

MOSES LAKE CITY COUNCIL
March 12, 2013

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

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

PLEDGE OF ALLEGIANCE: Councilman Reese led the Council in the pledge of allegiance.

CONSENT AGENDA

Minutes: The minutes of the February 26 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 March 12, 2013 the Council does approve for payment claims in the amount of \$718,824.48; prepaid claims in the amounts of \$11,011.14 and \$26,586.47; claim checks in the amount of \$1,247,737.78; and payroll in the amount of \$327,309.86.

Rathbone Final Major Plat and Findings of Fact: Rathbone Sales, Inc. submitted a one lot final plat of 7.45 acres located at 3860 E. Broadway Avenue, the site of the current sales facility. The site is zoned Heavy Industrial, which corresponds with the Comprehensive Plan Land Use Designation of Industrial. There have been no significant changes from the preliminary plat. The Planning Commission recommended that the final plat be approved with conditions. Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

S. L. & A. Final Major Plat and Findings of Fact: Sam Lee & Associates submitted a one lot final plat of 11 acres. The site is zoned C-2, General Commercial, and abuts Central Drive north of Valley Road. There have been no significant changes from the preliminary plat. The Planning Commission recommended that the final plat be approved with conditions. Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

Resolution - Accept Street and Utility Improvements - Stone Hollow Short Plat: A resolution was presented which accepts the street and utility improvements associated with the Stone Hollow Short Plat.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES

CRACK SEAL PROJECT 2013

The City received two bids for the 2013 Crack Seal Project. This project includes sealing over 475,000' of cracks in the designated streets and parking lots.

Action Taken: Mr. Avila moved that the bid be awarded to Quality Paving, Inc. in the amount of \$135,500, seconded by Dr. Curnel, and passed unanimously.

SEWER LINING PROJECT 2013

The City received five bids for the 2013 Sewer Lining Project. This project consists of lining approximately 26,700' feet of 8", 10" and 12" sanitary and storm sewer lines.

Action Taken: Mr. Lane moved that the bid be awarded to Planned Engineering Construction in the amount of \$699,699.48, seconded by Mr. Deane, and passed unanimously.

SEWER MAIN SPOT REPAIR PROJECT 2013

The City received five bids for the 2013 Sewer Main Spot Repair Project. This project includes replacing sections of sanitary sewer line, installing storm sewer line, a drywell, and a manhole, making spot repairs to the sewer lines at 13 separate locations, and abandoning the Gateway Lift Station.

Action Taken: Mr. Lane moved that the bid be awarded to POW Contracting, Inc. in the amount of \$144,388.60, seconded by Mr. Avila, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

CODE ENFORCEMENT - SHAPORDA

Petr and Valentina Shaporda, 1112 S. Eastlake Drive, requested permission to keep a semi-truck parked on their property until it is sold.

Gilbert Alvarado, Community Development Director, explained that the parking of semi trucks are prohibited in a residential zone and there are no provisions for waivers or variances to the regulation.

Irina Shaporda, 1112 S. Eastlake, stated that when they were informed by Code Enforcement that the truck could not be parked on the street, it was moved onto the property. They were unaware that parking it on the property was also a violation. They are trying to sell the truck and requested some additional time to accomplish that.

There was some discussion by the Council and staff was directed to work with Ms. Shaporda on the moving of the vehicle.

REQUEST TO USE CITY STREETS - MOSES LAKE BUSINESS ASSOCIATION

The Moses Lake Business Association requested the closure of Third Avenue from Beech to Cedar and the 200 and 300 blocks of Ash Street on Saturday and Sunday, September 21 and 22 for the Basin BBQ Bash. The request also includes the use of Sinkiuse Square, a beer garden on Ash Street, discharge of grey water into the city sewer system, the BBQ team members be allowed to stay in self-contained vehicles overnight in the Surf n' Slide parking lot, and the City absorb the dump fees.

At the request of the Council, the Moses Lake Business Association conducted several surveys regarding the closure of the streets and the results were provided.

Jasmyne DeBeaumont, Executive Director, pointed out that the main objection received from the few opposed to holding events in the downtown area is the closing of the streets.

Danielle Boss stated that she is in favor of allowing the BBQ Bash event to proceed as it is a big event in other cities and brings in a lot of people. She suggested that the locations of the competitors be rearranged to make it a more compact event.

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

ORDINANCES AND RESOLUTIONS

ORDINANCE - EXTEND MORATORIUM ON MEDICAL MARIJUANA GARDENS - SINGLE 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.

Joseph K. Gavinski, City Manager, pointed out that the previous moratorium was expiring and staff hoped to extend the moratorium without a gap in the coverage. He mentioned that there are still a number of issues with regard to the regulations of the medical and recreational marijuana.

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

ORDINANCE - CREATE 8.27 - COST RECOVERY - 2ND READING

An ordinance was presented which states the intent of the City to charge for the clean up of hazardous materials and motor vehicle incidents as allowed by state law.

The ordinance creating Chapter 8.27 of the Moses Lake Municipal Code entitled "Cost Recovery" was read by title only.

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

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

An ordinance was presented which clarifies language related to joint charging.

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. Lane moved that the second reading of the ordinance be adopted, seconded by Mr. Avila, and passed unanimously.

ORDINANCE - AMEND 18.58 - SIGNS - 1ST READING

An ordinance was presented which increases the sign area and height for directional signs in the

Industrial Zone which will promote better visibility and safety.

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

Gilbert Alvarado, Community Development Director, mentioned that the Planning Commission recommended that directional signs be split out between commercial and industrial areas, with signs in industrial areas being higher and larger in area.

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

RESOLUTION - ELECTION OF MAYOR/DEPUTY MAYOR

A resolution was presented which establishes the procedure for the election of the Mayor and Deputy Mayor.

The resolution establishing the procedure to choose a Mayor and Deputy Mayor was read by title only.

Joseph K. Gavinski, City Manager, mentioned that there are no other cities that have adopted procedures for the election of the Mayor and Deputy Mayor. He reminded the Council that even if this resolution is passed, an election still must be held for Mayor and Deputy Mayor.

There was some discussion and it was felt that it needs to be studied further and some additional issues addressed.

Action Taken: Mr. Reese moved that the resolution be tabled, seconded by Dr. Curnel, and passed with Mr. Reese, Mr. Avila, Mr. Deane, Dr. Curnel, and Mayor Ecret in favor, Mr. Lane opposed, and Mrs. Liebrecht abstained.

RESOLUTION - ACCEPT DONATION - MOSES LAKE HIGH SCHOOL BASEBALL BOOSTERS

A resolution was presented which accepts the donation of a 15' x 70' nylon net batting cage valued at \$800 from the Moses Lake High School Baseball Boosters. This batting cage will be placed at Larson Playfield.

The resolution accepting a donation of a 15' x 70' nylon net batting cage valued at \$800.00 from Quintz Whitaker of the Moses Lake High School Baseball Boosters was read by title only.

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

RESOLUTION - BUILD ON UNPLATTED PROPERTY - ZAMORA

A resolution was presented which allows Duane and Regina Zamora to build a 600 square foot building on the unplatted property at 410 N. Clover.

The resolution allowing Duane and Regina Zamora to build on unplatted property was read by title only.

Gilbert Alvarado, Community Development Director, explained that because of the location of the property and the enormous cost of installing streets and utilities, staff is recommending that the usual requirement to plat within one year be eliminated.

There was some discussion by the Council on the utilities available at this location.

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

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS

REQUEST TO USE WATER PARK - MOSES LAKE MANTA RAY SWIM TEAM

The Moses Lake Manta Ray Swim Team requested the use of the Surf 'N Slide Water Park for their annual swim meet on July 19, 20 and 21. The Parks and Recreation Commission recommended that the request be granted provided their outstanding 2012 balance is paid in full prior to the event.

Action Taken: Mr. Lane moved that the request be granted with the stipulation that the 2012 bill is paid prior to the event, seconded by Mr. Avila, and passed unanimously.

REQUEST TO USE BMX TRACK - MOSES LAKE BMX ORGANIZATION

The Moses Lake BMX Organization requested the use of the BMX track at the Larson Recreation Center for their 2013 race season and for permission to allow camping adjacent to the BMX track during the June 14-16 weekend. The Parks and Recreation Commission recommended that the requests be granted.

Melody Johnston, 8256 Harrington Lane NE, mentioned that the camping request is only for the June 14-16 event.

Action Taken: Mr. Lane moved that the request to use the BMX track for the 2013 BMX racing season and for camping on June 14 and 15 be granted, seconded by Dr. Curnel, and passed unanimously.

OTHER ITEMS FOR COUNCIL CONSIDERATION

ORDINANCE - HELMET REQUIREMENTS

A draft ordinance was presented which establishes requirements for the use of helmets for those under 16 years of age when riding a bicycle and other non-motorized vehicles.

The ordinance creating Chapter 8.60 of the Moses Lake Municipal Code entitled "Helmet Requirements" was read by title only.

Joseph K. Gavinski, City Manager, mentioned that the ordinance was presented for review and comment by the Council and that the regulations differ from the those proposed by the Grant County Health District by only applying to those under the age of 16.

Jeff Ketchel, Administrator, Grant County Health District, stated that the District supports the requirement to wear helmets for all ages in all the cities in Grant County. He mentioned that through the Safe Kids Program they have dispersed 1,520 bicycle helmets in Moses Lake over the past 7 years but there are still many children that do not wear helmets. Because of the lack of use of the helmets, the Grant County Health District is in favor of requiring the wearing of helmets for all ages.

There was discussion by the Council and staff was directed to provide a draft ordinance on

requiring bicycle helmets for all ages.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

SIGN

Magan Evans stated that they will be holding a consignment event at 1204 E. Wheeler Road. Owners can bring in their gently used items to be sold and receive 70% of their sales. The unsold items are returned to the owners or donated to New Hope. She stated that she would like to be able to put up a temporary banner sign about 10 days prior to the event.

Gilbert Alvarado, Community Development Director, stated that temporary signs can be used for community events but not when associated with a business.

There was some discussion and it was the consensus of the Council that staff work with Ms. Evans on the signage issue.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

AMBULANCE REPORT

A cash report on the ambulance operations for the month of February was provided.

BUILDING ACTIVITY REPORT

The February building activity report was provided.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$491,341.62 in sales tax and \$19,145.26 in transient rental income in February.

The regular meeting was recessed at 9 p.m. and the Council met in an executive session to discuss a real property purchase offer. The executive session was adjourned at 9:30 p.m. and the regular meeting was reconvened. The regular meeting was adjourned at 9:30 p.m.

ATTEST

Bill J. Ecret, Mayor

W. Robert Taylor, Finance Director