

MOSES LAKE CITY COUNCIL  
June 8, 2010

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

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

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

PRESENTATIONS AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the May 25, 2010 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 June 8, 2010 the Council does approve for payment claims in the amount of \$518,126.26; prepaid claims in the amounts of \$50,523.54 and \$7,668.41; claim checks in the amount of \$997,794.88; and payroll in the amounts of \$2,028.59 and \$49,163.06.

EKA Chemicals Preliminary Major Plat and Findings of Fact: Eka Chemicals submitted a one lot preliminary plat for 27.69 acres for their existing plant site located at 2701 Road N NE. The site is zoned Heavy Industrial, which corresponds with the Comprehensive Plan Land Use Designation of Industrial. Waivers and deferrals were requested for street and utility improvements to Road N. The Planning Commission recommended that the preliminary plat be approved with conditions. As no appeal was taken from this decision of the Planning Commission, the Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

Crossroads Phase 4 Preliminary Major Plat and Findings of Fact: Hayden Homes submitted a preliminary plat to subdivide 11 acres into 41 single family lots. Deviations to lot and street design standards were requested. The site is located east of Highway 17, approximately 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 Planning Commission recommended that the preliminary plat be approved with conditions. As no appeal was taken from this decision of the Planning Commission, the Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGSVISION 2020 - OVERPASS ART WORK

Richard Teals, Vision 2020, mentioned that they have met with the Department of Transportation, a bridge designer, a landscape designer, and a safety engineer concerning the proposed art work on the overpasses adjacent to Moses Lake. He mentioned that the previous design does not meet the requirements of the Department of Transportation since any artwork on the overpass needs to be incorporated at the time the overpass is constructed. He stated that the proposed silhouettes would have to be placed along the off-ramps so as not to distract drivers on I-90, the water related symbols cannot be placed on the overpass but the city's logo could be used, and the landscaping could be altered. Because Vision 2002 will need to consult further with the Department of Transportation about this project, and the Department of Transportation has no funding for this project, it is requested that the City establish a fund to pay travel costs for any Department of Transportation employees who travel to Moses Lake for consultations with Vision 2020 on this project.

There was some discussion and it was pointed out that the Department of Transportation personnel will be traveling to Moses Lake for a Vision 2020 project and not a Department of Transportation project.

Action Taken: Mr. Pearce moved that \$3,000 be set aside in a fund for travel expenses for Department of Transportation personnel, seconded by Mr. Ecret, and passed unanimously.

IMMIGRATION

Ed Stubington stated that the State of Arizona recently passed a law concerning illegal immigrants. The City Council of Seattle has condemned the State of Arizona and he requested the Moses Lake City Council support Arizona's position rather than the City of Seattle.

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

ORDINANCES AND RESOLUTIONSRESOLUTION - ACCEPT DONATION - WAL-MART

A resolution was presented which accepts a \$1,000 donation on behalf of the Central Basin Traffic Safety Task Force. The funds will be used to purchase bike helmets and provide various safety programs during the spring and summer.

The resolution accepting a cash donation of \$1,000 from Wal-Mart was read by title only.

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

RESOLUTION - BUILD ON UNPLATTED PROPERTY - M. E. MAYFLOWER

A resolution was presented which allows M. E. Mayflower to construct a covered unloading area for recyclable materials on unplatted property located at 2000 West Broadway with the stipulation that the property be platted within one year.

The resolution allowing M. E. Mayflower to build on unplatted property was read by title only.

Gilbert Alvarado, Community Development Director, explained the reasons for requiring platting and pointed out that the infrastructure is in place but there are issues with curb cuts and sidewalk.

Bob Bernd, representing M. E. Mayflower, stated that the water and sewer has been extended through the property and the sidewalks are existing. He pointed out that the square footage of the building will only be increased by 11% and that it takes months to get a plat though the city and many thousands of dollars.

There was some discussion by the Council.

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

#### RESOLUTION - GRANT APPLICATION - HERON BLUFF TRAIL

A resolution was presented which authorizes the City Manager to apply for a grant from the Recreation and Conservation Office to construct the Heron Bluff Trail. The Heron Bluff Trail will be an constructed along the shoreline of Blue Heron Park and the adjacent park property to connect to Bluff West Drive which will create a continuous bike path from Moses Pointe through town to Big Bend Community College. The developer of the Bluff West Major Plat was required to construct a path between Bluff West Drive and the City owned property to the south in anticipation for this connection. The estimated total cost of the path is \$400,000 and the grant would pay 50% of the cost.

The resolution authorizing application(s) for funding assistance for a Washington Wildlife and Recreation Program (WWRP) project to the Recreation and Conservation Office as provided in Chapter 79A.15 RCW, Acquisition of Habitat Conservation and Outdoor Recreation Lands to construct the Heron Bluff Trial was read by title only.

Gary Harer, Municipal Services Director, stated that the Trails and Paths Team feels that this is a good project and the path will be well used. This path will connect the existing bike path from Moses Point all the way through town out to Big Bend College.

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

There was some discussion on the funding and it was pointed out that if funds are not available at the time of grant award, the city can determine whether to accept the grant.

#### RESOLUTION GRANT APPLICATION - LOWER PENINSULA PARK

A resolution was presented which authorizes the City Manager to apply for a grant in the amount of \$500,000 from the Recreation and Conservation Office for development of the Lower Peninsula Park.

The resolution allowing authorizing application(s) for funding assistance for a Washington Wildlife and Recreation Program (WWRP) project to the Recreation and Conservation Office (RCO) as provided in Chapter 79A.15 RCW, Acquisition of Habitat Conservation and Outdoor Recreation Lands was read by title only.

Spencer Grigg, Parks and Recreation Director, stated that the funds will be used to develop the 17 acre Lower Peninsula Park with a multi-purpose sports field and a playground area. This is a 50% matching grant.

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

#### REQUEST TO CALL FOR BIDS

##### MAE VALLEY WELL PROJECT

Staff requested authorization to call for bids for the 2010 Mae Valley Well Project. This project includes the construction of a pump house and a main structure with electrical, control, and telemetry systems at Well 31 and a pump house at Well 19.

Gary Harer, Municipal Services Direction, stated that the west end of town is short of water and these wells will rectify that lack and provide flexibility on the operation of the water system.

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

#### REFERRALS FROM COMMISSIONS - None

#### OTHER ITEMS FOR COUNCIL CONSIDERATION

##### NATIONAL NIGHT OUT

Staff requested the Council authorize the city to participate in National Night Out on August 3. This activity is designed to heighten crime and drug prevention awareness, strengthen neighborhood spirit and police community partnerships, and send a message to criminals that neighborhoods are organized and fighting back. The Police Department will be asking the community to keep their outdoor lights on all night.

Dean Mitchell, Police Chief, stated that the Police Department has recognized National Night Out as the night against crime for many years. This year it will be a special event under the supervision of the Police Specialist.

Bob Carpenter, Police Specialist, gave the background on the National Night Out, outlined the different activities planned, and the effectiveness of the efforts of block watches and increased awareness of residents.

Action Taken: Mr. Ecret moved that the Council support the National Night Out, seconded by Dr. Curnel, and passed unanimously.

#### REQUEST TO USE CITY PROPERTY - GRANT TRANSIT AUTHORITY

Greg Wright, Transit Manager, requested the use of city property for a GTA bus shelter. The shelter would be located behind the sidewalk on Alder Street near Fourth Avenue.

Gary Harer, Municipal Services Director, stated that since this bus shelter will be adjacent to the community gardens, no smoking signs and a garbage receptacle will be installed.

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

#### WATER EFFICIENCY GOAL

In order to maintain compliance with the Water Use Efficiency requirements of the Washington State Department of Health, a water reduction goal must be set that is measurable and has a time frame. Staff recommended a goal be set for reducing the average single family water usage by 2% before 2015. The purpose is to conserve water and to maintain compliance with the Water Use Efficiency requirements.

Gary Harer, Municipal Services Director, stated that the conservation of water is a requirement from the Department of Health. The goal will be met through public education.

Action Taken: Mrs. Liebrecht moved that the goal of reducing water consumption by 2% by 2015 be endorsed, seconded by Dr. Curnel, and passed unanimously.

#### WAIVER - IMPROVEMENTS - FOOD BANK

Gene Clasen, owner of 1075 West Marina Drive, the location of the Food Bank, requested a waiver to the requirement for a covenant for the construction of improvements in the future.

Gilbert Alvarado, Community Development Director, stated that the city has a requirement for plats that are deemed insufficient so that when construction is proposed, a covenant is required for the infrastructure improvements that have not been constructed. A handicapped ramp has been proposed for the Food Bank. This ramp requires a building permit which triggers the requirement for a covenant since the infrastructure will not be installed. Currently in the regulations for plats deemed insufficient there is no provision for a waiver of the requirements.

Jim Whitaker, City Attorney, reminded the Council that the idea was to deal with platted property that does not have currently required improvements. The request to install a ramp triggers the requirement to install the required improvements or a covenant can be granted for the installation in the future.

Joseph K. Gavinski, City Manager, pointed out that during platting, required infrastructure can be installed, a deviation of the required improvements can be granted, or a waiver of the installation of the improvements can be granted. With the insufficiently platted property, when a building permit is requested, the property owner is requested to put in the currently required improvements. Those improvements can be deferred through the use of a covenant but there is not authority for the Council to grant a waiver or deviation.

Mick Hansen provided a drawing of the proposed handicapped ramp which they would like to donate to the Food Bank. Upon applying for a building permit, it was discovered that a covenant would be required for the needed improvements. He stated that if the land owner is required to sign this covenant, the handicapped ramp would be dropped.

Gene Clasen, owner of the property, pointed out that the building was constructed in 1980 with a loading area for truck deliveries which is accessed by the public from a stairway. The Food Bank has been at this location for many years and a ramp has been considered for a long time.

Penny Archer, Assistant Executive Director of the Food Bank, stated that they oversee a total of 10 food banks in Grant, Adams, and Lincoln Counties. There are between 1600 and 1700 families that use the Moses Lake Food Bank every month. There are many elderly people that use the Food Bank and the stairs are dangerous.

There was some discussion and staff was directed to amend the ordinance dealing with insufficiently platted property.

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

##### SIGNS ON CITY PROPERTY - WALKER

Dale Walker requested permission to place political signs on city property located at Five Corners, Kwicky Corner, and the grass area along East Broadway. The signs will be 4' x 8'.

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

##### SIGNS ON CITY PROPERTY - JONES

Tom Jones requested permission to place political signs on city property located at Grape and Highway 17, Five Corners, Kwicky Corner, and Division and Yonezawa. The signs are 4' x 8', 18" x 24", and 3' x 5'.

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

##### SIGNS ON CITY PROPERTY - BERND

Bob Bernd requested permission to place political signs on city property located at Kwicky Corner, Grape and Highway 17, Division and Yonezawa, Five Corners, and East Broadway. The signs are 48" x 30" and 18" x 24".

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

##### FARMER'S MARKET

Rob Cox stated that he would like to speak about free speech at the Farmer's Market. On two occasions he was distributing religious material at the Farmer's Market and was informed by the manager that he could not do that in any part of McCosh Park while the Farmer's Market is operating. He wanted to know what is allowed in the park.

Joseph K. Gavinski, City Manager, stated that Mr. Cox has a right to be in the park and the Farmer's Market will be contacted about the situation.

##### COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTSBUILDING ACTIVITY REPORT

The May 2010 Building Activity Report was presented.

INVESTMENT REPORT

The city received \$14,100.05 in investment income for May 2010.

SALES TAX/TRANSIENT RENTAL INCOME

The city received \$402,951.97 in sales tax and \$40,994.90 in transient rental income in May 2010.

The regular meeting was recessed at 9:05 p.m. and the Council met in an executive session with the City Attorney to discuss potential and current litigation and real estate issues. The executive session was adjourned at 9:30 p.m. and the regular meeting was reconvened. The regular meeting was adjourned at 9:30 p.m.

ATTEST

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Jon Lane, Mayor

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Ronald R. Cone, Finance Director