be located at the Ephrata Police Department Range and will be used to store targets and range supplies.

The resolution accepting a donation to the Moses Lake Police Department was read by title only.

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

#### REQUEST TO CALL FOR BIDS

#### WELL DRILLING PROJECT - 2015

Staff requested authorization to call for bids for the 2015 Well Drilling Project. This project consists of drilling three shallow groundwater wells that will potentially be used for potable water and an alternate for one well

for irrigating approximately 95 acres at the Sand Dunes Treatment Plant.

Gary Harer, Municipal Services Director, explained that the shallow wells are a pilot project because the deep water wells are not recharging. The wells will be monitored because a shallow well is susceptible to contaminates. He mentioned that the wells will be about 90' deep.

There was considerable discussion by the Council.

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

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION

MORGAN PRELIMINARY MAJOR PLAT APPROVAL - EXTENSION

Columbia Northwest Engineering, representing the Morgan Preliminary Major Plat, requested an extension of the preliminary plat approval.

Gilbert Alvarado, Interim City Manager, gave the background on the preliminary plat and information has been provided that there is activity on the plat.

Larry Angell, Columbia Northwest Engineering, pointed out that this plat was caught in the housing recession but the owner has been attempting to proceed with the project and explained the progress.

Action Taken: Mr. Ecret moved that the request for an extension of the preliminary plat approval be granted, seconded by Mr. Voth, and passed unanimously.

PLATTING DEEMED INSUFFICIENT - NORTH TERRACE #2

Barbara Steen submitted a building permit application for Lot 22, Block 9, North Terrace #2, located at 558 Canterbury Lane, which are is a legally platted parcel, and requested a waiver of the required improvements.

Gilbert Alvarado, Interim City Manager, mentioned that property platted years ago was not required to install municipal improvements that are now required with current plats. In order to rectify the deficiencies, staff cannot issue a building permit for improvements on insufficiently platted property unless the properties are brought into conformance with the current codes or the City Council grants a waiver, deferral, or deviation from the requirements to install the deficient plat improvements. He mentioned that if the Council approves a waiver, covenant additional improvements would be required of the owner.

Action Taken: Mr. Voth moved that the request be granted with the stipulation that a covenant be required for construction of the improvements in the future, seconded by Mr. Ecret, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

GRANT COUNTY HEALTH DISTRICT

Teresa Adkinson, Grant County Health District, 1038 W. Ivy, stated that they depend on funding from the cities and counties to address health issues.

Gilbert Alvarado, Interim City manager, mentioned that the request for funding from the Health District will be discussed during budget study sessions.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

BUILDING ACTIVITY REPORT

The October Building Activity Report was provided.

EXECUTIVE SESSION

The regular meeting was adjourned at 8:40 p.m. and the Council met in a 20 minute executive session with the City Attorney under RCW 42.30.110(1)(G) and (I) to discuss potential litigation and to evaluate qualifications of applicant for public employment. At 9:04 p.m. the Council requested an additional 5 minute executive session. The executive session was adjourned at 9:10 p.m. and the regular meeting was reconvened. The regular meeting was adjourned at 9:10 p.m.

ATTEST

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Dick Deane, Mayor

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W. Robert Taylor, Finance Director