

MOSES LAKE CITY COUNCIL  
December 22, 2009

Council Present: Ron Covey, Richard Pearce, Bill Ecret, Jon Lane, Dick Deane, Brent Reese, and Jim Liebrecht Absent: Brent Reese

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

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

MINUTES: Mr. Deane moved that the minutes of the December 8, 2009 meeting be approved, seconded by Mr. Reese, and passed unanimously.

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 city hall.

As of December 22, 2009 the Council does approve for payment claims in the amount of \$534,234.92; prepaid claims in the amounts of \$86,597.09 and \$45,932.28; claim checks in the amount of \$683,880.36; and payroll in the amounts of \$13,514.07 and \$48,387.48.

Action Taken: Mr. Pearce moved that the bills, checks, prepaid claims, and payroll issued be approved, seconded by Mr. Ecret, and passed unanimously.

PRESENTATIONS AND AWARDS - None

CONSENT AGENDA

Resolution - Accept Improvements - Crossroads Phase 3 Major Plat: A resolution was presented which accepts the street and utility improvements constructed as part of the Crossroads Phase 3 Major Plat.

Resolution - Accept Improvements - The Lakes Major Plat: A resolution was presented which accepts the street and utility improvements constructed as part of The Lakes Major Plat.

Crossroads Phase 3 Major Plat - Waiver Request: Andy Beseda submitted a request for a waiver of the requirement for a 4' municipal easement adjacent to a 53' right-of-way for the Crossroads Phase 3 Major Plat. The street was constructed abutting the USBR easement. After the start of the project, USBR changed their policy about encroachments within their easements, and will not sign the plat with the municipal easement within their easement. Because policy changed during the course of the project, the easement issue is coming up at the end of the project when the plat is almost ready for recording. Staff does not have concerns with eliminating the municipal easement on the south side of Truman Drive for the portion that abuts the USBR easement, as there are no municipal facilities that need this easement. The 4' easement is typically needed only for drywells, and there are no drywells on the south side of Truman in this area. The other main reason for the easement is to provide additional area in case the street needs to be widened. In this case, the property on the north side of the street is being dedicated as a City park, so acquiring more right-of-way if the street needs to be widened would not be a problem. The Planning Commission recommended that the waiver be granted.

MAIERS INDUSTRIAL PARK FINAL MAJOR PLAT AND FINDINGS OF FACT

Maiers Industrial Park, Inc. has submitted a one lot final plat of 23.01 acres. The site is located at 13070 and 13184 Wheeler Road, and 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. Also submitted are the Findings, Conclusions and Decision of the Planning Commission.

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

COMMISSION APPOINTMENTSTOURISM COMMISSION

Mayor Covey requested Council confirmation of the re-appointment of Christine Richie, Mary Perry, and Brenda Teals to the Tourism Commission.

Action Taken: Mr. Pearce moved that the re-appointment of Christine Richie, Mary Perry, and Brenda Teals to the Tourism Commission be confirmed, seconded by Mr. Ecret, and passed unanimously.

CONSIDERATION OF BIDS AND QUOTES - NonePETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS - NoneORDINANCES AND RESOLUTIONSORDINANCE - AMEND 13.12 - WATER AND SEWER RATES - 1<sup>ST</sup> READING

An ordinance was presented which inserts the new storm water utility rates and deleting some outdated requirements in Chapter 13.12. The ordinance was submitted as a first reading due to the number of changes after a prior first reading.

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

Gary G. Harer, Municipal Services Director, explained the changes that were made since the prior Council consideration and mentioned that a credit option has also been included.

A letter was submitted from Gary Ash, General Manager of National Frozen Foods, which provided additional suggestions for changes to the rates.

Ken Gordner, REC Solar Grade Silicon, pointed out that REC has the same type of discharge permit that National Frozen Foods has.

There was considerable discussion and it was the consensus of the Council that the credit option be used and the ordinance be amended to increase the residential and non-residential 1 rate to \$5.00 and the credit amounts be 80% for approved non-residential properties that have an active National Pollutant Discharge Elimination System and 50% for approved non-residential properties that discharge to privately maintained on-site treatment facilities.

Action Taken: Mr. Ecret moved that the ordinance be amended to increase the credit amounts to 80% for approved non-residential properties that have an active National Pollutant Discharge Elimination System, to 50% for approved non-residential properties that discharge to privately maintained on-site treatment facilities, the non-residential 1 category be increased to \$5, and the residential rate be changed to \$5, seconded by Mr. Liebrecht, and passed unanimously.

ORDINANCE - CREATE 13.03 - STORMWATER UTILITY AND PROVISIONS FOR RATE STRUCTURE - 1<sup>ST</sup> READING

An ordinance was presented which establishes the stormwater utility and the provisions for the rate structure.

The ordinance creating Chapter 13.03 of the Moses Lake Municipal Code entitled "Stormwater Utility and Provisions for Rate Structure" was read by title only.

Gary G. Harer, Municipal Services Director, explained that the ordinance creates the stormwater utility, classifies each rate structure, establishes what the funds will be used for, and details the properties that are exempt.

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

ORDINANCE - AMEND 2009 BUDGET - SINGLE READING

An ordinance was presented which amends the 2009 budget.

The ordinance amending the 2009 budget for the City of Moses Lake, Washington was read by title only.

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

RESOLUTION - ACCEPT DONATION - REC SILICON

A resolution was presented accepts the donation of \$16,000 from REC Silicon. The funds will be used to purchase equipment for the Police Department.

The resolution accepting a donation from REC Silicon to the Moses Lake Police Department was read by title only.

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

RESOLUTION - BUILD ON UNPLATTED PROPERTY - STUMP

A resolution was presented which rescinds the City Council's previous action approving a request to allow James and Rosemary Stump to build on unplatted property with the condition that the property be platted within one year. Staff is requesting that the City Council rescind Resolution #3025 and allow James and Rosemary Stump to build on unplatted property with no condition to plat the subject property. After review by staff of the proposed Stump Short Plat, it was discovered that platting of this particular piece of property poses complications due to the lack of dedicated right-of-way abutting the subject parcel. Municipal Services and Community Development staff met to talk about this issue and concluded that it is not advisable to plat the Stump property at this time.

The resolution allowing James A. and Rosemary J. Stump to build on unplatted property was read by title only.

Gilbert Alvarado, Community Development Director, stated that this property was annexed several years ago. He mentioned that the city requires a residence to front on dedicated right-of-way and there is no right-of-way available to this site. The requirement to front on dedicated right-of-way cannot be waived and so the easiest solution at this time is to remove the requirement to plat. He mentioned that there is an existing house on the property and the building being constructed is a pole barn.

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

#### REQUEST TO CALL FOR BIDS

##### PICKUPS

Staff requested authorization to call for bids for three new pickups to replace pickups in the Wastewater, Street, and Parks Divisions.

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

#### REFERRALS FROM COMMISSIONS - None

#### OTHER ITEMS FOR COUNCIL CONSIDERATION

##### GROUP B WATER SYSTEM

Patrick Carroll, Manager of Lakeshores West LLC, requested approval to create a Group B water system to serve a nine lot development in Cascade Valley. The property is within the city's unincorporated UGA. The city's mains would need to be extended across Moses Lake in order to serve the area.

There was some discussion on when this property could be connected to city services.

Action Taken: Mr. Lane moved that the request be granted with the stipulation that a covenant a be required for the construction of a water main along the front of the plat and the property will connect to it when a city water main is extended to the property, seconded by Mr. Ecret, and passed unanimously.

#### ROAD N - DEVIATION AND DEFERRAL

City staff is preparing the plans and specifications for improving Road N from Wheeler Road to the entrance of Guardian Fiberglass. A deviation is being requested in order to reduce the required asphalt width from 50' to 42' where the railroad crosses Road N and a deferral for construction of sidewalks on each side of Road N. Road N will be constructed with 2 travel lanes, a center turn lane, and a bike lane and curb and gutter on each side. The reason for the request to reduce the asphalt width at the railroad crossing is so that the cross arm standards and switch gear need not be moved. Also, the Manual for Uniform Traffic Control Devices states that a three-lane road should be marked with a centerline for a two-lane approach at railroad crossings. The reason for not installing sidewalks on both sides is that there is not sufficient right-of-way. The additional right-of-way will be dedicated and the sidewalks will be installed by the property owners as the adjoining properties are platted.

Gary G. Harer, Municipal Services Director, explained the deviation and deferral requests.

There was some discussion concerning the traffic congestion that would be caused by fuel trucks having to stop at the railroad tracks on the narrowed road section and ways to address the problem.

Action Taken: Mr. Deane moved that the requests for a deviation and a deferral be granted, seconded by Mr. Pearce, and passed unanimously.

#### NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

#### COUNCIL QUESTIONS AND COMMENTS

#### PLAQUES

Deputy Mayor Pearce presented plaques to outgoing Council member Jim Liebrecht and Mayor Ron Covey.

#### CITY MANAGER REPORTS AND COMMENTS

#### CITY COUNCIL/STAFF RETREAT

Joseph K. Gavinski, City Manager, stated that the date for the Council/staff Retreat has been changed to February 26 and 27 at the ATEC building.

#### AWC LEGISLATIVE CONFERENCE

Joseph K. Gavinski, City Manager, stated that several Council members have indicated an interest in attending the AWC Legislative Conference on January 27 and 28, 2010. Meetings will begin at 9 a.m. on January 27 and January 28 is reserved for meetings with the legislators.

#### NEW COUNCIL MEMBER WORKSHOP

Mr. Lane mentioned that there is a New Council Member Workshop in Spokane on January 8 and 9 and felt that it would be a good workshop to attend for both new and experienced Council members.

#### OATH OF OFFICE

Ronald R. Cone, Finance Director, administered the Oath of Office to the newly elected Council members Bill Ecret, Karen Liebrecht, and David Curnel.

The regular meeting was adjourned at 8:35 p.m.

ATTEST

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Ronald C. Covey, Mayor

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Ronald R. Cone, Finance Director