

MOSES LAKE CITY COUNCIL
May 10, 2011

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

By consensus of the Council, Mr. Pearce was chosen as Mayor Pro Tem.

The meeting was called to order at 7 p.m. by Mayor Pro Tem Peace.

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

PRESENTATIONS AND AWARDS

PROCLAMATIONS

The proclamation declaring May 15 - 21, 2011 as Public Works Week was read in its entirety.

The proclamation declaring May 13, 2011 as Lions White Cane Day in Moses Lake was read in its entirety.

CONSENT AGENDA

Minutes: The minutes of the April 26, 2011 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 city hall. As of May 10, 2011 the Council does approve for payment claims in the amount of \$2,103,466.92; prepaid claims in the amounts of \$14,840.56 and \$39,154.99; claim checks in the amount of \$606,960.16; and payroll in the amounts of \$1,444.37 and \$23,798.40.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES

TRACTORS

The City received three bids for the compact utility tractor for the Parks and Recreation Department.

Action Taken: Mr. Deane moved that the bid be awarded to Rathbone Sales, Inc. in the amount of \$36,072, seconded by Dr. Curnel, and passed unanimously.

The City received four bids for the 120 horsepower tractor for the Wastewater Division.

Action Taken: Mr. Reese moved that the bid be awarded to Evergreen Implement in the amount of \$71,693, seconded by Dr. Curnel, and passed unanimously.

ALLEY RECONSTRUCTION PROJECT

The City received seven bids for the 2011 Alley Reconstruction Project. This project will pave the alleys located between Third Avenue and Broadway Avenue starting at Alder Street and ending at Fir Street.

Action Taken: Mrs. Liebrecht moved that the bid be awarded to Advanced Excavation in the amount of \$252,049, seconded by Dr. Curnel, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

SIGN - ARTGARDEN POTTERY

Laura Mayer, owner of the Artgarden Pottery, requested permission to place a sandwich board sign on the sidewalk at 104 West Third Avenue.

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

Mr. Deane mentioned that the Council has established a set of criteria for signs and felt that permission for the placement of the signs could be done by staff.

It was pointed out that the ordinance would need to be changed as currently it specifically states that Council is to review the sign placement requests. Staff was requested to provide an amendment to the ordinance which would allow staff to approve the placement of signs.

REQUEST TO USE CASCADE PARK - SOCCER FIELDS

A letter was received from Don Pohjola and Wendy Isensee with a request to be allowed to continue to use the soccer fields at Cascade Park.

Spencer Grigg, Parks and Recreation Director, stated that the city converts the soccer fields at Cascade Park to T-ball use but that a U12 field that will be maintained for the majority of the summer. The letter requested practice space, which requires a flat piece of grass, which is available in many parks.

Mr. Pohjola stated that they would like all the soccer fields to remain because of the number of people involved in soccer and the need for practice and tournament areas.

There was some discussion and the soccer organizations were requested to work with staff.

ORDINANCES AND RESOLUTIONS

ORDINANCE AMEND 13.08 - WATER AND SEWER CONNECTIONS - 2ND READING

An ordinance was presented which sets the water connection charges for the water main installed along Kittelson Road extended.

The ordinance amending Chapter 13.08 of the Moses Lake Municipal Code entitled "Water and Sewer Connections" was read by title only.

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

ORDINANCE - AMEND 6.05 - ANIMAL CONTROL - SINGLE READING

An ordinance was presented which would prohibit dogs at McCosh Park and other city parks when there is a festival or event occurring in the park.

The ordinance amending Chapter 6.05 of the Moses Lake Municipal Code entitled "Animal Control" was read by title only.

Joseph K. Gavinski, City Manager, stated that, if the Council is in favor of the ordinance, "except bonafide service animals" should be added after "No dogs".

Teri McCurry, President, Moses Lake Spring Festival, explained that they have posted that no dangerous dogs were allowed at the Spring Festival and there have been incidents where owners of pit bulls refused to admit their dog is a dangerous dog, and there have been incidents when small dogs have bitten people. She pointed out that she is also continually having to request people to remove their dogs from the food vendor area.

Action Taken: Mr. Deane moved that the ordinance be amended to include "except bonafide service animals" after "No dogs" in section 6.05.073, that an emergency be declared, and the ordinance be adopted on a single reading, seconded by Mrs. Liebrecht.

Mr. Deane pointed out that many people take their dogs with them on vacation and was concerned that a prohibition on the presence of dogs at events would prevent people from attending those events.

Mrs. Liebrecht pointed out that there are already regulations in place that address the dangerous dog issue and the biting dog and did not feel that additional regulations to prohibit dogs at events was necessary.

There was considerable discussion.

The motion failed unanimously.

Staff was requested to work with the Spring Festival to try to come up with an solution to address the issue.

RESOLUTION - PETTY CASH

A resolution was presented which increases the petty cash fund for the Museum and Art Center from \$100 to \$300.

The resolution increasing a petty cash account in the Parks and Recreation Department was read by title only.

Action Taken: Mr. Reese moved that the resolution be adopted, seconded by Mrs. Liebrecht, and passed unanimously.

RESOLUTION - ACCEPT EASEMENT - MANCILLA

A resolution was presented which accepts an easement from Arturo and Virginia Mancilla for municipal purposes. The easement is located on Miller Street.

The resolution accepting an easement to the City of Moses Lake from Arturo and Virginia Mancilla was read by title only.

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

REQUEST TO CALL FOR BIDSSEWER LINING PROJECT

Staff requested authorization to call for bids for the 2011 Sewer Lining Project. This project consists of lining approximately 34,000' of 8" and 10" concrete sewer pipe in the Larson and downtown areas.

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

REFERRALS FROM COMMISSIONSFARM ANIMALS

The Planning Commission has recommended that the City of Moses Lake adopt similar regulations recently adopted in Wenatchee that would allow the keeping of rabbits and chickens inside the City's limits. This would require changes to the City's nuisance regulations.

Mr. Pearce pointed out that the prohibition on chickens in the city was to address the complaints of the neighbors of people who had chickens and the noise and nuisances it created.

Mitch Monitor, Chairman of the Planning Commission, stated that other jurisdictions limit the number of small farm animals based on the size of the lots. He pointed out that Moses Lake is annexing properties that currently have small farm animals and that creates issues about keeping or removing those animals. He felt that the regulations could be placed on the keeping of small farm animals that could address all the concerns.

There was considerable discussion and it was the consensus of the Council that the raising of chickens and rabbits should not be allowed inside the City's limits but since two Council members were absent, that it be discussed again at the next meeting.

STRATFORD ROAD SHORT PLAT - WAIVER REQUESTS

GCCR 101 LLC submitted the following requests for a proposed one-lot short plat currently under review by staff:

1. Approval for a dead-end street.
2. Waiver of the requirement to extend Balsam Street..

The Planning Commission recommended that the waivers, deferrals, and deviations be approved as follows:

1. The dead end street shall be allowed.
2. A waiver shall be granted to not extend Balsam Street, including right-of-way, street improvements, and utilities.
3. A waiver shall be granted for the requirement to extend a water main in Balsam Street.
4. A waiver shall be granted for the requirement to extend a sewer main in Stratford Road.

Anne Henning, Senior Planner, explained that under the platting requirements, streets and utilities must be extended through the plat. She mentioned that the site is served with water and sewer but the utilities are not extended through all the abutting streets and Balsam Street is not improved to current standards. Staff recommended that a deferral be granted so that the needed improvements can be constructed in the future and the Planning Commission recommended that the improvements be waived, which means the city would have to pay for the improvements in the future.

Todd Whipple, engineer on this project, stated that the plat is already served by city water and sewer and so there is no need to extend the water and sewer mains on Stratford or Balsam.

Gary G. Harer, Municipal Services Director, recommended that the waivers be denied and the developer be required to extend Balsam Street and a deferral be granted for the water main in Balsam and the sewer main in Stratford Road. He pointed out that if the land along the railroad is ever developed, then the water and sewer lines will need to be extended and a deferral with a covenant provides for the property owner to install those lines rather than the City.

There was some discussion by staff.

Action Taken: Mr. Reese moved that recommendations from the Planning Commission to allow the dead end street and grant the waivers be approved, seconded by Mrs. Liebrecht, and passed with Dr. Curnel opposed.

OTHER ITEMS FOR COUNCIL CONSIDERATION

COMMUNITY STANDARDS DEVIATION - NORTH FRONTAGE ROAD

The Washington State Department of Transportation requested a deviation to allow the North Frontage Road between Road F and Hansen Road to be constructed with an asphalt width of 35' and no sidewalk on the south (I-90) side. The 35' width allows for two traffic lanes and a bike lane on each side. There is sufficient right-of-way to widen the street in the future if needed. The Moses Lake Community Street and Utility Standards require an asphalt width of 50' and sidewalks on both sides.

Gary Harer, Municipal Services Director, stated that while the street is under the jurisdiction of the Department of Transportation, the DOT requested the City to design the street using grant funds. Staff designed the street with two traffic lanes and a bike lane on each side. No left turn lane was included because of the few left turns on this street. Since this project will not be constructed in the near future, approval of the waiver should expire in 10 years.

Action Taken: Mr. Reese moved that the deviation be approved with an expiration of the approval in 10 years, seconded by Dr. Curnel, and passed unanimously.

COMMUNITY STANDARDS DEVIATION - PARKWAY DRIVE

Staff requested a deviation from the Community Standards in order to construct a 30' radius cul-de-sac at the end of Parkway Drive. Municipal code requires dead-end streets longer than 220' to end in a 46' radius cul-de-sac. Parkway Drive is a 236' long gravel drive that serves existing homes. Parkway Drive has a 60' right-of-way and the property owners are unwilling to grant additional right-of-way for the larger cul-de-sac.

Action Taken: Mrs. Liebrecht moved that the deviation be granted, seconded by Mr. Reese, and passed unanimously.

LONGVIEW TRACT SEWER PROJECT - WAIVER

Pipkin Construction requested permission to start work at 6 a.m. on the Longview Sewer Project until it is completed. The work hours of 6 a.m. to 7 a.m. would be to fuel and warm up their equipment. The City's Municipal Code requires Council approval for construction work between the hours of 10 p.m. and 7 a.m.

Action Taken: Dr. Curnel moved that the request be granted unless there are complaints, seconded by Mr. Reese, and passed unanimously.

CIVIC CENTER PROJECT - WAIVER

Team Construction requested permission to start work at 6 a.m. on the Civic Center Project until it is completed. No residential homes are adjacent to this project. The City's Municipal Code requires Council approval for construction work between the hours of 10 p.m and 7 a.m.

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

STRATFORD ROAD SHORT PLAT - DEVIATION

The proponent of the Stratford Road Short Plat has requested a deviation from the requirement to construct a cul-de-sac at the end of Balsam Street. Community Standards require all dead end streets to terminate with a cul-de-sac. Balsam Street presently has curb, gutter, sidewalk, and asphalt that ends at the fence located at the terminus of the right-of-way.

Gary Harer, Municipal Services Director, outlined the advantages of constructing the cul-de-sac.

Todd Whipple, Whipple Consulting Engineers, Inc., representing the project, stated that this street has been existing for a long time, and can only be extended on someone else's property. Since there is plenty of room already for a vehicle to turn around, there is no need for a cul-de-sac at this time. The other problem is when the adjoining property is platted, it would affect any cul-de-sac that would be constructed.

There was considerable discussion by the Council and information was requested on the cost of a cul-de-sac and how much the City would have to pay if the waiver is granted.

Action Taken: Dr. Curnel moved that the request be tabled, seconded by Mr. Reese, and passed with Mr. Deane opposed.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

BUILDING ACTIVITY REPORT

The April 2011 Building Activity Report was presented.

INVESTMENT REPORT

The city received \$22,957.68 in investment income in April 2011.

SALES TAX/TRANSIENT RENTAL INCOME

The city received \$386,305.65 in sales tax and \$35,015.70 in transient rental income in April 2011.

STORMWATER DECANT FACILITY PROJECT 2011

There was some discussion on whether or not any changes would need to be made on the bid for the decant station based on the discussions at the study session.

Mrs. Liebrecht felt that an arborvitae hedge should be planted which will screen the facility from Road 4.

Staff was requested to provide a plan for additional landscaping and the cost.

The regular meeting was adjourned at 9 p.m.

ATTEST

Richard Pearce, Mayor Pro Tem

Ronald R. Cone, Finance Director