

MOSES LAKE CITY COUNCIL  
August 23, 2011

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

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

PLEDGE OF ALLEGIANCE: Mayor Lane led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the August 9, 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 August 23, 2011 the Council does approve for payment claims in the amount of \$377,999.45; prepaid claims in the amounts of \$183,978.46 and \$30,929.34; claim checks in the amount of \$3,2779,834.18; and payroll in the amounts of \$438.16 and \$368,023.93.

Resolution - Abandon Easement - Warwick: A resolution was presented which abandons the utility easements between Lots 2 and 3, Block 3, Woodcrest Major Plat, located at the intersection of Magnolia Drive and Abbey Road.

Resolution - Accept Easement - Bodie/Peterson: A resolution was presented which accepts an easement from Bodie Properties, LLC and Eric D. Peterson, LLC which grants the City the right to access water meters and fire hydrants on the Peterson Short Plat No. 5, Lot 3, located on Randolph Road.

Resolution - Set Public Hearing - Alley Vacation - Alanis - A resolution was presented which sets September 13 as the date to consider the vacation of 3' of the alley adjacent to Lot 27 in Broadripple Addition #1.

Nuisance Abatements - Set Date for Hearing: Council should set September 13 as the date to consider the abatement of nuisances at 818 Sage Bay Drive and 1230 W. Broadway.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES

TREE REPLACEMENT PROJECT 2011

The City received three bids for the 2011 Tree Replacement Project. This projects consists of removing 29 trees and tree planters in the downtown paver district and replacing 25 of them, and installing four new accessible parking spaces. There is also an additive for removing and replacing five additional trees and tree planters.

Action Taken: Mr. Ecret moved that the bid be awarded to McKean Concrete and Construction, seconded by Mr. Deane, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

MUSCULAR DYSTROPHY ASSOCIATION - REQUEST TO USE CITY STREETS

The Muscular Dystrophy Association requested an amendment of the City regulations to allow qualifying non-profit organizations to use city streets for fund raisers.

Jana Worthington, Executive Director, Muscular Dystrophy Association, stated that they are aware that many cities are dealing with the problem of panhandling and they are interested in working with the city to have an amendment that allows qualifying non-profit organizations to solicit funds from drivers. She mentioned that the City of Spokane Valley has adopted the proposed amendments.

Katherine Kenison, City Attorney, stated that there are serious legal concerns about opening this type of use in the public streets. She pointed out that the primary use of the streets is for the safe travel of the public. Allowing pedestrians in the middle of traffic for any reason could create a liability on the part of the city.

There was some discussion by the Council but no action was taken.

#### COLUMBIA BASIN WALLEYE CLUB - PIER AT BLUE HERON PARK

The Columbia Basin Walleye Club requested self-help funds from the City for the construction of a multi-purpose recreational pier at Blue Heron Park. The intent is to have the Walleye Club raise funds and provide "in-kind" labor, Deleron Manufacturing Company build and install the pier, the City's Parks and Engineering Departments will obtain permits, approve design, install walkways, and assume maintenance responsibilities; and the City of Moses Lake will own the pier.

Dave Smith from the Columbia Basin Walleye Club stated that the pier will be for fishing, bird watching, sun bathing and other types of activities but swimming and boat moorage will be prohibited. He gave a presentation on the construction and funding of the proposed pier.

Joseph K. Gavinski, City Manager, stated that the City cannot be involved in a project using self-help funds and the self-help funds are a reimbursement after the project is completed.

There was some discussion by the Council.

Action Taken: Mr. Pearce moved that the City budget the request from the Walleye Club for self-help funds in the 2012 budget, seconded by Dr. Curnel, and passed unanimously.

#### RESOLUTION - SIX YEAR STREET PLAN - PUBLIC HEARING

A resolution was presented which adopts the amended Six Year Transportation Improvement Program.

The resolution to amend Resolution 2695 Transportation Improvement Program for 2012-2017 was read by title only.

The public hearing was opened.

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

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

#### ORDINANCES AND RESOLUTIONS

##### ORDINANCE - AMEND 16.36 - FIRE CODE - 1<sup>ST</sup> READING

An ordinance was presented which rectifies a conflict between two sections of the Municipal Code concerning connections. One section requires connections to be fitted with metal, screw-in type caps and another section requires connections to be fitted with Knox locking caps. The Knox locking caps are the preferred requirement so the metal screw-in connection has been eliminated.

The ordinance amending Chapter 16.36 of the Moses Lake Municipal Code entitled "Fire Code" was read by title only.

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

#### ORDINANCE - AMEND 16.48 - FIRE HYDRANTS - 1<sup>ST</sup> READING

An ordinance was presented which clarifies the ownership of fire hydrants for identification purposes as well as for annual testing and maintenance requirements.

The ordinance amending Chapter 16.48 of the Moses Lake Municipal Code entitled "Fire Hydrants" was read by title only.

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

#### REQUEST TO CALL FOR BIDS - None

#### REFERRALS FROM COMMISSIONS

#### STONE HOLLOW 1 SHORT PLAT - DEFERRAL REQUESTS

Stone Hollow 1 Short Plat is located on Central Drive. The developer has requested the deferral of street improvements on Central Drive and a deferral to allow a temporary gravel cul-de-sac at the end of Daniel Street. The Planning Commission recommended the deferrals be granted with the following conditions:

1. The request for a temporary cul-de-sac be granted with the stipulation that a covenant be required for the improvements within five years.
2. The request to defer the street improvements be granted with the stipulation that the sidewalk on the north side of Central Drive, adjacent to Lot 1, Block 1, be extended to Daniel Street and a covenant be required for the improvements in the future.

Gilbert Alvarado, Community Development Director, stated that the property owner has only platted a small piece of his property and the deferral of the cul-de-sac is for five years. He mentioned that the developer is only required to make improvements to their plat that abuts the right-of-way, which is only one lot.

Gary Harer, Municipal Services Director, stated that deferrals are usually granted for streets that do not abut improved streets. He mentioned that this plat is adjacent to an Central Drive which has curb, gutter, and sidewalk on the north side. The City owns the property to the south and would be responsible for the improvements on the south side of the street. Staff feels that the developer should improve Central Drive fronting their plat. He mentioned that if Central Drive is not improved, the improvements on Daniel Street will be extended into the unimproved area. He mentioned that the street will need to be torn up to install utilities and that is a good reason to go ahead and improve the street.

Action Taken: Mr. Pearce moved that the request for the deferral on the cul-de-sac be granted, seconded by Mr. Deane, and passed unanimously.

#### OTHER ITEMS FOR COUNCIL CONSIDERATION

#### SIGN PLACEMENT STANDARDS

Staff has requested a change to the sign placement standards by requiring the signs to be at least 6' back of street curb in order to eliminate visibility issues.

Action Taken: Mr. Ecret moved that the amended sign placement standards be approved, seconded by Dr. Curnel, and passed unanimously.

#### GROUP B WATER SYSTEM - MORGAN TRACTS

Columbia Northwest Engineering has requested approval of a Group B water system to serve the Morgan Tracts Unit 1 Short Plat, a Replat of a portion of Lot 8. The Group B water system would be in lieu of requiring the lots to connect to the City's water system. The plat is located on Morgan Road at its intersection with Potato Hill Road and is in the City's UGA. Each lot in the Morgan Tracts Unit 1 has an individual exempt well. There is a Quincy Basin water permit that allows 5.25 acre feet of Bureau irrigation water to be pumped from the exempt well on Lot 8. however, this is not a state water right for domestic use. The City's stance is that all the exempt wells serving the plat are illegal since only one exempt well is allowed on the original property that was platted into the Morgan Tracts Unit #1 plat and that the approval of this request would expand the illegal action.

Gary Harer, Municipal Services Director, stated that this area has a federal irrigation water permit but that is not a water right for domestic use, which is needed for a Group B water system.

Katherine Kenison, City Attorney, pointed out that there is a difference between a permit and a certificated water right. The owner has a Quincy Columbia Basin Irrigation Water Right Permit for irrigation only and is not for domestic use.

Eric Huber, property owner, pointed out that there is no City water service to this area and so he does not have the option of connecting to City water. He mentioned that Grant County is still issuing permits for wells for plats and did not see how the City could consider them illegal. He stated that use of the well on Lot 8 for the new lots has been approved by Grant County Health District and he did not understand why he had to come before the Council for approval of the water system. He mentioned that the City provided him with a letter approving the subdivision provided he could supply water.

Ms. Kenison pointed out that the letter from the City was based on the information from Mr. Huber that he had a lawful water right that would entitle them to a Group B water system. A lawful water right would be one for domestic purposes, not for irrigation.

Mr. Huber stated that the Department of Health has determined that his water system is legal and has signed off on the plat, so how can the City determine that it is an illegal water system.

Ms. Kenison explained that the County and City have different roles in processing development applications. The issue with the City is that the property is within the UGA and within the City's water system even though there is no City water to that area at this time. In order for the City to authorize a waiver of its requirements, evidence must be supplied that justifies the Group B water system and that information has not yet been received.

There was considerable discussion but no action was taken by Council.

#### NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

##### AMERICAN LEGION - POW/MIA EVENT - INVITATION

Monty Martin, American Legion Riders Post 209, stated that they are having an event on September 16 to honor and remember the POW/MIAs beginning at Blue Heron Park and ending at McCosh Park and invited the Council to attend.

##### COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTSFAIRGROUNDS ANNEXATION

Joseph K. Gavinski, City Manager, provided a letter from Grant County which stated that they will pursue testing and monitoring of the current septic system at this time and will revisit the issue of connecting to the city sewer and annexation if the need arises.

BUILDING ACTIVITY REPORT

The July 2011 Building Activity Report was provided.

AMBULANCE REPORT

An updated Ambulance Report for the second quarter was provided.

The regular meeting was recessed at 8:40 p.m. and the Council met in a 30 minute executive session with the City Attorney to discuss litigation and labor relations. The executive session was adjourned at 9:15 p.m. and the regular meeting was reconvened. The regular meeting was adjourned at 9:15 p.m.

ATTEST

\_\_\_\_\_  
Jon Lane, Mayor

\_\_\_\_\_  
Ronald R. Cone, Finance Director