

MOSES LAKE CITY COUNCIL
October 26, 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: Mr. Ecret led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the October 12, 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 October 26, 2010 the Council does approve for payment claims in the amount of \$302,391.12; prepaid claims in the amounts of \$2,574.29, \$8,837.04, and \$19,972.71; claim checks in the amount of \$2,246,230.87; and payroll in the amount of \$34,007.52.

Resolution - Accept Hydrants - REC Moses Lake Major Plat: A resolution was presented which accepts eight fire hydrants installed in dedicated right-of-way or easements as part of the REC Moses Lake Major Plat.

2009 Well 3 Pumphouse Project - Accept Work: MRM Construction has completed work for the 2009 Well 3 Pumphouse Project. The work should be accepted and the 60 day lien period entered into.

REC Moses Lake Major Plat and Findings of Fact: REC Silicon submitted a final plat for a one lot plat of 210 acres. The site is located at 3322 Road N and is zoned Heavy Industrial, which corresponds with the Comprehensive Plan Land Use Designation of Industrial. The final plat is consistent with the conditions of approval of the preliminary plat. The Planning Commission recommended that the final plat be approved with conditions. The Findings of Fact were presented for acceptance.

Resolution - Accept Deed - O'Brien/Deckman: A resolution was presented which accepts a quit claim deed from Terrance and Judith O'Brien and Ross and Lueann Deckman for Lot 2 of the Pelican Horn Short Plat. The property is located across Division Street from Seventh Avenue.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTESBLUE HERON SEWER CROSSING 2010

Staff received seven bids for the Blue Heron Sewer Crossing project. This project consists of connecting to the existing force main near the Washington State Patrol office and extending the line under I-90. The line will be installed in the existing steel casing that is located under I-90 at Blue Heron Park.

Action Taken: Mr. Reese moved that the bid be awarded to Hurst Construction in the amount of \$81,226.04, seconded by Mr. Pearce, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGSWATER QUALITY INSTITUTE PRESENTATION

Curt Carpenter, Manager, Moses Lake Irrigation and Rehabilitation District, stated that the Water Quality Institute program was started in 2007 in order to educate and make the public aware of the quality of the water in Moses Lake.

Four Moses Lake High School seniors gave a presentation on the project. They explained the process of testing for water quality and reported on the water quality of Moses Lake.

ORDINANCES - TAXATION - 1ST READINGS/PUBLIC HEARING

Ordinances were presented which fix the estimated amount to be received by the city from property taxes in 2010 and sets the tax levy rate.

Joseph K. Gavinski, City Manager, explained the process of setting the amounts to be received from property taxes.

The public hearing was opened.

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

The ordinance fixing the estimated amount to be received for municipal purposes from taxations on assessed valuations on property within the City of Moses Lake, Washington for 2011 was read by title only.

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

The ordinance fixing the amount to be received for municipal purposes from taxations on assessed valuations on property within the City of Moses Lake, Washington for 2011 was read by title only.

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

ORDINANCES AND RESOLUTIONSORDINANCE - AMEND 5.22 - PAWNBROKERS AND SECONDHAND DEALERS - 1ST READING

An ordinance was presented which increases the fee for a pawnbroker or secondhand dealer license in order to cover the cost of the background investigation.

The ordinance amending Chapter 5.22 of the Moses Lake Municipal Code entitled "Pawnbrokers and Secondhand Dealers" was read by title only.

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

ORDINANCE - AMEND 6.06 - HAZARDOUS DOGS - 1ST READING

An ordinance was presented which amends the hazardous dog regulations by allowing an exemption to the requirement to register certain dogs if they pass the American Kennel Club Canine Good Citizen test. The amendment also includes exemptions for dogs which do not reside in the city or are brought to the city for a limited time.

Cynthia Zeppenfield, 1927 Spruce, felt that the issue is "responsible owner" rather than the breed of dog.

There was considerable discussion by the Council and information .on what constitutes the Canine Good Citizen test was provided.

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

ORDINANCE - AMEND 12.40 - STREET CONSTRUCTION OR IMPROVEMENT REIMBURSEMENT CHARGES - 1ST READING

An ordinance was presented which establishes the reimbursement charges for the 2009 Lakeshore and Peninsula Drive Reconstruction Project, the 2008 Peninsula Drive Reconstruction Project, and the future street improvements to Lakeshore Drive between Pommer Street and Wanapum Drive.

The ordinance amending Chapter 12.40 of the Moses Lake Municipal Code entitled "Street Construction or Improvement Reimbursement Charges" was read by title only.

Gary Harer, Municipal Services Director, explained that the entire project, which consists of three phases, was included in the reimbursement schedule so that the grant could be used for the entire project. All affected property owners were notified of the reimbursements required.

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

RESOLUTION - ACCEPT DONATION - BUDU RACING

A resolution was presented which accepts \$418 from Budu Racing. The funds are to be used for recreational programs.

The resolution accepting a cash donation of \$418 from Rory and Deanna Muller of Budu Racing was read by title only.

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

RESOLUTION - NUISANCE COSTS - 1825 LAKESIDE - ANDERSON

A resolution was presented which establishes the amount to be collected from the property owner of 1825 Lakeside Drive for the nuisance abatement at that location.

The resolution establishing the billing to be imposed against Justin and Ember Anderson as the owners of certain real property upon which the city caused abatement of a nuisance to be performed after a failure of the property owners to abate the same was read by title only.

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

RESOLUTION - NUISANCE ABATEMENT - 1230 BROADWAY - PESEK

A resolution was presented which would abate the nuisances at 1230 Broadway. The property owner, Joli Pesek was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Joli Pesek 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.

Joli Pesek, property owner, was sworn in and stated that she is working on cleaning up the property.

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

RESOLUTION - NUISANCE ABATEMENT - 2603 TEXAS STREET - HESTER

A resolution was presented which would abate the nuisances at 2603 Texas Street. The property owner, Dorothy N. Hester, was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Dorothy N. Hester 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.

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

RESOLUTION - NUISANCE ABATEMENT - LOT 15, BLOCK 5, CAPISTRANO PARK - PENCE
A resolution was presented which would abate the nuisances on Lot 15, Block 5, Capistrano Park. The property owner, Lorange Pence, was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Lorange Pence 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.

Action Taken: Dr. Curnel 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

REQUEST FOR WATER - LOPEZ

Lennard Lopez, Knudsen Land Survey, requested approval for the future property owner of Lot 2, Preliminary Lybbert Short Plat, Replat of Lot 10, South Hills Addition, to connect to the city's water system and to postpone the required annexation to a later date. The property is located south of I-90 and west of Potato Hill Road on Easy Street.

Gary Harer, Municipal Services Director, stated that the property is in the city's Urban Growth Area and within one half mile of the city's limits. He mentioned that there is a city water line in Easy Street but since the property is located on the south side of I-90, it will be awkward to provide other city services to that area.

Action Taken: Mr. Reese moved that it be determined that it is impractical for this property to be annexed to the city and the request to connect to city water be granted with the stipulation that an Extra Territorial Utility Agreement be signed, seconded by Mrs. Liebrecht, and passed unanimously.

PACIFIC STUDIO - CONTRACT

An agreement was presented with Pacific Studio regarding design and construction documentation services for the exhibit space in the museum and art center in the new Civic Center building. Authorization was requested for the City Manager to sign the agreement on behalf of the city.

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

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTSHANDICAPPED PARKING

Mr. Ecret requested that the Council reconsider the location of a handicapped parking space in front of the Swenson building on Beech Street. The building is fully occupied and the employees are taking up the parking spaces. He felt a handicapped parking space would be useful there.

It was the consensus of Council that staff research the parking in this area.

BUILDING RENOVATION ORDINANCE

Mr. Ecret suggested an ordinance be adopted that would require property owners to paint their buildings when the existing paint starts to peel.

Staff was requested to research the issue and report to the Council.

CITY MANAGER REPORTS AND COMMENTSINSURANCE

Joseph K. Gavinski, City Manager, provided the risk profile from the Washington Cities Insurance Authority, the city's insurance provider. The report shows that within the last five years the city had about \$600,000 worth of claims. The average of the insured group is about \$1,600,000. According to this report, the city is doing very well in managing its risk.

MOSES LAKE IRRIGATION AND REHABILITATION - DREDGING

Joseph K. Gavinski, City Manager, stated that the city is close to receiving all the information necessary to consider the application complete from the Moses Lake Irrigation and Rehabilitation District for their dredging project.

NUISANCE ABATEMENTS - REPORT

Joseph K. Gavinski, City Manager, stated that of the previous nuisances considered by the Council, the ones at 720 Pennivy, 522 Kentucky, 530 Florida, 705 D Street, 1201 Baker, and 1003 Cascade have been removed and these cases are now closed. Staff was informed that 221 and 227 Crestview would be taken care of shortly and bids have been requested for the removal of the nuisances at 502 Kentucky, and 403 Earl. The owner of 1105 Hill has until October 27 to remove the nuisances from his property.

TREE REPLACEMENT PROJECT

Gary Harer, Municipal Services Directors, stated that the minutes of the October 14 meeting need to be changed to reflect that the new trees to be installed in the downtown area will be European Hornbeam rather than maple. The European Hornbeam is a more slender tree with a less invasive root system.

AMBULANCE UTILITY FUND

Joseph K. Gavinski, City Manager, stated that the issue of the funding of the Ambulance Utility Fund needs to be resolved. He submitted information showing the different options available to support this fund.

There was considerable discussion and it was the consensus of the Council that the city retain its ambulance service and that the ambulance service fee be increased to support the fund.

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 litigation. 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