

MOSES LAKE CITY COUNCIL  
June 26, 2012

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

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

PLEDGE OF ALLEGIANCE: Captain David Sands led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the June 12 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 26, 2012 the Council does approve for payment claims in the amount of \$563,082.68; prepaid claims in the amounts of \$39K952.52 and \$68,992.24; claim checks in the amount of \$1,054,292.27; and payroll in the amount of \$368,279.18.

Accept Work - 2012 Crack Seal Project: BCV, Inc. has completed work on the 2012 Crack Seal Project. The project included sealing approximately 448,933' of cracks on streets, bike paths, and parking lots throughout the City. The work should be accepted and the 60 day lien period entered into.

Resolution - Accept Equipment - MACC: A resolution was presented which accepts an Enviro Building and 20-KW generator from the Multi-Agency Communications Center. The MACC has discontinued using the City's Reservoir 5 well site located at 1701 E. Nelson Road to operate their 911 communications. They have removed their antennas and cables from the reservoir and are transferring the ownership of the building and generator to the City since it would cost more to remove them than their value. The Water Division has uses for both the building and the generator.

S L & A Preliminary Major Plat and Findings of Fact: Sam Lee & Associates, Inc. submitted a preliminary plat consolidating four tax parcels into one 12 acre lot. The site is located north and east of the Vista Village Shopping Center at Valley Road and Central Drive. The area is zoned C-2, General Commercial & Business. The Planning Commission recommended that the preliminary plat be approved with conditions. Findings of Fact were also presented for acceptance.

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

COMMISSION APPOINTMENTS

PARKS AND RECREATION COMMISSION

Mayor Ecret requested confirmation of the appointment of Tiffany Quilter to the Parks and Recreation Commission.

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

CONSIDERATION OF BIDS AND QUOTES

FIVE CORNERS IMPROVEMENT PROJECT

The City received four bids for the Five Corners Improvement Project. This project includes replacing signal heads, pedestrian push buttons, and wires for the Five Corners intersection, reconstruction of curb ramps, and street repairs.

Action Taken: Mr. Deane moved that the bid be awarded to Neppel Electric in the amount of \$183,400, seconded by Mr. Reese, and passed unanimously.

#### PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

##### LEGISLATIVE CANDIDATE

Jamie Wheeler was introduced as she is currently running for the Washington State Legislature. She provided some background on her past experience.

##### WAIVER - RESIDENTIAL ZONE - CABALLERO

Corina Caballero is requesting permission to occupy a motor home at the vacant lot at 9768 Parkway while a home is constructed on the lot.

Gilbert Alvarado, Community Development Director, pointed out that the City has no provisions that allow a property owner to occupy a motor home, fifth wheel, or camper while they work on the construction of a home.

Ms. Caballero stated that they wish to located their motor home on the recently purchased property while they build a home on the lot.

There was some discussion by the Council and no action was taken.

##### VENDORS IN CITY PARKS

Gina Yañez, N'ice Dreams Ice Cream, requested permission to sell ice cream in Cascade Park.

Spencer Grigg, Parks and Recreation Director, stated that the City has received complaints from the campers about traveling vendors in the park. He pointed out that commercial sales are prohibited on all of the City's property, not just the parks.

Joseph K. Gavinski, City Manager, mentioned that the City Manager can grant permission for a non-profit vendor to sell on City property but the Council is the only one that can grant permission for a for-profit vendor to sell on City property.

There was some discussion by the Council on outside vendors in city parks but no action was taken.

##### REQUEST TO USE CITY PROPERTY - TSUNAMI SUSHI

Dwane Lind, Tsunami Sushi, requested permission to close Third Avenue between Division and Ash on July 27, 2012 from 7 p.m. to 12 midnight to accommodate their annual Elvis night for the entertainment of their patrons.

Mr. Lind stated that the performance will be the same as the previous years.

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

#### ORDINANCES AND RESOLUTIONS

##### ORDINANCE - AMEND CHAPTER 18.58 -SIGNS - 1<sup>ST</sup> READING

An ordinance was presented which includes feather and/or tear drop signs under the temporary sign provisions.

The ordinance amending Chapter 18.58 of the Moses Lake Municipal Code entitled "Signs" was read by title only.

Gilbert Alvarado, Community Development Director, stated that the Planning Commission discussed the issue of feather and/or tear drop signs and it was felt they were a good advertising tool. The Commission wished to allow the signs so they were added under the temporary sign regulations.

It was pointed out that on a windy day some of the feather and/or tear drop signs end up in the road and it was felt that the signs should be anchored in some way.

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

#### RESOLUTION - RESCIND PERMISSION TO BUILD ON UNPLATTED PROPERTY - BLACKSTONE OTR

A resolution was presented which would rescind Resolution 3219 granting Blackstone OTR permission to build on unplatted property with the stipulation that the property be platted within one year. There has been no effort on the part of Blackstone OTR to begin the platting process even though a building permit has been issued and the one year time limit has expired.

The resolution rescinding Resolution No. 3219 allowing Blackstone OTR to build on unplatted property was read by title only.

Gilbert Alvarado, Community Development Director, stated that Blackstone OTR has been in the community for a number of years and they are a supplier for Genie Industries. He mentioned that letters were sent to Blackstone OTR concerning the lack of progress on the platting issue and when no response was forthcoming, the resolution was submitted to Council to rescind the permission to build on unplatted property. He mentioned that the City has since been contacted by the owner of the company who explained that he was unaware of the lack of progress on the platting of the property but that the process will be started right away. He pointed out that a Certificate of Occupancy cannot be provided for a building on unplatted property. The building construction is scheduled to be complete in September and the platting process takes about five months to complete.

Chuck Tudor, representing Blackstone OTR, stated that Munson Engineers should be contacting the City about platting the property within the next two weeks. He requested that they be allowed to continue with the construction.

There was some discussion and it was pointed out that since the City has received assurances that the platting process will start, if the Council wishes to allow the construction to continue, no action is required by the Council.

No action was taken by Council.

#### RESOLUTION - BUILD ON UNPLATTED PROPERTY - MOSES LAKE SCHOOL DISTRICT

A resolution was presented which allows the Moses Lake School District to build a 22,551 square foot office/bus garage facility on unplatted property on Yonezawa Boulevard with the stipulation that the property be platted within one year.

The resolution allowing Moses Lake School District #161 to build on unplatted property was read by title only.

Gilbert Alvarado, Community Development Director, stated that the School District has begun the platting process.

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

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATIONGRACE HARVEST CHURCH - BOND EXTENSION

Grace Harvest Church has requested an extension of their existing performance bond for the improvements associated with the Grace Harvest Church Major Plat. The City Council may grant a one time, two year, extension of a performance bond.

Gilbert Alvarado, Community Development Director, stated that the plat has been recorded but because the sidewalks and street lights have not been constructed, a bond was required for those improvements.

Gary Ash, representing Grace Harvest Church, stated that the economic conditions have slowed the project and so they are requesting an extension of the bond.

Action Taken: Mr. Lane moved that the request for a two year extension on the bond be approved with the stipulation that the amount be increased as required, seconded by Mr. Avila, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTSWAIVER - STONE HOLLOW SHORT PLAT

Ivan Kriger, 1502 Panorama Avenue, Spokane, stated that they have purchased six duplexes and wish to place them on the lots in the Stone Hollow Short Plat located at the intersection of Paxson and Central.

Gilbert Alvarado, Community Development Director, stated that Mr. Kriger is not the owner of the property and the duplexes would be placed on unplatted property with no infrastructure to service the homes. A building permit cannot be issued for the structures until the bonding is in place for the utilities and the property is platted.

There was some discussion and Council directed Mr. Kriger to work with staff.

COLVILLE CONFEDERATED TRIBES - TRUST LANDS

Steve Shield, 3905 Peninsula, stated that he was concerned about the project by the Colville Confederated Tribes in Moses Lake due to liability issues.

Joseph K. Gavinski, City Manager, stated that the issue raised by Mr. Schield concerns sovereign immunity which means that a tribe cannot be sued for negligence on tribal lands. He pointed out that the property in Moses Lake is land that will be held by the federal government in trust for the tribe.

COUNCIL QUESTIONS AND COMMENTSSIGNS

Mayor Ecret stated that when the City crews mow, they apparently move the signs that have been placed on City right-of-way to one area. He did not feel it was the responsibility of the staff to replace the signs but felt that something needs to be done because the signs are jumbled in one area.

Joseph K. Gavinski, City Manager, pointed out that the staff is supposed to mow around the signs rather than move them. He mentioned that if the signs create problems, whether for maintenance crews or the traveling public, signs can be prohibited on City property.

There was some discussion and staff was requested to investigate the issue.

CITY MANAGER REPORTS AND COMMENTSPROJECT UPDATE

Gilbert Alvarado, Community Development Director, provided an update of the current projects in the city.

INVESTMENT REPORT

The city received \$21,788.82 in investment income in May 2012.

The regular meeting was adjourned at 9 p.m.

ATTEST

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Bill J. Ecret, Mayor

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W. Robert Taylor, Acting Finance Director