

MOSES LAKE CITY COUNCIL
October 9, 2012

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

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

PLEDGE OF ALLEGIANCE: Mr. Avila led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS

VISION 2020 AWARD

Richard Teals, Vision 2020, presented an award to the Moses Lake Farmer's Market for being an asset to the community for more than 30 years.

PROCLAMATION

Gilbert Alvarado, Community Development Director, stated that Community Planning Month is an effort to increase awareness of the importance and need for citizen and professional planners, and public engagement in the planning process. He mentioned that the State of Washington is a leader in the planning field and went over some of the effects of planning.

The proclamation declaring October as Community Planning Month was read by title only.

CONSENT AGENDA

Minutes: The minutes of the September 25 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 October 9, 2012 the Council does approve for payment claims in the amount of \$822,005.35; prepaid claims in the amounts of \$14,394.11 and \$47,323.67; claim checks in the amount of \$928,294.69; and payroll in the amounts of \$325,809.22, \$4,437.46, and \$740.18.

Resolution - Accept Easement - Barney: A resolution was presented which accepts an easement from James Barney for the installation, repair, operation, and maintenance of a municipal sewer main on Lot 1, Schwan's Short Plat located off of Patton Boulevard.

Resolution - Accept Easement - Ramsden: A resolution was presented which accepts an easement from Scott Ramsden for the installation, repair, operation, and maintenance of a municipal sewer main on Lot 1, Schwan's Short Plat located off of Patton Boulevard.

Resolution - Accept Easement - Sparks: A resolution was presented which accepts an easement from David Sparks which provides city access to water and/or sewer meters located along 12238 N. Frontage Road E.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGSORDINANCE - ANNEXATION - WEST WORLDWIDE INC. - 2ND READING/PUBLIC HEARING

An ordinance was presented which annexes approximately 2.29 acres located adjacent to Hamilton Road and described as Lot 11 less the west 60' of Wiser Commercial Park Plat.

The ordinance annexing property commonly known as the Wiser Commercial Park 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.

The public hearing was opened. There were no comments.

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

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

ORDINANCES AND RESOLUTIONSORDINANCE - AMEND 13.05 - WASTEWATER REGULATIONS - 2ND READING

An ordinance was presented which requires a legal method for City staff to access the meters and electronic reading devices for privately owned metered sewer mains and service lines.

The ordinance amending Chapter 13.05 of the Moses Lake Municipal Code entitled "Wastewater Regulations" was read by title only.

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

ORDINANCE - AMEND 13.07 - WATER REGULATIONS - 2ND READING

An ordinance was presented which requires a legal method for City staff to access the meters and electronic reading devices for privately owned metered water mains and service lines.

The ordinance amending Chapter 13.07 of the Moses Lake Municipal Code entitled "Water Regulations" was read by title only.

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

ORDINANCE - AMEND 13.12 - WATER, SEWER, AND STORMWATER RATES - 2ND READING

An ordinance was presented which clarifies that there are no minimum monthly charges for a metered fire protection system. The only charges imposed are for actual water usage.

The ordinance amending Chapter 13.12 of the Moses Lake Municipal Code entitled "Water, Sewer, and Stormwater Rates" was read by title only.

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

ORDINANCE - AMEND 10.12 - PARKING REGULATIONS - 1ST READING

An ordinance was presented which changes the restricted parking in front of the Senior Center on Third Avenue from a loading and unloading zone to a GTA and People for People bus stop and eliminates the handicapped accessible parking spaces.

The ordinance amending Chapter 10.12 of the Moses Lake Municipal Code entitled "Parking Regulations" was read by title only.

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

RESOLUTION - ABANDON EASEMENT - HUBERDEAU

A resolution was presented which provides for the abandonment of a portion of the public utility easement on the north property line of Lot 1, Block 1, Pioneer Commercial Park 1st Addition located at the corner of Sharon Avenue and Pilgrim Street.

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

Gilbert Alvarado, Community Development Director, stated that the East Columbia Irrigation District has an easement along the rear of the property and so long as there is no encroachment into their easement they have no problems with the abandonment.

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

RESOLUTION - NUISANCE ABATEMENT - CHAMBERS

A resolution was presented which provides for the abatement of nuisances at 1946 Beaumont. The property is owned by Patrick and Shirley Chambers Estates.

The resolution determining that Patrick E. and Shirley E. Chambers Estates 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. Reese moved that the resolution be adopted, seconded by Mr. Avila, and passed unanimously.

RESOLUTION - NUISANCE ABATEMENT COSTS - WATSON

A resolution was presented which authorizes staff to collect the funds expended for the nuisance abatement at 502 Kentucky. The property is owned by Michael Watson.

The resolution establishing the billing to be imposed against Michael Watson as the owner of certain real property upon which the City caused abatement of a nuisance to be preformed after a failure of the property owners to abate the same was read by title only.

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

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION - None

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTSCHARITY CAR WASHES - WATER USE

Alice Ness, 211 E. 7th Avenue, Apt. #4, stated that charity car washes do not harm the storm drains and requested that they be allowed to continue.

It was pointed out that additional information has been provided on the issue of charity car washes and that it will be considered by the Council at its October 23 meeting.

USE OF CITY PROPERTY - REEVES

Nick Reeves, Barry's Used Cars, stated that they have a used car lot at the corner of Third Avenue and W. Broadway. He mentioned that the area 35' back from the curb on Third Avenue as it connects to W. Broadway is owned by the City and that is where they have been parking their cars. He stated that they would like permission to park their cars on the property owned by the City.

Gilbert Alvarado, Community Development Director, stated that the area is not right-of-way but is property owned by the City.

Joseph K. Gavinski, City Manager, stated that, since the property is owned by the City, if the Council is considering allowing the commercial business to use the property, there should be some kind of consideration to the City, otherwise it could be considered a gift of public funds.

There was some discussion by the Council.

Action Taken: Mr. Reese moved that Mr. Reeves work with staff on the amount of compensation for the use of the City's property at the corner of Third and W. Broadway, seconded by Mr. Avila, and passed unanimously.

COUNCIL QUESTIONS AND COMMENTS - NoneCITY MANAGER REPORTS AND COMMENTSWATER RIGHTS AND CLAIMS

Joseph K. Gavinski, City Manager, stated that in the past the City was concerned about its ability to continue to provide water to its residents and commercial and industrial users. Recently the Department of Ecology reversed their stance on 6,600 acre feet of water claims they said were invalid in 1979.

Gary Harer, Municipal Services Director, pointed out that the amount of water used before 1945, when ground water laws came into effect, could be formalized by submitting a claim to the Department of Ecology. In 1979 the Department of Ecology ruled invalid 6,600 acre feet of water claimed by the City. The the City has always verbally protested that ruling and in September 2012, the Department of Ecology admitted their error and validated the City's water claims. This adds another 6,600 acre feet of water available to the City. He mentioned out that when private property owners connect to the City water, their water claims become the property of the City. At this time, the City actually has 10,400 acre feet of valid water claims and 9,304 acre feet of certificated water rights.

STORMWATER REPORT

Gary Harer, Municipal Services Director, provided a report on the work the Stormwater Division has done and what will be done in the future.

BUILDING ACTIVITY REPORT

The September 2012 Building Activity Report was presented.

GAMBLING TAX

The City received \$76,980.54 from gambling tax for the third quarter.

INVESTMENT REPORT

The City received \$15,081.42 in investment income for September 2012.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$407,813.31 in sales tax and \$53,987.68 in transient rental income in September 2012.

The regular meeting was adjourned at 8:20 p.m.

ATTEST

Bill J. Ecret, Mayor

W. Robert Taylor, Finance Director