

MOSES LAKE CITY COUNCIL
June 12, 2012

Council Present: Bill Ecret, Dick Deane, Karen Liebrecht, David Curnel, Brent Reese, and Jon Lane Absent: Jason Avila

The meeting was called to order at 7 p.m. by Mayor Ecret.

PLEDGE OF ALLEGIANCE: Mayor Ecret led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the May 22 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 the Civic Center. As of June 12, 2012 the Council does approve for payment claims in the amount \$759,811.63; prepaid claims in the amounts of \$16,948.41, \$20,213/82. and \$9,277.12; claim checks in the amount of \$1,227,744.59; and payroll in the amounts of \$345,496.75,\$4,195.82, and \$386,138.71.

Accept Work - Blue Heron Sewer Crossing Project: Hurst Construction has completed work on the 2010 Blue Heron Sewer Crossing Project. The project included installation of a new 12" sewer force main and replacement of the existing 10" gravity main in the existing 36" casing under I-90. The work should be accepted and the 60 day lien period entered into.

Accept Work - Cascade and Blue Heron Parks Restroom Project: Central Washington Excavation has completed work on the 2011 Cascade and Blue Heron Parks Project. The work consisted of demolishing two existing restrooms, relocating the utility lines and conduits, and preparing a gravel pad for the placement of two prefabricated concrete restrooms. The work should be accepted and the 60 day lien period entered into.

Resolution - Accept Easement - Castle Farms Enterprises: A resolution was presented which accepts an access easement from Castle Farms Enterprises, Inc. to access any existing or future on-site water and electronic reading devices and/or sanitary sewer meters and electronic reading devices located at the Blackstone OTR facility on Randolph Road.

Resolution - Accept Easement - National Frozen Foods: A resolution was presented which accepts an easement to access existing or future on-site water meters and electronic reading devices and/or sanitary sewer meters at 14406 Road 3 NE.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES

WATER METERS

The City received one bid for the procurement of water meters. This project includes purchasing 715 meters ranging in size from 3/4" to 4", 490 electronic read transmitters for meters ranging in size from 3/4" to 2", and miscellaneous repair parts.

Action Taken: Mr. Reese moved that the bid be awarded to Badger Meters, Inc. in the amount of \$250,570, seconded by Mr. Lane, and passed unanimously.

LONG LINE STRIPER

The City received two bids for the long line striper which will replace the existing 1979 striper.

Gary Harer, Municipal Services Director, stated that both bids were incomplete and recommended that they be rejected.

Action Taken: Dr. Curnel moved that the bids be rejected as non-responsive and staff be authorized to rebid the equipment, seconded by Mr. Deane, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGSSTREET CLOSURE - WASHBURN

Tina Washburn, Wallace Street, requested the closure of Wallace Street between Sharon Avenue and Turnagin Place in order to hold a Block Party on Saturday, June 30, 2012 from 1 to 6 p.m.

James Porter, 1645 Wallace, explained their request and mentioned that the neighbors have been notified of the party and no objections were received.

Christina Washburn stated that information will also be provided on the city's Block Watch Program.

Tom Taylor, Fire Chief, requested that no chairs or barbeques be located on the street in case there is a need for emergency vehicle access. Having them in the parking strips or sidewalks would be acceptable.

Action Taken: Mrs. Liebrecht moved that the request be granted with the stipulation that staff's concerns are addressed, seconded by Dr. Curnel, and passed unanimously.

SALES ON CITY PROPERTY - VOIGT

Stephanie Voigt, Cornfusion Gourmet Popcorn, requested permission to sell gourmet popcorn produces at Sinkiuse Square during the Crossroads Pregnancy Resource Center's Bluegrass/Gospel Festival on Saturday, June 30.

Ms. Voigt stated that she has been asked by Crossroads to provide popcorn at this event. She mentioned that a portion of her profits will be contributed to Crossroads.

There was some discussion by the Council and it was mentioned that the City usually requires 15% of the profit from the vendors. If Ms. Voigt agrees to donate 15% of her profits to Crossroads, the City would waive its requirement to receive 15% of the profits.

Action Taken: Mr. Deane moved that the request to sell popcorn at Sinkiuse Square on June 30 be granted with the stipulation that insurance is provided and that 15% of the profits be donated to Crossroads in lieu of paying the City 15% of the profits, seconded by Mrs. Liebrecht, and passed unanimously.

ORDINANCES AND RESOLUTIONSRESOLUTION - BUILD ON UNPLATTED PROPERTY - DAY WIRELESS

A resolution was presented which would allow Day Wireless to construct a 3,600 square foot commercial building on unplatted property located at 417 E. Broadway.

The resolution allowing Day Wireless Systems to build on unplatted property owned by A Thousand Hills, LLC was read by title only.

Gilbert Alvarado, Community Development Director, stated that Day Wireless has indicated they will be platting the property in the near future.

Larry Angell, Columbia Northwest Engineering, representing Day Wireless, explained that with the approval of the request to build on unplatted property the sale of the property will move forward and the platting process can begin.

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

RESOLUTION - BUILD ON UNPLATTED PROPERTY - CROP PRODUCTION SERVICES

A resolution was presented which would allow Crop Production Services to construct a 2,130 square foot addition to their fertilizer storage building on unplatted property at 2624 Road N.

The resolution allowing Crop Production Services to build on unplatted property owned by Tri River Chemical Co. Inc. was read by title only.

Gilbert Alvarado, Community Development Director, explained that the addition to the fertilizer storage was permitted by Grant County but does not meet building code requirements. Staff has discussed the resolution of this problem for several months and determined that, rather than require the building to be demolished, a building permit will be issued with the stipulation that no further additions can be added to the building unless the building is brought up to current code. He mentioned that a plat is required to have access to dedicated right-of-way and this property does not. For that reason the requirement to plat was not included in the resolution.

There was some discussion by the Council.

Action Taken: Mr. Lane 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

APPEAL - GRANT COUNTY SKILL CENTER

The Community Development Department received an appeal with regard to the Planning Commission's decision to approve the Grant County Skill Center. The appeal was filed by Ken Johnson within the appeal period specified under MLMC 20.11, entitled Appeals.

Since the appellant was not in attendance there was discussion on whether or not to continue with the appeal process. Representatives from the School District were in attendance and requested that the appeal process move forward.

Action Taken: Mr. Reese moved that the appeal process proceed, seconded by Dr. Curnel.

Mark Johnson, Executive Director for Business and Finance for the School District, stated that they would prefer the appeal process to proceed because of the time lines related to the construction of the skill center.

Brent Harding, NAC Architecture, stated that the funding for the bus garage has been available for some time and the funding for the skill center has recently been approved.

Gilbert Alvarado, Community Development Director, stated that the complete record has been provided to the Council and all parties of record have been notified.

The motion passed unanimously.

Mr. Harding pointed out that the skills center will be about 700' from the residential area rather than the 200' mentioned by the appellant.

Daniel Leavitt, Assistant Planner, provided a site plan of the area showing the Grant County Skills Center and the residential area. The 200' mentioned by the appellant was from the residential property line on Perch Avenue to the first driveway to the east on Yonezawa Boulevard. The property is currently zoned Public and schools are a permitted use. The adjacent Yonezawa Boulevard is designed to handle the traffic and there will be no lowering of the level of service.

Katherine Kenison, City Attorney, mentioned that the only written records introduced by the appellant consists of an April 27 letter which was his original notice of appeal followed by an updated addendum on May 10, 2012. The Determination of Non-Significance on the Environmental Review was issued in January 2012 and there was no appeal taken on the environmentally related issues such as the traffic impacts, noise, light, and glare. The site plan proposed by the School District is consistent with the City's Comprehensive Plan and there is adequate public infrastructure to serve the site. The appeal cited issues of increased traffic which was reviewed by the City and the traffic impacts were adequately addressed. The site plan meets the intent of the Moses Lake Municipal Code and serves the interest of the public health, safety, and welfare. The Planning Commission considered the testimony of the public concerning the impacts but no factual information was provided to support their testimony.

Ms. Kenison outlined the factors the Council needs to consider in making its decision on the appeal.

There was some discussion on the appeal by the Council.

Action Taken: Mr. Reese moved that the decision of the Planning Commission be affirmed, seconded by Mr. Lane, and passed unanimously.

DEFERRAL/DEVIATION REQUEST - LOPEZ

Benito Lopez requested a deferral and a deviation of the subdivision requirements associated with the proposed construction of a building at 611 Penn Street, Lot 3, Commercial Plat. The existing infrastructure improvements do not meet current community standards as both Penn Street and Block Street are gravel and there are no curbs, gutters, or sidewalks. The request is to defer the street improvements at this time.

Gilbert Alvarado, Community Development Director, stated that the parcel has been platted for many years but does not meet current city codes. If the request is granted, a covenant would be required for the improvements in the future.

Action Taken: Mr. Lane moved that the request be granted with the stipulation that a covenant be provided for future improvements, seconded by Mr. Reese, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

REQUEST FOR CITY SERVICES - HOUSING AUTHORITY

The Housing Authority of Grant County requested permission to connect Lot 1, Replat of Lot 426, Larson Subdivision, to city sewer without annexing the property. While the property is within one half mile of the City's limits, it would be impractical to annex the property since the portion of Arlington Drive adjacent to the lot would have to be annexed and it would be very difficult for the City to maintain this short section of street.

Gary Harer, Municipal Services Director, stated that there is sufficient capacity in the sewer system.

Action Taken: Mrs. Liebrecht moved that it be found to be impractical to annex the property into the City and that the request for City services be granted with the stipulation that an Extra Territorial Utility Agreement be required, seconded by Mr. Reese, and passed unanimously.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

AWARD - LARSON WASTEWATER TREATMENT PLANT

The Department of Ecology has announced that the Moses Lake Larson Wastewater Treatment Plant is receiving the 2011 "Wastewater Treatment Plant Outstanding Performance" award.

BUILDING ACTIVITY REPORT

The May 2012 Building Activity Report was provided.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$405,657.25 in sales tax and \$25,787.06 in transient rental income in May 2012.

DONATION - MUSEUM AND ART CENTER

Joseph K. Gavinski, City Manager, stated that Dr. Robert Ruby created a \$50,000 endowment for the maintenance of the permanent art collection of the Moses Lake Museum and Art Center. The City will receive income from this endowment on an annual basis to assist in the maintenance of the Museum's artifact collection.

The regular meeting was recessed at 8:45 p.m. and the Council met in a 30 minute executive session with the City Attorney to discuss potential litigation. The executive session was adjourned at 9:15 p.m. and the regular meeting was reconvened.

COLVILLE TRIBES - TRUST PETITION

Joseph K. Gavinski, City manager, advised the Council that the U. S. Dept. of the Interior, Bureau of Indian Affairs decided to approve the Colville Tribes' request for the U. S. to accept the Tribe's property located on Wanapum Drive into trust.

Action Taken: Mr. Reese moved that the City appeal the decision, seconded by Mrs. Liebrecht, and passed unanimously.

EASEMENT - FISHER

Joseph K. Gavinski, City Manager, advised the City Council that Joe Fisher requested an easement from the City adjacent to his property on Wheeler Road.

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

The regular meeting was adjourned at 9:30 p.m.

ATTEST

Bill J. Ecret, Mayor

W. Robert Taylor, Acting Finance Director