

MOSES LAKE CITY COUNCIL
December 14, 2010

Council Present: Jon Lane, Bill Ecret, Dick Deane, Karen Liebrecht, Brent Reese, David Curnel, 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 November 23, 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 December 14, 2010 the Council does approve for payment claims in the amount of \$530,804.76; prepaid claims in the amounts of \$11,500.00, \$2,163.40, \$20,776.46, and \$68,254.20; claim checks in the amount of \$782,685.42; and payroll in the amounts of \$27,434.44 and \$12,695.97.

Accept Work - Nelson Road Lift Station Improvements: Power City Electric, Inc. has completed work on the Nelson Road Lift Station Improvements. The work should be accepted and the 60 day lien period entered into.

National Frozen Foods - Petition for Annexation: National Frozen Foods submitted a Petition for Annexation for property located north of Wheeler Road. The petition should be accepted so the annexation can move forward.

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

Grant County Animal Outreach Agreement: An amendment to the agreement with Grant County Animal Outreach was presented. The amendment increases the amount to be paid to Grant County Animal Outreach from \$47,250 to \$50,000. Authorization was requested for the City Manager to sign the amendment to the agreement.

Mr. Ecret wanted to know what the additional funds would be used for.

Joseph K. Gavinski, City Manager, explained that the City contracts with Grant County Animal Outreach for animal control services, which the city would either have to provide, probably at a much greater cost, or try to contract with another agency to provide those services.

Mr. Pearce stated that he would like to see some information on the number of animals coming from the city and what other sources are providing funding to Grant County Animal Outreach.

Dean Mitchell, Police Chief, stated that he receives monthly reports from Grant County Animal Outreach and will provide a summary of that information if the Council wishes.

Mr. Deane felt that the city is getting a good service for the funds the city is expending.

Action Taken: Mr. Pearce moved that the item be tabled, seconded by Mrs. Liebrecht, and passed unanimously.

Burke Marketing/Promotions: The agreements with Burke Marketing/Promotions for the 2011 season were presented. The contracts include the production of 8 show days in the Centennial Amphitheater, 4th of July picnic, two day Moses Lake Blues Festival, Pig Out in McCosh Park, and the MAC holiday show. Authorization was requested for the City Manager to sign the contracts.

Mr. Ecret felt that a summary should be provided to the Council on the success of the different events promoted by Burke Marketing and that it be discussed at retreat prior to entering into another contract.

Mrs. Liebrecht stated that she would also like to review the success of the program and how well it is received by the community.

Joseph K. Gavinski, City Manager, stated that there are three components to these contracts - the concert series, the traffic building events, and the advertising for the different events. He pointed out that booking the different events needs to take place before retreat so any review should be done as soon as possible.

Spencer Grigg, Parks and Recreation Director, pointed out that Mr. Burke obtains discounts because he purchases the media space early and about half the concert series is booked prior to retreat.

There was some discussion by the Council.

Action Taken: Mr. Pearce moved that the City Manager be authorized to sign the contracts and that a report be provided at retreat, seconded by Mr. Deane, and passed with Mr. Ecret opposed.

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

ORDINANCE - RANDOLPH ROAD ANNEXATION - 2ND READING/PUBLIC HEARING

An ordinance was presented which provides for the annexation of approximately 1,097 acres of property located adjacent to Randolph Road and from Randolph Road northeast to Stratford Road.

The ordinance annexing property commonly known as the Randolph Road annexation to the City of Moses Lake, Washington, and incorporating the same within the corporate limits of the City of Moses Lake was read by title only.

Gilbert Alvarado, Community Development Director, pointed out that the property will be zoned Heavy Industrial.

The public hearing was opened.

Brian McGowan, 5183 Shorecrest, stated that he was concerned about the city's ability to provide fire protection to the proposed annexation area. He suggested that the annexation be tabled until the city has a plan that would enable the Fire Department to meet the required 4 minute response time.

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

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

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 12.40 - STREET CONSTRUCTION OR IMPROVEMENT REIMBURSEMENT CHARGES - 2ND 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.

A letter from Todd Voth was read which protests the including of his property in the reimbursement area for the Peninsula and Lakeshore improvements.

Gary Harer, Municipal Services Director, stated that the area was platted in 1914 and at that time 40' wide streets were dedicated. The current project requires 60' of right-of-way. When any property in the area was replatted, the property owners were required to dedicate the additional required right-of-way. The city has also obtained right-of-way by donation and purchase. He stated that letters were sent to property owners outlining the project, the need for the additional right-of-way, and the advantages and disadvantages of donating and/or selling the needed property to the city. He mentioned that the city purchased property from 14 property owners, including Mr. Voth. The property owners were informed that if the property was provided to the city, the city would construct the improvements and the reimbursement costs would be established at the current price, which would mean the property owners would not have to pay a higher price in the future for those improvements.

Todd Voth, 1538 Lakeway, stated that in a meeting with the project engineer he was informed that he would not be paying any reimbursements on the 144' of frontage that he sold to the city. He mentioned that he has now been informed that he will be required to pay the reimbursement fee on the property. Since he felt the city provided conflicting information about the reimbursement, he requested that the reimbursement charge on his property be waived.

There was considerable discussion by the Council and it was pointed out that waiving one reimbursement could lead to every property owner requesting a waiver of the reimbursement fee.

Action Taken: Mr. Pearce moved that the second reading of the ordinance be adopted, seconded by Mr. Deane, and passed with Mr. Ecret and Mrs. Liebrecht opposed.

ORDINANCE - AMEND 18.55 - HOME OCCUPATIONS - 2ND READING

An ordinance was presented which provides that a taxicab business with a single vehicle service will be allowed as a home occupation. A taxi business with more than a single vehicle would not be allowed as a home occupation.

The ordinance amending Chapter 18.55 of the Moses Lake Municipal Code entitled "Home Occupations" was read by title only.

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

ORDINANCE - AMEND 12.12 - SIDEWALK CONSTRUCTION - SINGLE READING

An ordinance was presented which provides that a property owner of property adjacent to a city deeded piece of property will have the same obligation to maintain the area as a property owner immediately adjacent to a piece of dedicated right-of-way.

The ordinance amending Chapter 12.12 of the Moses Lake Municipal Code entitled "Sidewalk Construction" was read by title only.

Joseph K. Gavinski, City Manager, explained that there are a few areas in the city where property has been deeded to the city and used to construct a street. In some instances the property is wider than the street improvements. This creates an area between the sidewalk and the adjacent property owner that is owned by the city and which the property owners refuse to maintain. The proposed amendment requires the adjacent property owner to be responsible for maintaining the area just as the property owner is required to care for the dedicated right-of-way adjacent to a sidewalk.

It was mentioned that this would be no different than requiring a property owner to be responsible for the planter strip.

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

ORDINANCE - AMEND 18.30 - COMMERCIAL ZONES - 1ST READING

An ordinance was presented which allows eaves, cornices, and awnings to project no more than 2' into the required setback in the C-2, General Commercial and Business, Zone.

The ordinance amending Chapter 18.30 of the Moses Lake Municipal Code entitled "Commercial Zones" was read by title only.

Gilbert Alvarado, Community Development Director, explained that generally in the C-2 Zone the lots are large enough that the buildings will not extend into the setbacks. Allowing the eaves, cornices, and awnings to encroach into the setbacks in the C-2 Zone will allow a building to be constructed close to the sidewalk. This will present a more pedestrian friendly site than those with parking next to the sidewalk.

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

ORDINANCE - AMEND 2010 BUDGET - 1ST READING

An ordinance was presented which amends the 2010 budget.

The ordinance amending the 2010 budget for the City of Moses Lake, Washington was read by title only.

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

ORDINANCE - AMEND 2.46 - TOURISM COMMISSION - 1ST READING

An ordinance was presented which permits the Tourism Commission to meet on an as needed basis but requires at least one meeting a year.

The ordinance amending Chapter 2.46 of the Moses Lake Municipal Code entitled "Tourism Commission" was read by title only.

Joseph K. Gavinski, City Manager, explained that the change in the number of meetings was requested by the Tourism Commission as there are many months where there is nothing to discuss.

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

RESOLUTION - INTERFUND LOAN

A resolution was presented which provides for an inter-fund loan in the amount of \$200,000 from the Water/Sewer Fund 410 to the Ambulance Fund 498.

The resolution authorizing an inter-fund loan to the Ambulance Fund 498 from the Water/Sewer Fund 410 was read by title only.

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

RESOLUTION - ACCEPT DONATION - SUMMER CONCERT SERIES

A resolution was presented which accepts the donations from businesses and organizations to partially fund the 2010 Summer Concert Series.

The resolution accepting contributions for the City of Moses Lake Centennial Theater Summer Concert Series and Movies in the Parks Program was read by title only.

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

RESOLUTION - UTILITY EXTENSION POLICY

A resolution was presented which amends the city's utility extension policy to comply with insurance requirements.

The resolution amending Resolution 2513 setting forth a policy with regard to the provision of water and/or sewer utilities outside the corporate limits of the city and setting forth an annexation policy for the City of Moses Lake, Washington was read by title only.

James A. Whitaker, City Attorney, stated that the change under the section "Delivery of City Water and/or Sewer Utilities to Non-Contiguous Lands" was changed due to a court case. The language

was amended to state that the non-contiguous lands receiving city water and/or sewer will not be used in any manner inconsistent with the land use controls in place.

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

RESOLUTION - ABANDON EASEMENT - LARSON

Richard Larson requested the abandonment of a 10' easement located on the north end of Lot 1, Sage Bay #3 Short Plat. Northland Cable has facilities in a portion of the easement proposed to be vacated.

The resolution authorizing abandonment of an easement was read by title only.

Gilbert Alvarado, Community Development Director, stated that if the easement were abandoned, the property owner could use the property to place a storage building adjacent to the rear property line. The portion of the easement in use by Northland Cable would not be abandoned.

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

RESOLUTION - AMBULANCE FUND

After City staff further reviewed the statute with regard to ambulance utility fees and the permitted formula used to establish the fees, it was determined that repayment of any loans or costs to cover deficits or costs to establish a fund balance cannot be calculated into the fee. Therefore, City staff has determined that \$8.25 would be the maximum revised fee that the City can charge. City staff recommended that the ambulance utility fee, beginning January 1, 2011, be established in the amount of \$8.25.

There are interfund loans totaling \$650,000 and the need to establish a fund balance in the amount of about \$250,000. City staff proposes that the interfund loan be repaid and the fund balance be established over a 5 year period. That would mean the General Fund would contribute \$130,000 per year towards repayment of the interfund loans, \$49,300 per year to establish the fund balance, and contribute \$73,500 per year as is required by law. The General Fund's annual total contribution would amount to \$252,800.

The resolution establishing ambulance service utility rates was read by title only.

Joseph K. Gavinski, City Manager, explained the state law as it relates to the ambulance utility fee.

There was some discussion by the Council.

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

SIGN PLACEMENT STANDARDS

The sign standards were revised to allow placement of signs without having to obtain permission by the Council. The revised sign placement standards identify the locations where signs may be located, which is essentially consistent with current practice. Much of the sign placement standards remain the same but the size of the sign was changed from 32 square feet to 16 square feet.

Joseph K. Gavinski, City Manager, stated that the new regulations permit placement of signs without having to obtain permission of the Council. The standards include the locations where signs are allowed and other specifications. He mentioned that the location of the "grassy area adjacent to Pioneer Way and East Broadway Extended" should be changed to read "Grassy area adjacent to West Broadway and East Broadway Extended" as the location is not technically adjacent to Pioneer Way.

There was some discussion by the Council.

Action Taken: Mr. Reese moved that the sign placement standards be amended and approved, seconded by Dr. Curnel, and passed unanimously.

STREET CLOSURE - NEW YEAR'S EVE

The Parks and Recreation Department requested the closure of Third Avenue from Beech to Division and Ash Street from the intersection of Third Avenue to the alley heading north and south all the way to 4th Avenue. The closure would be from 7 p.m. until 10:30 p.m. to accommodate the activities at the Museum and Art Center and on the stage at Sinkiuse Square.

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

LODGING TAX ADVISORY COMMITTEE

The membership of the Lodging Tax Advisory Committee is to be confirmed on a yearly basis. The current members include Debbie Doran-Martinez, Moses Lake Chamber of Commerce and Tourism Commission, Brenda Teals, Allied Arts, Friends of the Adam East Museum and Art Center, and Tourism Commission, Troy Duzon, Ameristay Inns, and Christine Richie, Comfort Suites and Tourism Commission. Councilman Ecret is the Chairman.

Action Taken: Mr. Pearce moved that the current members of the Lodging Tax Advisory Committee be confirmed, seconded by Mr. Reese, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTSPIONEER PIT STOP - SIGN

John Redford, Pioneer Pit Stop, stated that they were granted permission to place their sign on city right-of-way. Upon review of the approved location it was discovered that there is a city water line that would be impacted. He stated that they would like to relocate the sign closer to the existing sign which will remove it from the right-of-way but it would still be within a city easement. The sign base will be 13' from the sidewalk.

Gilbert Alvarado, Community Development Director, gave some background on the placement of signs in easements and city rights-of-way.

Action Taken: Mr. Reese moved that the request be granted subject to the execution of the license between the city and Pioneer Pit Stop for the use of city property, seconded by Mrs. Liebrecht, and passed unanimously.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

ENTRANCE SIGNS

Joseph K. Gavinski, City Manager, stated that information has been received concerning the entry signage proposed by the consultant on the city's downtown development. The proposed signs will cost between \$24,000 and \$28,000. He mentioned that locations have not yet been designated.

There was some discussion and it was felt that the alternate design, without the flags, would be easier to maintain and staff was also requested to look into an electronic sign which could be used to advertise events.

Staff was directed to continue discussion on the signs with the appropriate parties and report back to the Council.

PANHANDLING

Joseph K. Gavinski, City Manager, stated that the City of Spokane Valley has adopted ordinances which control panhandling and monetary solicitation. The ordinances essentially prohibit people from going into the streets.

James A. Whitaker, City Attorney, explained that according to current court cases, certain aspects of begging are protected as free speech.

Mr. Pearce felt that solicitation of vehicle occupants should be prohibited as it is a safety issue for those doing the solicitation.

Mr. Whitaker explained that the attorney for Spokane Valley indicated that their ordinance is traffic/pedestrian safety driven and does not try to address what the people are soliciting for.

Staff was directed to continue work on an ordinance to regulate panhandling.

SNOW REMOVAL

Joseph K. Gavinski, City Manager, stated that the city staff did a good job of snow removal and that private contractors were hired to aid in plowing the residential neighborhood streets.

BUILDING ACTIVITY REPORT

The November 2010 Building Activity Report was presented.

INVESTMENT REPORT

The city received \$11,292.80 in investment income for November 2010.

SALES TAX/TRANSIENT RENTAL INCOME

The city received \$438,011.36 in sales tax and \$46,504.36 in transient rental income in November 2010.

The regular meeting was recessed at 9:32 p.m. and the Council met at 9:35 p.m. in a 30 minute executive session with the City Attorney to discuss litigation and labor relations. The executive session was adjourned at 9:54 p.m. and the regular meeting was reconvened.

LITIGATION

Joseph K. Gavinski, City Manager, presented a Settlement Agreement between the city and the county which would resolve the current law suits between the two entities concerning the Revenue Sharing Agreement and the definition of resource based industries.

Action Taken: Dr. Curnel moved that the City Manager be authorized to execute the Settlement Agreement with the county, seconded by Mr. Deane, and passed unanimously.

SALARIES

Action Taken; Mr. Ecret moved that a 2% raise be approved for Association, non-union, and exempt personnel, and a 5% raise be approved for Police Captains for 2011, seconded by Dr. Curnel, and passed unanimously.

The regular meeting was adjourned at 8:56 p.m.

ATTEST

Jon Lane, Mayor

Ronald R. Cone, Finance Director