

MOSES LAKE CITY COUNCIL
December 13, 2011

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

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 November 22, 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 December 13, 2011 the Council does approve for payment claims in the amount \$2,684,303.96; prepaid claims in the amounts of \$14,175.83, \$7,035.60; \$7,175.01, \$1,580.24, and \$34,133.92; claim checks in the amount of \$1,111,981.70; and payroll in the amounts of \$314,711.72, \$7,528.46, and \$315,583.82.

Resolution - Abandon Easement - Grant Transit Authority: A resolution was presented which abandons an easement located in Lot 1, North Gateway Center Binding Site Plan, the site of the new building for the Grant Transit Authority. The easement contains a sewer line which will be rerouted through a new easement.

Resolution - Accept Sanitary Sewer Improvements - Grant Transit Authority: A resolution was presented which accepts the sanitary sewer improvements constructed on Lot 1, North Gateway Center Binding Site Plan for the Grant Transit Authority.

Resolution - Accept Access Easement - Grant Transit Authority: A resolution was presented which accepts an access easement from Grant Transit Authority which allows the City to access water and/or sewer meters located at the Grant Transit Authority Operation and Maintenance base on Owen Road.

Resolution - Accept Easement - Grant Transit Authority: A resolution was presented which accepts an easement from Grant Transit Authority for the realignment of the sanitary sewer on Lot 1, North Gateway Center Binding Site Plan.

Resolutions (3) - Abandon Easements - SEG Alder LLC and Walgreens: Three resolutions were presented which abandon easements on property at the corner of Stratford Road and Broadway Avenue. The needed easements will be re-dedicated on the Stratford Road Short Plat.

Crossroads Phases 5 and 6 Preliminary Major Plats: Hayden Homes submitted two preliminary plats for 60 single family lots on 14.6 acres located east of Highway 17 approximately halfway between Wheeler Road and Nelson Road. The site is zoned R-1, Single Family Residential. The Planning Commission recommended that the preliminary plats be approved with the requested deviations.

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

COMMISSION APPOINTMENTS

PLANNING COMMISSION

Mayor Lane requested confirmation of the re-appointment of Todd Voth to the Planning Commission.

Action Taken: Mr. Deane moved that the re-appointment of Todd Voth to the Planning Commission be confirmed, seconded by Dr. Curnel, and passed unanimously.

CONSIDERATION OF BIDS AND QUOTES: None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

COLUMBIA BASIN GROUND WATER MANAGEMENT AREA

Paul Stoker, Executive Director, distributed information on the activities of the Columbia Basin Ground Water Management Area and reported to the Council on the status of the groundwater in the Moses Lake area.

There was some discussion by the Council.

ORDINANCES AND RESOLUTIONS

ORDINANCE - FRANCHISE - NORTHLAND CABLE - 2ND READING

An ordinance was presented which grants a franchise to Northland Cable Television, Inc. to operate and maintain a cable system in the City of Moses Lake.

The ordinance granting a franchise to Northland Cable Television, Inc. to operate and maintain a cable system in the City of Moses Lake and setting forth conditions accompanying the grant of franchise was read by title only.

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

ORDINANCE - AMEND 2011 BUDGET - 1ST READING

An ordinance was presented which amends the 2011 budget.

The ordinance amending the 2011 budget for the City of Moses Lake, Washington 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 - FRANCHISE - U. S. SPRINT - 1ST READING

An ordinance was presented which grants a franchise to U. S. Sprint Communications Co. to operate and maintain a cable system in the City of Moses Lake.

The ordinance granting to US Sprint Communications Company, a New York General Partnership, its successors or assigns, a franchise to own, operate, and maintain a buried communications system and maintain that portion of right-of-way to city standards above and around the communications system was read by title only.

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

ORDINANCE - GARBAGE COLLECTION - 1ST READING

An ordinance was presented which reduces the rate for a 4 yard dumpster one time a week to encourage customers to use this service rather than a 2 yard dumpster four times a week.

The ordinance establishing charges for garbage collection was read by title only.

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

RESOLUTION - ACCEPT DONATION - SUMMER CONCERT SERIES

A resolution was presented which accepts donations from various businesses and organizations to fund the 2011 Centennial Theater Summer Concert Series and Movies in the Park.

The resolution accepting contributions for the City of Moses Lake Centennial Theater Summer Concert Series and Movies in the Park Program was read by title only.

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

ANIMAL CONTROL

Jane Cybelski explained to the Council the events leading up to her being knocked down by a pit bull that then attacked and killed her Pomeranian. She felt that the owner of the pit bull did not maintain control of her dog. She requested the City hold pet owners responsible for the actions of their pets.

Larry Cybelski felt that the process should be changed so that the public is made aware of any dog that is confiscated due to aggressive activity and request any information from the public on previous aggressive actions by the dog. He also felt that if the dog owner removes the dog from the scene of an aggressive act, the owner should forfeit the dog. He felt that owners should properly secure their dogs or have a screen door as a secondary defense and perhaps have a sign indicating a dog is on the premises.

Joseph K. Gavinski, City Manager, stated that there is a state law that deals with dangerous and potentially dangerous dogs and there is a city ordinance concerning vicious dogs. He mentioned that the City hazardous dog ordinance was simply a requirement to register dogs considered

hazardous. He explained the tools the City has available to deal with these kinds of situations.

Katherine Kenison, City Attorney, stated that the City will be proceeding with this case under the laws and rules now existing and that the City will be reviewing its animal control regulations in the near future.

There was some discussion by the Council on the issue of animal control.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

RETREAT 2012

Joseph K. Gavinski, City Manager, stated that the 2011 Council/staff Retreat has been scheduled for February 24 and 25 at the ATEC Building located on the Big Bend Community College campus.

MOSES LAKE BUSINESS ASSOCIATION - FLOWER POTS

Joseph K. Gavinski, City Manager, stated that staff contacted the State Auditor's Office concerning the issue of using self-help funds to reimburse the Moses Lake Business Association for the planters placed in the downtown area and it was the opinion of the State Auditor's Office that because there was no contract with the Moses Lake Business Association, reimbursement for the planters is not acceptable use of the self help funds.

ANIMAL CONTROL - CATS

Joseph K. Gavinski, City Manager, stated that he researched cat regulations and found that some jurisdictions require cats to be licensed, some provide that it is illegal to allow an animal to roam another's property without permission, and some provide that an animal owner is responsible for damages the animal causes to another persons' property. He pointed out that it is difficult to determine whose cat may be roaming or damaging property.

Katherine Kenison, City Attorney, recommended that if the Council wishes to pursue regulations for cats that the City begin with requiring the licensing of cats.

There was some discussion by the Council on the difficulty of enforcing cat regulations and no action was taken.

DEPARTMENT DIRECTOR PRESENTATIONS

Joseph K. Gavinski, City Manager, provided the schedule for the presentations by the department directors.

BUILDING ACTIVITY REPORT

The November 2011 Building Activity Report was presented.

INVESTMENT REPORT

The City received \$20,889.14 in investment income for November 2011.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$11,6789.43 in sales tax and \$56,261.04 in transient rental income in November 2011.

The regular meeting was recessed at 8:40 p.m. and the Council met in a 20 minute executive session with the City Attorney to discuss labor relations and litigation. The executive session was adjourned at 9 p.m. and the regular meeting was reconvened.

STAFF SALARIES

Action Taken: Dr. Curnel moved that the Moses Lake Professional and Clerical Association, non-union, and exempt staff be authorized a pay raise of 4%, seconded by Mrs. Liebrecht, and passed unanimously.

The regular meeting was adjourned at 9:05 p.m.

ATTEST

Jon Lane, Mayor

Ronald R. Cone, Finance Director