

MOSES LAKE CITY COUNCIL
October 12, 2010

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

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 September 28, 2010 meeting were presented for approval.

Accept Work - Seal Coat Project 2010: Central Washington Asphalt, Inc. completed the work for the Seal Coat Project 2010. The work should be accepted and the 60 day lien period entered into.

Resolution - Accept Easement - Beasley: A resolution was presented which accepts an easement from Curtis and Sharyn Beasley for access to the Peninsula Lift Station.

Nuisance Abatement: The Council should set October 26 as the date to consider resolutions to abate nuisances at 1230 Broadway, 2603 Texas, 1114 Cascade, 808 Loop, and Lot 15, Block 5, Capistrano Park.

Fire Labor Agreement: Authorization was requested for the City Manager to sign the agreement with the Fire employees.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES

TRACTOR AND PAVEMENT ROLLER

The city received three bids for the tractor and three bids for the pavement roller.

Rathbone Sales was the low bidder on the tractor but the equipment proposed does not include a self leveling bucket which was included in the specifications because of operational and safety reasons. Staff recommended that this requirement not be waived.

Action Taken; Mrs. Liebrecht moved that the low bidder be rejected due to an irregularity in their bid and the bid be awarded to Evergreen Implement in the amount of \$45,842, seconded by Mr. Deane, and passed unanimously.

It was pointed that the bids from J F Sahlberg & Co. and NC Machinery did not include the required automatic watering system. Staff recommended that this requirement not be waived.

Action Taken: Mrs. Liebrecht moved that the bids from J F Sahlberg and Co. and NC Machinery be rejected due to an irregularity in their bids and the bid be awarded to Clyde West, Inc. in the amount of \$34,785, seconded by Mr. Reese, and passed unanimously.

TREE REPLACEMENT PROJECT

The city received three bids for the 2010 Tree Replacement Project. This is a small works roster project. This project consists of removing 27 trees and tree planters in the downtown paver district and replacing all except one where a new van accessible stall with a curb ramp is to be installed.

There was some discussion on the change in the tree species from locust to maple.

Action Taken: Dr. Curnel moved that the bid be awarded to Advanced Excavation, Inc. in the amount of \$118,727, seconded by Mr. Reese, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

SIGNS ON CITY PROPERTY - PARADE

The Moses Lake Business Association requested permission to place one 4' x 6' banner sign at Kwiky Corner to advertise the Ag Parade. The banner would be put up on November 19 and taken down on December 4.

Marianne Bondi, Executive Director, Moses Lake Business Association, stated that the parade will take place on December 3 and the banner only advertises the parade.

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

SIGNS ON CITY PROPERTY - DINO ROSSI

John McKean, Information Officer for the Grant County Republican Party, requested permission to place temporary signs on city property in the approved locations.

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

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 20.05 - CONSOLIDATED APPLICATION PROCESS - SINGLE READING

An ordinance was presented which provides that a pre-application meeting on a land use does not constitute a formal application and does not create a vested right.

The ordinance amending Chapter 20.05 of the Moses Lake Municipal Code entitled "Consolidated Application Process" was read by title only.

Joseph K. Gavinski, City Manager, stated that this would provide some additional protection to the city and was requested by the city's insurance provider.

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

RESOLUTION - HALLOWEEN

A resolution was presented which recommends Saturday, October 30, as the date to celebrate Halloween.

The resolution recommending Saturday, October 30, 2010 instead of Sunday October 31, 2010 as the day for children to celebrate Halloween activities was read by title only.

Action Taken: Mr. Reese moved that the resolution be adopted, seconded by Mrs. Liebrecht, and passed unanimously.

RESOLUTION - ACCEPT GRANT - DEPARTMENT OF JUSTICE

A resolution was presented which accepts a \$470,292 COPS Hiring Program grant from the U. S. Department of Justice. This three year grant will provide full salary and benefits for two police officers who will be assigned specifically to investigate and follow up on youth crimes. Acceptance of the grant will require that the city retain the two officers for at least one year after the grant ends.

The resolution accepting a grant to the Moses Lake Police Department from the U. S. Department of Justice was read by title only.

Dean Mitchell, Police Chief, stated that the city first applied for the grant in 2009 and was denied. The city applied again in 2010 and was awarded the grant. He mentioned that Moses Lake is one of 11 cities in Washington to be awarded the grant. The grant will be used to fund a Street Crimes Unit. The police officers will be specifically trained to follow up on youth and property crimes.

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

RESOLUTION - SMALL WORKS ROSTER

A resolution was presented which revises the city's regulations establishing the small works roster process. The changes include an increase in the amount of a project cost where the small works roster can be used.

The resolution of the City Council of the City of Moses Lake, Washington, on the subject of establishing a small works roster process to award public works contracts and rescinding Resolution No. 2818 was read by title only.

Gary Harer, Municipal Services Director, stated that the changes are to bring the city's requirements into conformance with state law.

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

RESOLUTION - NUISANCE ABATEMENT - 1103 CASCADE - WINZLER

A resolution was presented which would abate the nuisances at 1103 Cascade. The property owner, Ryan Winzler, was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Ryan Winzler is the owner 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 owner to any of the notices provided by the city and none of the nuisances have been corrected.

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

RESOLUTION - NUISANCE ABATEMENT - 1105 HILL - BEEMAN

A resolution was presented which would abate the nuisances at 1105 Hill. The property owner, Gordon Beeman, was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Gordon and Deena R. Beeman 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.

Greg Nevarez, Code Enforcement Officer, was sworn in and provided testimony concerning this issue. He indicated that the property is in substantially the same condition now as when the property owner was first contacted about the nuisances.

Gordon Beeman, 1105 Hill, was sworn in. He explained that most of the nuisances were taken care of but additional items were then brought onto the property. He requested additional time to take care of the nuisances.

There was some discussion and it was pointed out that Mr. Beeman will have an additional 15 days from the passage of the ordinance to clean up the property.

Action Taken: Dr. Curnel moved that the resolution be amended to correct the property owner's name and to reflect that Mr. Beeman provided testimony and the resolution be adopted, seconded by Mr. Reese, and passed unanimously.

RESOLUTION - ACCEPT GRANT - BUREAU OF JUSTICE ASSISTANCE

A resolution was presented which accepts a \$2,937 grant from the Bureau of Justice Assistance. The funds will be used to purchase bullet proof vests.

The resolution accepting a grant from the Bureau of Justice Assistance was read by title only.

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

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION

RANDOLPH ROAD ANNEXATION

A Petition for Annexation for property located adjacent to Randolph Road was presented. The proposed annexation area mainly includes properties which have executed Extra Territorial Utility Extension Agreements with the city. Authorization was requested for the City Manager to execute the annexation petition on behalf of those persons or entities which have executed an Extra Territorial Utility Extension Agreement and given a Power of Attorney to the city to execute an annexation petition on their or its behalf.

Joseph K. Gavinski, City Manager, explained the location of the property and which roads are included in the annexation.

Action Taken: Mr. Pearce moved that the City Manager be authorized to sign the Petition for Annexation, seconded by Mr. Reese, and passed unanimously.

Action Taken: Mr. Pearce moved that the Petition for Annexation be accepted, seconded by Mr. Reese, and passed unanimously.

ECONOMIC DEVELOPMENT COUNCIL - AGREEMENT

The Grant County Economic Development Council has requested an amendment to the existing contract to cover the cost of additional expenses for promoting economic development in the area.

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

NUISANCE ABATEMENTS - REPORT

Gilbert Alvarado, Community Development Director, reported that the nuisances at 522 Kentucky, 720 Pennivy, 705 D Street, and 1201 Baker have been removed and no further action is required at these properties. The remaining nuisances at 403 Earl, 221 and 227 Crestview, 502 Kentucky, and 530 Florida are still under enforcement.

HOME OCCUPATION - TAXI - KENO

Gary Keno, 3921 W. Peninsula Drive, Unit 16, requested a change in the Municipal Code in order to operate a taxi business from his residence. A letter from the manufactured park owner was submitted which stated that he would have no objection to the business.

Gilbert Alvarado, Community Development Director, stated that staff researched the issue of a taxi business as a home occupation and, in the cities contacted, taxicabs were not mentioned as a home occupation. The entities had specific conditions for a taxicab business.

Mr. Keno stated that he would like to develop the business into a parcel carrier type service as he has a covered vehicle that will transport up to ½ ton of material as well as ambulatory passengers. He mentioned that his home would be mainly an address and contact phone number as he would be on the road most of the time.

There was some discussion by the Council on the proposed carrier type service and it was pointed out that the home occupation regulations would still need to be amended to allow a taxi cab business as a home occupation. Staff was directed to draft an amendment to the home occupation regulations to allow a taxi cab as a home occupation.

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 October 14, 2010 the Council does approve for payment claims in the amount of \$1,932,825.41; prepaid claims in the amounts of \$24,435.30, \$180.00, and \$1,435,134.39; claim checks in the amount of \$2,199,016.26; and payroll in the amounts of \$2,079.10 and \$31,718.86.

Dr. Curnel questioned the \$100 penalty from Labor and Industries.

Spencer Grigg, Parks and Recreation Director, stated that L and I inspected the concessions stands and the city received a penalty for not having the required information on site.

Joseph K. Gavinski, City Manager, stated that there was a complaint from someone working the concession stand about it being too hot. There are certain forms the city is required to keep that show how many injuries there have been at the facilities. The city has the information but it is kept at the Human Resources Department. There was a mis-communication between the city and L and I as the city did not realize that L and I wanted to see the forms, so at the end of the inspection L and I informed the city that since the forms had not been produced, the penalty would be assessed.

Dr. Curnel questioned the amount of the cell phone bill for the Police Department.

Dean Mitchell, Police Chief, stated that each patrol car has been equipped with a cell phone since many officers were using their own cell phone for calls related to cases. After doing an analysis of the cost of having the officers return to the station to use a city cell phone and the time they are off the street, it was found to be less expensive to just provide each car with a cell phone.

Action Taken: Dr. Curnel moved that the bills and checks be approved, seconded by Mr. Reese, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTSBUDGET

Joseph K. Gavinski, City Manager, requested a study session to discuss the budget. A study session was set for October 26 at 6 p.m.

STORM WATER RATES AND OPERATION STATUS

Gary Harer, Municipal Services Director, reported that in 2009 the rates were set for the stormwater utility. Two staff members have been assigned to the stormwater utility. Two additional maintenance staff will be hired in November to clean catch basins, drywells and stormwater drains, and maintain the city's stormwater grassy areas and lake outfalls. All necessary equipment has been obtained. A decant station will be constructed in the spring of 2011 and a grant has been requested to update the drywells in the Third Avenue and Block Street area. Staff will monitor the stormwater utility funds to make sure the city remains solvent and the permit requirements are met.

BUILDING ACTIVITY REPORT

The September 2010 Building Activity Report was presented.

QUARTERLY FINANCIAL REPORT

The quarterly financial report has been placed on the website.

GAMBLING TAX REPORT

The city received \$76,570.12 in gambling taxes for the third quarter of 2010.

INVESTMENT REPORT

The city received \$12,178.39 in investment income for September 2010.

RECYCLING PROGRAM

Ron Cone, Finance Director, reported that about 47% of the material that was going to the landfill is being recycled. The city is still dealing with residents who are placing inappropriate material in the recycling and yard waste carts. The city has been able to provide a rebate of \$.37 per residential account for October.

SALES TAX/TRANSIENT RENTAL INCOME

The city received \$407,935.17 in sales tax and \$62,545.06 in transient rental income in September 2010.

AMBULANCE UTILITY FUND

Staff has been monitoring the Ambulance Service Fund and it has become apparent that if the city is going to continue to operate an ambulance service, either the General Fund contribution or the

Ambulance Utility Fee will need to be increased. Currently the city contributes \$70,000 from the General Fund and there is a \$4.70 per month ambulance utility fee. The Ambulance Service Fund has a negligible balance and is also carrying a loan of \$450,000. This means the fund is in the red by \$450,000 at this time and that amount will increase if nothing further is done.

Joseph K. Gavinski, City Manager, stated that the Ambulance Service Fund will have a loss of \$700,000 for 2010 and in 2011 the fund will have another loss of \$767,000 if there is no increase in income and that does not include the existing \$450,000 loan. He mentioned that there are two options at this time if the Council wishes to retain the ambulance service. The contribution from the General Fund can be increased or the utility fee can be increased. He stated that there is little chance of reducing expenses or increasing income.

Tom Taylor, Fire Chief, stated that all the firefighters are dual trained as a firefighter and an EMT or paramedic. He mentioned that 17 members are paid for out of the ambulance fund and if the ambulance service were eliminated, so would those 17 employees. He mentioned that about 75% to 80% of the workload in the Fire Department is ambulance services.

James A. Whitaker, City Attorney, pointed out that by law, whatever amount a city contributes to the ambulance fund from the General Fund must be maintained. The contribution amount cannot be reduced.

There was considerable discussion by the Council.

Staff was requested to provide information on the possibility of raising the utility rate, increasing the contribution from the General Fund, and privatizing the ambulance service.

The regular meeting was recessed at 9:40 p.m. and the Council met in a 20 minute executive session with the City Attorney to discuss property acquisition. The executive session was adjourned at 10 p.m. and the regular meeting was reconvened. The regular meeting was adjourned at 10 p.m.

ATTEST

Jon Lane, Mayor

Ronald R. Cone, Finance Director