

MOSES LAKE CITY COUNCIL
January 12, 2010

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

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

OATH OF OFFICE

Deputy Mayor Pearce noted that the Oath of Office has been administered to the newly elected Council member Brent Reese.

ELECTION OF MAYOR AND DEPUTY MAYOR

Nominations were opened for Mayor and Deputy Mayor.

Mrs. Liebrecht nominated Jon Lane for Mayor, seconded by Mr. Ecret. The nominations were closed and a unanimous ballot was cast.

Mr. Pearce nominated Bill Ecret for Deputy Mayor, seconded by Mr. Deane. The nominations were closed and a unanimous ballot was cast.

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

MINUTES: Mr. Ecret moved that the minutes of the December 22, 2009 meeting be approved, seconded by Mr. Reese, 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 January 12, 2010 the Council does approve for payment claims in the amount of \$636,283.72; prepaid claims in the amounts of \$7,617.70, \$703,784.79, \$12,584.59, and \$13,000.00; claim checks in the amount of \$1,841,987.89; and payroll in the amount of \$41,746.93.

Action Taken: Mr. Pearce moved that the bills, checks, prepaid claims, and payroll issued be approved, seconded by Mr. Reese, and passed unanimously.

PRESENTATIONS AND AWARDS - None

CONSENT AGENDA

Resolution - Accept Easement - PUD: A resolution was presented which accepts an easement from the PUD for access from Bailey Avenue to Eastlake Drive.

Resolutions - Accept Easements - Lakes Mobile Home Park, LLC and Blessing and Wiser: Resolutions were presented which accept easements from Lakes Mobile Home Park, LLC and Christopher Blessing and Ken Wiser. The easements are for right-of-way along Truman Drive.

Accept Work - City Hall Utility Project: Advanced Excavation has completed work on the City Hall Utility Project. This project consisted of relocating existing utilities and installing new utilities for the proposed new city hall building and constructing a 50-space parking lot.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

ORDINANCE - VACATE PILGRIM STREET - 1ST READING/PUBLIC HEARING

Sloan Jorgensen submitted a petition to vacate a small portion of Pilgrim Street south of Colonial Avenue.

The public hearing was opened.

Larry Angell, representing the proponent, requested a waiver of the requirement to reimburse the city for half the appraised value of the vacated property because Pilgrim Street will be fully improved from the existing cul-de-sac to Clover Drive. The right-of-way is being vacated as required by the platting process, and the city has expended no funds for this small portion of right-of-way.

Gilbert Alvarado, Community Development Director, pointed out that the approval of the underlying plat included the requirement to vacate this small portion of the cul-de-sac and that it is Council's policy to require half the appraised value of the vacated property. He mentioned that the developer will be improving Pilgrim Street through the plat to Clover Drive.

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

There was some discussion by the Council on the request to waive the reimbursement requirement.

The ordinance vacating a portion of Pilgrim Street was read by title only.

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

COMMUNICATION - MOBERG

Harold Moberg is working on the removal of trees on property adjoining the east boundary of his property off of Riviera Street to avoid it becoming a refuge for drug dealers, vagabonds, and sex offenders.

Mr. Moberg showed pictures of the area that documented that persons are using the area and mentioned that his employees are concerned about safety.

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Gilbert Alvarado, Community Development Director, stated that this is a wetland area and certain rules must be followed in order to protect the wetland. He pointed out that the city has informed Mr. Moberg of the process used for altering a wetland. Both the Department of Fish and Wildlife and the Corps of Engineers, along with the city, are involved in any alteration of a wetland.

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

GRANT COUNTY BOARD OF HEALTH

The Grant County Board of Health requested a Council member be appointed to serve on their board.

Mayor Lane requested that any member of the Council who would be interested in serving on the Grant County Board of Health contact him.

GRANT TRANSIT AUTHORITY

The Grant Transit Authority requested a Council member be appointed to serve on their board for the year 2010.

Action Taken: Mr. Pearce moved that Mr. Deane be re-appointed to serve on the board of the Grant Transit Authority, seconded by Dr. Curnel, and passed unanimously.

Mr. Deane reported that the GTA's new facility is moving forward.

ORDINANCES AND RESOLUTIONSORDINANCE - CREATE 13.03 - STORMWATER UTILITY AND PROVISIONS FOR RATE STRUCTURE - 2ND READING

An ordinance was presented which establishes the stormwater utility and the provisions for the rate structure.

The ordinance creating Chapter 13.03 of the Moses Lake Municipal Code entitled "Stormwater Utility and Provisions for Rate Structure" was read by title only.

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

There was some discussion on the non-refundable appeal fee.

Action Taken: Mrs. Liebrecht moved that the \$50 non-refundable fee be refunded when it is found that the city was in error, seconded by Mr. Reese, and passed unanimously.

The amended motion passed unanimously.

ORDINANCE - AMEND 13.12 - WATER AND SEWER RATES - 2ND READING

An ordinance was presented which inserts the new storm water utility rates and deleting some outdated requirements in Chapter 13.12.

The ordinance amending Chapter 13.12 of the Moses Lake Municipal Code entitled "Water and Sewer Rates" was read by title only.

There was some discussion on the consistency of using "water, sewer, garbage, and stormwater" in section 13.12.060.

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

ORDINANCE - PUD FRANCHISE - 2ND READING

An ordinance was presented which grants a franchise to the PUD to locate, construct, operate, and maintain their facilities within the city's rights-of-way and other public property.

The ordinance granting to Public Utility District No. 2 of Grant County a franchise to locate, construct, operate, and maintain facilities within all city rights-of-way and other public property in the City of Moses Lake, Washington was read by title only.

Joseph K. Gavinski, City Manager, stated that since the first reading was adopted, the franchise was changed to reflect that any facility larger than 6' x 6' would require additional permission from the City Council to be located within the city's right-of-way.

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

RESOLUTION - ACCEPT DONATION - TOYOTA CENTER AND TOYOTA ARENA

A resolution was presented accepts the donation of two hockey scoreboards valued at \$2,500 each from Toyota Center and Toyota Arena.

The resolution accepting a donation of two (2) hockey scoreboards by the Toyota Center and Toyota Arena valued at \$5,000 to be part of the Moses Lake Ice Rink was read by title only.

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

RESOLUTION - LEASE/PURCHASE AGREEMENT

A resolution was presented which authorizes the City Manager to sign the lease/purchase documents with PNC Equipment Finance.

The resolution authorizing the execution and delivery of a master equipment lease/purchase agreement, and related instruments, and determining other matters in connection therewith was read by title only.

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

REQUEST TO CALL FOR BIDSROAD N RECONSTRUCTION

Staff requested authorization to call for bids for the Road N Reconstruction Project. This project will consist of reconstructing approximately 3,850' of Road N from Wheeler Road through the entrance of the Guardian Fiberglass Plant. This project is partially funded by a \$796,000 Transportation Improvement Board grant.

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

REFERRALS FROM COMMISSIONS - NoneOTHER ITEMS FOR COUNCIL CONSIDERATIONLODGING TAX ADVISORY COMMITTEE

The membership of the Lodging Tax Advisory Committee is to be confirmed on a yearly basis. The members include Debbie Doran-Martinez, Moses Lake Chamber of Commerce and Tourism Commission, Brenda Teals, Allied Arts, Friends of the Adam East Museum and Art Center, and Tourism Commission, Troy Duzon, Ameristay Inns, and Christine Richie, Lakefront Inn. The Chairman of the Committee is to be a member of the Council.

Mr. Ecret stated that he would be willing to serve as the Chairman of the Committee.

Action Taken: Mr. Deane moved that Debbie Doran-Martinez, Christine Richie, Brenda Teals, Troy Duzon, and Mr. Ecret be appointed to the Lodging Tax Advisory Committee, seconded by Mrs. Liebrecht, and passed unanimously.

LEGAL SERVICES CONTRACT

An amendment was presented to the current Contract for Professional Legal Services between the city and James A. Whitaker, City Attorney. Authorization was requested for the City Manager to sign the amendment.

Action Taken: Mr. Ecret moved that the City Manager be authorized to sign the amended agreement, seconded by Mr. Reese, and passed unanimously.

MOSES LAKE SECURITY - SIGN

Jeannette Abens, Moses Lake Security, is requesting permission to place a sandwich board sign behind the sidewalk, in city right-of-way, at 510 W. Broadway, Suite A.

Gilbert Alvarado, Community Development Director, stated that the sign is professionally constructed and meets the city's requirements.

Action Taken: Mr. Ecret moved that the request be granted with the stipulation that the sign be anchored, seconded by Dr. Curnel, and passed unanimously.

DORSING 2ND SHORT PLAT - REIMBURSEMENT WAIVER

Philip Bloom, Columbia Northwest Engineering, representing Craig Dorsing, requested a waiver to the requirement to pay the reimbursement for the city's water main located on the easterly boundary of the preliminary Dorsing 2nd Short Plat.

Gary G. Harer, Municipal Services Director, stated that the water main was installed many years ago and does not follow a road. It was the opinion of legal counsel that reimbursement not be charged for this water line.

Larry Angell, Columbia Northwest Engineering, stated that the water line is not accessible due to the fact that there is no road in that area. The Dorsing 2nd Short Plat will be served with water from Waterford Lane.

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

AGREEMENTS - BURKE MARKETING/PROMOTIONS:

Authorization was requested for the City Manager to sign the agreements with Burke Marketing/Promotions. The agreements are for the promotion of tourism in the city.

Joseph K. Gavinski, City Manager, explained the break down of the costs for the concert series and other events for 2010.

Mr. Ecret requested information on the revenue generated by the different events.

Spencer Grigg, Parks and Recreation Director, stated that the expanded program began in 2007. Participation has increased each year for the street dance, there have been many out of town people come in for the bluegrass festival, and the Pig Out in McCosh Park has also been successful. He mentioned that the hotel/motel tax has increased each year and these events help with that.

Action Taken: Mr. Ecret moved that the City Manager be authorized to sign the contracts, seconded by Dr. Curnel, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - NoneCOUNCIL QUESTIONS AND COMMENTS - NoneCITY MANAGER REPORTS AND COMMENTSSOLID WASTE COLLECTION CONTRACT - RECYCLING

Joseph K. Gavinski, City Manager, pointed out that the current contract with Lakeside Disposal includes language which states that the city and contractor will enter into negotiations on any type of recycling or yard waste program. This language means that the city shall deal with the current garbage contractor on any recycling programs until the end of the contract period in 2014. He recommended that the garbage contractor provide information to the Council on any recycling program within the contract term and also for any possible extension.

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Mr. Deane and Mr. Ecret were appointed to continue to obtain information on a recycling program and the information will be discussed at the Council/staff retreat.

BUILDING ACTIVITY REPORT

The December 2009 Building Activity Report was distributed.

GAMBLING TAX INCOME

The city received \$79,458.35 in gambling tax revenue for the 4th quarter of 2009.

INVESTMENT REPORT

The city received \$14,606.47 in investment income for December 2009.

SALES TAX/TRANSIENT RENTAL INCOME

The city received \$378,139.72 in sales tax and \$31,418.10 in transient rental income in December 2009.

The regular meeting was recessed at 8:58 p.m. and the Council met in an executive session with the City Attorney to discuss current litigation. The executive session was adjourned at 9:20 p.m. and the regular meeting was reconvened. The regular meeting was adjourned at 9:27 p.m.

ATTEST

Jon Lane, Mayor

Ronald R. Cone, Finance Director