

MOSES LAKE CITY COUNCIL
July 8, 2014

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

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

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

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the June 24 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 July 8, 2014 the Council does approve for payment claims in the amount of \$1,268,937.33; prepaid claims in the amount of \$31,586.34; claim checks in the amount of \$1,367,453.90; and payroll in the amount of \$378,217.65.

Resolution - Accept Easement - Dress: A resolution was presented which accepts an easement from Bill Dress for municipal purposes and uses to maintain, repair, and operate the Clover Drive Lift Station.

Six Year Street Transportation Improvement Program - Set Date for Public Hearing: A public hearing was set for August 12 to consider the Six Year Street Transportation Improvement Program.

Action Taken: Mr. Voth 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 HEARINGS

MACC 911

Jackie Jones, Director, MACC 911, was introduced to the Council.

PEDESTRIAN CROSSINGS - EAGLE SCOUT PROJECT

Kyle Hirz, Life Scout, requested time before the Council to explain his Eagle Scout project. He stated that his project is pedestrian flags at intersections to aid safe travel across busy streets. He stated that the flags cost about \$5 and the holders can be made of PVC pipe. The cost could be covered by getting businesses, clubs, and individuals to sponsor the various locations.

There was some discussion and it was pointed out originally five intersections are proposed to have the flags and the flags can include reflective tape for use during night hours.

It was the consensus that contact should be made with city staff to discuss the project.

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 16.48 - FIRE HYDRANTS - 2ND READING

An ordinance was presented which amends the regulations concerning fire hydrants to bring the signage requirements current with state law.

The ordinance amending Chapter 16.48 of the Moses Lake Municipal Code entitled "Fire Hydrants" was read by title only.

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

ORDINANCE - AMEND 18.20 - RESIDENTIAL ZONES - 2ND READING

An ordinance was presented which amends the residential setbacks in the R-1 and R-2 Zones by reducing the front and exterior side setbacks to 20' for living space and 15' for porches, covered entries, etc. The original 25' setback is retained only for garages. The R-3 zone would be changed to clarify that the setback for the living space is 15' but the setback for the garage is 20'. The interior side setback in the R-1 and R-2 zones would be changed from 7' to 6'.

The ordinance amending Chapter 18.20 of the Moses Lake Municipal Code entitled "Residential Zones" was read by title only.

There was some discussion on the effect of the proposed setbacks on the size of homes.

Jon Johnson, AHO Construction, stated that he was in favor of the changes as it will give developers greater flexibility and variety in the construction of residences.

Action Taken: Mrs. Liebrecht moved that the second reading of the ordinance be adopted, seconded by Mr. Voth and passed with Mr. Deane opposed as he felt larger homes should be constructed on larger lots.

ORDINANCE - AMEND 16.40 - FIRE DEPARTMENT PERMIT FEES - 1ST READING

An ordinance was presented which brings the permit fees into compliance with the International Fire Code which has been adopted by the State of Washington.

The ordinance amending Chapter 16.40 of the Moses Lake Municipal Code entitled "Fire Department Permit Fees" was read by title only.

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

RESOLUTION - BUILD ON UNPLATTED PROPERTY - CRAB CREEK PROPERTIES

A resolution was presented which allows Crab Creek Homestead, LLC to build on unplatted property with the stipulation that the property be platted within one year. The request was originally submitted to the Council in 2013 and tabled.

Action Taken: Mr. Voth moved that the request be removed from the table, seconded by Mrs. Liebrecht, and passed unanimously.

Gilbert Alvarado, Community Development Directors, provided the background information on the request to build on unplatted property. He pointed out that the resolution does have a provision requiring the platting of the property.

Richard Penhallurick, representing Crab Creek Homestead, distributed information including an easement for utilities and access. He pointed out that the area is surrounded on three sides by property that does not require any of the sorts of things that platting the property would address. He did not feel that platting would be necessary for the proposed development of a mini storage on this property.

Katherine Kenison, City Attorney, stated that the ordinance allowing the Council to grant permission to build on unplatted property requires that the Council only grant permission if it is found that the public interest will not be adversely affected by the issuance of the permit. She was concerned that the issues raised by the Municipal Services Department and the Fire Department are usually addressed by platting and could become long term issues if platting is not required. She pointed out that permission to build on unplatted property can be limited to the original proponent and the original proposed use.

There was considerable discussion by the Council.

Ms. Kenison pointed out that the information provided by Mr. Penhallurick on the easements had not been reviewed by staff.

It was requested that staff review the documents provided by Mr. Penhallurick.

Ms. Kenison pointed out that what was provided are portions of different documents and without the entire document it is difficult to determine what is being agreed to between the parties.

Joseph K. Gavinski, City Manager, stated that the documents provided are portions of a settlement agreement.

Mr. Penhallurick stated that the settlement agreement provides for the abandonment of the previous access easement and that the new one would be provided as drawn but the legal description has not been provided.

Mr. Gavinski pointed out that the access easement does not actually exist and that platting the property will resolve these kinds of issues.

Action Taken: Mr. Ecret moved that the resolution be adopted without the provision to plat, that it be specific to Crab Creek Homestead LLC to construct a mini storage unit, and that documentation be provided showing legal access prior to obtaining a building permit, seconded by Mr. Voth.

There was additional discussion by the Council.

The motion passed with Mr. Lane, Dr. Curnel, and Mr. Deane opposed as they felt the documentation should be provided prior to the City granting the permission to build on unplatted property.

RESOLUTIONS - NUISANCE ABATEMENTS

Resolutions were provided which provide for the abatement of nuisances at 823 Fairbanks, owned by Betty Duncan, 8615 Charles, owned by Brenda Cleis, 1335 Megan, owned by Robert Sampson, and 1170 Grand, owned by Pedro and Maria Sanchez.

The resolution determining that Betty Duncan 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.

The resolution determining that Brenda Cleis 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.

The resolution determining that Robert Sampson 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.

The resolution determining that Pedro and Maria Sanchez 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.

Rick Rodriguez, Code Enforcement Officer, was sworn in and provided testimony concerning the nuisance violations.

There was no other testimony. The hearing was closed.

Action Taken: Mr. Lane moved that the resolution referencing 823 Fairbanks be adopted, seconded by Mr. Avila, and passed unanimously.

Action Taken: Dr. Curnel moved that the resolution referencing 8615 Charles be adopted, seconded by Mr. Avila, and passed unanimously.

Action Taken: Mr. Avila moved that the resolution referencing 1335 Megan be adopted, seconded by Mr. Avila, and passed unanimously.

Action Taken: Mrs. Liebrecht moved that the resolution referencing 1170 Grand be adopted, seconded by Dr. Curnel, and passed unanimously.

REQUEST TO CALL FOR BIDS

CLOVER LIFT STATION

Staff requested authorization to call for bids for the Clover Lift Station Project. This project includes complete reconstruction of the existing lift station including new pumps and electrical, site grading, and site improvements.

Action Taken: Dr. Curnel moved that staff be authorized to call for bids, seconded by Mr. Avila, and passed unanimously.

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION

SHORELINE MASTER PROGRAM

The draft Shoreline Master Program was presented along with the comments received from the Department of Ecology. Prior to approval of the Shoreline Master Program, the Council must prepare a responsive summary.

Gilbert Alvarado, Community Development Director, stated that the comments from DOE were provided on the last day of the comment period and staff did not have an opportunity to address them prior to their submittal to the Council. He pointed out that DOE made on comments on Chapters 6, 7, 8 and 9. Staff is requesting direction from Council on the comments received.

There was considerable discussion on the process used to develop the Shoreline Master Program and the next step to be taken by the Council.

Action Taken: Mr. Ecret moved that staff be authorized to respond to the comments from the DOE and the Fish and Wildlife by justifying the Planning Commission's recommendations and if there are any significant changes to the Shoreline Master Program that staff deems necessary that, at that time, a study session be held with the Planning Commission and/or the community to work out those issues, seconded by Mr. Lane,

Katherine Kenison, City Attorney, stated that the DOE reviews all shoreline plans and there are thresholds that they will insist on. Upon providing the responsive summary to DOE, DOE will return a list of their recommended changes and a list of their required changes. At that point the Council will have to decide which of those required changes will be incorporated into the City's plan. If the Council does not provide a plan that DOE can approve, DOE has the option to impose and adopt their own version of the City's plan and that would become effective until the Council adopts a DOE compliant plan. She pointed out that the Shoreline Management Act is a state law and the state DOE has total control over the content of the shoreline plans and that it is very difficult to deal with DOE if they find that any of the provisions do not implement the policies of the Shoreline Management Act. If the City disagrees with the DOE, an appeal can be filed with the Growth Management Hearings Board but the burden of proof would be on the City.

Action: The motion passed unanimously.

PLATTING DEEMED INSUFFICIENT - HELLEWELL

Dale and Debra Hellewell submitted a building permit application for west 51' of Lot 4 and the east 32' of Lot 5, Block 4, North Terrace Addition, located at 1102 Terrace Avenue, which are legally platted parcel.

Gilbert Alvarado, Community Development Director, mentioned that property platted years ago was not required to install municipal improvements that are now required with current plats and if the Council approves a waiver or deferral of those requirements, a covenant for future improvements will be required.

Action Taken: Mr. Ecret moved that the deferral of the required improvements be granted with the stipulation that a covenant be required for the improvements in the future, seconded by Dr. Curnel, and passed unanimously.

PLATTING DEEMED INSUFFICIENT - BUD CLARY FORD

Bud Clary Ford submitted a building permit application for Lot 3 less Tax #14395, Swanson Addition Amendment located at 1140 S. Pioneer Way, is a legally platted parcel.

Gilbert Alvarado, Community Development Director, mentioned that property platted years ago was not required to install municipal improvements that are now required with current plats and if the Council approves a waiver or deferral of those requirements, a covenant for future improvements will be required.

Action Taken: Mrs. Liebrecht moved that the deferral of the required improvements be granted with the stipulation that a covenant be required for the improvements in the future, seconded by Mr. Avila, and passed unanimously.

GROUP B WATER SYSTEM - HAMMON

Bob Hammon requested approval for a Group B water system to serve property located adjacent to the lake north of Moses Pointe. The property is within the City's unincorporated UGA, which is the City's water service area, but the City's water main would need to be extended approximately 4,000' to serve the property.

Gary Harer, Municipal Services Director, stated that the property is proposed to be subdivided into approximately 8 lots. A Group B water system will be required and that Mr. Hammon will be required to obtain water rights.

Mr. Hammon stated that he has been granted permission for the water system from the Health Department and the Department of Ecology for this project and he can have up to 9 residences served by his well. He mentioned that irrigation water will come from the lake. He stated that in his home owner covenants there will be a stipulation that when City water is available, the lots will connect.

Action Taken: Mr. Ecret moved that the request for a Group B water system in the City's UGA be granted, seconded by Mr. Voth, and passed unanimously.

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

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

WELLCITY

Joseph K. Gavinski, City Manager, stated that the City has met the AWC Trust's WellCity standards and earned a 2% discount on medical premiums for 2015.

AMBULANCE REPORT

The cash report on the ambulance operations for the month of June was provided.

QUARTERLY FINANCIAL REPORT

The second quarter financial report has been posted on the City's website.

INVESTMENT REPORT

The City received \$15,196.81 in investment income for May 2014.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$475,371.67 in sales tax and \$41,151.98 in transient rental income in June.

CODE ENFORCEMENT - MCWATERS

Gilbert Alvarado, Community Development Director, reported that staff investigated the complaint from Jackie McWaters about her neighbor storing cars, boats, and other vehicles on the property behind his that fronts on Ivy and about a person that was living in the garage and then a fifth wheel. Code Enforcement investigated the situation and informed the property owner that persons cannot reside in a garage or a fifth wheel and the person living there has vacated the property. He mentioned that under the City's current provisions there is nothing that prevents the storage of vehicles on the property.

The regular meeting was adjourned at 9:00 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director