

MOSES LAKE CITY COUNCIL
July 13, 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

Parks and Recreation Department: Bill Aukett, Parks Maintenance Technician was introduced to the Council.

Finance Department: Nancy Cortez, Utility Account Technician, Christina Bowen, Customer Service Representative, and Jessica Wilkinson, Customer Service Representative, were introduced to the Council.

PROCLAMATION

The proclamation declaring July as Park and Recreation month was read in its entirety.

CONSENT AGENDA

Minutes: The minutes of the June 22, 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 July 13, 2010 the Council does approve for payment claims in the amount of \$1,657,890.06; prepaid claims in the amounts of \$76,431.89 and \$2,042,216.87; claim checks in the amount of \$3,160,991.98; and payroll in the amount of \$57,849.77.

Resolution - Abandon Easement - Pioneer Commercial Park 3rd Addition Short Plat: A resolution was presented which abandons an easement located in Lot 1, Block 1, of the Pioneer Commercial Park 3rd Addition Short Plat. This easement was recorded without the benefit of staff review and acceptance by the Council and granted a license rather than an easement.

Resolution - Accept Easements - Moses Lake Dental Building and W. L. Schlagel: Resolutions were presented which accepted easements from W. L. Schlagel located on Lot 1, Block 1, Pioneer Commercial Park 3rd Addition Short Plat and from the Moses Lake Dental Building located on Parcel B, Pioneer Commercial Park 2nd Addition Short Plat, Lot 1, Block 1 Commercial Binding Site Plan. The easements are adjacent to Clover Drive.

Resolution - Grant Easement - PUD: A resolution was presented which grants an easement to the PUD for electrical services to Well 31.

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

COMMISSION APPOINTMENTS - NoneCONSIDERATION OF BIDS AND QUOTESMAE VALLEY WELL PROJECT 2010

The city received five bids for the 2010 Mae Valley Well Project. This project includes construction of a removable pump house and a main structure with electrical control and telemetry systems and installing a new pump assembly at the Well 31 site and constructing a removable pump house, and installing a pump assembly at the Well 19 site.

Action Taken: Dr. Curnel moved that the bid be awarded to Advanced Excavation in the amount of \$467,717, seconded by Mrs. Liebrecht, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGSTSUNAMI SUSHI - REQUEST TO USE CITY PROPERTY

Dwane Lind, Tsunami Sushi, requested permission to close Third Avenue between Division and Ash on July 23, 2010 from 8 p.m. to 12 midnight. The intent is to provide entertainment for the patrons of Tsunami Sushi.

Mr. Lind stated that the concert would be the same as last year.

Action Taken: Mr. Deane moved that the request to close Third Avenue on July 23 from 8 a.m. to midnight be granted, seconded by Mr. Reese, and passed unanimously.

IMMIGRATION

Ed Stubington stated that the State of Arizona recently passed a law concerning illegal immigrants. He felt that the city's elected officials should support the actions of the State of Arizona rather than the City of Seattle, which has opposed Arizona's action.

There was some discussion by the Council which was divided on whether or not the Council should take an official position on the immigration issue in Arizona. No action was taken by the Council.

SIGNS ON CITY PROPERTY - CENTRAL BASIN TRAFFIC SAFETY TASK FORCE

The Central Basin Traffic Safety Task Force is participating in the Child Car Seat Project which promotes the correct use of child car seats and parental adherence to Washington's Child Restraint Law. Permission was requested to place a banner sign at the Moses Lake Police Department during the proposed emphasis patrols on this issue and at various other times during the year as a reminder of the importance of child restraint compliance.

Dean Mitchell, Police Chief, stated that the Central Basin Traffic Safety Task Force has received a grant which will allow officers to work overtime on the emphasis patrols for the child restraint compliance. The grant encourages the placement of signage for public education purposes. He mentioned that the dates for putting up the sign include July 12 to 26, September 1 to 15, and the same weeks in 2011.

There was some discussion and it was pointed out that currently placing signs on city property is prohibited. Staff was directed to provide an amendment to the sign standards to allow signs promoting city functions to be placed on city property.

Action Taken: Mr. Pearce moved that the request be granted for the sign to be placed in approved locations and for the four dates requested, seconded by Mrs. Liebrecht, and passed unanimously.

SIGNS ON CITY PROPERTY - BAKER

Ron Baker requested permission to place political signs on city property in the approved locations.

Mr. Baker stated that he is running for PUD Commissioner and would like to place signs in the approved locations in the city.

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

BLUE HERON PARK - ONO TROPICAL SNO HUT

Robert Jones, the new owner of the former Ono Tropical Sno Hut currently located in Blue Heron Park, requested permission to leave the Hut in Blue Heron Park.

Spencer Grigg, Parks and Recreation Director, stated that the city had a contract with the previous owner of the Ono Tropical Sno Hut to operate in Blue Heron Park. The city receives 15% of the gross sales at the end of the season. The city does not have a concession in this park.

There was some discussion by the Council.

Action Taken: Mr. Ecret moved that the request to leave the Ono Tropical Sno Hut at Blue Heron Park be granted, seconded by Mr. Pearce, and passed unanimously.

SIGNS ON CITY PROPERTY - HINKLE

Bill Hinkle, State Representative from the 13th District requested permission to place political signs on city property in the approved locations.

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

ORDINANCES AND RESOLUTIONS

ORDINANCE - GARBAGE COLLECTION - SINGLE READING

An ordinance was presented establishes various garbage rates to accommodate the new recycling program.

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

Dave Patterson, Lakeside Disposal, stated that the advertising has generated many questions about the new recycling program. Most of the comments have been positive.

Ron Cone, Finance Director, explained the program and the uses of the different sized garbage carts. He mentioned that the recycling program will start August 1 and the rates should be in place at that time.

There was some discussion by the Council.

Action Taken: Mr. Ecret moved that an emergency be declared and the ordinance be adopted on a single reading, seconded by Mr. Pearce, and passed unanimously.

ORDINANCE - AMEND PARKING REGULATIONS - 2ND READING

An ordinance was presented which amends the parking regulations to limit the parking to GTA buses on that portion of Alder Street that fronts the new bus shelter located by the Community Gardens, establishes a no parking zone north of the main entrance of the Moses Lake Presbyterian Church, and no parking areas on portions of Clover Drive, Hamilton Road, Industrial Court, Road F, and Yonezawa Boulevard.

The ordinance amending Chapter 10.12 of the Moses Lake Municipal Code entitled "Parking Regulations" was read by title only.

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

ORDINANCES - AMEND STORMWATER REGULATIONS - 2ND READINGS

Ordinances were presented which amend the regulations pertaining to stormwater.

The ordinance amending Chapter 13.01 of the Moses Lake Municipal Code entitled "Stormwater General Provisions" was read by title only.

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

The ordinance amending Chapter 13.02 of the Moses Lake Municipal Code entitled "Stormwater Illicit Discharge Detection and Elimination" was read by title only.

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

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

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

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

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

ORDINANCE - CREATE 13.035 - 2ND READING

An ordinance was presented which establishes the requirements for construction and post construction of stormwater runoff.

The ordinance creating Chapter 13.035 of the Moses Lake Municipal Code entitled "Construction and Post Construction Stormwater Runoff" was read by title only.

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

ORDINANCE - TITLE 17 - SUBDIVISIONS - 1ST READING

An ordinance was presented which re-adopts Title 17.

The ordinance repealing Title 17 of the Moses Lake Municipal Code entitled "Subdivisions" and re-adopting Title 17 of the Moses Lake Municipal Code entitled "Subdivisions" was read by title only.

Gilbert Alvarado, Community Development Director, stated that changes are to bring the regulations into compliance with state law and current city practices.

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

ORDINANCE - AMEND 3.30 - UTILITY OCCUPATIONAL TAX - 1ST READING

An ordinance was presented which increases the utility occupational tax imposed on every person engaged in or carrying on the business of selling or furnishing water service in the city. The rate increase is from 8% to 10%. The increase is required to accommodate the Washington State Supreme Court's ruling requiring the City's general fund to pay for the cost of providing fire hydrants.

The ordinance amending Chapter 3.30 of the Moses Lake Municipal Code entitled "Utility Occupational Tax" was read by title only.

Joseph K. Gavinski, City Manager, explained the process of paying for fire suppression out of the General Fund.

There was discussion by the Council.

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

ORDINANCE - AMEND 8.22 - NOXIOUS WEED CONTROL - 1ST READING

An ordinance was presented which replaces Grant County Weed District No. 2 with Grant County Noxious Weed Control Board.

The ordinance amending Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" was read by title only.

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

ORDINANCE - AMEND 13.12 - WATER, SEWER, AND STORMWATER RATES - 1ST READING

An ordinance was presented which brings the water, sewer and stormwater regulations into compliance with the recent Supreme Court decision that the city must cover the cost of providing fire hydrants.

The ordinance amending Chapter 13.12 of the Moses Lake Municipal Code entitled "Water, Sewer, and Stormwater Rates" 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 19.03 - RESOURCE LANDS AND CRITICAL AREAS

An ordinance was presented which provides a process for property owners to seek a reasonable use determination of their property if the Growth Management regulations would remove all economic value.

The ordinance amending Chapter 19.03 of the Moses Lake Municipal Code entitled "Classification and Designation of Resource Lands and Critical Areas and Regulations for the Conservation and Protection of Resource Lands and Critical Areas" was read by title only.

James A. Whitaker, City Attorney, pointed out that the city's insurance carrier requested this change in order to deal with the critical areas and how the city would address the issue.

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

REQUEST TO CALL FOR BIDS - NoneREFERRALS FROM COMMISSIONS - NoneOTHER ITEMS FOR COUNCIL CONSIDERATIONANNEXATION - REC SOLAR GRADE SILICON

REC Solar Grade Silicon submitted a Notice of Intention to Commence Annexation Proceedings and a Petition for Annexation for property located to the south of Road 4 and west of the existing REC site.

Joseph K. Gavinski, City Manager, explained the location and process to begin the annexation.

Ken Gordner, representing REC, pointed out that a portion of the site is within the City's UGA and under the county's rules, if a portion of a piece of property is within a city's UGA, the entire parcel can be considered within the UGA.

There was some discussion on the site and the surrounding land.

Action Taken: Mr. Pearce moved that the Notice of Intent be receipted and accepted and the Petition for Annexation be accepted, seconded by Mr. Ecret, and passed unanimously.

LAKESIDE DISPOSAL - CONTRACT AMENDMENT

An amendment to the existing garbage collection contract with Waste Connections, dba Lakeside Disposal, was presented. The amendment extends the term of the contract to 2020 with the option of extending the contract beyond 2020 for two additional three year terms.

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

ROYAL ORGANIC PRODUCTS - RECYCLING CONTRACT

A contract was presented with Royal Organic Products which allows the city to deliver up to 10,000 tons of yard waste to Royal Organic Products.

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

REQUEST FOR WATER AND SEWER - HALL

Larry Hall requested permission to connect the Jan Marie Short Plat, Replat of Lot 3, to the city's water and sewer system. The property is located at Patton Boulevard and Craig Boulevard. The property is within one-half mile of the city's limits and normally annexation would be required. If the Council determines that it is impractical for the property owner to annex, an extra territorial utility agreement would be required.

Larry Angell, Columbia Northwest Engineering, representing Larry Hall, stated that the original Extra Territorial Utility Agreement covered Lots 1 and 2 but expired before Lot 3 could be developed. Lot 3 is now being proposed to be divided into four lots. He requested that the new Extra Territorial Utility Agreement run for 60 months instead of 24 months because of the length of time it takes to develop a piece of property.

There was some discussion by the Council on the extension of time for the Extra Territorial Utility Agreement.

Action Taken; Mr. Reese moved that it be determined that it is not practical to annex the Jan Marie Short Plat, Replat of Lot 3 at this, but that the request to connect to city water and sewer be granted with the stipulation that a 60 month Extra Territorial Utility Agreement be required, seconded by Mrs. Liebrecht, and passed unanimously.

REQUEST FOR SEWER - BREHM

Rich Brehm requested permission to connect to the city's sewer system to serve 3037 Westshore Drive.

Action Taken; Dr. Curnel moved that the request to connect to city sewer be granted with the stipulation that an Extra Territorial Utility Agreement be required, seconded by Mr. Deane, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - NoneCOUNCIL QUESTIONS AND COMMENTSFIREWORKS

Dr. Curnel mentioned that there are discussions taking place concerning a county-wide ban on fireworks and wanted to know if the Council should support such a ban.

Joseph K. Gavinski, City Manager, suggested that if the Council wishes to support the efforts to place a ban on fireworks in the county, that a letter be sent to the agency promoting the ban explaining the city's efforts and success with regards to a fireworks ban.

It was the consensus of the Council that staff draft a letter for Council approval.

COUNCIL IN THE PARK

The Council discussed being available at the Farmer's Market. After some discussion it was determined to be available at the Farmer's Market on July 31 from 9 a.m. to 12 noon.

CITY MANAGER REPORTS AND COMMENTSSTREET, WATER, AND SEWER REIMBURSEMENT CHARGES

Joseph K. Gavinski, City Manager, submitted the updated charges for water, sewer, and street reimbursements.

POPULATION

Joseph K. Gavinski, City Manager, reported that the Office of Financial Management has determined the city's population to be about 19,500.

BUILDING ACTIVITY REPORT

The June 2010 Building Activity Report was presented.

GAMBLING REPORT

The city received \$83,202.42 in gambling tax income for the second quarter of 2010.

INVESTMENT REPORT

The city received \$16,018.64 in investment income for June 2010.

SALES TAX/TRANSIENT RENTAL INCOME

The city received \$384,565.04 in sales tax and \$37,657.72 in transient rental income in June 2010.

CRIME REPORT

The 2008 - 2009 crime report was provided to the Council.

SIGN STANDARDS

Joseph K. Gavinski, City Manager, provided an amendment to the sign standards which would allow signs advertising or promoting city sponsored, co-sponsored or endorsed events to be placed on city property or buildings with Council approval.

There was some discussion by the Council on the proposed amendment to the sign standards.

Action Taken: Mr. Pearce moved that the proposed amendment to the sign standards be adopted, seconded by Dr. Curnel, and passed unanimously.

RECYCLING PROGRAM

Ronald R. Cone, Finance Director, stated that the city has tote bags that will be placed inside the new garbage carts with information on the recycling programs. He mentioned that the recycling program will be advertised in the newspapers, on the radio, the city's website, and there will be a booth at the Grant County Fair. The three different sized carts are interchangeable and the lids are different colors to correspond with what is to be placed within the garbage cart.

The regular meeting was adjourned at 9:40 p.m.

ATTEST

Jon Lane, Mayor

Ronald R. Cone, Finance Director