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# Moses Lake City Council

Todd Voth, Mayor | Karen Liebrecht, Deputy Mayor | Bill Ecret, Council Member | Ryann Leonard, Council Member | David Curnel, Council Member | Don Myer, Council Member | Mike Norman, Council Member

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October 25, 2016

## City Council Meeting Agenda

**Closed Door Session – Labor Relations– 6:30 pm**

**Call to Order – 7:00 pm**

**Roll Call**

**Pledge of Allegiance**

**Summary Reports:**

Mayor's report

- Park and Recreation Commission Appointment - Tracey

Additional Business

City Manager's Report

- Citizen Recognition – Moses Lake Towing – ML Police Department
- New Employee Introduction – ML Police Clerk - Martinez

**Citizen's Communications – Identification**

Citizens who would like to address the council must complete one of the blue speaker request cards and submit it to the Executive Secretary. There is a (5) minute time limit per speaker.

**Consent Agenda**

All items listed below are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests specific items to be removed from the Consent Agenda for discussion prior to the time Council votes on the motion to adopt the Consent Agenda.

- #1
  - a. Approval of Minutes – October 11, 2016
  - b. Approval Bills and Checks Issued

**Old Business**

#2 **Department of Ecology – Shoreline Master Program Update Motion**

Presented by Gil Alvarado, Community Dev Dir / Deputy City Manager

Summary: Council to review and adopt the conditional Shoreline Master Program as presented

#3 **MLMC Chapter 8.14 Nuisances - End of Season Recap**

Presented by Gil Alvarado, Community Dev Dir / Deputy City Manager

Summary: Council to discuss current issues with MLMC Chapter 8.14 and provide direction to staff

**New Business**

#4 **Resolution – Nuisance Abatement – 908 W. Loop Dr Motion**

Presented by Gil Alvarado, Community Dev Dir / Deputy City Manager

Summary: Council to review and accept resolution as presented

#5 **Ordinance – Property Taxation**

Presented by Robert Taylor, Finance Director

Summary: Council to review, discuss and accept ordinances as presented

**Administrative Report**

**Council Communications and Reports**

**Executive Session**

**Adjournment**



October 20, 2016

TO: Council Members  
FROM: Mayor Todd Voth  
RE: Appointment to the Parks and Recreation Commission

I have received an application requesting an appointment to the Parks and Recreation Commission from Mr. Warren Tracey.

I have decided to appoint Mr. Warren Tracey to a 4 year term on the Parks and Recreation Commission.

Confirmation of the appointment by the City Council is necessary pursuant to MLMC 2.44.010.

I am asking the City Council to confirm the appointment of Mr. Warren Tracey to the Parks and Recreation Commission.

TV:sg

cc: City Manager

MOSES LAKE CITY COUNCIL  
October 11, 2016

The regular meeting of the Moses Lake City Council was called to order at 7 p.m. by Mayor Voth in the Council Chambers of the Civic Center, 401 S. Balsam, Moses Lake, Washington.

Executive Secretary Sophia Guerrero called the roll. The following were:

Present: Mayor Todd Voth, Deputy Mayor Karen Liebrecht, and Council members Don Myers, David Curnel, Ryann Leonard, and Bill Ecret

Absent: Council member Mike Norman

Action Taken: Council member Ecret moved to excuse Council member Norman from the meeting, seconded by Council member Curnel, and passed unanimously.

**PLEDGE OF ALLEGIANCE**: Mayor Voth led the Council in the flag salute.

**SUMMARY REPORTS**

**FIRE DEPARTMENT**

Derek Beach, Fire Marshal, was introduced to the Council, took the oath of office, and received his badge of office.

**CITIZEN'S COMMUNICATIONS** - None

**CONSENT AGENDA**

Minutes: The minutes of the September 27 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 11, 2016 the Council does approve for payment claims in the amount of \$432,134.21; prepaid claims in the amount of \$13,963.25; claim checks in the amount of \$1,172,211.57; and payroll in the amount of \$316,505.25.

Resolution - Accept Easement - Campbell Binding Site Plan: A resolution was presented which accepts a municipal access easement for the Campbell Binding Site Plan.

Action Taken: Council member Ecret moved that the Consent Agenda be approved, seconded by Council member Curnel, and passed unanimously.

**OLD BUSINESS**

**ORDINANCE - REPEAL WESTLAKE PLANNED UNIT DEVELOPMENT**

The Westlake Planned Unit Development (PUD) ordinance was approved in May 2009. A PUD must be developed within three years or it becomes null and void.

The ordinance repealing Ordinance 2471 creating the Westlake Planned Unit Development was read by title only.

Action Taken: Council member Curnel moved that the ordinance be adopted, seconded by Council member Liebrecht, and passed unanimously.

ORDINANCE - AMEND 17.42 - BOUNDARY LINE ADJUSTMENT

An ordinance was presented which amends the notice requirements for boundary line adjustments.

The ordinance amending Chapter 17.42 of the Moses Lake Municipal Code entitled "Boundary Line Adjustments" was read by title.

Action Taken: Council member Leonard moved that the ordinance be adopted, seconded by Council member Myers, and passed unanimously.

**NEW BUSINESS**RESOLUTION - ACCEPT DONATION - ANONYMOUS DONOR

A resolution was presented which accepts a cash donation of \$1,000 from an anonymous donor. The funds will be used by the Museum and Art Center as the kick off for the 2016 "Feed the Mammoth" membership drive.

The resolution accepting a cash donation of \$1,000 from an anonymous donor was read by title only.

Action Taken: Council member Leonard moved that the resolution be adopted, seconded by Council member Curnel, and passed unanimously.

RESOLUTION - NUISANCE ABATEMENT COSTS - 1116 EVERGREEN

A resolution was presented which affirms the Council's prior authorization to staff to collect the funds expended for the nuisance abatement at 1116 Evergreen.

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

Action Taken: Council member Ecret moved that the resolution be adopted, seconded by Council member Curnel, and passed unanimously.

**ADMINISTRATIVE REPORTS**BUDGET

John Williams, City Manager, requested a study session to discuss the budget.

It was the consensus of Council to hold a study session in the Council Chambers from 9 a.m. to 3 p.m. with a catered lunch on a date to be determined.

**COUNCIL COMMUNICATIONS AND REPORTS**GRANT COUNTY HEALTH DISTRICT

Theresa Adkinson, Administrator of the Grant County Health District, presented information on the public health programs and activities occurring throughout Grant County and updated the Council on other health issues and programs the Health District is involved in.

There was some discussion by the Council and it was requested that the City staff investigate the possibility of increasing the City's contribution to the Grant County Health District.

**EXECUTIVE SESSION**

The regular meeting was recessed at 7:45 p.m. and the Council met in a 15 minute executive session with the City Attorney under RCW 42.30.110(I) to discuss potential litigation with potential action to follow.

The executive session was adjourned at 7:55 p.m. and the regular meeting was reconvened.

COVILLE CONFEDERATED TRIBES

Action Taken: Council member Liebrecht moved that the City Manager be authorized to execute an agreement with Colville Fuels, LLC as discussed in executive session for further utility connection, seconded by Mrs. Leonard, and passed unanimously.

ADJOURNMENT: The regular meeting was adjourned at 7:57 p.m.

ATTEST

\_\_\_\_\_  
Todd Voth, Mayor

\_\_\_\_\_  
W. Robert Taylor, Finance Director

CITY OF MOSES LAKE  
 TABULATION OF CLAIMS TO BE APPROVED  
 COUNCIL MEETING OF 10/25/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
2M COMPANY INC	00004450	0000078891	6.16	MISC SUPPLIES
		TOTAL:	6.16	
A & H PRINTERS	00000001	0000078934	666.82	PRINTING
		0000078861	80.93	BUSINESS CARDS-WASTEWATER DIV
		0000078990	583.36	FIELD REPORT PRINTING
		TOTAL:	1,331.11	
A B C HYDRAULICS	00006611	0000078863	298.10	MISC SUPPLIES
		TOTAL:	298.10	
AAA READYMIX INC	00000027	0000078862	401.25	CONCRETE
		TOTAL:	401.25	
ACE HARDWARE	00006538	0000078954	230.75	MISC SUPPLIES
		TOTAL:	230.75	
AG WEST DISTRIBUTING CO INC	00006842	0000078864	12.62	MISC SUPPLIES
		TOTAL:	12.62	
AMERISTAY INN & SUITES	00004371	0000078981	169.24	MAC PRESENTER LODGING
		TOTAL:	169.24	
APWA	00000004	0000078904	720.00	APWA MEMBERSHIP RENEWAL
		TOTAL:	720.00	
ARIKA LOEFFLER	00006430	0000078967	336.00	KINDERMUSIK INSTRUCTION
		TOTAL:	336.00	
ARROW INTERNATIONAL INC	00007629	0000078985	560.25	IO NEEDLES & DRILLS
		0000078985	969.28	IO NEEDLES & DRILLS
		TOTAL:	1,529.53	
BASIN SEPTIC SERVICES	00000166	0000078955	566.48	SEPTIC SERVICE

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		=====		
		TOTAL:	566.48	
BATTERY SYSTEMS	00004673	0000078983	32.63	BATTERIES
		0000078983	32.63	BATTERIES
		0000078865	14.51	BATTERIES
		=====		
		TOTAL:	79.77	
BECKER ARENA PRODUCTS INC	00005770	0000078561	2,270.24	ICE RINK DASHER BOARD PANELS
		0000078561	11,393.67	ICE RINK DASHER BOARD PANELS
		=====		
		TOTAL:	13,663.91	
BOUND TREE MEDICAL LLC	00006022	0000078989	2,590.69	MEDICAL SUPPLIES
		=====		
		TOTAL:	2,590.69	
BUD CLARY TOYOTA CHEVROLET	00000150	0000078866	251.10	MISC REPAIR
		=====		
		TOTAL:	251.10	
BUSINESS INTERIORS & EQUIPMENT	00003619	0000078971	53.94	KEYBOARD DRAWER
		=====		
		TOTAL:	53.94	
CASCADE FIRE CORPORATION	00003644	0000078855	5,393.45	FIRE HOSE
		=====		
		TOTAL:	5,393.45	
CASCADE NATURAL GAS CORP	00000203	0000078980	24.27	SNS GAS USAGE
		0000078951	94.13	NAT GAS SERVICE
		0000078951	38.69	NAT GAS SERVICE
		=====		
		TOTAL:	157.09	
CEDAR STREET CLEANERS	00004655	0000078929	724.30	UNIFORM MAINTENANCE
		=====		
		TOTAL:	724.30	
CENTRAL MACHINERY SALES INC	00002779	0000078867	334.11	MISC SUPPLIES
		=====		
		TOTAL:	334.11	
CENTRAL MANUFACTURING INC	00005478			

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		P.O. Number	P.O. Amount	
		0000078868	343.96	ASPHALT PATCH
		0000078868	701.52	ASPHALT PATCH
		=====		
		TOTAL:	1,045.48	
CENTRAL WASH POLYGRAPH & INVES	00005079			
		0000078932	150.00	POLYGRAPH
		=====		
		TOTAL:	150.00	
CENTRAL WASHINGTON EXCAVATION	00004279			
		0000078979	101.35	MISC DUMPING-TAX
		=====		
		TOTAL:	101.35	
CHASE PAYMENTECH-EFT	00004046			
		0000078944	757.57	CREDIT CARD FEES
		0000078944	757.57	CREDIT CARD FEES
		0000078944	757.57	CREDIT CARD FEES
		0000078944	757.57	CREDIT CARD FEES
		0000078944	757.57	CREDIT CARD FEES
		=====		
		TOTAL:	3,787.85	
CITY OF MOSES LAKE	00008201			
		0000078900	336.37	WATER SERVICE
		0000078900	113.62	WATER SERVICE
		0000078900	905.74	WATER SERVICE
		0000078900	6,677.27	WATER SERVICE
		0000078900	971.90	WATER SERVICE
		0000078900	1,868.89	WATER SERVICE
		0000078900	941.31	WATER SERVICE
		0000078900	3,023.68	WATER SERVICE
		0000078900	207.56	WATER SERVICE
		0000078900	411.67	WATER SERVICE
		0000078900	450.44	WATER SERVICE

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		P.O. Number	P.O. Amount	
		0000078900	2,107.17	WATER SERVICE
		0000078900	140.28	WATER SERVICE
		0000078900	110.96	WATER SERVICE
		0000078900	196.41	WATER SERVICE
		0000078900	4,619.70	WATER SERVICE
		0000078900	2,680.00	WATER SERVICE
		0000078900	107.96	WATER SERVICE
		0000078900	1,965.74	WATER SERVICE
		0000078900	1,999.43	WATER SERVICE
		0000078900	435.58	WATER SERVICE
		0000078900	285.34	WATER SERVICE
		0000078900	969.95	WATER SERVICE
		0000078900	471.99	WATER SERVICE
		0000078900	381.37	WATER SERVICE
		0000078900	795.05	WATER SERVICE
		0000078900	202.84	WATER SERVICE
		0000078900	98.82	WATER SERVICE
		=====		
		TOTAL:	33,477.04	
COLUMBIA BASIN DAILY HERALD	00000210			
		0000078962	228.10	PR PROGRAM ADVERTISING
		0000078962	228.10	PR PROGRAM ADVERTISING
		0000078930	108.00	ADVERTISING
		=====		
		TOTAL:	564.20	
COLUMBIA BASIN MACHINE	00000211			
		0000078870	2,158.00	REMOVE/REPLACE SHAFT&BEARINGS
		=====		
		TOTAL:	2,158.00	
COLUMBIA BEARING BDI	00000274			
		0000078973	19.10	MISC SUPPLIES

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		P.O. Number	P.O. Amount		
COLUMBIA BEARING BDI	00000274	0000078973	72.33	MISC SUPPLIES	
		0000078973	16.01	MISC SUPPLIES	
		=====		TOTAL:	107.44
COMMERCIAL TIRE	00005968	0000078869	1,403.65	TIRES/FLAT REPAIR	
		=====		TOTAL:	1,403.65
		CONSOLIDATED ELECTRIC DIST	00000819	0000078956	303.37
0000078892	64.74			MISC SUPPLIES	
=====				TOTAL:	368.11
CROWN PAPER & JANITORIAL	00007120	0000078893	466.40	JANITORIAL SUPPLIES	
		=====		TOTAL:	466.40
		CSWW, INC dba NO 40 OUTFITTERS	00001701	0000078961	40.41
0000078961	242.48			MISC SUPPLIES	
0000078984	3.23			HOSE MENDER	
=====				TOTAL:	286.12
DAY WIRELESS SYSTEMS	00005517	0000078928	1,274.46	SERVICES	
		=====		TOTAL:	1,274.46
		DECKERS OUTDOOR CORPORATION	00006550	0000078977	119.57
=====				TOTAL:	119.57
DEPT OF LABOR & INDUSTRIES	00005832			0000078952	69.10
		=====		TOTAL:	69.10
		DON TERRELL	00004174	0000078887	102.00
=====				TOTAL:	102.00
E F RECOVERY	00007244			0000078986	3,977.50
		0000078986	630.30	AMBULANCE BILLING / SEPTEMBER	
		=====		TOTAL:	4,607.80

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		P.O. Number	P.O. Amount	
		0000078986	96.35	AMBULANCE BILLING / SEPTEMBER
		=====		
		TOTAL:	4,704.15	
FASTENAL COMPANY	00007372	0000078957	90.28	MISC SUPPLIES
		0000078871	38.61	MISC SUPPLIES/SAFETY
		0000078871	175.63	MISC SUPPLIES/SAFETY
		0000078871	588.81	MISC SUPPLIES/SAFETY
		=====		
		TOTAL:	893.33	
FERGUSON ENTERPRISES INC #3007	00005482	0000078872	51.38	MISC SUPPLIES
		0000078872	178.04	MISC SUPPLIES
		0000078872	3.56	MISC SUPPLIES
		0000078872	32.82	MISC SUPPLIES
		=====		
		TOTAL:	265.80	
FORSCH POLYMER CORP	00005869	0000078974	988.07	PAINT
		=====		
		TOTAL:	988.07	
GALLS, LLC	00000133	0000078918	1,124.33	UNIFORMS
		0000078991	872.22	PARKAS & UNIFORM SHIRTS
		0000078991	567.28	PARKAS & UNIFORM SHIRTS
		=====		
		TOTAL:	2,563.83	
GRAINGER PARTS OPERATIONS	00002755	0000078873	322.35	JANITORIAL SUPPLIES
		0000078873	345.40	JANITORIAL SUPPLIES
		=====		
		TOTAL:	667.75	
GRANT CO SOLID WASTE DEPT	00000640	0000078896	23,295.10	LANDFILL DUMPING FEES
		=====		
		TOTAL:	23,295.10	
HACHETTE BOOK GROUP	00008039	0000078970	229.36	MAC RESALE

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		TOTAL:	229.36	
IDVILLE	00006285	0000078927	3,351.81	equipment
		TOTAL:	3,351.81	
IRRIGATORS INC	00003840	0000078874	588.02	MATCO BALL VALVES
		TOTAL:	588.02	
JERRYS AUTO SUPPLY	00005835	0000078959	104.30	MISC SUPPLIES
		0000078982	54.91	MISC FIRE SUPPLIES
		0000078982	157.50	MISC FIRE SUPPLIES
		TOTAL:	316.71	
KATHERINE L KENISON PS	00006980	0000078899	8,832.00	PROF SERVICE/CITY ATTY
		TOTAL:	8,832.00	
KIMMEL ATHLETIC SUPPLY	00003462	0000078975	258.49	SOCCER NET/VOLLEYBALLS
		0000078975	806.23	SOCCER NET/VOLLEYBALLS
		TOTAL:	1,064.72	
KONE INC	00006438	0000078876	65.35	ELEVATOR MAINTENANCE
		0000078876	371.47	ELEVATOR MAINTENANCE
		TOTAL:	436.82	
KONICA MINOLTA BUSINESS SOL	00007194	0000078897	138.18	MAINT AGREE/CH COPIER
		TOTAL:	138.18	
LAKE BOWL	00001109	0000078966	155.38	SOFTBALL PLAQUES
		TOTAL:	155.38	
LAKESIDE DISPOSAL & RECYCLING	00003188	0000078963	15.03	SNS RECYCLING
		TOTAL:	15.03	
LES SCHWAB TIRE CENTER	00003519	0000078877	362.19	TIRES/WHEEL BALANCE

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		TOTAL:	362.19	
MCMASTER CARR SUPPLY COMPANY	00005385	0000078878	228.68	MISC SUPPLIES
		TOTAL:	228.68	
MOSES LAKE SOCCER TOTS	00007063	0000078972	532.00	SOCCER/BASEBALLTOT INSTRUCTION
		TOTAL:	532.00	
MOSES LAKE STEEL SUPPLY	00001268	0000078960	50.53	MISC SUPPLIES
		0000078978	11.44	MISC SUPPLIES
		TOTAL:	61.97	
NORCO ENTERPRISES INC	00006590	0000078994	186.15	MEDICAL OXYGEN & CYLINDER RENT
		0000078994	10.68	MEDICAL OXYGEN & CYLINDER RENT
		TOTAL:	196.83	
OASIS AUTO SPA	00004834	0000078859	384.75	CAR WASHES-SEPTEMBER
		TOTAL:	384.75	
OLIVIA MARTINEZ	00006311	0000078921	87.56	UNIFORMS
		TOTAL:	87.56	
OU PRESS DISTRIBUTION CENTER	00006745	0000078969	106.93	MAC RESALE
		TOTAL:	106.93	
OXARC INC	00001412	0000078964	36.69	MISC SUPPLIES
		0000078965	231.08	MISC SUPPLIES
		0000078879	13.40	MISC SUPPLIES
		TOTAL:	281.17	
PITNEY BOWES INC	00005702	0000078922	91.70	POSTAGE MACHINE INK
		TOTAL:	91.70	
PLATT ELECTRIC COMPANY	00001549	0000078880	231.05	MISC SUPPLIES

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		=====		
		TOTAL:	231.05	
PRO FORCE LAW ENFORCEMENT	00004260			
		0000078924	1,205.53	EQUIPMENT
		=====		
		TOTAL:	1,205.53	
QCL INC	00006542			
		0000078950	704.00	HEARING TESTS
		0000078895	72.00	RANDOM DRUG TESTING
		0000078895	181.25	RANDOM DRUG TESTING
		0000078895	290.50	RANDOM DRUG TESTING
		=====		
		TOTAL:	1,247.75	
QUILL CORPORATION	00004811			
		0000078898	181.22	MISC SUPPLIES
		0000078993	63.78	OFFICE SUPPLIES
		0000078993	63.79	OFFICE SUPPLIES
		=====		
		TOTAL:	308.79	
R W C GROUP	00007138			
		0000078881	88.49	TRANSMISSION COVER
		=====		
		TOTAL:	88.49	
RAINBOW FLYING SERVICE	00003974			
		0000078857	400.00	LAWN CARE CONTRACT
		=====		
		TOTAL:	400.00	
REFLEX TRAFFIC SYSTEMS	00004837			
		0000078890	15,507.87	PROF SERV/RED LIGHT TICKETS
		=====		
		TOTAL:	15,507.87	
SEA WESTERN INC	00001879			
		0000078987	146.73	MSA SPECTACLE KIT
		=====		
		TOTAL:	146.73	
SHERWIN-WILLIAMS	00006229			
		0000078968	22.79	MISC SUPPLIES
		=====		
		TOTAL:	22.79	
SOLID WASTE SYSTEMS INC	00005276			
		0000078908	831.38	MISC SUPPLIES
		=====		
		TOTAL:	831.38	
SUPPLYWORKS	00003053			

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		P.O. Number	P.O. Amount	
		0000078882	747.00	JANITORIAL SUPPLIES
		=====		
		TOTAL:	747.00	
TALX UC EXPRESS	00000062	0000078923	375.00	UIC ADMIN FEE
		=====		
		TOTAL:	375.00	
TATUM LAWN CARE	00005928	0000078931	134.88	CLEAN UP WEEDS/EVERGREEN
		=====		
		TOTAL:	134.88	
THOMAS L TWEDE	00005093	0000078884	200.00	INSTALL/REMOVE BUOY LAGUNA
		=====		
		TOTAL:	200.00	
TYCO INC	00004451	0000078885	85.41	OIL SUPREME 7000 10W30
		=====		
		TOTAL:	85.41	
UMPQUA BANK/MERCHANT-EFT	00005882	0000078941	452.99	CREDIT CARD FEES
		0000078941	189.81	CREDIT CARD FEES
		0000078941	71.01	CREDIT CARD FEES
		0000078941	20.49	CREDIT CARD FEES
		0000078941	65.18	CREDIT CARD FEES
		0000078941	31.27	CREDIT CARD FEES
		0000078941	31.29	CREDIT CARD FEES
		0000078941	31.29	CREDIT CARD FEES
		0000078941	31.29	CREDIT CARD FEES
		0000078941	31.29	CREDIT CARD FEES
		0000078941	31.29	CREDIT CARD FEES
		=====		
		TOTAL:	955.91	
UMPQUA VANTIV MERCHANT-EFT	00007672	0000078942	86.10	CREDIT CARD FEES
		0000078942	22.61	CREDIT CARD FEES
		0000078942	104.43	CREDIT CARD FEES
		0000078942	67.24	CREDIT CARD FEES

CITY OF MOSES LAKE  
 TABULATION OF CLAIMS TO BE APPROVED  
 COUNCIL MEETING OF 10/25/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
UMPQUA VANTIV MERCHANT-EFT	00007672	0000078942	6.90	CREDIT CARD FEES
		0000078942	6.90	CREDIT CARD FEES
		0000078942	6.90	CREDIT CARD FEES
		0000078942	6.90	CREDIT CARD FEES
		0000078942	6.90	CREDIT CARD FEES
		0000078942	6.92	CREDIT CARD FEES
		=====		
		TOTAL:	314.90	
UTIL UNDRGRND LOCATION CENTER	00004598	0000078856	45.58	UNDERGROUND UTILITY LOCATES
		0000078856	45.58	UNDERGROUND UTILITY LOCATES
		0000078856	45.58	UNDERGROUND UTILITY LOCATES
		=====		
		TOTAL:	136.74	
VERIZON WIRELESS	00002107	0000078925	40.01	CELL SERVICE/LAPTOPS
		0000078925	25.53	CELL SERVICE/LAPTOPS
		0000078925	675.50	CELL SERVICE/LAPTOPS
		0000078925	40.01	CELL SERVICE/LAPTOPS
		0000078925	80.02	CELL SERVICE/LAPTOPS
		0000078925	40.01	CELL SERVICE/LAPTOPS
		0000078925	40.01	CELL SERVICE/LAPTOPS
		0000078925	40.01	CELL SERVICE/LAPTOPS
		=====		
		TOTAL:	981.10	
VISTA SERVICE & TOWING	00004604	0000078935	193.14	TOWING
		=====		
		TOTAL:	193.14	
W S DARLEY & COMPANY	00004231	0000078996	4,451.06	THERMAL CAMERAS
		=====		
		TOTAL:	4,451.06	
WA ST CRIMINAL JUSTICE TRNG	00003831	0000078933	1,500.00	REGISTRATION

CITY OF MOSES LAKE  
 TABULATION OF CLAIMS TO BE APPROVED  
 COUNCIL MEETING OF 10/25/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
=====				
		TOTAL:	1,500.00	
WESTERN PETERBILT INC	00006802			
		0000078889	212.82	MISC SUPPLIES
=====				
		TOTAL:	212.82	
WESTERN SYSTEMS	00006838			
		0000078888	2,112.47	REPAIR SEWER TRACTOR CAMERA
=====				
		TOTAL:	2,112.47	
WILSON ENGINEERING	00007286			
		0000078854	5,213.50	PROFESS SRV DUNES WWTF IMPR 16
=====				
		TOTAL:	5,213.50	
XPRESS BILL PAY - EFT	00006421			
		0000078943	334.51	CREDIT CARD FEES
		0000078943	334.50	CREDIT CARD FEES
		0000078943	334.50	CREDIT CARD FEES
		0000078943	334.51	CREDIT CARD FEES
		0000078943	334.51	CREDIT CARD FEES
=====				
		TOTAL:	1,672.53	
Z ENGINEERS PLLC	00005614			
		0000078853	775.60	PROFESS SERV WINONA L/S 2016
=====				
		TOTAL:	775.60	
ZIGGYS #13	00006567			
		0000078894	79.25	MISC SUPPLIES
=====				
		TOTAL:	79.25	
=====				
		REPORT TOTAL:	165,301.90	

CITY OF MOSES LAKE  
 TABULATION OF CLAIMS TO BE APPROVED  
 COUNCIL MEETING OF 10/25/2016

TOTALS BY FUND

FUND NO	FUND NAME	AMOUNT
000	GENERAL FUND	86,161.32
103	GRANTS AND DONATIONS	1,374.77
116	STREET	8,369.60
410	WATER/SEWER	8,845.14
477	WATER SEWER CONSTRUCTION	5,989.10
490	SANITATION	24,425.36
493	STORM WATER	3,228.69
495	AIRPORT	835.58
498	AMBULANCE FUND	11,398.55
501	UNEMPL COMP INS	375.00
517	CENTRAL SERVICES	269.89
519	EQUIPMENT RENTAL	7,373.23
528	BUILD MAINTENANCE	6,655.67
	TOTAL	165,301.90

CHANGES TO BE MADE SHOULD BE LISTED BELOW

VEND NO.	P.O. NO.	AMT LISTED	CORRECTED AMT	ACTION TO BE TAKEN
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

CORRECT AMOUNT TO BE PAID .....

\*\*\*\*\*  
 \*  
 \* CLAIMS APPROVAL \*  
 \*  
 \* WE, THE UNDERSIGNED COUNCILMEN OF THE CITY OF MOSES LAKE, WASHINGTON, DO HEREBY CERTIFY THAT THE MERCHANDISE \*  
 \* OR SERVICES SPECIFIED HAVE BEEN RECEIVED AND THAT ABOVE CLAIMS ARE APPROVED, AS NOTED, FOR PAYMENT \*  
 \* IN THE AMOUNT OF \$165,301.90 THIS 25TH DAY OF OCTOBER, 2016 \*  
 \*  
 \*  
 \* ..... \*  
 \* COUNCIL MEMBER COUNCIL MEMBER \*  
 \*  
 \*  
 \* ..... \*  
 \* COUNCIL MEMBER FINANCE DIRECTOR \*  
 \*\*\*\*\*

CITY OF MOSES LAKE  
 TABULATION OF CLAIMS TO BE APPROVED  
 COUNCIL MEETING OF 10/25/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
CHS INC	00000249	0000078858	17,364.12	FUEL FOR VEHICLES
		=====		
		TOTAL:	17,364.12	
DATABAR	00007974	0000078883	443.64	MAIL UTILITY BILLS
		0000078883	443.64	MAIL UTILITY BILLS
		0000078883	443.63	MAIL UTILITY BILLS
		0000078883	443.64	MAIL UTILITY BILLS
		0000078883	443.64	MAIL UTILITY BILLS
		=====		
		TOTAL:	2,218.19	
HOME DEPOT CREDIT SERVICES	00007824	0000078919	395.28	MISC SUPPLIES
		0000078919	115.75	MISC SUPPLIES
		0000078919	188.12	MISC SUPPLIES
		0000078919	143.49	MISC SUPPLIES
		0000078919	62.21	MISC SUPPLIES
		0000078919	63.36	MISC SUPPLIES
		0000078919	22.00	MISC SUPPLIES
		=====		
		TOTAL:	990.21	
LAKESIDE DISPOSAL	00004080	0000078926	190,710.44	CONTRACT PAYMENT
		=====		
		TOTAL:	190,710.44	
LOWES	00003886	0000078901	23.49	MISC SUPPLIES
		0000078901	801.48	MISC SUPPLIES
		0000078901	57.73	MISC SUPPLIES
		0000078901	93.52	MISC SUPPLIES
		0000078901	30.04	MISC SUPPLIES
		0000078901	48.47	MISC SUPPLIES

CITY OF MOSES LAKE  
 TABULATION OF CLAIMS TO BE APPROVED  
 COUNCIL MEETING OF 10/25/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		0000078901	4.74	MISC SUPPLIES
		0000078901	21.36	MISC SUPPLIES
		0000078901	131.66	MISC SUPPLIES
		0000078901	36.64	MISC SUPPLIES
		0000078901	27.29	MISC SUPPLIES
		=====		
		TOTAL:	1,276.42	
PUD OF GRANT COUNTY	00001501			
		0000078915	623.14	ELECTRIC SERVICE
		0000078915	18.90	ELECTRIC SERVICE
		0000078915	5,506.92	ELECTRIC SERVICE
		0000078915	707.87	ELECTRIC SERVICE
		0000078917	2,421.47	ELEC SERVICE-ST LIGHTS
		0000078915	31.78	ELECTRIC SERVICE
		0000078915	144.76	ELECTRIC SERVICE
		0000078915	27.02	ELECTRIC SERVICE
		0000078915	1,221.54	ELECTRIC SERVICE
		0000078915	254.77	ELECTRIC SERVICE
		0000078915	1,111.64	ELECTRIC SERVICE
		0000078915	121.14	ELECTRIC SERVICE
		0000078915	24.48	ELECTRIC SERVICE
		0000078915	727.76	ELECTRIC SERVICE
		0000078915	197.43	ELECTRIC SERVICE
		0000078917	37,229.93	ELEC SERVICE-ST LIGHTS
		0000078915	43,403.14	ELECTRIC SERVICE

CITY OF MOSES LAKE  
 TABULATION OF CLAIMS TO BE APPROVED  
 COUNCIL MEETING OF 10/25/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		0000078915	13,505.49	ELECTRIC SERVICE
		0000078915	87.95	ELECTRIC SERVICE
		0000078915	2,075.77	ELECTRIC SERVICE
		0000078915	525.10	ELECTRIC SERVICE
		0000078915	1,301.54	ELECTRIC SERVICE
		0000078915	945.04	ELECTRIC SERVICE
		=====		
		TOTAL:	112,214.58	
TODD SCHANZE	00005800			
		0000078792	502.76	T & S / SCHANZE / TRAUMA CONF.
		=====		
		TOTAL:	502.76	
UMPQUA BANK	00007077			
		0000078920	135.00	T & S/ REGIS/DUES
		0000078920	113.63	T & S/ REGIS/DUES
		0000078920	240.00	T & S/ REGIS/DUES
		0000078936	50.00	T & S/COMPUTER SUPPLIES
		0000078936	1,215.97	T & S/COMPUTER SUPPLIES
		0000078938	466.09	OFFICE, WELLNESS, REGISTRATION
		0000078938	882.09	OFFICE, WELLNESS, REGISTRATION
		0000078938	395.00	OFFICE, WELLNESS, REGISTRATION
		0000078938	227.99	OFFICE, WELLNESS, REGISTRATION
		0000078903	189.90	EGR, WELLNESS, STORMWATER EXP
		0000078903	186.61	EGR, WELLNESS, STORMWATER EXP
		0000078949	4,586.85	MISC SUPPLIES
		0000078916	1,266.00	MISCELLANEOUS

CITY OF MOSES LAKE  
 TABULATION OF CLAIMS TO BE APPROVED  
 COUNCIL MEETING OF 10/25/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
UMPQUA BANK	00007077			
		0000078916	64.84	MISCELLANEOUS
		0000078916	2,920.69	MISCELLANEOUS
		0000078916	434.00	MISCELLANEOUS
		0000078940	14.61	CREDIT PURCHASES / SEPTEMBER
		0000078947	1,097.74	CREDIT PURCHASES / SEPTEMBER
		0000078948	718.00	CREDIT PURCHASES / SEPTEMBER
		0000078948	110.17	CREDIT PURCHASES / SEPTEMBER
		0000078948	2,308.98	CREDIT PURCHASES / SEPTEMBER
		0000078948	76.78	CREDIT PURCHASES / SEPTEMBER
		0000078947	1,041.49	CREDIT PURCHASES / SEPTEMBER
		0000078936	343.30	T & S/COMPUTER SUPPLIES
		0000078947	58.18	CREDIT PURCHASES / SEPTEMBER
		0000078902	99.10	MISC SUPPLIES/REGISTRATIONS
		0000078902	390.45	MISC SUPPLIES/REGISTRATIONS
		0000078902	9.88	MISC SUPPLIES/REGISTRATIONS
		0000078902	110.00	MISC SUPPLIES/REGISTRATIONS
		0000078902	286.23	MISC SUPPLIES/REGISTRATIONS
		0000078902	9.87	MISC SUPPLIES/REGISTRATIONS
		0000078903	60.84	EGR, WELLNESS, STORMWATER EXP
		0000078902	75.00	MISC SUPPLIES/REGISTRATIONS
		0000078948	38.12	CREDIT PURCHASES / SEPTEMBER

CITY OF MOSES LAKE  
 TABULATION OF CLAIMS TO BE APPROVED  
 COUNCIL MEETING OF 10/25/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
UMPQUA BANK	00007077			
		0000078947	907.30	CREDIT PURCHASES / SEPTEMBER
		0000078945	22.89	CREDIT PURCHASES / SEPTEMBER
		0000078936	498.09	T & S/COMPUTER SUPPLIES
		0000078936	2,508.00	T & S/COMPUTER SUPPLIES
		0000078902	186.30	MISC SUPPLIES/REGISTRATIONS
		0000078902	45.15	MISC SUPPLIES/REGISTRATIONS
		0000078945	221.41	CREDIT PURCHASES / SEPTEMBER
		0000078902	117.00	MISC SUPPLIES/REGISTRATIONS
		0000078902	173.32	MISC SUPPLIES/REGISTRATIONS
		0000078902	460.59	MISC SUPPLIES/REGISTRATIONS
		0000078902	75.80	MISC SUPPLIES/REGISTRATIONS
		=====		
		TOTAL:	25,439.25	
		=====		
		REPORT TOTAL:	350,715.97	

CITY OF MOSES LAKE  
 TABULATION OF CLAIMS TO BE APPROVED  
 COUNCIL MEETING OF 10/25/2016

TOTALS BY FUND

FUND NO	FUND NAME	AMOUNT
000	GENERAL FUND	33,079.35
103	GRANTS AND DONATIONS	525.04
116	STREET	37,763.05
410	WATER/SEWER	58,876.14
490	SANITATION	191,154.07
493	STORM WATER	579.48
495	AIRPORT	87.95
498	AMBULANCE FUND	1,914.71
517	CENTRAL SERVICES	3,006.09
519	EQUIPMENT RENTAL	17,933.98
528	BUILD MAINTENANCE	5,796.11
	TOTAL	350,715.97

CHANGES TO BE MADE SHOULD BE LISTED BELOW

VEND NO.	P.O. NO.	AMT LISTED	CORRECTED AMT	ACTION TO BE TAKEN
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

CORRECT AMOUNT TO BE PAID .....

\*\*\*\*\*  
 \*  
 \* CL A I M S A P P R O V A L \*  
 \*  
 \* WE, THE UNDERSIGNED COUNCILMEN OF THE CITY OF MOSES LAKE, WASHINGTON, DO HEREBY CERTIFY THAT THE MERCHANDISE \*  
 \* OR SERVICES SPECIFIED HAVE BEEN RECEIVED AND THAT ABOVE CLAIMS ARE APPROVED, AS NOTED, FOR PAYMENT \*  
 \* IN THE AMOUNT OF \$350,715.97 THIS 25TH DAY OF OCTOBER, 2016 \*  
 \*  
 \*  
 \* ..... \*  
 \* COUNCIL MEMBER COUNCIL MEMBER \*  
 \*  
 \*  
 \* ..... \*  
 \* COUNCIL MEMBER FINANCE DIRECTOR \*  
 \* \*\*\*\*\*



**CITY OF MOSES LAKE**  
**STAFF REPORT**

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To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev Dir / Deputy City Manager  
Date: October 25, 2016  
Proceeding Type: Motion  
Subject: Shoreline Master Program Update – Conditional Approval

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**Legislative History:**

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• First Presentation:	July 12, 2016
• Second presentation:	September 13, 2016
• Action:	Motion

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**Staff Report Summary**

The Washington State Department of Ecology (DOE) gave notice to the City of Moses Lake on July 12, 2016 via letter of their intent to conditionally adopt the Moses Lake Shoreline Master Program (SMP). This letter detailed two options: 1) agree to the DOE changes as drafted or; 2) submit and alternate proposal. The City Council directed staff to notify the DOE of their intent to submit an alternate proposal.

To date there has been no alternate proposal submitted to DOE. It was the Council's direction to meet with DOE staff prior to taking any further action. Since the July 12<sup>th</sup> City Council meeting, there have been two (2) meetings with DOE. The first meeting was with the Mayor, Councilmember Leonard and city staff to go over the recommendations of their conditional approval. The second meeting was with the Mayor and city staff to field test the draft language as proposed by DOE.

**Background:**

The City of Moses Lake is obligated under State statute to adopt a SMP that is compliant with amended Shoreline Management Act. The City Council has reviewed the Draft SMP and made recommendation to DOE. The DOE did not fully accept the recommendations as presented and offered changes that they felt are compliant with the Shoreline Management Act.

**Fiscal and Policy Implications**

If the City Council is to consider an alternate SMP proposal as provided by the process of SMP adoption, the Council will need to consider an outside source for assistance. Staff is not in a position to address DOE’s concerns given the complexity of the issues.

**Options**

<b><i>Option</i></b>	<b><i>Results</i></b>
<ul style="list-style-type: none"><li><i>Accept the DOE proposed changes to the Moses Lake SMP</i></li></ul>	<i>Adoption of the SMP moves forward to DOE for signature and codification.</i>
<ul style="list-style-type: none"><li><i>Provide DOE with alternate SMP proposal for their review</i></li></ul>	<i>Continued SMP adoption and fiscal impacts to the General Fund</i>

**Staff Recommendation**

Given the lack of an SMP alternate proposal at this time, staff is recommending that the City Council adopt the conditional Shoreline Master Program as presented by the DOE submittal.

**Attachments**

A.	DOE Letter
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**Legal Review**

The following documents are attached and subject to legal review:

<b>Type of Document</b>	<b>Title of Document</b>	<b>Date Reviewed by Legal Counsel</b>
N/A		

Wetland Buffers in City of Moses Lake Shoreline Master Program Update				
	Council Draft SMP	Watershed Recommendation	Dept. of Ecology 6-7-16 Requirement	Dept. of Ecology 8-5-16 Agreed Approach
Category III Buffer	25' no increase for higher habitat scores	Option 1: (Based on existing conditions) Combine Shoreline Residential with Shoreline Residential Resource. 25' minimum + 10' if 5 habitat points, + 50' if 6-7 habitat points  Option 2: Standard buffers from 2012 state guidance: 60' minimum + 30' if 5 habitat points + 60' if 6-7 habitat points	60' minimum + 15' if 5 habitat points +45' if 6-7 habitat points + 75' if 8-9 habitat points (Standard buffers from 2014 state guidance)	Watershed's Option 1
Category IV Buffer	25'	40'	40'	25' + 15' for 1-5 habitat points



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 7, 2016

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 13 2016

PLANNING AND BUILDING  
CITY OF MOSES LAKE

The Honorable Todd Voth  
City of Moses Lake  
401 South Balsam Street  
PO Box 1579  
Moses Lake, WA 98837

**Re: City of Moses Lake Comprehensive Shoreline Master Program Update –  
Conditional Approval, Ordinance Number 2732**

Dear Mayor Voth:

I would like to take this opportunity to commend the City of Moses Lake (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. The SMP will provide a framework to guide development and habitat restoration along the City's shorelines.

As we have already discussed with your staff and the city council, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes, along with recommended changes and detailed rationale for each change are detailed in Attachment B. The findings and conclusions that support Ecology's decision are contained in Attachment A. Attachment C constitutes Ecology's response to public comments received during the state comment period, as well as a discussion of outstanding issues from the City comment period.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes (required and/or recommended changes), or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally developed by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guideline requirements.



The Honorable Todd Voth  
June 7, 2016  
Page 2

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology  
Attention: Director's Office  
PO Box 47600  
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that the City Council, City staff (Rob White), the Planning Commission and the community have put into the Shoreline Master Program update.

We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Jeremy Sikes, at [Jeremy.Sikes@ecy.wa.gov](mailto:Jeremy.Sikes@ecy.wa.gov)/(509) 329-3426.

Sincerely,



Maia D. Bellon  
Director

Enclosures

By Certified Mail [7012 1010 0003 3028 4406]

cc: Gil Alvarado, City of Moses Lake  
Sara Hunt, Ecology  
Jeremy Sikes, Ecology



**CITY OF MOSES LAKE  
STAFF REPORT**

---

To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev. Dir. /Deputy City Manager  
Date: October 25, 2016  
Proceeding Type: Motion  
Subject: MLMC 8.14 Nuisances – Request for Direction

---

**Legislative History:**

- |                        |                    |
|------------------------|--------------------|
| • First Presentation:  | August 23, 2016    |
| • Second presentation: | September 13, 2016 |
| • Action:              | Motion             |
- 

**Staff Report Summary**

The City Council and city staff recently conducted a field exercise to survey nuisances as defined under MLMC 8.14, entitled Nuisances. These nuisances that were surveyed were specific to property maintenance and weed abatement. No specific direction has been provided to staff with regards to amending MLMC 8.14.

The field exercise occurred just before the end of our summer weed abatement program, which was last week. This year was an exceptional year for weed abatement due to the spring weather conditions. This year, Code Enforcement processed approximately 1,100 weed abatement cases that were initiated by complaint or staff.

**Background:**

The City Council has had numerous Study Sessions and field visits to investigate how the City of Moses Lake has implemented Code Enforcement measures in general. The topic of weed control and property maintenance has been the primary focus.

On September 1, 2016, the City Council and staff toured developed and undeveloped sites that have been problematic in the past in terms of weed abatement. The Council conducted a study session meeting to discuss their findings from the tour on September 13, 2016. After considerable discussion, the council directed staff to provide informational flyers regarding nuisances to the public either by mailed flyers, inserts with water bills, and social media. As for changing the actual ordinance, there was no direction provided to staff following the tour and study session.

**Fiscal and Policy Implications**

Amendments to MLMC 8.14, Nuisances would result in additional case loads for Code Enforcement that could have fiscal implication to those services provided.

**Options**

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"> <li>• <i>Consider amendments to MLMC 8.14</i></li> </ul>	Abatement of grasses, weeds and other vegetation as proposed.
<ul style="list-style-type: none"> <li>• <i>Take no action</i></li> </ul>	Abatement of grasses, weeds and other vegetation remains enforced under current provisions of MLMC 8.14.

**Staff Recommendation**

The City Council should consider the discussions with regards to amending MLMC 8.14, Nuisances and provide direction to staff on how to proceed.

**Attachments**

A.	Moses Lake Municipal Code Chapter 8.14 Nuisances
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**Legal Review**

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
N/A		

**CHAPTER 8.14  
NUISANCES**

Sections:

- 8.14.010 Definitions
- 8.14.020 Public Nuisance Defined
- 8.14.030 Nuisance Defined
- 8.14.040 Prohibited Conduct
- 8.14.050 Notice of Violation and Order to Correct or Cease Activity
- 8.14.060 Correction by Owner or Other Responsible Person
- 8.14.070 Abatement by the City
- 8.14.080 Immediate Danger - Summary Correction

8.14.010 Definitions. The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

- A. "Boarded Up Building" means any building, with at least twenty-five percent (25%) of exterior openings closed by extrinsic devices or some other manner designed or calculated to be permanent, giving the building the appearance of non-occupancy or non-use for an indefinite period of time.
- B. "Correct" means to abate, repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such extent as the enforcement officer, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community.
- C. "Code Enforcement Officer" means the City Manager's designee.
- D. "Health Officer" means the Director of the Grant County Health District or his designee.
- E. "Responsible Person" means any agent, lessee, or other person occupying or having charge or control of any premises.
- F. "Building materials" means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing materials, cans of paint and similar materials.
- G. "Premises" means any building, lot, parcel, real estate, or land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking lanes.
- H. "Membrane" means a tarpaulin, banner, fabric, or other sheeting, made of cloth, plastic, vinyl, paper or other similar material.
- I. "Criminal Street Gang" is defined in RCW 9.94A.030(15) as now enacted or hereafter amended.
- J. "Pattern of Criminal Street Gang Activity" is defined in RCW 9.94A.030(36) as now enacted or hereafter amended. (Ord. 2406, 7/8/08; Ord. 2299, 3/27/07; Ord. 2196, 2/22/05; Ord. 2023, 6/26/01; Ord. 1529, 1992)

8.14.020 Public Nuisance Defined. A public nuisance is any thing, act, failure to act, occupation or use of property which:

- A. Annoys, injures, or endangers the safety, health, comfort, or repose of one or more persons
- B. Offends public decency
- C. Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for passage, a public park, street, sidewalk, alley, highway, or other public area
- D. In any way renders one or more persons insecure in life or the use of property. (Ord. 1529, 1992)

- 8.14.030 **Nuisance Defined.** Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
- A. The existence of any trash, dirt, filth, and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter.
  - B. Defective or overflowing septic or sewage systems, and the existence of any noxious, foul, or putrid liquid or substance which poses a health hazard or creates a noxious odor.
  - C. Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.
  - D. Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health as determined by the Health Officer.
  - E. All other acts, failure to act, occupations, or use of property which is determined by the Health Officer to be a menace to the health of the public.
  - F. All limbs of trees which are less than seven (7) feet above the surface of any public sidewalk, or twelve (12) feet above the surface of any street.
  - G. All buildings, other structures, or portions thereof which have been damaged by fire, decay, neglect, or have otherwise deteriorated or become dilapidated so as to endanger the safety of the public.
  - H. All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the State Fire Code.
  - I. The keeping or harboring of any dog, fowl, or other animal which by frequent or habitual howling, yelping, barking, crowing, or in the making of other noises, annoys or disturbs the public, or the habitual allowing of dogs kept at any one address to run at large in violation of Chapter 6.14 of the Moses Lake Municipal Code entitled "Miscellaneous Provisions".
  - J. Making or causing to be made by any means whatsoever any noise of any kind which is a violation of Chapters 8.28 of the Moses Lake Municipal Code entitled "Noise Control".
  - K. The frequent, repetitive, or continuous sound made by any secured, unsecured, or deteriorated membrane or sheet metal, being moved by the wind or other source, which unreasonably interferes with the peace, comfort and repose of adjacent property owners or possessors.
  - L. Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left, any filth, paper, cans, glass, rubbish, trash garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or public or private property of another in the city.
  - M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
    - 1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, or whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles.
    - 2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous.

3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises.
  4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city.
  5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
  6. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles.
  7. Any trash, litter, rags, accumulations or empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.
- N. The permitting to remain outside any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, in a place accessible to children, any abandoned, unattended, or discarded ice chest, refrigerator or other airtight contained, which does not have the door, lid or other locking device removed.
- O. Any pit, hole, basin or excavation which is unguarded or dangerous to life or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances, or regulations.
- P. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trap door thereto, or without filling or capping any well.
- Q. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the city.
- R. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public.
- S. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition.
- T. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto.
- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
  2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which

shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.

Compliance shall be required as follows:

1. Property with no sidewalks/activity trail or residential dwelling on the property shall be exempt.
  2. Property with sidewalks/activity trail but no residential dwelling shall be required to control vegetation ten feet (10') from the back of the sidewalks/activity trail.
  3. Property with sidewalks/activity trail and a residential dwelling shall be required to control vegetation on the entire piece of property.
- V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.
- W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
- X. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- Y. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section 8.14.010 (F), whose retail cost new would exceed one hundred dollars, without a special permit from the building official; provided, that nothing herein shall:
1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion.
  2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.
  3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- Z. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof.
- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- BB. The keeping, permitting or harboring of any fowl, pigeons, rabbits, hooved or cloven footed animals, except for caged birds kept within a residence or business.
- CC. The depositing of any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage and the like, or storing of any material of any kind, provided that in residential zones that shall include garbage cans or refuse containers in the alleys of the city, except on garbage pickup day.

- DD. The existence of graffiti, which is defined as a defacing, damaging, or destructive inscription, figure or design painted, drawn or the like, on the exterior of any building, fence, gate, or other structures or on rocks, bridges, trees, or other real or personal property.
  - EE. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising its sale on property located in any commercial or industrial zone not owned by the seller.
  - FF. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.
  - GG. The existence on any premise any unsecured, unused, or abandoned building or structures.
  - HH. For any building the existence of any broken glass in windows or doors for more than thirty (30) days.
  - II. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty (30) days.
  - JJ. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or compliment the buildings exterior or remains boarded up for more than sixty (60) days.
  - KK. Any boarded up building that remains boarded up for more than ninety (90) days.
  - LL. Permitting any violation of RCW 59.18.510 in any rental dwelling unit.
  - MM. Criminal street gangs and any pattern of criminal street gang activity are each declared to be a public nuisance in violation of this chapter and other applicable code provisions, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and State Housing Code, subject to abatement through all available means. In addition thereto and without limitation, any pattern of criminal street gang activity upon, and the presence and use of property by, a criminal street gang, with the owner's knowledge or consent, constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property. (Ord. 2771, 6/9/15; Ord. 2716, 4/8/14; Ord. 2500, 7/28/09; Ord. 2406, 7/8/08; Ord. 2299, 3/27/07; Ord. 2263, 7/11/06; Ord. 2196, 2/22/05; Ord. 2023, 6/26/01; Ord. 1932, 5/23/00; Ord. 1529, 1992)
- 8.14.040 Prohibited Conduct:
- A. It is unlawful for any responsible person or owner to permit, maintain, suffer, carry on, or allow, upon any premises or in any lake, river, stream, drainage way or wetlands, any of the acts or things declared by this chapter to be a public nuisance.
  - B. It is unlawful for any person to create, maintain, carry on or do any other acts or things declared by this chapter to be a public nuisance. (Ord. 1529, 1992)
- 8.14.050 Notice of Violation and Order to Correct or Cease Activity: The Code Enforcement Officer, to be designated by the City Manager, having determined that a public nuisance exists, shall issue a Notice of Violation and Order to Correct or Cease Activity as provided in Chapter 1.20. (Ord. 2299, 3/27/07; Ord. 1529, 1992)
- 8.14.060 Correction by Owner or Other Responsible Person: If and when an owner or other responsible person shall undertake action to correct any condition described in this chapter whether by order of the Code Enforcement Officer, or otherwise, all necessary and legal conditions pertinent to the correction may be imposed by the Code Enforcement Officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permits or approvals to do any work incidental to the correction. (Ord. 2299, 3/27/07; Ord. 1529, 1992)

8.14.070 Abatement by the City:

- A. In all cases where the Code Enforcement Officer has determined to proceed with issuance of a Notice of Violation and Order to Correct, then ten (10) days after issuance of such Notice, the city shall have the ability, in addition to any other remedy provided in this chapter and not as an alternative means of abatement to the exclusion of others, to abate the nuisance identified by the Code Enforcement Officer in the Notice of Violation and Order to Correct as provided herein.
- B. A violation of this chapter may be subject to abatement by the following means:
1. Summarily, by a restraining order or injunction issued by a court of competent jurisdiction;  
or
  2. Following issuance of a Notice of Violation and Order to Correct, and following the expiration of the time to correct the condition or cease the activity constituting a nuisance as identified in the Notice and Order, a written notice of the Code Enforcement Officer sent by return receipt mail to the owner, as such appears on the rolls of the county assessor, which notice shall state that the City Council will consider for adoption, after not less than ten (10) days from the date of that notice, a resolution which shall describe the property involved by street address or parcel number and the condition in violation of this chapter and require the owner to make the removal or destruction of such condition. Such notice shall state the owner may appear before the City Council at the time it considers such resolution and that will be the owner's only opportunity to protest the proposed action of the City Council to abate the nuisance as provided in this section. Such notice shall further provide that should the City Council adopt such resolution it may direct therein that the destruction or removal of the condition in violation of this chapter is to be accomplished by city forces or contractors and that all costs, direct and indirect, of such work shall be charged to the owner. If such removal or destruction is not made by the owner after the notice is given, the City Council may by resolution passed not less than ten (10) days from the date of the notice, cause the city to make the removal or destruction thereof as provided herein and provide that the cost thereof shall become a charge against the owner of the property. This debt shall be collectible in the same manner as other debts owing to the city. (Ord. 2299, 3/27/07; Ord. 2116, 3/25/03; Ord. 1529, 1992)

- 8.14.080 Immediate Danger - Summary Correction: Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or significant portion thereof, the Code Enforcement Officer shall have the authority to summarily and without first giving notice to correct the same. The expense of such correction shall become a civil debt against the owner or other responsible party and be collectible in the same manner as any civil debt owing to the city. (Ord. 2299, 3/27/07; Ord. 1529, 1992)



**CITY OF MOSES LAKE  
STAFF REPORT**

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To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev. Director/Deputy City Manager  
Date: October 25, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Nuisance Abatement – 908 W. Loop Dr.

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**Legislative History:**

• First Presentation:	October 25, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at 908 W. Loop owned by Guillermo and Beatriz Herrera. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

**Background**

The code enforcement matter at 908 W. Loop was found by the Code Enforcement Officer while on routine patrol of the city. In accordance with MLMC 8.14, Nuisances, the site was inspected and determined to be a nuisance pursuant to MLMC 8.14. See attached September 13, 2016 Notice of Violation and Order to Correct or Cease Activity.

**Fiscal and Policy Implications**

N/A

**Options**

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><li>Consider the Resolution abating the existing nuisances at 908 W. Loop</li></ul>	Compliance with MLMC 8.14 Nuisances
<ul style="list-style-type: none"><li>Consider the Resolution and take no action.</li></ul>	Non-Compliance with MLMC 8.14, Nuisances

**Staff Recommendation**

Staff recommends that City Council consider abating the existing nuisance at 908 W. Loop and pass the Resolution as presented.

**Attachments**

A.	Resolution
B.	Exhibits 1 – 4

**Legal Review**

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none"><li>Resolution</li></ul>	Nuisance Abatement	<i>City Attorney Katherine Kenison</i>

RESOLUTION NO. 3651

A RESOLUTION DETERMINING THAT GUILLERMO AND BEATRIZ HERRERA 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

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at 908 W. Loop, Lot 4, Knolls Vista EUB Plat, Parcel #100638000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030.U. The records of Grant County show the owners of the subject property to be Guillermo and Beatriz Herrera, 351 W. Northshore Drive, Moses Lake, WA 98837
2. Notice. On September 13, 2016, the Code Enforcement Officer caused to be delivered by regular mail and certified mail to the owner of record of the subject property a Notice of Violation and Order to Correct or Cease Activity. No appeal was filed to challenge that order. The time to comply under that order has passed. The nuisance described in that order has not been abated by correction of the condition of the property and a nuisance continues to exist on the subject property. On October 5, 2016, the Code Enforcement Officer caused to be delivered to Guillermo and Beatriz Herrera a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of October 25, 2016. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
  - 3.1 A violation of MLMC 8.14.030.U - Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
    - U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
      1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.

2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.
4. Hearing. On October 25, 2016 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
  - 5.1. The following persons testified under oath:

Tina Jewell, Moses Lake Code Enforcement Officer
  - 5.2. The following exhibits were made a part of the record of the proceedings:

EXHIBIT #1: Moses Lake Municipal Code Chapter 8.14.030.U

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated September 13, 2016 from the Code Enforcement Officer addressed to Guillermo and Beatriz Herrera, 351 W. Northshore Drive, Moses Lake, WA 98837.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 908 W. Loop, Moses Lake, Washington.

EXHIBIT #4: Letter dated October 5, 2016, from the Code Enforcement Officer to Guillermo and Beatriz Herrera advising the property owners of the hearing regarding abatement of property, scheduled for October 25, 2016.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030.U exists on the subject property at 908 W. Loop, Moses Lake, Washington. Guillermo and Beatriz Herrera, 351 W. Northshore Drive, Moses Lake, WA 98837 are the record contract owners of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
  - 2.1. Weeds in excess of 12" in height
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.

4. Guillermo and Beatriz, Herrera, the record contract owners, have fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:
  - 4.1 Weeds must be removed
5. City staff shall provide a status report to City Council on the progress of the record contract owners and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.
6. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on October 25, 2016.

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Todd Voth, Mayor

ATTEST:

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W. Robert Taylor, Finance Director



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE TO CORRECT - UNSAFE OR UNLAWFUL CONDITION

**DATED: Friday, September 2, 2016**

**ISSUED TO:**

GUILLERMO & BEATRIZ HERRERA  
351 W NORTHSHORE DR  
MOSES LAKE, WA 98837-1646

**CASE #: COD2016-1932**

As owner, agent, lessee, other person occupying or having charge or control of the building, lot or premises described in the location below, you are hereby notified that the undersigned, pursuant to the violations listed below of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

*Weeds in excess of 12" in height are present outside the back fence along the pathway.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: 908 W LOOP DR, MOSES LAKE  
LEGAL DESC: Lot 4 Knolls Vista EUB Plat

PARCEL: 100638000

### VIOLATIONS

8.14.030.U - Maintenance of grasses, weeds, etc

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

### CORRECTION REQUIRED

*Weeds must be removed from this area.*

You are notified to correct said conditions to the satisfaction of the undersigned by **Monday, September 12, 2016**. If you do not correct the condition within the specified time period, a notice and order to correct the condition will be issued to you, which can result in a penalty being imposed.

I would like to thank you in advance for your cooperating efforts. If you have any questions or need clarification on any of the above-mentioned items, please give me a call at (509) 764-3748 or come see me at City Hall.

Sincerely,

BRETT HOLLEN  
Code Enforcement Officer

8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.

- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
  - 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
  - 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

## NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

**DATED: Tuesday, September 13, 2016**

**ISSUED TO:**

GUILLERMO & BEATRIZ HERRERA  
351 W NORTSHORE DR  
MOSES LAKE, WA 98837-1646

**CASE #: COD2016-1932**

**YOU ARE HEREBY ORDERED TO CORRECT OR CEASE THE ACTIVITY AS FOLLOWS:**

*Weeds in excess of 12" in height are present outside the back fence along the pathway.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Friday, September 23, 2016.**

### ACTION NECESSARY TO CORRECT VIOLATION

*Weeds must be removed from this area.*

### LOCATION OF UNLAWFUL CONDITION

LOCATION: 908 W LOOP DR, MOSES LAKE  
LEGAL DESC: Lot 4 Knolls Vista EUB Plat

PARCEL: 100638000

### PROVISIONS OF THE CITY OF MOSES LAKE CODE VIOLATED

*8.14.030.U - Maintenance of grasses, weeds, etc*

*Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground. 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property. 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.*

**YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:**

1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5000), beginning on the day the correction was to be completed. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation. [1.20.050(E)(1)].
2. If a penalty has been assessed pursuant to 1.20.050(E)(1), a Court shall assess that penalty and any additional penalty the Court considers appropriate plus court costs and attorney's fees.

YOU MAY APPEAL THIS NOTICE AND ORDER TO THE HEARING EXAMINER WITHIN TEN (10) DAYS, PURSUANT TO SECTION 20.03.050 OF THE MOSES LAKE CITY CODE AND BY PAYMENT OF AN \$800 FEE.

YOU ARE FURTHER NOTIFIED THAT IF THE AFORMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFEREEED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Sincerely,

A handwritten signature in black ink that reads "Brett Hollen". The signature is written in a cursive style with a large initial "B".

BRETT HOLLEN  
Code Enforcement Officer



10/18/2016 13:36



Exhibit 3  
Page 2 of 2

10/18/2016 13:36



# City of Moses Lake

PO Drawer 1579  
Moses Lake, WA 98837  
Phone: (509) 764-3750

DATED: Wednesday, October 5, 2016

GUILLERMO & BEATRIZ HERRERA  
351 W NORTSHORE DR  
MOSES LAKE, WA 98837-1646

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-1932*  
Property Located at: 908 W LOOP DR, MOSES LAKE on Parcel 100638000

Via Regular Mail and Return Receipt Mail

GUILLERMO & BEATRIZ HERRERA

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: Lot 4 Knolls Vista EUB Plat

This property is located at: 908 W LOOP DR, MOSES LAKE on Parcel 100638000

On Tuesday, September 13, 2016 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of Friday, September 23, 2016 the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLCM) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on October 25<sup>th</sup>, 2016, which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At the hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

**THIS HEARING IS IMPORTANT. YOUR FAILURE TO PARTICIPATE MAY IMPACT IMPORTANT RIGHTS IN YOUR PROPERTY.**

If you have any questions, you may contact the City Manager's Office at the Moses Lake Civic Center, 401 S. Balsam, Moses Lake, WA, phone (509) 764-3701.

Sincerely,

Tina Jewell  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director



**CITY OF MOSES LAKE  
STAFF REPORT**

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To: John Williams, City Manager  
From: W. Robert Taylor, Finance Director  
Date: October 25, 2016  
Proceeding Type: Consideration  
Subject: Ordinances - Property Taxation

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**Legislative History:**

• First Presentation:	October 26, 2016
• Public Hearing Required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Second presentation:	
• Action:	Consideration

**Staff Report Summary**

Council has an opportunity to consider the estimated amount to be received by the City from taxes on assessed valuations for property located within the City of Moses Lake.

**Background**

State law under RCW 84.52.020 and 84.52.070 require the governing board of the City of Moses Lake to fix the estimated amount to be raised by taxation on assessed valuation on the property within the City of Moses Lake. Property taxes are a substantial revenue source for the City. The City is allowed to increase its levy by the lesser of one percent (1%) or the percentage increase in the implicit price deflator (IPD) index on its highest levy since 1985. The IPD for 2015-2016 is .953% which limits the city to an increase less than 1% unless a substantial need is requested to raise it to the maximum allowed. The legislative body is required by RCW35A.33.135 to adopt an ordinance establishing the amount to be raised by property taxes for the ensuing fiscal year.

**Fiscal and Policy Implications**

Fixing the amount that can be raised by taxation assures the city that they will collect on assessed values greater than in 2016 and allows the City to collect the maximum allowed under state statute in supporting the general fund. Due to software issues the County is not able to give us the new construction figures at this time in determining the estimated property taxes to be received in 2017. City estimated new construction at \$64 million.

The original Property taxes were set at \$6,797,813 for 2016. The City could receive a maximum of additional \$102,229 for 2017 based on the 1% of the highest regular tax levy. These amounts are preliminary and does not reflect amounts from New Construction.

**Options**

<b><i>Option</i></b>	<b><i>Results</i></b>
<ul style="list-style-type: none"> <li><i>Adopt the recommended changes to the property tax ordinances</i></li> </ul>	<i>Follow State requirements set by RCW to set tax levy amount for 2017 allowing for 1% increase</i>
<ul style="list-style-type: none"> <li><i>Take no action</i></li> </ul>	Be in conflict with state statute thus limiting the city to prior year levy amount with no increase

**Staff Recommendation**

Staff recommends Council to review, discuss and accept the ordinances as presented.

**Attachments**

A.	Ordinances
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**Legal Review**

The following documents are attached and subject to legal review:

<b>Type of Document</b>	<b>Title of Document</b>	<b>Date Reviewed by Legal Counsel</b>
<ul style="list-style-type: none"> <li>Ordinance</li> </ul>		<i>Standard property tax ordinance to be reviewed prior to adoption</i>

ORDINANCE NO.

AN ORDINANCE FIXING THE AMOUNT TO BE RECEIVED FOR MUNICIPAL PURPOSES FROM TAXATIONS ON ASSESSED VALUATIONS ON PROPERTY WITHIN THE CITY OF MOSES LAKE, WASHINGTON FOR 2017

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Preamble:

- A. RCW 84.52 requires the governing body of the City of Moses Lake to fix the estimated amount to be raised by taxation on assessed valuation on property within the City of Moses Lake
- B. The City of Moses Lake's highest actual levy amount occurred in 2011 and was \$10,222,955.
- C. The City is allowed by law to increase its tax levy by 1% over the highest levy amount it has ever received since 1985, which for the City of Moses Lake was \$10,222,955 in 2011.
- D. The City of Moses Lake's actual levy amount from the previous year, 2016, was \$6,754,885, which was reduced from the anticipated levy in 2016, because of an appeal of a taxpayer's assessment before the Grant County Board of Equalization (BOE). The BOE's decision has been appealed to the State of Washington's Board of Tax Appeals. The reduction in levy amount will probably remain in place until a resolution of the appeal.
- E. The City of Moses Lake has a population of more than 10,000.
- F. Public hearings were held, with notice duly provided, to consider the city's current expense budget for the 2017 calendar year pursuant to RCW 84.55.120.
- G. The City Council of the City of Moses Lake, after hearing and duly considering all relevant evidence and testimony presented, determine that the City of Moses Lake requires an increase in property tax revenue from the previous year, in addition to that resulting from the addition of new construction and improvements to property, any increase in the value of state assessed utility property, and any increase due to the annexation of new territory and refunds made, in order to discharge the expected expenses and obligations of the city.

Section 2: Tax Levy: The following taxes for general municipal purposes for the City of Moses Lake for the year 2016 be and the same are hereby levied upon all taxable property within the City of Moses Lake. An increase in the regular property tax levy of \$3,527,371, in addition to the increase resulting from the addition of new construction and improvements to property as authorized by RCW 84.55.010, and any increase in the value of state assessed utility property, is hereby authorized for the 2017 levy in the amount of \$15,000,000 which is a percentage increase of 51.88979% from the previous year, and any increase due to the annexation of new territory, new construction, and refunds made. Included in the levy increase is a 1% percentage increase in the highest levy amount the City has received since 1985 which was \$10,222,955 in 2011, in the dollar amount of \$102,230.

Section 3. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on

ATTEST:

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Todd Voth, Mayor

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W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Katherine L. Kenison, City Attorney

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR SUBSTANTIAL NEED TO INCREASE THE  
REGULAR PROPERTY TAX LIMIT FACTOR ABOVE THE RATE OF INFLATION  
PURSUANT TO RCW 84.55.010

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Recitals:

1. The City Council of the City of Moses Lake, Washington, has determined that the level of service, public safety, and providing for government project, the City Council finds that there is a need to increase the regular property tax limit factor above the rate of inflation.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOSES LAKE AS FOLLOWS:

Section 1. That the limit factor for the tax year 2017 shall be one percent (1%) , which is a .047% increase above the rate of inflation.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on

\_\_\_\_\_  
Todd Voth, Mayor

ATTEST:

\_\_\_\_\_  
W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Katherine L. Kenison, City Attorney