

MOSES LAKE CITY COUNCIL
February 22, 2011

Council Present: Jon Lane, Bill Ecret, Dick Deane, Karen Liebrecht, Brent Reese, David Curnel, and Richard Pearce

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

PLEDGE OF ALLEGIANCE: Mr. Ecret led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS

Street Division: Richard Hall and Don Terrell, Street Maintenance workers, were presented to Council.

Equipment Rental: Joshua Weaver, Equipment Rental Mechanic, was presented to Council.

CONSENT AGENDA

Minutes: The minutes of the February 8, 2011 meeting were presented for approval.

Resolution - Accept Easement - Copeland: A resolution was presented which accepts an easement from Richard Copeland for municipal purposes on Lot 1, Block 1, Longview Tracts.

Resolution - Accept Easement - Habitat for Humanity: A resolution was presented which accepts an easement from Habitat for Humanity for municipal purposes on Lot 1, Block 3, Longview Tracts Second Addition.

Action Taken: Mr. Pearce moved that the Consent Agenda be approved, seconded by Mr. Ecret, and passed unanimously.

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 city hall. As of February 22, 2011 the Council does approve for payment claims in the amount of \$229,667.86; prepaid claims in the amounts of \$8,824.79, \$12,341.06, and \$39,746.54; claim checks in the amount of \$1,128,872.43; and payroll in the amount of \$22,532.77.

Dr. Curnel questioned a payment to Harry Ries and the cost of a urinal screen of \$150.

Joseph K. Gavinski, City Manager, explained that the payment was made because of the loss of the Holiday case.

Spencer Grigg, Parks and Recreation Director, explained that it includes a quantity of urinal screens to be used over the course of a year.

Action Taken: Dr. Curnel moved that the bills and checks be approved, seconded by Mr. Reese, and passed unanimously.

Crossroads Phase 4 Final Major Plat. and Findings of Fact: Hayden Homes submitted a final plat for a 41-lot residential development on 11 acres located east of Highway 17, west of Hamilton Road, and south of Truman Drive, about halfway between Wheeler Road and Nelson Road. Most

of the site is zoned R-1, Single Family Residential, and the remainder is zoned R-3, Multi-family Residential. The zoning corresponds with the underlying Comprehensive Plan Land Use Designations of Low Density Residential and High Density Residential. Minor changes were made between the preliminary and final plats to address conditions of approval of the preliminary plat. The Planning Commission recommended that the final plat be approved with conditions. Attached are the Findings, Conclusions and Decision of the Planning Commission. The Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

Mr. Deane questioned the Finding that showed a parcel of property under dual ownership.

Joseph K. Gavinski, City Manager, pointed out that the Findings require that the ownership be resolved prior to recording of the plat.

Action Taken: Mr. Deane moved that the Crossroads Final Plat and Findings of Fact be approved, seconded by Dr. Curnel, and passed unanimously.

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

SCHMIGGITTY SAUCE, INC. - CODE DEVIATION

Jerry Estrin and Dan Ogden of Schmiggitty Sauce, Inc. requested a deviation of the building code so that they would not be required to bring the building they wish to use up to current standards.

Dan Ogden stated that they would like to manufacture their barbeque sauce in Moses Lake and have already remodeled one of the kitchens in the Eagles Lodge building on West Broadway to accommodate their operation. He mentioned that the portion of the building they are using was previously used as a restaurant and if they were to open a restaurant, no improvements would be required. He stated that they would only be using the kitchen to manufacturing the sauce but because the city considers this a change of use, they are be required to pave the parking lot, bring the bathrooms up to code, and install a wheelchair ramp. He mentioned that they would like a deviation or waiver from the building code so that they would not have pave the parking or bring the building into compliance with the ADA requirements.

Gary Grove, Trustee of the Eagles Lodge, stated that their building is in two sections and Schmiggitty Sauce is only using the kitchen in the old restaurant portion of the building. He mentioned that there is a handicapped accessible restroom and a ramp into the other portion of the building.

Joseph K. Gavinski, City Manager, stated that the original request was for light manufacturing in order to produce the sauce. The current zone requires retail sales in conjunction with light manufacturing. Because of the change of use from a restaurant to light manufacturing, other building and zoning requirements are triggered with regard to parking spaces, handicapped accessibility, and landscaping.

Jerry Estrin, Vice-President of Schmiggitty Sauce, pointed out that there is handicapped parking and a handicapped ramp at the location and a handicapped accessible restroom in the Eagles.

There will be a retail spot by the front door but no public restrooms. He mentioned that the city is requiring a handicapped accessible restroom, which will not be available to the public, as well as paving of the parking lot. Since the restroom will not be available to the public they are objecting to the requirement to bring up to current code and also to the requirement to pave the parking lot since it has been a gravel area for many years.

Kevin Myer, Building Official, stated that if it is not an undue hardship for a handicapped person to access the bathroom in the Eagles side of the building, it would be acceptable. He pointed out that because of the change of use and the number of employees, there is a requirement for paved parking spaces for two employees, one handicapped parking space, and one regular parking spot.

There was some discussion by the Council and it was the consensus that the proponents work with staff to resolve the problem if possible.

ORDINANCE - CRITTENDEN ANNEXATION - 2ND READING/PUBLIC HEARING

An ordinance was presented which provides for the annexation of approximately 84.63 acres of property located in the northeast quarter of Section 4, Township 19 , Range 28. The property is owned by Odell Crittenden. The property will be zoned Heavy Industrial.

The ordinance annexing property commonly known as the Crittenden Annexation to the City of Moses Lake, Washington, and incorporating the same within the corporate limits of the City of Moses Lake was read by title only.

The public hearing was opened. There were no comments.

Action Taken: Mr. Ecret moved that the public hearing be closed, seconded by Mr. Reese, and passed unanimously.

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

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 10.10 - SPEED LIMITS - 2ND READING

An ordinance was presented which establishes the speed limits on various streets within the city limits.

The ordinance amending Chapter 10.10 of the Moses Lake Municipal Code entitled "Speed Limits" was read by title only.

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

ORDINANCE - REPEAL 17.30 - REIMBURSEMENT OF UTILITY INSTALLATIONS - 2ND READING

An ordinance was presented which repeals Chapter 17.30 of the Moses Lake Municipal Code. This chapter is no longer valid due to the recent adoption of Chapter 17.56.

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The ordinance repealing Chapter 17.30 of the Moses Lake Municipal Code entitled "Reimbursement for Utility Installations" was read by title only.

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

REQUEST TO CALL FOR BIDS - NoneREFERRALS FROM COMMISSIONSMOSES LAKE BMX ORGANIZATION - CAMPING

The Moses Lake BMX Organization requested permission to allow camping on the dirt lot behind the BMX track during their State Championship Race on May 27 and May 28. The Organization will provide security, porta-potties, and dumpsters for the event. The Parks and Recreation Commission recommended that permission be granted to allow camping as proposed.

William Rutherford, BMX, stated that there will be races Friday through Monday and camping will be needed for Friday, Saturday, and Sunday night. He explained the different races being held.

Action Taken: Mr. Ecret moved that the request for camping be granted, seconded by Mr. Pearce, and passed unanimously.

MANTA RAY - SWIM MEET

The Moses Lake Manta Ray Swim Team requested use of the Surf 'N' Slide Water Park for their annual swim meet on July 15, 16, and 17 and would follow the same schedule as in the past. Their request also included camping in the park as in past years. The Parks and Recreation Commission recommended that the request be granted.

Spencer Grigg, Parks and Recreation Director, explained the request.

Action Taken: Mr. Ecret moved that the request to use the Surf 'N' Slide Water Park and for camping at McCosh Park be granted, seconded by Mrs. Liebrecht, and passed unanimously.

USE OF CITY PROPERTY - FARMER'S MARKET

The Moses Lake Farmer's Market requested permission to use McCosh Park on Saturdays beginning the first weekend in May through the last weekend of October and on Wednesday afternoons from June through September for the Farmer's Market. The request included signage and use of the park for 10 years. The Parks and Recreation Commission recommended that the request to use the park for 2011 be granted.

Mark Rowley, representing the Farmer's Market, requested the use of McCosh Park for 10 years so that there is some stability in the location of the Market in the future. He mentioned that the Farmer's Market has received no approval from the city staff on the location of the signs advertising the event.

Action Taken: Mr. Reese moved that the request to use the park on Saturdays and Wednesdays be granted for 2011, seconded by Mr. Pearce.

Mr. Reese pointed out that the city is growing and there may be a better place for the Market in the future so he is not agreeable to blanket permission for use of the park for 10 years.

Mr. Pearce felt that a yearly request to use the park will allow both the city and the Market to review the use of the park and to address any changes that may be needed.

There was some discussion on the operation of and circulation within the Farmer's Market.

The motion passed unanimously.

OTHER ITEMS FOR COUNCIL CONSIDERATION

GRANT - MUSEUM

Staff at the Museum and Art Center have been encouraged to apply for a Humanities Washington Project Grant which is supported by the National Endowment for the Humanities. The amount of the grant is \$7,500 and would provide funding support for one of the long-term exhibits at the new building. This is a 50% match but the museum will be able to utilize the projected expenses for long-term exhibits in the new building so no additional funding will be needed.

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

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

BUILDING ACTIVITY REPORT

The January 2011 Building Activity Report was presented.

RETREAT

Joseph K. Gavinski, City Manager, reminded the Council that the Council/staff Retreat is February 25 and 26 at the ATEC building.

The regular meeting was adjourned at 8:10 p.m.

ATTEST

Jon Lane, Mayor

Ronald R. Cone, Finance Director