

MOSES LAKE CITY COUNCIL
August 28, 2012

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

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

PLEDGE OF ALLEGIANCE: John Campbell of Boy Scout Troop 35 led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the August 14 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 August 28, 2012 the Council does approve for payment claims in the amount of \$1,536,708.19; prepaid claims in the amounts of \$41,663.28 and \$397,947.96; claim checks in the amount of \$2,852,983.18; and payroll in the amount of \$396,757.59.

Accept Work - Water Main Project 2012: Hurst Construction, LLC has completed work on the 2012 Watermain Project. The project included installing a new 12" water main in Randolph Road and Beacon Road and replacing the existing 6" steel water main with an 8" PVC water main along with the water meters and fire hydrants in portions of Alder Street and Third Avenue.

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

COMMISSION APPOINTMENTS

TOURISM COMMISSION

Mayor Ecret requested confirmation of the re-appointment of Debbie Doran-Martinez and the appointment of Marianne Kirwan to the Tourism Commission.

Action Taken: Mrs. Liebrecht moved that the re-appointment of Debbie Doran-Martinez and the appointment of Marianne Kirwan be confirmed, seconded by Mr. Avila, and passed unanimously

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

SIX YEAR STREET PROGRAM - PUBLIC HEARING

A resolution was presented which contains a list of streets proposed to be adopted for the amended Six Year Transportation Improvement Project.

The resolution to amend Resolution 3234 Transportation Improvement Program for 2013 - 2018 was read by title only.

The public hearing was opened. There were no comments.

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

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

ORDINANCES AND RESOLUTIONSORDINANCE - EXTEND MORATORIUM ON MEDICAL MARIJUANA GARDENS - 1ST READING

An ordinance was presented which extends the moratorium on the establishment of "collective gardens" for the medical use of marijuana. The moratorium should be extended because the legislature has not yet resolved the issues which exist in current state law with regard to collective gardens and there is still the issue with regard to the effect of federal law which needs to be resolved.

The ordinance of the City of Moses Lake extending a moratorium on the establishment of medical marijuana collective gardens, defining "medical marijuana collective gardens", providing for a public hearing establishing an effective date, and providing that the moratorium, unless extended, will sunset within six (6) months of the date of adoption was read by title only.

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

RESOLUTION - NUISANCE ABATEMENT - 9849 PARKWAY - RIVERA

A resolution was presented which provides for the abatement of nuisances at 9849 Parkway. The property is owned by Carlos Rivera.

The resolution determining that Carlos Rivera 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.

Rick Rodriguez, Code Enforcement Officer, was sworn in and provided testimony concerning this issue.

There was no other testimony. The hearing was closed.

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

RESOLUTION - NUISANCE ABATEMENT - 505 KENTUCKY - GARCIA-SOLTERO

A resolution was presented which provides for the abatement of nuisances at 505 Kentucky. The property is owned by Jose and Regina Garcia-Soltero.

The resolution determining that Jose & Regina V. Garcia-Soltero 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.

Clair Harden, Code Enforcement Officer, was sworn in and provided testimony concerning this issue.

There was no other testimony. The hearing was closed.

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

RESOLUTION - NUISANCE ABATEMENT - 1146 GEM - SCHMITT

A resolution was presented which provides for the abatement of nuisances at 1146 Gem. The property is owned by Eric and Michele Schmitt.

The resolution determining that Eric D. & Michele D. Schmitt 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.

Clair Harden, Code Enforcement Officer, was sworn in and provided testimony concerning this issue.

There was no other testimony. The hearing was closed.

Action Taken: Mr. Avila 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 CONSIDERATION

REQUEST FOR CITY SERVICES - DESERT GOLF, LLC

Desert Golf, LLC has requested permission to connect the Pillar Rock Grill located at the Moses Lake Golf Club at 1373 NE Road F.2 to city water and sewer.

Gary Harer, Municipal Services Director, pointed out that the restaurant and golf course are one parcel and since the property is adjacent to the existing city limits, annexation of the entire parcel would be required. However, annexation of the property would create two islands of unincorporated property surrounded by property within the city.

Bob Fancher, representing Desert Golf, LLC, stated that the property where the buildings are located will be separated from the golf course property and will be annexed but there is not much interest in annexing the golf course itself due to the creation of the unincorporated islands and the fact that the adjacent property owners do not wish to be annexed into the City. The property in front of the club house that fronts on Fairway Drive is proposed to be developed and city services will be required.

There was considerable discussion concerning the annexation of this area and it was the consensus that the City would have no objection to the annexation of the segregated parcel.

REQUEST FOR CITY SERVICES - BUTLER LANE

Jose Gonzalez requested permission to connect 3934 Butler Lane to City water without annexing the property. The property is located off of Beacon Road which has a 12" water main installed by the City during the summer of 2012. The parcel is within one-half mile of the city limits and within the UGA. The Council must determine that it is impractical for the property owners to annex this property before approving the request.

Gary Harer, Municipal Services Director, stated that the property owner is proposing to connect to the City main on Beacon Road and install a meter and have a service line extending across his neighbor's property to connect to his property. He pointed out that there are many parcels in this area that do not front on dedicated right-of-way. The City is proposing that an 8" water main be installed in a municipal easement and the service line run from the main instead of extending the service line across the neighbor's property. He mentioned that the cost would increase because an 8" main would have to be constructed instead of extending the 1" service line. He mentioned that even though Butler Lane is shown on the map, it is not dedicated right-of-way but is owned by two different property owners.

Mrs. Gonzalez stated that the property is on a private well and the well is drying up which is why they wish to connect to City water.

There was considerable discussion concerning the extension of city services in this area and staff recommended that the extension of City services be done in a way consistent with good development practices since it is logical to assume that other property owners will request to connect to City services in the future.

The property owners were directed to discuss the issue with City staff.

REQUEST TO WORK OFF HOURS - STRATFORD ROAD CROSSWALK PROJECT

Neppel Electric & Controls requested permission to start work at 6 a.m. for the duration of the Stratford Road Crosswalk Project due to the traffic on Stratford Road.

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

PLAT IMPROVEMENTS - DEFERRAL - GRANGER

Troy Granger requested a deferral of the required subdivision improvements associated with the construction of a garage at 1015 W. Virginia Street, Lot 21, Paxson Plat. The deferral is for the required street improvements on Virginia Street.

Gilbert Alvarado, Community Development Director, stated that plat was recorded in the past and does not meet current City codes. In order to bring the property into compliance with current requirements, the City has adopted regulations requiring insufficiently platted property to be brought up to current codes when developed.

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

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - NoneCOUNCIL QUESTIONS AND COMMENTS - NoneCITY MANAGER REPORTS AND COMMENTSAWARD - LEED - CIVIC CENTER

Joseph K. Gavinski, City Manager, stated that the City has been given a certification from the U. S. Green Building Council for achieving Leadership in Energy and Environmental Design (LEED) for the new Civic Center Building.

SHORT COURSE ON LOCAL PLANNING

Joseph K. Gavinski, City Manager, informed the Council that a Regional Short Course on Local Planning will be hosted by the City of Moses Lake on Wednesday, September 12 from 6:30 p.m. to 9:30 p.m.

CODE ENFORCEMENT

Gilbert Alvarado, Community Development Director, provided information on the efforts of the Code Enforcement Officers. He reported that for 2012 the Code Enforcement Officers have logged over 670 cases with a 91% compliance rate. He explained some of the issues that are the Code Enforcement Officers deal with.

The meeting was adjourned at 9:20 p.m.

ATTEST

Bill J. Ecret, Mayor

W. Robert Taylor, Acting Finance Director