

MOSES LAKE CITY COUNCIL  
August 24, 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: Angus Lee led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS

VISION 2020 AWARD

Bill Ecret, Vision 2020 Chair, reminded the Council of the criteria for receiving a Visionary award and presented the August Visionary Award to the City of Moses Lake's Finance Department personnel involved in the new recycling program. He recognized Nancy Cortez, Jessica Wilkinson, Christina Bowen, Lauri Kunes, and Ron Cone for answering questions and dealing with the public for this new program. Dave Patterson, Lakeside Disposal, was also recognized for their efforts in the recycling program.

CONSENT AGENDA

Minutes: The minutes of the August 20, 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 August 24, 2010 the Council does approve for payment claims in the amount of \$333,205.75; prepaid claims in the amounts of \$109,709.19 and \$723,767.30; claim checks in the amount of \$3,568,512.58; and payroll in the amount of \$54,668.00.

Ordinances - Amend 18.65, 178.71 and 20.03 - Housekeeping - 2<sup>nd</sup> Reading: Ordinances were presented which amend Chapters 18.65, Manufactured Home Parks, 18.71, Recreational Vehicle Parks, and 20.03, Administration. These housekeeping changes are a result of the recent adoption of a new Title 17 entitled "Subdivisions".

Resolution - Accept Water Improvements - Pheasant Point #1 Short Plat: A resolution was presented which accepts water improvements constructed as part of the Pheasant Point #1 Short Plat.

Resolution - Abandon Easement - Luta Street: A resolution was presented which abandons an easement located in Luta Street adjacent to the Rini Short Plat.

Accept Work - 2010 Crack Seal Project: Quality Paving, Inc. has completed work on the 2010 Crack Seal Project. This project consisted of crack sealing streets, bike paths, and parking lots. The work should be accepted and the 60 day lien period entered into.

Six Year Street Plan - Set Public Hearing: The Council should set September 28 as the date for a public hearing to consider the Six Year Transportation Improvement Program.

Action Taken: Mr. Pearce 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 HEARINGS

GRANT COUNTY NATIONAL CHILDREN'S STUDY

Phillip Butterfield, Research Associate Professor, Dept. of Civil and Environmental Engineering, from Washington State University, stated that the National Children's Study is beginning in Grant County. The study is for the purpose of examining the effects of environmental influences on the health and development of 100,000 children across the US by following them from before birth to age 21. One thousand of those children will be from Grant County. The goal of the study is to improve the health and well being of future generations.

There was some discussion by the Council on how the study would be conducted.

REQUEST TO USE RIGHT-OF-WAY - BOARDWALK PLAZA

Action Taken: Mr. Ecret moved that the request to use right-of-way on East Broadway be brought off the table, seconded by Mrs. Liebrecht, and passed unanimously.

Columbia Northwest Engineering, representing Boardwalk Plaza, requested permission to incorporate a portion of East Broadway into the parking area for Phase 2 of the Boardwalk Plaza development. The proponent has modified the request and is now requesting the use of 5.51 feet of right-of-way instead of the 9.84' as previously requested. The use of the 5.51 feet of right-of-way will allow Boardwalk Phase 2 development to encroach into the right-of-way the same distance as Boardwalk Phase 1.

Gilbert Alvarado, Community Development Director, provided information showing the location of the right-of-way and the encroachment by the businesses on East Broadway. He also addressed the concerns raised by the Council at the previous meeting where the issue was discussed.

There was some discussion on the use of city right-of-way along East Broadway.

Phil Bloom, Columbia Northwest Engineering, explained that in the late 1990's Maiers Development began developing both sides of East Broadway. At that time the Council desired to have the entrances to the city landscaped. It was determined that a 14' wide strip of landscaping would be developed on each side of East Broadway. Maiers Development installed much of the landscaping and the city maintained it. The 14' of landscaping left a 5.5' of unimproved right-of-way adjacent to the privately owned property and the Park Plaza Building was allowed to use that area for parking to avoid an unimproved strip of land. Several other buildings along East Broadway have also been allowed to use the unimproved right-of-way.

Bob Fancher, Maiers Development, stated that they would be agreeable to a license for the use of the right-of-way for all their property along East Broadway. He also recommended that the phone company be required to underground the telephone lines since there is existing conduit available.

There was additional discussion and it was the consensus of the Council that a license be required for the use of city right-of-way.

Action Taken: Mr. Deane moved that staff be authorized to prepare a license granting Maiers Development the use of 5.5' of city right-of-way adjacent to Broadway Business Park South Major Plat, seconded by Dr. Curnel, and passed unanimously.

Staff was also directed to contact other property owners on East Broadway who are using city right-of-way without the benefit of a license.

#### NIGHT WORK - 2010 SEWER LINING PROJECT

Michels Corporation is requesting to work between the hours of 10 p.m. and 7 a.m. on September 2 in order to pump sewage across Highway 17 at Wheeler Road while the sewer main under Highway 17 is lined.

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

#### NIGHT WORK - SEVENTH DAY ADVENTIST CHURCH

Robert Sage, Tektoniks Corporation, requested permission to begin construction work between 5:30 a.m. and 6 a.m. at the Seventh Day Adventist Church on Valley Road for the next couple of months because of the high heat.

There was some discussion and it was pointed out that the request is vague on days and times. It was also pointed out that the hot weather is about over and there is a lot of residential lots in the immediate vicinity of this church.

Action Taken: Mr. Pearce moved that the request be granted to begin work no earlier than 6 a.m., for the next two weeks, not including weekends and holidays, provided there are no complaints about the noise, seconded by Mr. Reese, and passed unanimously.

#### SIGNS ON CITY PROPERTY - LEE

Angus Lee requested permission to place political signs on city property in the approved locations.

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

#### ORDINANCES AND RESOLUTIONS

##### ORDINANCE - BONDS - SINGLE READING

An ordinance was presented which provides for the issuance and sale of limited tax general obligation bonds.

Jack McLaughlin, D. A. Davison & Co., explained the process and indicated the city's bond rating was upgraded to an A. The ordinance also includes the bond purchase agreement.

Deanne Gregor, K & L Gates, bond counsel, explained the requirements in the bond ordinance and pointed out that bond closing is scheduled for September 8.

The ordinance of the City of Moses Lake, Washington, providing for the issuance and sale of limited tax general obligation bonds of the City in the principal amount of \$5,925,000 to provide funds for paying a portion of the costs of constructing, designing, and furnishing a new Civic Center building; providing the date, form, terms and maturities of said bonds; authorizing a preliminary official statement; providing for the disposition of the proceeds of sale; and approving the sale of such bonds was read by title only.

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

The meeting was recessed at 7:19 p.m. and reconvened at 7:24 p.m.

#### ORDINANCE - AMEND 12.20 - SNOW REMOVAL - 2<sup>ND</sup> READING

An ordinance was presented which lists the sidewalks and activity trails that the city is to service and changing the title of Chapter 12.20 from "Snow Removal" to "Sidewalk Service".

The ordinance amending Chapter 12.20 of the Moses Lake Municipal Code entitled "Snow Removal" was read by title only.

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

#### ORDINANCE - AMEND 17.24 - IMPROVEMENTS - 1<sup>ST</sup> READING

An ordinance was presented which provides authority to city staff to call for the installation or completion of deferred improvements or infrastructure.

The ordinance amending Chapter 17.24 of the Moses Lake Municipal Code entitled "Improvements" was read by title only.

Jim Whitaker, City Attorney, explained that the process of re-adopting Title 17 began before the Council previously amended 17.24.010 to allow staff to call in covenants for construction of delayed improvements. The recent re-adoption of Title 17 undid that change so it is once again before the Council for adoption.

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

#### RESOLUTION - NUISANCE ABATEMENT - 1825 LAKESIDE DRIVE

A resolution was presented which would abate the weed and debris nuisance at 1825 Lakeside Drive. The property owner was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity. The city has received no response from the property owner.

The resolution determining that Justin and Ember Anderson are the owners of certain real property within the city; that a nuisance requiring abatement by city forces or forces contracted by the city exists on such property; and directing the use of such forces to abate the nuisance found was read by title only.

Clair Harden, Code Enforcement Officer, was sworn in and provided testimony concerning this issue. He mentioned that there has been no response from the property owners to any of the notices provided by the city and none of the nuisances have been corrected.

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

Action Taken: Mr. Pearce 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

ACCEPT WORK - 2009 LAKESHORE AND PENINSULA RECONSTRUCTION PROJECT

Jansen Construction, Inc. has completed work on the 2009 Lakeshore and Peninsula Project. This project consisted of reconstructing one mile of street from the intersection of Peninsula Drive and Battery Road to the intersection of Lakeshore Drive and Pommer Street. The work should be accepted and the 60 day lien period entered into.

Todd Voth, 1538 Lakeway Drive, objected to the city's request for reimbursement since he had discussions with the city in 2007 about dedicating 10' of his property on Peninsula Drive for right-of-way in order for the city to construct the bike path. He stated that at that time he was informed that by providing the right-of-way on Peninsula Drive he would not be charged for any future reimbursements on the property. He explained the time, effort, and costs he has incurred in getting ready to plat the property.

Shawn O'Brien, City Engineer, explained that streets in the Peninsula area were originally dedicated at a 40' width. As the area developed, the city worked on obtaining additional right-of-way in order to increase the width of the street and provide for sidewalks and an activity trail. Property owners who developed their property signed covenants for street improvements at a later date so that the street could be constructed at one time rather than piece meal over time. Water and sewer reimbursements are different from the reimbursements for the activity trail.

There was some discussion by the Council and staff was directed to research the issue and report back to the Council at the next meeting.

Action Taken: Mr. Pearce moved that the work on the 2009 Lakeshore and Peninsula Reconstruction Project be accepted and the 60 day lien period be entered into, seconded by Dr. Curnel, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTSRECYCLING REPORT

Ron Cone, Finance Director, distributed information on the residential recycling program. The program has been in operation for three weeks and 44.3% of the total waste stream has been recycled in those first three weeks. He mentioned that a major problem is garbage in the yard waste. He explained that letters will be sent to the offenders and if they continue to place garbage in the yard waste cart, they will either be fined or the yard waste will not be picked up because the recycle center will either refuse it or the city will not be paid for it.

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