



June 17, 2015

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Attached is a resolution providing for the abatement of nuisances at 2404 W. Lakeside Drive, owned by Vona M. Gibson Est. 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.

The resolution is attached for Council consideration.

Respectfully submitted

Gilbert Alvarado
Interim City Manager

GA:jt

RESOLUTION NO. 3526

A RESOLUTION DETERMINING THAT VONA M. GIBSON EST IS THE OWNER OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTS ON SUCH PROPERTY; AND DIRECTING THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

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 Lot 2, less street and Nely 10' of Lot 3, Block 3, Pleasant View Deferral, Parcel #110890000, 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 Vona M. Gibson Est, 2404 W. Lakeside, Moses Lake, WA 98837.
2. Notice. On May 7, 2015, 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 June 1, 2015, the Code Enforcement Officer caused to be delivered to Vona M. Gibson Est a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of June 23, 2015. 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: 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.
4. Hearing. On June 23, 2015 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:

Clair Harden, 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 May 7, 2015 from the Code Enforcement Officer addressed to Vona M. Gibson Est, 2404 W. Lakeside Drive, Moses Lake, WA 98837

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 2404 W. Lakeside, Moses Lake, Washington.

EXHIBIT #4: Letter dated June 1, 2015, from the Code Enforcement Officer to Vona M. Gibson Est advising the property owner of the hearing regarding abatement of property, scheduled for June 23, 2015.

Resolved:

1. A public nuisance in violation of MLMC 8.13.030 U exists on the subject property at 2404 W. Lakeside, Moses Lake, Washington. Vona M. Gibson Est, 2404 W. Lakeside, Moses Lake, WA 98837 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. grasses and weeds in excess of 12" in height are covering the back, side and front yards and the sidewalk planter strip
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. Vona M. Gibson Est, the record contract owner, has 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 grasses and weeds must be cut down and removed from these areas
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 June 23, 2015.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

- 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 6.05 of the Moses Lake Municipal Code entitled "Animal Control".
 - 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.
- 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, hoofed 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.



CITY OF MOSES LAKE

NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Vona M Gibson Est
2404 W Lakeside Dr
Moses Lake, WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

2404 W Lakeside Dr, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 2 LS ST & NELY 10' Of Lot 3 Block 3 Pleasant View 110890000

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

Action Necessary to Correct Violation:

Weeds need to be removed from the sidewalk planter strip, and cut down in the yard areas of this home.

Time by Which Violation is to be Corrected or Activity Ceased

The City is requiring these corrections listed on this Notice and Order be accomplished by

Thursday, May, 07, 2015

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

Exhibit 2
Page 1 of 2

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 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 AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Dated this Monday, April 27, 2015



Brett Hollen
Code Enforcement
City of Moses Lake
509-764-3748



04/10/2015 07:34





04/10/2015 07:35



04/10/2015 07:35

June, 01, 2015

Vona M Gibson Est
2404 W Lakeside Dr
Moses Lake, WA 98837



Re: Hearing to Permit City Abatement of Nuisance

Property located at: 2404 W Lakeside Dr, Parcel 110890000, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Vona M Gibson Est

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 2 LS ST & NELY 10' Of Lot 3 Block 3 Pleasant View.

This property is located at: 2404 W Lakeside Dr, Parcel 110890000, Moses Lake, WA 98837

On Monday, April 27, 2015 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 May 29, 2015, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 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 Tuesday, June 23, 2015 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 that 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,

Clair Harden

Code Enforcement Officer 1

cc: City Manager
City Attorney
Community Development Director

Exhibit 4



6/22/2015

15:48



6/22/2015

15:48



6/22/2015 15:48



6/22/2015 15:48



June 17, 2015

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Attached is a resolution providing for the abatement of nuisances at 814 S. Fairbanks Drive, owned by Mark A. Janke. 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.

The resolution is attached for Council consideration.

Respectfully submitted

Gilbert Alvarado
Interim City Manager

GA:jt

RESOLUTION NO. 3527

A RESOLUTION DETERMINING THAT MARK A. JANKE IS THE OWNER OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTS ON SUCH PROPERTY; AND DIRECTING THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

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 814 s. Fairbanks Drive, Lot 4, Block 8m, Lakeview Terrace #1, Parcel #100887000, 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 Mark A. Janke, 814 S. Fairbanks Drive, Moses Lake, WA 98837.
2. Notice. On May 13, 2015, 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 June 2, 2015, the Code Enforcement Officer caused to be delivered to Mark A. Janke a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of June 23, 2015. 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 8.13.030 U - 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.
4. Hearing. On June 23, 2015 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:

Rick Rodriguez, 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

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated May 13, 2015 from the Code Enforcement Officer addressed to Mark Janke, 814 S. Fairbanks, Moses Lake, WA 98837.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 814 S. Fairbanks, Moses Lake, Washington.

EXHIBIT #4: Letter dated June 2, 2015, from the Code Enforcement Officer to Mark Janke advising the property owner of the hearing regarding abatement of property, scheduled for June 23, 2015.

Resolved:

1. A public nuisance in violation of MLMC 8.13.040 exists on the subject property at 814 S. Fairbanks, Moses Lake, Washington. Mark A. Janke, 814 S. Fairbanks, Moses Lake, WA 98837 are the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. Grass and 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. Mark Janke, the record contract owner, has 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 Grasses and weeds must be cut down and removed from the property
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 June 23, 2015.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

- 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 6.05 of the Moses Lake Municipal Code entitled "Animal Control".
 - 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.
- 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, hoofed 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.



CITY OF MOSES LAKE

NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Mark Janke
814 S Fairbanks Dr
Moses Lake, WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

814 S Fairbanks Dr, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 4 Block 8 Lakeview Terrace # 1 100887000

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

Action Necessary to Correct Violation:

Grass and weeds must be cut down in these areas.

Time by Which Violation is to be Corrected or Activity Ceased

The City is requiring these corrections listed on this Notice and Order be accomplished by

Saturday, May, 23, 2015

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


Exhibit 2
Page 1 of 2

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 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 AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Dated this Wednesday, May 13, 2015



Brett Hollen
Code Enforcement
City of Moses Lake
509-764-3748



04/22/2015 07:45



04/22/2015 07:45



04/22/2015 07:45

June, 02, 2015

Mark Janke
814 S Fairbanks Dr
Moses Lake, WA 98837



Re: Hearing to Permit City Abatement of Nuisance

Property located at: 814 S Fairbanks Dr, Parcel 100887000, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Mark Janke

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 Block 8 Lakeview Terrace # 1.

This property is located at: 814 S Fairbanks Dr, Parcel 100887000, Moses Lake, WA 98837

On Wednesday, May 13, 2015 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 June 02, 2015, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 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 Tuesday, June 23, 2015 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 that 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,

Rick Rodriguez

Code Enforcement Officer

cc: City Manager
City Attorney
Community Development Director

Exhibit 4









June 18, 2015

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Attached is a letter from Paul Klingeman on behalf of Vern's Meats requesting permission to use cargo containers as part of the Vern's Meats business. Mr. Klingeman feels that the use of cargo containers would help clean up the subject site. Vern's Meats is located in a residential zone and the use of cargo containers is prohibited in that zoning district.

Currently Vern's Meats is operating under a non-conforming use permit and has been doing so since 1981. This permit is reviewed regularly for compliance with conditions set forth to allow their continuation. Currently the conditions of the non-conforming use permit do not include provisions for the use of cargo containers.

A change to the zoning code is the only method that would allow the placement and use of cargo containers in the residential zones. Council direction is requested on the use of cargo containers for Vern's Meats.

Respectfully submitted

Gilbert Alvarado
Interim City Manager

GA:jt

May 14, 2015

Pure Country Harvest LLC
Paul Klingeman
2721 W. Peninsula Dr
PO BOX 1218
Moses Lake, WA 98837

City Council of Moses Lake

Moses Lake, WA 98837

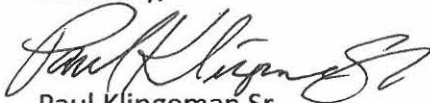
Dear Gilbert Alvarado and City Council,

Hello, my name is Paul Klingeman and I recently purchased Vern's Meats of Moses Lake.

We are operating under a conditional use permit for our business Pure Country Harvest LLC. Vern's Meats was built outside of city limits many years ago, the city of Moses Lake has grown around the property-and it is now zoned residential.

We are in the process of cleaning up the property and would like to put down a cement slab and ask the city council to allow us to install storage containers. By allowing this request we will be able to get rid of several old trailers and vehicles that are currently being used as storage and it will dramatically improve the look of the property.

Sincerely,



Paul Klingeman Sr
Pure Country Harvest LLC
509.989.1347

RECEIVED
COMMUNITY DEVELOPMENT

JUN 11 2015

PLANNING AND BUILDING
CITY OF MOSES LAKE

**CHAPTER 18.76
CARGO CONTAINERS**

Sections:

- 18.76.010 Purpose
- 18.76.020 Submittal Requirements
- 18.76.030 Minimum Conditions
- 18.76.040 Additional Conditions for Permanent Containers
- 18.76.050 Additional Conditions for Temporary Containers

18.76.010 Purpose: The purpose of this chapter is to establish minimum standards for the placement of cargo containers as storage facilities in those zones where they are allowed by conditional use permit. (Ord. 2144, 12/9/03)

18.76.020 Submittal Requirements: The following shall be submitted along with an application for a conditional use permit for container placement:

- A. A site plan to a standard scale, showing:
 - 1. The location and dimensions of the container(s) and the building to which it is appurtenant.
 - 2. The access to the building and the containers.
- B. A statement of what will be stored in the container(s), for review by the Fire Marshal. (Ord. 2144, 12/9/03)

18.76.030 Minimum Conditions: Where a conditional use permit has been granted for use of cargo containers as permanent or temporary storage facilities, the following minimum conditions shall be met:

- A. The cargo containers shall be used as an appurtenance to the primary use, such primary use being situated in an enclosed adjoining building.
- B. The cargo containers shall be placed on a level concrete or asphalt surface at all times.
- C. The cargo containers shall not be stacked.
- D. A fire apparatus access road shall be provided to both the containers and to the building the containers are appurtenant to. Fire apparatus access roads shall be a minimum of twenty feet (20') wide with thirteen feet six inches (13'6") vertical clearance, shall be hard surfaced, and shall provide access to within one hundred fifty feet (150') of any portion of the container(s). Access roads shall be either looped or provided with an approved turn around as specified in Moses Lake Municipal Code Chapter 16.36
- E. The cargo containers shall not be visible to the motoring public or from residential neighborhoods immediately adjacent to the property where it is located unless other measures approved by the Planning Commission are employed to mitigate the visual impacts of the containers. However, the Planning Commission does not need to require mitigation measures if it determines that the motoring public or adjacent residential neighborhoods are not impacted.
- F. The cargo containers shall abide by all set back requirements applicable to the zone in which they are located.
- G. The recipient of the conditional use permit is the only party allowed to use the container(s).

- H. A container placement permit is required for each container. The permit shall be obtained from the Building Official prior to the arrival of the container on the site. The fee for the container placement permit shall be as specified in MLMC 3.54. The placement permit and fee is required each year for temporary containers. (Ord. 2144, 12/9/03)

18.76.040 Additional Conditions for Permanent Containers:

- A. The cargo containers shall be painted so as to blend in with the building to which they are associated.
- B. The cargo containers shall have a maximum allowable square footage of container storage area not to exceed five percent (5%) of the gross floor area of the building with which the container(s) is associated. In no event shall the number of permanent containers allowed as appurtenant storage facilities exceed three (3) in number.
- C. A cargo container shall not remain on site if the use it is appurtenant to is abandoned or changes use, unless a separate conditional use permit is granted. (Ord. 2144, 12/9/03)

18.76.050 Additional Conditions for Temporary Containers:

- A. The cargo containers shall have a maximum allowable square footage of container storage area not to exceed five percent (5%) of the gross floor area of the building with which the container(s) is associated. In no event shall the number of temporary containers allowed as appurtenant storage facilities exceed fifteen (15) in number.
- B. If more than five (5) containers are proposed for a site, an inventory statement must be provided to the Fire Department in order to determine if the site has adequate fire flow to support the storage configuration.
- C. The use of temporary storage containers shall not exceed ninety (90) consecutive days and shall be allowed only once in every twelve (12) month period. The applicant shall specify the placement dates in the application for the placement permit.
- D. Cargo containers not removed by the end of the ninety (90) day period may be issued a civil infraction notice for each day over the allowed ninety (90) days that the container remains on site.
- E. A significant change to any circumstances of container placement from one (1) year to the next, including an increase in the number of containers, or a different placement location, requires a new conditional use permit. (Ord. 2144, 12/9/03)



June 17, 2015

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Mitch and Marilyn Molitor submitted a building permit application for the Suncrest Resort Major Plat located at 303 Hansen Road, which is a legally platted parcel. At the time the property was platted, the development did not require municipal improvements that are now required with current plats. Municipal improvements could include the extension or provision of City water, sewer, storm sewer, curb, sidewalks, street or other provisions. Since the legally platted parcel does not meet our current municipal improvements standards, it falls under the provisions of MLMC 16.02.110, Platting Deemed Insufficient. See attached.

A building permit cannot be issued for this property unless the property is brought into conformance with the standards of our current plat improvements or the City Council grants a waiver, deferral, or deviation from the requirements to install the deficient plat improvements. The applicant has chosen to request a deferral from the requirement to install improvements pursuant to MLMC 16.02.110 B.

The City Council has considered requests in the past for building permits for parcels that fall under the provisions of MLMC 16.02.110. The provisions of MLMC 16.02.110(B) were considered in the granting of such requests. If the Council is inclined to grant the request, staff would recommend that a Covenant securing future municipal improvements be required.

Respectfully submitted

Gilbert Alvarado
Interim City Manager

GA:jt

June 11, 2015

City of Moses Lake
Moses Lake, WA 98837

Dear City Council:

Thank you for taking the time to help me obtain a building permit on 303 Hanson Road.

I am an owner of Suncrest RV on 303 Hanson Road, and to obtain a building permit, according to municipal code 16.02.110, we need to ask for your approval due to the property having "Platting Deemed Insufficient".

This property is in the city limits and has city utilities, city water, city sewer, and has had several building permits issued, inspected, and issued for the property. I am asking for a waiver for building the city sidewalks, curb and gutters as stated in section B of 16.02.110.

Reasons for requesting a waiver of this condition.

In the code section B it states "a waiver, deferral, or deviation from or the requirement to install improvements shall not be granted unless the City Council finds that because of the nature of the property, its topography, the conditions for nature of the adjoining areas or the existence of unusual physical conditions, the requirement would cause a unusual and unnecessary hardship on the property owner.

1) The location of this property is such that there is no other city sidewalk within a mile of the site. This is a "unusual physical condition" There are no sidewalks or gutters anywhere on Hanson Road, or any road close to this project.

2) The nature of this property is an RV Park, this park has been in use for over 20 years. The park has maintained landscaping along Hanson Road and has provided and maintains an area where rv's, and other vehicles including the mail truck can pull over and safely get out of the traffic on Hanson Road. The city was involved in all of this and approved all of these improvements without city sidewalks and gutters.

3) There would also be financial hardships on the property owner because it would add a large expense for an area where the sidewalks would have nothing to connect to.

I am very thankful for the city council and all the time they put into keeping our city moving forward, this is a small addition to an existing business.

Thank you for your time:

If you have any questions, please call (509) 771-0456.

Sincerely,



Mitch and Marilyn Molitor

4101 West Peninsula Drive,

Moses Lake, WA 98837

RECEIVED
COMMUNITY DEVELOPMENT

JUN 16 2015

PLANNING AND BUILDING
CITY OF MOSES LAKE

SUNCREST RESORT PLAT

MAJOR PLAT - BINDING SITE PLAN

920620068

A PORTION OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 28 EAST, W.M.

SURVEYOR'S DECLARATION

I HEREBY DECLARE that this binding site plan is a true and correct representation of the lands actually surveyed.

I HEREBY DECLARE that this binding site plan of SUNCREST RESORT PLAT, the heretofore described tract of land, is based upon an actual survey and that all the distances and courses shown thereon are correct to the best of my knowledge, information, and belief; and that I have fully complied with the provisions of the statutes and platting regulations.



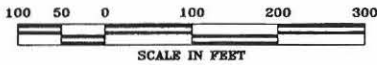
Frederick C. Skinner
Frederick C. Skinner, P.E./P.L.S.
Washington Land Surveyor No. 12491
WESTERN PACIFIC ENGINEERING, INC.
Pioneer Way Professional Center
1328 Hunter Place
Moses Lake, WA. 98837

AUDITOR'S CERTIFICATE

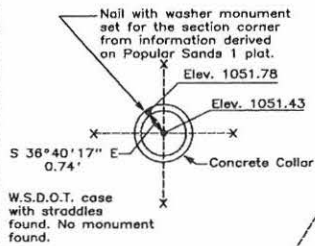
Filed for record at the request of the City of Moses Lake this 22nd day of June, 1992, in Volume 14 of Plats, on Page(s) 29, 30, & 31, records of Grant County, Washington.

William L. Varney
Grant County Auditor

Carol S. Millard
Deputy County Auditor



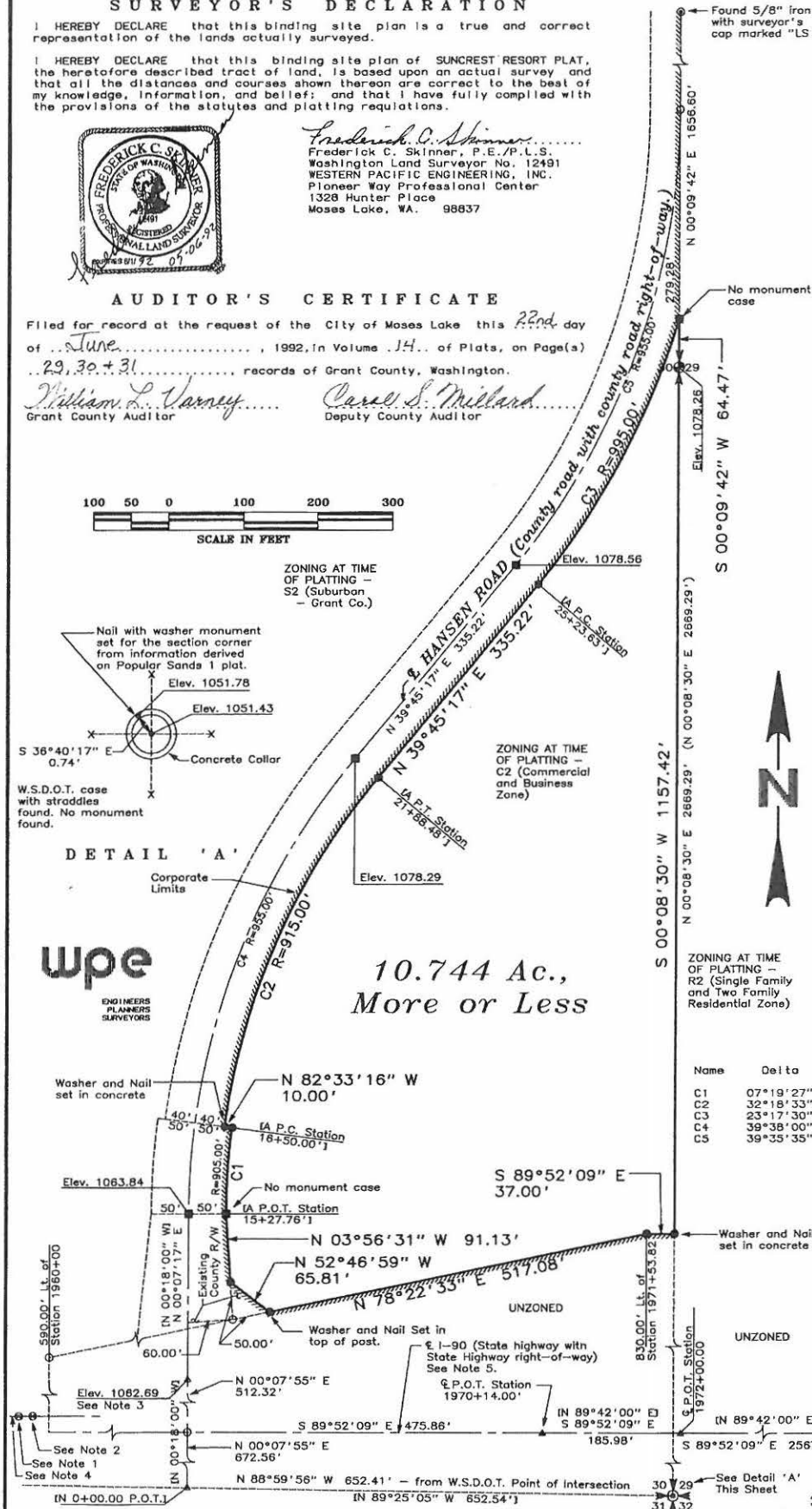
ZONING AT TIME OF PLATTING - S2 (Suburban - Grant Co.)



DETAIL 'A'

wpe
ENGINEERS
PLANNERS
SURVEYORS

10.744 Ac.,
More or Less

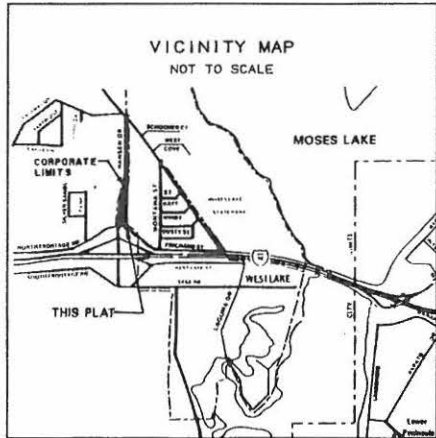


LEGEND

- 5/8 - inch iron pin with surveyor's cap marked "LS 12491" monument set
- ⊙ U.S. Bureau of Reclamation brass cap monument found
- () Previously recorded U.S. Bureau of Reclamation data
- Calculated point only - no monument set
- ⋈ Centerline
- R/W Right of Way
- Found 5/8" iron pin with surveyor's cap marked "17680" in monument case
- ▲ Found monument case with no monument - Used found straddles
- [] Previously recorded information from various W.S.D.O.T. right-of-way plans
- ▲ Found P.K. nail
- ⊗ Nail embedded in concrete in 2" pipe monument found in monument case

NOTES:

- 1: Found 2" pipe with tack in grout monument in monument case 32.00' Lt. of station 1919+40.97 (32.00' Lt. of centerline station 1919+40.00).
- 2: Found monument case without monument. Found center of monument case 31.4' Lt. of centerline station 1957+82.55 (32.00' Lt. of station 1957+82.40).
- 3: 5/8 - inch iron pin with surveyor's cap marked "LS 12491" monument set
- 4: Monumented baseline for Burke Jct. to Moses Lake portion of Interstate 90.
- 5: Monumented centerline for Moses Lake W. U/L to Jct. SR 12 portion of Interstate 90.



Name	Delta	Radius	Length	Bearing	Chord	Tangent
C1	07°19'27"	905.00	115.69	N 03°47'01" E	115.61	57.92
C2	32°18'33"	915.00	515.69	N 23°36'01" E	509.16	265.05
C3	23°17'30"	995.00	404.49	N 28°06'32" E	401.71	205.07
C4	39°38'00"	955.00	680.80	N 19°56'17" E	647.51	344.13
C5	39°35'35"	955.00	659.93	N 19°57'30" E	646.88	343.78

INSTRUMENT USED
Hewlett Packard 3820A
Electronic Total Station
[+/- 2 Second Theodolite
and +/- (0.018" + 5 ppm)
Electronic Distance Meter]

INDEXING DATA

S30 T19N R28E

WESTERN PACIFIC ENGINEERING, INC.
MOSES LAKE, ELLENSBURG, WASHINGTON
Pioneer Way Professional Center
1328 Hunter Place (509)765-1023 Moses Lake, Wash.

SUNCREST RV RESORT
A Portion of the SE 1/4 of Section 30,
Township 19 North, Range 28 East, W.M.
Binding Site Plan

Surveyed by	BLS	Date	10-91	Scale	1" = 100'
Drawn by	Hesp/GM	Date	10-91	Sheet	1 of 3
Checked by	FCS	Date	10-91	Project No.	45591

SUNCREST RESORT B.S.P.

16.02.110 Platting Deemed Insufficient - When:

- A. Property located within the city which is presently platted and which property was platted without the extension or provision of city water, city sewer, storm sewer, curb, sidewalk, streets or other improvements through some or all of the lots of the plat shall be deemed to be unplatted for purposes of the issuance of any development permit or building permit. Any lot so affected shall be permitted to develop and a building permit will be issued upon the installation of city water, city sewer, storm drains, curbs, sidewalks, streets, and other improvements to community standards, including fire protection devices, or upon the posting of security in an amount approved by the city, which is equal to the estimated cost of the extensions and/or improvements remaining to be installed through the lot, in a form acceptable to the City Attorney to insure the construction of the required improvements and extensions at the same time as construction of the building for which the building permit was issued or at the time of the improvement of the affected lot.
- B. Any property owner can make application to the City Council for a waiver, deferral, or deviation from or of the requirement to install improvements. A waiver, deferral, or deviation from or of the requirement to install improvements shall not be granted unless the City Council finds that because of the nature of the property, its topography, the conditions or nature of the adjoining areas or the existence of unusual physical conditions, the requirement to install improvements would cause an unusual and unnecessary hardship on the property owner. In granting a waiver, deferral or deviation from or of the requirements to install improvements, the City Council may require such conditions as will secure the objectives of the requirement waived, deferred, or deviated from or of. Any waiver, deferral, or deviation authorized shall be entered in the minutes of the Moses Lake City Council together with the circumstances that justify the waiver, deferral, or deviation granted. (Ord. 2564, 6/22/10; Ord. 2391, 5/13/08)

June 15, 2015

TO: City Manager for Council Consideration

FROM: Finance Director

A handwritten signature in blue ink, appearing to be 'P. Galt', is written over the 'FROM:' line and extends slightly into the 'SUBJECT:' line.

SUBJECT: Ambulance Cash Report for May


Please find the attached Cash Ambulance Report for the month ending May 31, 2015.

Cc: Fire Chief

AMBULANCE CASH OPERATION

	JAN	FEB	MAR	APR	MAY	2015 Y-T-D	difference from prior yr	Prior yr comparison
REVENUE								
Collected on ALS/BLS/mileage prior adjustments	102,451	92,235	108,005	99,401	103,134	\$ 505,225	(21,383)	526,609
Utility charge	104,846	91,461	90,921	105,378	101,416	494,023	112,003	382,020
State grant - Stay at work					1,341	1,341	(309)	1,650
State grant - EMS						-	(1,473)	1,473
Reimbursement from police				2,200	1,100	3,300	3,255	45
Reimbursement from fire	51,243	24,905	31,224			107,372	62,614	44,758
Emergency Aid fees						-	-	-
Other Fees - MRI	4,800			3,800		8,600	5,400	3,200
misc						-	(278)	278
cash from operations	263,341	208,601	230,150	210,779	206,991	\$ 1,119,861	159,828	960,033
EXPENDITURE								
labor	140,432	88,993	86,800	96,110	94,989	\$ 507,324	(51,520)	558,844
benefits	42,391	57,929	37,770	33,998	35,930	208,018	972	207,046
supplies	171	7,378	3,711	7,075	3,232	21,567	(3,450)	25,017
Prof. services/repairs	26,115	17,405	46,034	40,486	16,078	146,119	18,813	127,306
transfers (previously 09xx)	32,540	32,546	32,546	32,546	32,546	162,724	(6,546)	169,270
capital purchases	-	-	-		35,920	35,920	35,920	-
interest	-	-	-	510		510	(505)	1,015
total expenditures	241,648	204,251	206,860	210,726	218,695	\$ 1,082,181	(6,316)	1,088,497
Net income (loss) before contrib.	21,692	4,350	23,290	53	(11,704)	37,680	166,145	(128,464)
contribution from general fund	0.0	0.0	0.0	0.0	0.0	-	(114,908)	114,908
net income (loss)	21,692	4,350	23,290	53	(11,704)	\$ 37,680	51,237	(13,556)
Cash position								
normal account	59,736	74,715	111,519	92,912	36,594	-		148,482
reconcile to deposit	77,993	93,986	91,695	108,124	104,058	-		146,523
total cash	137,729	168,700	203,214	201,036	140,652	-	(154,353)	295,005
change in cash from prior mnth	(15,779)	30,971	34,514	(2,178)	(60,384)	(12,855.73)		
Interfund Loan balance	400,591	400,591	400,591	349,591	349,591	x -		
due 2015	266,017	266,017	266,017	215,017	215,017			
SAAS (\$3.30, avg \$700)						-	1,474	1,440
billed (\$21.50, avg \$4,400)	232	208	226			666	1,346	1,301

June 18, 2015

TO: City Manager
FROM: Utility Service Supervisor
SUBJECT: Investment Report 

Attached is the Investment Report for the month of May, 2015.

cc: Finance Director

Investment Report
May 2015

Investment With	Investment Type	Amount	Interest Rate	Purchase Date	Maturity Date	Interest Earned
Investments Outstanding						
Total Outstanding:						
Investment Maturities						
Grant County Invest Pool	Invest Acct	11,295,061.63	1.68	05/01/2015	05/31/2015	16,094.95
Wa. State Invest Pool	Invest Acct	2,183,011.57	0.14	05/01/2015	05/31/2015	216.36
Total Maturities:		13,478,073.20				
Investment Purchases						
Grant County Invest Pool	Invest Acct	11,311,156.58				
Wa. State Invest Pool	Invest Acct	1,504,210.80				
Total Purchases:		12,815,367.38				
Investment Totals						
Beginning Balance *		13,478,073.20				
Total Maturities		13,478,073.20				
Total Purchases		12,815,367.38				
Ending Balance *		12,815,367.38	Monthly Interest Earned		16,311.31	
* Beginning Balance = Total Outstanding +Total Maturities						
*Ending Balance = Beginning Balance - Total Maturities +Total Purchases						



June 18 2015

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Attached is sales tax information for March 2015 sales which the City received on May 31, 2015. This report indicates the City received \$471,251.00. The \$471,251.00 in receipts for March compares with March 2014 receipts of \$476,064.44.

For the year, the 2015 receipts are approximately 5.03% lower than the 2014 receipts for the same period.

Also provided is the transient rental income report for income the City received on May 31, 2015. This report indicates May 31, 2015 income (for March sales) of \$37,172.22. This compares with \$34,621.22 for the same period in 2014.

For the year, transient rental income receipts are approximately 8% higher than the 2014 receipts for the same period.

Respectfully submitted

Gilbert Alvarado
Interim City Manager

GA:jt

Sales Tax Receipts - Monthly

Month Received	Sales Period	2011	2012	2013	2014	2015	YTD Change
Jan	Nov	367,830.83	403,504.15	401,499.05	430,110.34	437,747.56	1.78%
Feb	Dec	488,453.72	459,218.16	491,341.62	537,941.54	499,833.67	-3.15%
Mar	Jan	324,247.20	331,644.01	373,707.66	443,309.81	397,122.95	-5.43%
Apr	Feb	368,305.65	350,818.56	364,137.97	402,265.84	368,481.78	-6.09%
May	Mar	456,738.86	405,657.25	475,345.89	476,064.44	471,251.00	-5.03%
June	Apr	439,396.45	399,414.06	437,909.92	475,371.67		
July	May	431,750.56	419,629.64	478,822.77	454,949.89		
Aug	June	453,961.67	432,420.11	460,309.61	512,038.78		
Sept	July	411,796.14	407,813.31	457,908.37	510,845.79		
Oct	Aug	446,905.90	455,185.85	511,513.84	475,742.68		
Nov	Sept	411,689.43	422,198.39	465,603.85	493,879.14		
Dec	Oct	406,648.97	424,167.87	441,278.01	437,266.10		
Totals		5,007,725.38	4,911,671.36	5,359,378.56	5,649,786.02	2,174,436.96	

TRANSIENT RENTAL INCOME - MONTHLY TOTAL RECEIVED

MONTH RECEIVED	SALES PERIOD	2012	2013	2014	2015	YTD Change
JAN	NOV	25,073.90	37,239.62	33,221.58	45,363.54	37%
FEB	DEC	26,277.18	19,145.26	28,737.22	22,720.18	10%
MAR	JAN	28,091.94	32,692.16	26,058.10	29,287.72	11%
APRIL	FEB	22,286.68	22,967.86	31,468.50	32,320.66	9%
MAY	MAR	25,787.06	36,755.64	34,621.22	37,172.22	8%
JUNE	APRIL	35,334.86	38,830.04	41,151.98		
JULY	MAY	45,674.12	64,910.04	53,058.98		
AUGUST	JUNE	55,497.56	49,135.32	70,246.58		
SEPT	JULY	53,987.68	62,363.32	67,348.68		
OCT	AUGUST	57,117.62	68,846.76	63,268.00		
NOV	SEPT	46,866.78	57,668.74	56,268.68		
DEC	OCT	34,675.70	41,957.82	39,460.80		
TOTALS		456,671.08	532,512.58	544,910.32	166,864.32	