

MOSES LAKE CITY COUNCIL

Todd Voth
Jason Avila
Jon Lane

Dick Deane
Mayor



Gilbert Alvarado
Interim City Manager

David Curnel
Karen Liebrecht
Bill Ecret

November 10, 2015

AGENDA

Sophia Guerrero, Executive Secretary

Civic Center - Council Chambers
7:00 p.m.

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **IDENTIFICATION OF CITIZENS WANTING TO DISCUSS AGENDA ITEMS**
IDENTIFICATION OF CITIZENS WANTING TO DISCUSS NON-AGENDA ITEMS
4. **PRESENTATIONS AND AWARDS**
 - A. **Employee Presentations - Community Development, Parks, Fire, and Police Depts.**
5. **CONSENT AGENDA**
 - A. **Approval of Minutes - October 27, 2015**
 - B. **Approval of Bills and Checks Issued**
 - C. **Poth Major Plat 1 and Findings of Fact**
 - D. **Resolution - Accept Easement - Inspire/WA State Migrant Council**
 - E. **Resolution - Accept Street & Utility Improvements - Grace Harvest Church Major Plat**
 - F. **Resolution - Accept Street & Utility Improvements - Bernhardt Major Plat**
 - G. **Accept Work - Stratford Rd Sidewalk Project - 2015**
6. **COMMISSION APPOINTMENTS - None**
7. **CONSIDERATION OF BIDS AND QUOTES - None**
8. **PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS**
 - A. **Communication - Request for an Extension of Time to Build on Unplatted Property- Penhallurick**
9. **ORDINANCES AND RESOLUTIONS**
 - A. **Ordinance - Taxation on Assessed Valuations - 2nd Reading**
 1. **Fixing Amount to be Received 2016 - Estimating Increase in Property Tax to be Received**
 2. **Fixing the Estimated Amount to be Received 2016 - Setting Property Tax Levy Rate**
 - B. **Ordinance - Amend MLMC 17.12 Major Subdivisions - 2nd Reading**
 - C. **Ordinance - Amend 2015 Budget - 2nd Reading**
 - D. **Ordinance - Create MLMC 6.07 Chickens - 1st Reading**
 - E. **Resolution - Nuisance Abatement - 2404 W. Lakeside - Gibson**
 - F. **Resolution - Accept Cash Donation - MLPD**

Finance W. Robert Taylor	Municipal Services Gary Harer	Police Chief Dave Ruffin	Parks & Recreation Spencer Grigg	Acting Fire Chief Brett Bastian	Community Development Gilbert Alvarado	City Attorney Katherine L. Kenison
--------------------------------	-------------------------------------	-----------------------------	-------------------------------------	---------------------------------------	--	--

10. **REQUEST TO CALL FOR BIDS**
 - A. **Well Drilling Project - 2015**
11. **REFERRALS FROM COMMISSIONS - None**
12. **OTHER ITEMS FOR COUNCIL CONSIDERATION**
 - A. **Request for a 3 Year Extension - Morgan Preliminary Major Plat - Columbia NW Engineering**
 - B. **Request for a Deferral - Platting Deemed Insufficient - 558 Canterbury Lane**
13. **NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS**
14. **COUNCIL QUESTIONS AND COMMENTS**
15. **CITY MANAGER REPORTS AND COMMENTS**
 - A. **Staff Reports**
 1. **Building Activity Report**

Executive Session
Pursuant to RCW 42.30.110(1)(g) &(i)
To Discuss with Legal Counsel Representing the Agency Potential Litigation
Evaluate the Qualifications of an Applicant for Public Employment

Finance W. Robert Taylor	Municipal Services Gary Harer	Police Chief Dave Ruffin	Parks & Recreation Spencer Grigg	Acting Fire Chief Brett Bastian	Community Development Gilbert Alvarado	City Attorney Katherine L. Kenison
---------------------------------------	---	------------------------------------	--	---	--	---

MOSES LAKE CITY COUNCIL
October 27, 2015

DRAFT

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

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

PLEDGE OF ALLEGIANCE: Dr. Curnel led the Council in the flag salute.

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the October 13 meeting were presented for approval.

Minutes: The minutes of the October 22 special 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 27, 2015 the Council does approve for payment claims in the amount of \$331,116.41; prepaid claims in the amount of \$214,456.48 and \$17,640.70; claim checks in the amount of \$1,431,542.52; and payroll in the amount of \$305,459.06.

Parkview PUD Major Plat and Findings of Fact: Smith Martin LLC submitted an application for a final planned unit development and plat for 21 townhouses, garages, and redevelopment of the existing building for offices on the ground floor and apartments on the second floor. The site is located at 922/928 Division Street and is zoned R-3, Multi-Family Residential, which corresponds with the underlying Comprehensive Plan Land Use Designation of High Density Residential. The Planning Commission recommended that the final plat and planned unit development be approved with conditions.

Resolution - Accept Easement - Dept. of Natural Resources: A resolution was presented which accepts a municipal easement on Road N from the Dept. of Natural Resources for a public road and adjacent storm water retention pond.

Accept Easement - Upper Columbia Corp of 7th Day Adventist: A resolution was presented which accepts an access easement for municipal purposes on Lot 1, Crestview Christian School Major Plat.

Resolution - Accept Improvements - Crossroads Park: A resolution was presented which accepts the improvements constructed in Crossroads Park.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

ORDINANCES - TAXATION - 1ST READINGS/PUBLIC HEARING

Ordinances were presented which fix the estimated amount to be received by the City from property taxes and sets the tax levy rate.

The public hearing was opened. There were no comments.

Action Taken: Mr. Ecret moved that the public hearing be closed, seconded by Dr. Curnel, and passed unanimously.

Bob Taylor, Finance Director, explained the ordinances for the Council.

The 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 2016 was read by title only.

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

The ordinance fixing the estimated amount to be received for municipal purposes from taxations on assessed valuations on property within the City of Moses Lake, Washington for 2016 was read by title only.

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

APPEAL - CODE ENFORCEMENT - SKAUG

Eric Skaug, Skaug Brothers Investment Co., has appealed the Notice to Correct for the repair of the sidewalk at 223 E. Third Avenue in order to provide a temporary fix.

Mr. Skaug stated that there is a small amount of the sidewalk that is in need of repair at this time but the City is requiring the sidewalk on Third Street and Balsam to be repaired. Since this is in the paver district, a permanent fix would include pavers, landscaping, and irrigation. He pointed out that originally the property owner would pay for a concrete sidewalk and the City covered the cost of the pavers. Currently the property owners are expected to cover the entire cost. He felt that the downtown paver project as a whole needs to be re-evaluated.

Gilbert Alvarado, Interim City Manager, reminded the Council that the paver project as a whole is not under consideration at this time and that there is a need to repair this area of the sidewalk. The staff feels that the request to do a temporary repair is reasonable.

Action Taken: Mr. Ecret moved that the request to use a temporary fix on the sidewalk be approved, seconded by Mr. Avila, and passed unanimously.

COMMUNICATION - DALLUGE

Elisia Dalluge, 211 E. 7th Avenue #18, stated that she has been reviewing the City ordinances with regard to gender neutral language and Council stipends. She suggested that the language in the Municipal Code be changed to become gender neutral. She also felt that the stipends for the Mayor and Council members need to be reviewed to allow for reimbursement for all the meetings they attend instead of limiting it to 10 meetings and that all meetings that the Council members attend should be noted.

Gilbert Alvarado, Interim City Manager, stated that the gender neutral change is an easy fix. He distributed the policy on meetings which establishes a process for per meeting stipend and noted that there is no requirement for a Council member to report every meeting attended.

WATER/SEWER SERVICE - AEROTECH

Matt Davis, Manager, Aerotec, requested permission to connect six temporary portable office trailers to City water and sewer without the requirement to annex. The City's annexation policy does not allow for the connection of temporary structures to the City's services.

Mr. Davis stated that the portable office trailers will accommodate the Mitsubishi personnel and will be located east of the new Aerotec warehouse. Each office will house about 50 personnel and there will also be two smaller trailers to house the restrooms and cafeteria. He stated that they are not intended to be permanent and the City services would only be needed from about January 2016 to June 2019.

Gilbert Alvarado, Interim City Manager, stated that it is the understanding of staff that the trailers will be in place for three years and then the service will be terminated. The issue is that the current policy does not address temporary connections. He recommended that, if the Council were to agree to the request, the annexation policy stay the same and staff work on changes to the municipal code to allow for temporary connections to the water and sewer systems.

Action Taken: Mrs. Liebrecht moved that staff amend the municipal code to allow for a temporary connection

to the City's water and sewer systems, seconded by Mr. Lane, and passed unanimously.

ORDINANCES AND RESOLUTIONS

ORDINANCES - AMEND 17.12 - MAJOR SUBDIVISIONS - 1ST READING

An ordinance was presented which amends Moses Lake Municipal Code Chapter 17.12, Major Subdivisions, in order to bring it into compliance with state law concerning the time limit a final subdivision is vested.

The ordinance amending Chapter 17.12 of the Moses Lake Municipal Code entitled "Major Subdivisions" was read by title only.

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

ORDINANCE - AMEND BUDGET - 1ST READING

An ordinance was presented which amends the 2015 budget.

The ordinance amending the 2015 budget for the City of Moses Lake, Washington was read by title only.

Ryann Leonard, 907 Sand Dune, requested an explanation of the beginning and ending fund balances.

Bob Taylor, Finance Director, stated that the beginning fund balance reflects the cash position of the account at the beginning of year and the ending fund balance reflects the expenditures for the year.

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

ORDINANCE - CREATE 6.07 - CHICKENS - 1ST READING

A draft ordinance was presented which would regulate the keeping of chickens in the City.

Gilbert Alvarado, Interim City Manager, stated that the draft ordinance is the same as the City of Soap Lake. The ordinance is presented due to the request of a citizen of the City. He stated that Mr. Voth provided a definition of the male and female chicken under one year old and some clarification will need to be made on the definition of the chicken to specifically prohibit male chickens. He went over some of the provisions of the ordinance.

Mr. Voth stated that he provided the dictionary definition of a male chicken and a female chicken under one year old. He suggested that the requirement for a new coop license if the location of the coop is changed be eliminated since some of the coops are mobile.

Mr. Ecret suggested that language be included as to where and how the coop should be constructed.

Katherine Kenison, City Attorney, mentioned that the state definition of a dangerous dog provides that anytime a dog goes off its property and kills a domestic animal it is by law a dangerous dog. The City does not allow dangerous dogs in the City limits. She pointed out that even the most calm, friendly dogs have a propensity to chase small active animals. If a dog is off its property and kills a chicken, even if that chicken is outside its coop, that dog is considered a dangerous dog and if the owner wishes to keep the dog they have to go through the onerous state requirements including registering the dog as dangerous, procure a surety bond, homeowners insurance, put it in a six sided kennel, and it cannot be removed from the kennel unless it is on a muzzle and restrained by a leash. She suggested that if the Council moves forward with the chicken ordinance that there be a component of public education and awareness.

Mayor Deane stated that the majority of people he has talked to are opposed to having chickens in the City limits.

Mrs. Liebrecht was in favor of allowing the chickens because of the number of requests to have chickens but suggested that a sunset clause be included in the ordinance.

Mr. Voth stated that he was in favor of allowing chickens as it would allow members of the 4-H and FFA to raise them for the fair as well as those who want to keep them for eggs.

Mr. Ecret stated that he was also in favor of the ordinance but suggested that the fee be reviewed and include the sunset clause.

It was the consensus of the Council that staff amend the ordinance and bring it back for a first reading.

RESOLUTION - NUISANCE ABATEMENT - 945 BALSAM

A resolution was presented which provides for the abatement of nuisances at 945 S. Balsam owned by Juan P. and Paula S. Duran.

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

There was no other testimony. The hearing was closed.

The resolution determining that Juan P. and Paula S. Duran are the owners of certain real property within the City; that a nuisance requiring abatement by City forces or forces contracted by the City exists on such property; and directing the use of such forces to abate the nuisance found was read by title only.

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

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION - None

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

BLOCK WATCH - DRUG ACTIVITY

Jon Smith, 246 Northshore, stated that there is a residence in the neighborhood that has on-going drug activity for 30 years which has led to negative impacts in the area.

HUNTING

Austin Sandman, 3179 Westshore, stated that he farms property in Cascade Valley that is within the City's limits and on which he is growing grass for seed. The problem is there are 2,000 geese on the property and the non-lethal methods to scare them away only do so temporarily. The only permanent solution to getting rid of the geese is to hunt them. He requested that the Council allow an exception in order to allowing hunting in the City limits.

Gilbert Alvarado, interim City Manager, stated that banning hunting in the City limits goes back to 1981 and was based on complaints about hunting on Marsh Island. He pointed out that the area was annexed with the intent by a developer to extend water and sewer across the lake but that has not happened. The City does not allow farming but because it was previously farmed it was felt that the land could be farmed again. He mentioned that there is a problem with the geese.

There was some discussion and it was the consensus of the Council that the hunting of geese on this property be allowed by family members only.

Action Taken: Mr. Lane moved that staff be directed to resolve the issue and any enforcement be stayed, seconded by Mr. Avila, and passed unanimously.

BENNY'S TIRES - LANDSCAPING

Benito Lopez, 818 S. Fairbanks, stated that he has constructed a new building on Block Street and requested that the required beautification be delayed until after streets and sidewalks are constructed.

Gilbert Alvarado, Interim City Manager, stated that the construction of a new building triggers the requirement for street frontage landscaping. The street frontage landscaping includes a 10' wide street buffer and if the trees are planted before the street is constructed, the trees will probably have to be removed. The Planning Commission does not have the authority to defer the required landscaping.

There was some discussion and it was the consensus of the Council that the landscaping ordinance be reviewed and the requirement for street frontage landscaping at 124 N. Block be deferred.

COUNCIL QUESTIONS AND COMMENTS - NoneCITY MANAGER REPORTS AND COMMENTSAMBULANCE SERVICE

Gilbert Alvarado, Interim City Manager, distributed a copy of a report from the Fire Chief regarding the ambulance service.

PROJECTS UPDATE

Gilbert Alvarado, Interim City Manager, provided a list of the on-going projects in the City.

QUARTERLY FINANCIAL REPORT

The 2015 third quarter financial report has been posted on the City's website.

INVESTMENT REPORT

The City received \$19,365.54 in investment income for September 2015.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$508,956.66 in sales tax and \$61,340.66 in transient rental income in September.

BUDGET

Gilbert Alvarado, Interim City Manager, stated that information will be provided to the Council about the budget process.

CITY MANAGER RECRUITMENT

Katherine Kenison, City Attorney, went over several of the provisions of the employment contract for the new City Manager.

There was some discussion by the Council on the residency requirements and the severance package.

Action Taken: Mr. Lane moved that the employment agreement be approved as presented, seconded by Mr. Avila and passed with Dr. Curnel and Mr. Voth opposed as they felt the severance package provision should be amended.

The regular meeting was adjourned at 9:10 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director

DATE 11/06/15
TIME 08:17:42

PAGE 1
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
2M COMPANY INC	00004450			
		0000075187	66.16	MISC SUPPLIES
		0000075206	15.91	MISC SUPPLIES
		0000075187	155.74	MISC SUPPLIES
		0000075301	42.72	MISC SUPPLIES
		0000075301	44.03	MISC SUPPLIES
		=====		
		TOTAL:	324.56	
ACE HARDWARE	00006538			
		0000075286	186.75	MISC SUPPLIES
		0000075286	8.62	MISC SUPPLIES
		0000075297	9.50	FASTENERS
		0000075144	28.05	FASTENERS
		=====		
		TOTAL:	232.92	
AMERICAN LINEN	00004927			
		0000075340	91.82	LINEN SERVICE
		=====		
		TOTAL:	91.82	
CASCADE ANALYTICAL INC	00005014			
		0000075306	330.63	SAMPLE TESTING
		=====		
		TOTAL:	330.63	
CITY OF MOSES LAKE	00008107			
		0000075237	30,000.00	INTERFUND LOAN REPAYMENT
		=====		
		TOTAL:	30,000.00	
COMMERCIAL TIRE	00005968			
		0000075264	2,387.04	NEW TIRES/WHEEL BALANCE
		=====		
		TOTAL:	2,387.04	
CSWW, INC dba NO 40 OUTFITTERS	00001701			
		0000075102	803.99	MISC SUPPLIES
		0000075285	50.18	MISC SUPPLIES
		0000075102	18.79	MISC SUPPLIES
		0000075287	24.85	MISC SUPPLIES/GLOVES/JACKET
		0000075287	41.15	MISC SUPPLIES/GLOVES/JACKET

DATE 11/06/15
TIME 08:17:42

PAGE 2
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000075287	71.07	MISC SUPPLIES/GLOVES/JACKET
		0000075287	5.47	MISC SUPPLIES/GLOVES/JACKET
		0000075287	77.64	MISC SUPPLIES/GLOVES/JACKET
		0000075287	258.85	MISC SUPPLIES/GLOVES/JACKET
		TOTAL:	1,351.99	
DATABAR	00007974	0000075348	474.41	MAIL UTILITY BILLS
		0000075348	474.41	MAIL UTILITY BILLS
		0000075348	474.40	MAIL UTILITY BILLS
		0000075348	474.41	MAIL UTILITY BILLS
		0000075348	474.41	MAIL UTILITY BILLS
		TOTAL:	2,372.04	
EVERGREEN IMPLEMENT INC	00005234	0000075266	89.35	AIR FILTER/FILTER ELEMENT
		TOTAL:	89.35	
FERGUSON ENTERPRISES INC #3007	00005482	0000075274	199.20	MISC SUPPLIES
		0000075269	84.43	MISC SUPPLIES
		TOTAL:	283.63	
H D FOWLER COMPANY	00003868	0000075305	5,402.23	MISC SUPPLIES/CREDIT MEMO
		0000075305	135.89	MISC SUPPLIES/CREDIT MEMO
		TOTAL:	5,538.12	
INLAND PIPE & SUPPLY COMPANY	00003727	0000075099	27.17	MISC SUPPLIES
		0000075099	1,154.87	MISC SUPPLIES
		TOTAL:	1,182.04	
LAD IRRIGATION COMPANY INC	00001101	0000075186	77.39	CONTROLLER/MISC SUPPLIES
		0000075186	183.44	CONTROLLER/MISC SUPPLIES
		TOTAL:	260.83	

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
LAKE AUTO PARTS	00001102			
		0000075281	204.25	MISC R&M SUPPLIES
		0000075281	17.27	MISC R&M SUPPLIES
		0000075281	291.26	MISC R&M SUPPLIES
		=====		
		TOTAL:	512.78	
LEE CREIGLOW CBO	00005899			
		0000075358	5,535.00	PROF SERV/PLAN REVIEW
		0000075358	495.00	PROF SERV/PLAN REVIEW
		=====		
		TOTAL:	6,030.00	
LES SCHWAB TIRE CENTER	00003519			
		0000075280	33.45	FLAT REPAIRS
		=====		
		TOTAL:	33.45	
NORCO ENTERPRISES INC	00006590			
		0000075320	22.44	CYLINDER RENTAL
		=====		
		TOTAL:	22.44	
PENHALLURICKS EXPRESS BUILDING	00006579			
		0000075295	51.35	KNIFE BLADE/SEALANTS
		=====		
		TOTAL:	51.35	
PLATT ELECTRIC COMPANY	00001549			
		0000075135	4.61	AIR CONDITIONER/MISC SUPPLIES
		0000075135	3,016.61	AIR CONDITIONER/MISC SUPPLIES
		0000075135	140.24	AIR CONDITIONER/MISC SUPPLIES
		=====		
		TOTAL:	3,161.46	
STAPLES CREDIT PLAN	00007570			
		0000075212	1,876.42	MISC COMPUTER SUPPLIES
		=====		
		TOTAL:	1,876.42	
UNITED PARCEL SERVICE	00005456			
		0000075352	90.40	SERVICE CHARGES
		=====		
		TOTAL:	90.40	
		=====		
		REPORT TOTAL:	56,223.27	

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

TOTALS BY FUND

FUND NO	FUND NAME	AMOUNT
000	GENERAL FUND	9,091.05
116	STREET	4.61
410	WATER/SEWER	10,458.32
490	SANITATION	474.40
493	STORM WATER	552.05
498	AMBULANCE FUND	566.23
517	CENTRAL SERVICES	1,876.42
519	EQUIPMENT RENTAL	3,200.19
528	BUILD MAINTENANCE	30,000.00
	TOTAL	56,223.27

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 \$56,223.27 THIS 10TH DAY OF NOVEMBER, 2015

.....

COUNCIL MEMBER COUNCIL MEMBER

.....

COUNCIL MEMBER FINANCE DIRECTOR

DATE 11/06/15
TIME 09:56:01

PAGE 1
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
A & H PRINTERS	00000001			
		0000075243	872.91	WINTER PROGRAM FLYERS
		0000075318	362.54	PRINTING
		=====		
		TOTAL:	1,235.45	
AGRI FIX	00005801			
		0000075256	323.70	TOWING CHARGES
		=====		
		TOTAL:	323.70	
BASIN LOCK & SECURITY	00003714			
		0000075312	207.12	LOCKS
		=====		
		TOTAL:	207.12	
BASIN PROPANE LLC	00007006			
		0000075258	83.62	PROPANE
		=====		
		TOTAL:	83.62	
BATTERY SYSTEMS	00004673			
		0000075260	311.91	BATTERIES
		=====		
		TOTAL:	311.91	
BECKER ARENA PRODUCTS INC	00005770			
		0000075207	1,603.12	MISC SUPPLIES
		=====		
		TOTAL:	1,603.12	
BLUMENTHAL UNIFORM CO INC	00000133			
		0000075330	121.44	UNIFORMS
		0000075330	559.58	UNIFORMS
		=====		
		TOTAL:	681.02	
BOUND TREE MEDICAL LLC	00006022			
		0000075331	1,963.78	AMBULANCE SUPPLIES
		=====		
		TOTAL:	1,963.78	
BRENTS AUTOMATIC TRANS SERVICE	00006783			
		0000075261	3,129.10	REBUILT TRANSMISSION
		=====		
		TOTAL:	3,129.10	
BUD CLARY FORD	00006454			
		0000075257	4.55	BOLT & WASHER
		=====		
		TOTAL:	4.55	
BUSBY INTERNATIONAL	00005008			
		0000075259	109.28	FORM 10GA
		=====		
		TOTAL:	109.28	
BUSINESS INTERIORS & EQUIPMENT	00003619			

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		0000075345	105.22	MAINT AGREEMENTS/COPIERS
		0000075345	2,232.87	MAINT AGREEMENTS/COPIERS
		=====		
		TOTAL:	2,338.09	
CAROL CROSS	00004253			
		0000075248	198.80	METAL ART
		=====		
		TOTAL:	198.80	
CAROL HOHN	00006772			
		0000075292	175.00	BUILDING MAINTENANCE
		=====		
		TOTAL:	175.00	
CASCADE FIRE CORPORATION	00003644			
		0000075363	348.84	MISC FIRE
		0000075363	42.47	MISC FIRE
		=====		
		TOTAL:	391.31	
CENTRAL MACHINERY SALES INC	00002779			
		0000075263	127.32	PRY BAR
		=====		
		TOTAL:	127.32	
CENTURYLINK	00003599			
		0000075224	8.00	LONG DISTANCE TEL SERVICE
		0000075224	8.00	LONG DISTANCE TEL SERVICE
		0000075224	40.00	LONG DISTANCE TEL SERVICE
		0000075224	40.00	LONG DISTANCE TEL SERVICE
		=====		
		TOTAL:	96.00	
	00001502			
		0000075225	44.59	TELEPHONE SERVICE
		0000075232	155.22	TELEPHONE SERVICE
		=====		
		TOTAL:	199.81	
	00003599			
		0000075224	80.00	LONG DISTANCE TEL SERVICE
		0000075224	20.50	LONG DISTANCE TEL SERVICE
		=====		
		TOTAL:	100.50	
	00001502			
		0000075232	455.08	TELEPHONE SERVICE

DATE 11/06/15
TIME 09:56:01

PAGE 3
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount	Purpose of Purchase
		TOTAL: 455.08	
	00003599	0000075224 4.00	LONG DISTANCE TEL SERVICE
		TOTAL: 4.00	
	00001502	0000075232 184.83	TELEPHONE SERVICE
		TOTAL: 184.83	
	00003599	0000075224 10.00	LONG DISTANCE TEL SERVICE
		TOTAL: 10.00	
	00001502	0000075225 275.84	TELEPHONE SERVICE
		0000075232 127.13	TELEPHONE SERVICE
		TOTAL: 402.97	
	00003599	0000075224 65.96	LONG DISTANCE TEL SERVICE
		0000075224 61.96	LONG DISTANCE TEL SERVICE
		0000075223 57.96	WATER TURN OFF NOTIFICATIONS
		0000075223 57.96	WATER TURN OFF NOTIFICATIONS
		TOTAL: 243.84	
	00001502	0000075232 46.71	TELEPHONE SERVICE
		TOTAL: 46.71	
	00003599	0000075224 65.96	LONG DISTANCE TEL SERVICE
		TOTAL: 65.96	
	00001502	0000075225 44.59	TELEPHONE SERVICE
		TOTAL: 44.59	
	00003599	0000075224 28.47	LONG DISTANCE TEL SERVICE

DATE 11/06/15
TIME 09:56:01

PAGE 4
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount	Purpose of Purchase
		=====	
		TOTAL: 28.47	
	00001502		
		0000075225 2,796.72	TELEPHONE SERVICE
		=====	
		TOTAL: 2,796.72	
	00003599		
		0000075224 4.00	LONG DISTANCE TEL SERVICE
		0000075224 4.00	LONG DISTANCE TEL SERVICE
		=====	
		TOTAL: 8.00	
	00001502		
		0000075225 183.89	TELEPHONE SERVICE
		=====	
		TOTAL: 183.89	
CHICAGO DISTRIBUTION CENTER	00007397		
		0000075209 143.37	MAC RESALE
		=====	
		TOTAL: 143.37	
CITY OF MOSES LAKE	00008201		
		0000075252 3,120.42	WATER SERVICE
		0000075252 771.19	WATER SERVICE
		0000075252 350.84	WATER SERVICE
		0000075252 1,906.82	WATER SERVICE
		0000075252 2,191.90	WATER SERVICE
		=====	
		TOTAL: 8,341.17	
	00008106		
		0000075255 730.00	RETAINAGE-2015 TRAFFIC LOOP
		=====	
		TOTAL: 730.00	
	00008201		
		0000075252 479.24	WATER SERVICE
		=====	
		TOTAL: 479.24	
COBIES FINE DRY CLEANING	00006041		
		0000075342 16.62	PATCH SEWING
		=====	
		TOTAL: 16.62	
COLUMBIA BASIN POLYGRAPH SERV	00006665		
		0000075310 225.00	POLYGRAPH
		=====	
		TOTAL: 225.00	
COMFORT EXPERTS	00007009		

DATE 11/06/15
TIME 09:56:01

PAGE 5
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000075307	431.60	EXCAVATE WATER SERVICE
		TOTAL:	431.60	
CONFLUENCE HEALTH	00005069	0000075221	285.63	HEP B VACCINES
		0000075221	154.83	HEP B VACCINES
		TOTAL:	440.46	
CONSOLIDATED DISPOSAL SERVICE	00006284	0000075347	63.77	DISPOSAL LOADS, TRANS STATION
		0000075347	20,058.06	DISPOSAL LOADS, TRANS STATION
		0000075347	22,848.60	DISPOSAL LOADS, TRANS STATION
		0000075347	106.79	DISPOSAL LOADS, TRANS STATION
		TOTAL:	43,077.22	
CONSOLIDATED ELECTRIC DIST	00000819	0000075262	24.96	FLUORESCENT LAMPS 400W
		0000075262	24.94	FLUORESCENT LAMPS 400W
		0000075262	24.94	FLUORESCENT LAMPS 400W
		TOTAL:	74.84	
CROWN PAPER & JANITORIAL	00007120	0000075265	850.68	EXTREME CARPET CLEANER
		TOTAL:	850.68	
CUTTING EDGE EARTHWORKS	00006950	0000075359	87,721.62	PE 1 STORM DRAINAGE 2015
		TOTAL:	87,721.62	
DR LOU SOWERS	00001856	0000075314	900.00	PSYCHOLOGICALS
		TOTAL:	900.00	
E F RECOVERY	00007244	0000075337	554.40	USER FEES / SEPTEMBER
		TOTAL:	554.40	
EASTERN CASCADE DIST	00006909	0000075313	65.00	DRINKING WATER
		TOTAL:	65.00	
EMPLOYMENT SECURITY DEPT	00002624	0000075354	14,962.37	UNEMPLOYMENT TAX

DATE 11/06/15
TIME 09:56:01

PAGE 6
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount		Purpose of Purchase
=====				
		TOTAL:	14,962.37	
FABER INDUSTRIAL SUPPLY	00000501	0000075268	60.93	SOCKET/PAINT/THINNER/PRIMER
		0000075268	13.53	SOCKET/PAINT/THINNER/PRIMER
		0000075268	6.52	SOCKET/PAINT/THINNER/PRIMER
=====				
		TOTAL:	80.98	
FASTENAL COMPANY	00007372	0000075267	65.21	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	299.34	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	239.47	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	230.10	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	304.01	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	60.31	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	41.00	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	138.14	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	88.44	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	399.37	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	1.19	MISC SUPPLIES/OFFICE SUPPLIES
		0000075267	54.52	MISC SUPPLIES/OFFICE SUPPLIES
=====				
		TOTAL:	1,921.10	
FERRELLGAS	00002207	0000075270	22.13	DOCK CYLINDER
=====				
		TOTAL:	22.13	
FOSTER PEPPER PLLC	00006281	0000075236	15,361.64	PROF SERV/ST PETER APPEAL
=====				
		TOTAL:	15,361.64	
GARYS CRANE INSPECTIONS	00004859	0000075272	1,200.00	VEHICLE CRANE INSPECTIONS
=====				
		TOTAL:	1,200.00	
GRAINGER PARTS OPERATIONS	00002755			

DATE 11/06/15
TIME 09:56:01

PAGE 7
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000075271	475.25	MISC SUPPLIES/JANITORIAL SUP
		0000075271	499.92	MISC SUPPLIES/JANITORIAL SUP
		0000075271	90.79	MISC SUPPLIES/JANITORIAL SUP
		0000075271	89.34	MISC SUPPLIES/JANITORIAL SUP
		0000075271	417.77	MISC SUPPLIES/JANITORIAL SUP
		TOTAL:	1,573.07	
GRANT COUNTY TREASURER	00000607	0000075239	850,000.00	LAST PYMT/SETTLEMENT
		0000075346	493.95	2% LIQUOR EXCISE TAX
		TOTAL:	850,493.95	
HOT SPRINGS SPA & LEISURE INC	00004072	0000075244	151.01	MISC SUPPLIES
		TOTAL:	151.01	
IBS INC	00004860	0000075276	133.34	EXTENSION CORD/CLEANSER/CONN
		0000075276	287.49	EXTENSION CORD/CLEANSER/CONN
		TOTAL:	420.83	
IRRIGATORS INC	00003840	0000075275	12.34	RED RUBBER MAKE A GASKET
		TOTAL:	12.34	
JERRYS AUTO SUPPLY	00005835	0000075323	44.51	MISC SUPPLIES
		0000075360	37.93	
		0000075278	219.87	BRAKE PADS/RADIATOR/FLASHER
		TOTAL:	302.31	
KAMAN FLUID POWER LLC	00001302	0000075208	30.94	MISC SUPPLIES
		TOTAL:	30.94	
KIM WHEATON	00007002	0000075250	96.95	CARD/PRINT
		TOTAL:	96.95	
KONE INC	00006438	0000075279	64.23	ELEVATOR MAINTENANCE

DATE 11/06/15
TIME 09:56:01

PAGE 8
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
KONE INC	00006438	0000075279	365.08	ELEVATOR MAINTENANCE
		TOTAL:	429.31	
KRIS CHUDOMELKA	00007058	0000075247	44.45	
		TOTAL:	44.45	
LAW ENFORCEMENT EQUIP DIST	00005679	0000075311	2,141.24	EQUIPMENT
		TOTAL:	2,141.24	
LINDSAY/CULLIGAN	00005289	0000075246	20.16	PARKS/MAC WATER
		0000075246	20.16	PARKS/MAC WATER
		0000075277	13.08	BOTTLED WATER
		TOTAL:	53.40	
LOCALTEL COMMUNICATIONS	00004374	0000075240	859.40	INTERNET SERVICE
		TOTAL:	859.40	
MARTIN SCHEMP	00004830	0000075251	60.23	ROCKS/FOSSILIZED WOOD
		TOTAL:	60.23	
MERLE HARDY	00006845	0000075249	38.50	WOODEN VASE
		TOTAL:	38.50	
MOON SECURITY SERVICES INC	00006510	0000075316	41.50	MONTHLY MONITORING
		TOTAL:	41.50	
MOSES LAKE SOCCER TOTS	00007063	0000075245	1,480.00	SOCCERTOTS INSTRUCTION
		TOTAL:	1,480.00	
MOSES LAKE STEEL SUPPLY	00001268	0000075319	111.81	MISC SUPPLIES
		0000075283	97.50	MISC REPAIR SUPPLIES
		0000075283	301.24	MISC REPAIR SUPPLIES
		0000075283	8.10	MISC REPAIR SUPPLIES

DATE 11/06/15
TIME 09:56:01

PAGE 9
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount	Purpose of Purchase
		0000075283 306.23	MISC REPAIR SUPPLIES
		0000075283 8.08	MISC REPAIR SUPPLIES
		=====	
		TOTAL: 832.96	
MOSES LAKE UPHOLSTERY	00001211		
		0000075210 296.73	RINK SAFETY PADS
		0000075282 248.17	TRAP FOR DUMP TRUCK
		=====	
		TOTAL: 544.90	
MULTI AGENCY COMM CENTER B911	00006695		
		0000075315 37,797.67	USER FEE
		0000075334 1,054.67	USER FEES / NOVEMBER
		0000075334 7,816.67	USER FEES / NOVEMBER
		=====	
		TOTAL: 46,669.01	
NEPPEL ELECTRICAL & CONTROLS	00004184		
		0000075254 15,023.40	2015 TRAFFIC LOOP REPLACEMENT
		=====	
		TOTAL: 15,023.40	
NORTH CENTRAL WASHINGTON FENCE	00006902		
		0000075290 168.65	MISC SUPPLIES
		0000075288 11.26	CHAIN LINK FABRIC
		=====	
		TOTAL: 179.91	
NORTH RIDGE MACHINE	00005625		
		0000075289 30,501.36	COF CYCLONE DEGRITTER
		=====	
		TOTAL: 30,501.36	
NORTHSTAR CHEMICAL INC	00006113		
		0000075291 1,027.65	FILTER BAG/SODIUM HYPOCHLORITE
		0000075291 4,769.18	FILTER BAG/SODIUM HYPOCHLORITE
		=====	
		TOTAL: 5,796.83	
OASIS AUTO SPA	00004834		
		0000075294 297.00	CAR WASHES-SEPTEMBER
		=====	
		TOTAL: 297.00	
OMWBE	00007004		
		0000075213 150.00	CERTIFICATION SERVICES
		=====	
		TOTAL: 150.00	
OXARC INC	00001412		
		0000075293 128.07	ACETYLENE

DATE 11/06/15
TIME 09:56:01

PAGE 10
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
OXARC INC	00001412	0000075293	53.84	ACETYLENE
		TOTAL:	181.91	
PINNACLE PUBLIC FINANCE INC	00005179	0000075219	11,420.13	#37A LEASE PYMT/NOV
		0000075219	69.19	#37A LEASE PYMT/NOV
		TOTAL:	11,489.32	
PROTECT YOUTH SPORTS	00004626	0000075322	36.00	COACH BACKGROUND CHECKS
		TOTAL:	36.00	
PUBLIC SAFETY TESTING	00005085	0000075222	400.00	SUBSCRIPTION FEES
		0000075222	350.00	SUBSCRIPTION FEES
		TOTAL:	750.00	
QUILL CORPORATION	00004811	0000075253	32.34	MISC SUPPLIES
		0000075253	24.98	MISC SUPPLIES
		0000075329	357.35	
		TOTAL:	414.67	
SAFETY KLEEN CORP	00004265	0000075299	374.62	SOLVENT CLEANING
		TOTAL:	374.62	
SEA WESTERN INC	00001879	0000075353	579.31	MISC SUPPLIES
		0000075353	10,132.06	MISC SUPPLIES
		0000075353	859.00	MISC SUPPLIES
		0000075353	4,773.94	MISC SUPPLIES
		TOTAL:	16,344.31	
SHIRTBUILDERS INC	00004022	0000075211	295.95	CO-ED SOFTBALL SHIRTS
		0000075332	906.36	
		TOTAL:	1,202.31	
SKAUG BROTHERS GLASS	00004842			

DATE 11/06/15
TIME 09:56:01

PAGE 11
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000075298	717.59	WINDSHIELD
		=====		
		TOTAL:	717.59	
SUPPLYWORKS	00003053			
		0000075296	178.60	JANITORIAL & CLEANING SUPPLIES
		0000075296	324.14	JANITORIAL & CLEANING SUPPLIES
		=====		
		TOTAL:	502.74	
THE WESLEY GROUP	00004986			
		0000075235	250.00	LABOR RELATIONS CONSULT
		=====		
		TOTAL:	250.00	
TRAFFIC SAFETY SUPPLY COMPANY	00003726			
		0000075300	3,641.06	SIGN MATERIALS
		=====		
		TOTAL:	3,641.06	
USA BLUE BOOK	00007469			
		0000075302	1,114.74	REMOTE PLUG/EXTENSION HOSE
		=====		
		TOTAL:	1,114.74	
VERIZON WIRELESS	00002107			
		0000075355	29.04	CELL PHONE SERVICE
		0000075355	67.80	CELL PHONE SERVICE
		0000075355	15.17	CELL PHONE SERVICE
		0000075355	446.22	CELL PHONE SERVICE
		0000075355	70.23	CELL PHONE SERVICE
		0000075355	16.44	CELL PHONE SERVICE
		0000075355	38.76	CELL PHONE SERVICE
		0000075355	19.40	CELL PHONE SERVICE
		0000075355	58.12	CELL PHONE SERVICE
		0000075355	19.87	CELL PHONE SERVICE
		=====		
		TOTAL:	781.05	
W A P R O	00005733			
		0000075317	140.00	REGISTRATION
		=====		
		TOTAL:	140.00	
WA CITIES INSURANCE AUTHORITY	00006720			
		0000075349	289.48	INSURANCE DEDUCTIBLE

DATE 11/06/15
TIME 09:56:01

PAGE 12
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount	Purpose of Purchase
=====			
		TOTAL:	289.48
WESTERN PETERBILT INC	00006802	0000075303	42.38 VALVE CHECKS
		TOTAL:	42.38
WHITNEY EQUIPMENT COMPANY	00004149	0000075304	777.96 REPAIR KIT/SERVICE TECH
		0000075304	3,345.84 REPAIR KIT/SERVICE TECH
		TOTAL:	4,123.80
=====			
		REPORT TOTAL:	1,195,974.76

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 11/10/2015

TOTALS BY FUND

FUND NO	FUND NAME	AMOUNT
000	GENERAL FUND	930,861.73
103	GRANTS AND DONATIONS	2,368.52
116	STREET	24,769.50
410	WATER/SEWER	44,512.71
490	SANITATION	42,964.62
493	STORM WATER	89,102.42
495	AIRPORT	221.71
498	AMBULANCE FUND	17,155.30
501	UNEMPL COMP INS	14,962.37
503	SELF-INSURANCE	289.48
517	CENTRAL SERVICES	6,022.68
519	EQUIPMENT RENTAL	19,037.05
528	BUILD MAINTENANCE	3,706.67
	TOTAL	1,195,974.76

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

*
*
* C L 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 \$1,195,974.76 THIS 10TH DAY OF NOVEMBER, 2015 *
*
*
* *
* COUNCIL MEMBER COUNCIL MEMBER *
*
*
* *
* COUNCIL MEMBER FINANCE DIRECTOR *



November 3, 2015

Honorable Mayor and
Moses lake City Council

Dear Council Members

Mark Poth has submitted an application for a preliminary plat to subdivide 4.4 acres into 10 residential lots. The site is located east of Peninsula Drive, south of the south end of Lakeside Drive, and north of Lower Peninsula Park. The site is zoned R-1, Single Family Residential, which corresponds with the Comprehensive Plan Land Use Designation of Low Density Residential. A deviation was requested to end Lakeside Drive in a cul-de-sac instead of continuing it to the property line. The cul-de-sac diameter proposed requires a deviation.

The Planning Commission recommended that the preliminary plat be approved with conditions.

Attached are the Findings, Conclusions and Decision of the Planning Commission. As no appeal was taken from this decision of the Planning Commission, the Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

Respectfully submitted,

Gilbert Alvarado
Interim City Manager

GA:jt

1

LAKEVIEW VILLAGE

UPDEGRAVES LAKESIDE TRACTS

TRACT 35, BATTERY ORCHARD TRACTS

● 5/8" = Iron pin set with surveyor's cap marked "12491" set 5575757575, 2015.	Plot Boundary
● Iron pin with surveyor's cap found June, 2014.	Center Line
● 2" = Inch brass cap monument found June, 2014.	Lot Line
■ Iron pin in concrete found June, 2014.	Easement Line
● Calculated point only = no monument found or set.	Dimensional Line
● 2" = Aluminum cap marked "12491" set in monument case 7575757575, 2015.	Right of Way
	Block Boundary

NOTE: All lot orders are made or less.

NOTES

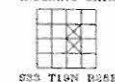
1. Existing Utility Easement for Electrical Transmission Line via APN 168258, No width given in said document.
2. Existing Utility Easement for Electrical Transmission Line via APN 53274.
3. Existing Utility Easement for Electrical Transmission Line via APN 569559.
4. A 30'-00-foot wide City street right-of-way dedicated on the JORDAN GRANT LAKESIDE TRACTS plat as recorded in Book 13 of Plats, pages 69 and 70, records of Grant County, Washington.
5. A 10'-00-foot wide City street right-of-way dedicated on the PLAT of BATTERY ORCHARD TRACTS plat filed January 7, 1914, records of Grant County, Washington.
6. A 4-foot Wide Municipal Easement dedicated via this plat.
7. A 10-foot Wide Public Utility Easement dedicated via this plat.
8. A 30'-00-foot wide City street right-of-way dedicated on the JOSEPH GRANT LAKESIDE TRACTS plat as recorded in Book 13 of Plats, pages 63 and 70, records of Grant County, Washington.
9. A 40'-00-foot wide City street right-of-way dedicated to the City of Moses Lake by Quist Claims Deed filed June 28, 2008, under Grant County Auditor's File No. 1239484.
10. Subject to the Right of the State of Washington in and to those portions, if any, which lie under the waters of Moses Lake.
11. A 25-foot Buffer planted with native vegetation and protected.
12. A 30-foot Buffer with a 3'awn down to wetland edge. No activity allowed in the Buffer other than normal lawn maintenance and use of herbicides, pesticides and fertilizer prohibited.

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1.1	S 04°43'41" W	64.89	M1	S 04°24'54" W	112.96
1.2	S 32°08'44" W	15.96	M2	N 41°45'52" E	192.61
1.3	S 47°51'76" W	14.30	M3	S 27°05'34" W	100.39
1.4	N 85°16'10" W	42.74	M4	S 05°51'35" W	111.53
1.5	S 32°08'44" W	15.96			
1.6	S 47°52'01" E	34.21			
1.7	S 47°51'16" E	34.62			
1.8	S 47°51'16" E	28.17			
1.9	S 42°49'45" E	30.61			

LINE	BEARING	DISTANCE
91	S 23°28'23" W	24.89
92	S 19°16'40" W	34.85
93	S 11°48'43" W	61.23
94	S 08°18'08" W	18.48
95	S 06°18'08" W	20.71
96	S 30°47'06" W	17.12
97	S 47°08'34" W	30.33
98	S 36°5743" W	21.54
99	S 39°3546" W	14.12
010	S 62°44'16" W	40.85
011	S 40°40'13" W	33.04
012	S 23°43'51" W	13.27
013	S 23°45'31" W	21.65
014	S 28°38'11" W	9.65
015	S 48°36.35" W	44.92
016	S 48°36.55" W	20.30
017	S 04°33'28" E	59.08
018	S 00°39'02" W	21.85
019	S 02°27'50" W	17.05

INSTRUMENT USED
Trimble 5700 GPS Receiver
Traverse Closure
Meets Standards Per
NAC 225-120-000

INDEXING DATA



**WESTERN PACIFIC ENGINEERING
AND SURVEY INC.**
A TERRA DEVELOPMENT SERVICES COMPANY
Pioneer Way Professional Center
Hunter Place (509)765-1023 Moses Lake

A Ptn. of Tract 34, Battery Orchard Tracts
A Portion of the E 1/2 of Section 33.
Township 19 North, Range 28 East, W.M.
POTH MAJOR PLAT 1

Grant County				Washington	
Surveyed by	LMH	Date	06-14	Scale	1" = 60'
Drawn by	Yml/EJS	Date	12-14	Sheet	2 of 3
Checked by	RCN	Date	10-14	Project No.	14140

Attachment 2

BEFORE THE PLANNING COMMISSION/CITY COUNCIL OF THE
CITY OF MOSES LAKE, WASHINGTON

IN THE MATTER OF THE POTH 1 MAJOR
PLAT, DEVIATION AND DEFERRAL
REQUESTS, AND SHORELINE SUBSTANTIAL
DEVELOPMENT PERMIT

FINDINGS OF FACT, CONCLUSIONS, AND
DECISION

1. HEARING BEFORE THE PLANNING COMMISSION

- 1.1 Date. A public hearing was held upon proper notice before the Commission on September 24, 2015.
- 1.2 Proponent. Mark Poth is the proponent of this plat.
- 1.3 Purpose. The proponent has requested a shoreline substantial development permit and preliminary major plat to subdivide 4.4 acres into 10 single family lots. A deviation to allow a dead-end street was requested. A deviation for a smaller size cul-de-sac is also needed. The site is located in the 3200 block of Lakeside Drive, east of Peninsula Drive, south of the south end of Lakeside Drive, and north of Lower Peninsula Park. The property is legally described as a portion of Battery Orchard Tract 34, less road; Assessor Parcel #09-0313-000. The property is more fully described on the face of the plat.
- 1.4 Evidence. The Commission considered the following materials in reaching its decision:
 - A. The plat application submitted 7-14-15 and modified 7-29-14, 9-11-15, & 9-18-15.
 - B. Staff report dated 9-18-15, and attachments.
 - C. Testimony from Anne Henning, staff; Mark Poth, proponent; Kevin Richards, Western Pacific Engineering, representing the proponent; Mike O'Neill and Susan McMillan, area residents.
 - D. An exhibit by Western Pacific Engineering, showing the alignment of the proposed fire access road.
 - E. Development Engineering comments dated 9-24-15.
 - F. A letter from Mike O'Neill, 3170 Lakeside, received 9-23-15.

2. FINDINGS OF FACT BY THE PLANNING COMMISSION.

Based upon the evidence presented to it, the Commission makes the following findings of fact:

- 2.1 The proponent is the owner of the property legally described above located within City limits.
- 2.2 The property has been an apple orchard but has not been designated as prime farm land. There is an existing single family dwelling that will remain. All new development must meet current standards and regulations. The area is zoned R-1, Single Family Residential.
- 2.3 Surrounding land uses are existing residential development to the north, the lake to the east, a large lot to the south that is currently vacant but for which a building permit has been submitted, and vacant land to the west that will be platted as the Poth II Major Plat. Lakeside Drive is classified as a residential street. All utilities are available to serve the site.
- 2.4 The site slopes from 1070' just north of the northwesterly boundary to substantial slopes near

the lake, starting at about 1060' and dropping to lake level (approximately 1047'). A wetland report has been submitted for the lake fringe wetland which determined the wetland to be a Category III wetland. Per MLMC 19.06.160, a Category III wetland requires a 25' buffer. Five of the lots have water frontage containing the lake fringe wetland, including one lot with a 20'-wide flagpole leading to shoreline frontage somewhat wider than 20'.

- 2.5 The preliminary plat shows two wetland buffers: A 25' buffer planted with native vegetation and protected, and a 30' buffer with lawn. Both of these buffers are listed in the wetland report. From discussions with the wetland biologist who wrote the report, the intention was to have the standard 25' native plant buffer on the undeveloped lots, while the existing developed lot can remain as it is, but with no herbicides, pesticides, or fertilizer within 30' of the wetland. This needs to be clarified on the plat drawing.
- 2.6 A deviation was requested to allow Lakeside Drive to dead-end instead of continuing to the property line. MLMC 17.21.020.C states that dead-end streets may be allowed where the proposed dead-end street will not adversely affect the traffic flow and circulation within the area. The neighbors to the south are in the process of building a house on their lot and do not want a street to cross it. The plat provides a street stub for a future connection out to Peninsula Drive. This will improve circulation in the area.
- 2.7 As noted in the MDNS, a second access is required by the Fire Code. Kevin Richards, Western Pacific Engineering, representing the proponent, showed an alignment for the fire access, starting at the street stub then curving over to the gravel roadway along the northerly boundary of the site. This access will need to be constructed to the standards of the Fire Department.
- 2.8 The name for the street stub shown on the plat, Atlantic Street, will not be approved, because the street will not line up with the existing Atlantic right-of-way. The proponent has been asked to submit a replacement name for review and approval.
- 2.9 Side and rear public utility easements are proposed to not be dedicated.
- 2.10 The existing house is on Lot 8 of the plat and is 28' tall. The house is 11.8' from the proposed property line of Lot 9. Since this would be considered a side lot line, and the house is less than 30' tall, a side yard setback of as little as 6' would be allowed.
- 2.11 The City of Moses Lake Shorelines Management Master Plan contains the local regulations that implement the Shoreline Management Act. The Shoreline Environment designation is Rural, the only one within the City. This is due to the presence of an orchard at the site. The orchard is no longer economically viable, so it is being removed to make space for this development. The Rural Environment was intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, and maintain open spaces and opportunities for recreational uses compatible with agricultural activities. The allowed uses in the Rural Environment include residential at R-1 density only. In the draft Shoreline Master Program currently under review, this area is proposed as Shoreline Residential Resource with a minimum buffer of 25'. Applicable regulations for residential use in the existing SMP are to connect all residential development to an approved sewer system and to place all new roads inland from the residential area served.
- 2.12 MLMC 18.57 establishes landscaping provisions to provide a smooth transition between adjacent properties, buffer different intensities of land uses, enhance the character and appearance of the city, soften the visual impact of paved surfaces, reduce the effects of light, noise, glare, exhaust fumes, heat, wind, erosion, and other adverse effects; and provide

shade. MLMC 18.57.040 requires street frontage landscaping for one- and two-family subdivisions, consisting of a 5'-wide buffer of groundcover and a mix of trees, on all internal streets. The landscaping for each lot must be installed before a Certificate of Occupancy can be issued for that lot.

- 2.13 To offset the impacts on the park system created by this new development, MLMC 17.27 requires dedication of land for open space and parks, or a fee in lieu of dedication, or a combination of both.
- 2.14 The Development Engineer provided a list of corrections that must be addressed prior to the submittal of the major plat for final review, including that the cul-de-sac diameter proposed for the end of Lakeside Drive is only allowed for streets shorter than 220', and that there are reimbursements due on the property for the construction of Peninsula Drive. The smaller diameter cul-de-sac could be allowed with a guarantee that the street connecting Lakeside to Peninsula would be built. The guarantee should include an easement and a covenant for the improvements within 5 years.
- 2.15 Kevin Richards, Western Pacific Engineering, representing the proponent, requested 8 years instead of 5 to extend the street.
- 2.16 Kevin Richards, Western Pacific Engineering, representing the proponent, requested that only half the reimbursement be collected now, since only half the property is being developed. However, Moses Lake Municipal Code 12.40.112, which established the reimbursement, specifies "upon platting" and does not have any provisions for deferring a portion of the reimbursement. MLMC 12.40.112 would have to be amended by the City Council before a portion of the reimbursement could be deferred.
- 2.17 The Municipal Services Director reviewed the projected traffic impacts for this project and concluded that the existing street infrastructure is adequate for the additional traffic, and the applicable level of service standard set in the Comprehensive Plan will not be lowered as a result of this development.
- 2.18 The Department of Archaeology & Historic Preservation (DAHP) commented that the area has a high potential for archaeological resources and that there are two recorded archaeological sites within 1,200' of the project area. Due to state laws protecting archaeological sites and the difficulties caused by inadvertent discovery during construction, DAHP requested that an archaeological survey be required prior to ground disturbance. This requirement was included in the MDNS.
- 2.19 The Colville Confederated Tribes commented that Moses Lake is the traditional territory of the Moses Columbia Tribe, a constituent of the Confederated Tribes of the Colville Reservation. The shores of Moses Lake have many documented prehistoric, ethnographic, historic, and traditional sites of significance to the Colville Confederated Tribes. They recommend a cultural resources study. This was combined with the recommendation of the DAHP and required in the MDNS.
- 2.20 The City Stormwater Program Manager commented that soil conditions onsite are unknown and potentially challenging and may require non-standard stormwater control measures. This issue will be addressed during the review of the street and utility construction plans.
- 2.21 The Bureau of Reclamation commented that they have a flowage easement to elevation 1048', which is above ordinary high water. Construction should be done in a manner that minimizes adverse effects to the operation, facilities, waters, lands, and resources of the Columbia Basin Project.

- 2.22 The Corps of Engineers commented that the applicant will need to apply for permits from the Corps for any work within wetlands or below the ordinary high water mark. The applicant should work to avoid impacts to wetlands and other waters and minimize work in waters of the US, including wetlands and the lake.
- 2.23 The East Columbia Basin Irrigation District commented that the plat is outside ECBID boundaries and does not have any Project facilities running through it. Therefore, they have no comment.
- 2.24 The Fire Prevention Specialist commented that the Fire Department will require an additional approved fire access road, in addition to Lakeside Drive, to serve the new lots. This condition was included in the MDNS.
- 2.25 Mike O'Neill, 3170 W. Lakeside Drive, submitted a letter outlining his concerns with the construction of the project. Many of the concerns outlined by Mr. O'Neill were addressed prior to the hearing by staff. Mr. O'Neill testified that his questions about the water supply was answered by City staff but his main concern is if Lakeside is used by heavy equipment to access the site there would be no room for the equipment to turn around on Lakeside because cars are parked on both sides of the street. He was also concerned about damage to private driveways caused by the heavy equipment. He suggested that the equipment use Atlantic Street instead of Lakeside.
- 2.26 Susan McMillan, 3196 Lakeside, was concerned about the road that runs adjacent to her property. Kevin Richards, representing the proponent, pointed out that only a portion of the road would be used during construction and the remainder would be used for emergency purposes only.
- 2.27 A Mitigated Determination of Non-Significance (MDNS) was issued on September 9, 2015, under the State Environmental Policy Act Rules (WAC 197-11). There were 21 conditions, related to deleterious materials spills, stormwater, sediment control, site stabilization, fill, street improvements, second access for emergency services, park mitigation, water rights, archaeological survey, wetland and buffer, track out, and informing contractors of conditions. The conditions of the MDNS automatically become conditions of the project approval.
- 2.28 The Comprehensive Plan does not set a transportation level of service (LOS) for any specific streets in this area. When no LOS is set for specific streets, the LOS is set at D.
- 2.29 Comprehensive Plan Land Use Policy 4 encourages infill developments that are scaled and designed to fit their surroundings on properties suited to urban development.
- 2.30 Residential Policy 4.3 is that residential neighborhoods should provide for appropriately-scaled schools, churches, home occupations, small-scale neighborhood commercial uses, parks, opens spaces, day care facilities, and other appropriate uses.
- 2.31 Residential Policy 4.4 is that the City shall assure that each neighborhood has safe and reasonable access to schools, shopping facilities, and recreational areas without mandatory dependence on the use of the automobile by providing pedestrian and bike paths and by allowing corner stores in suitable locations to serve everyday needs of the neighborhood.
- 2.32 Community Image and Design Policy 16.3 is for new developments to be designed to incorporate features to encourage alternative travel modes, such as transit, biking, and walking.

- 2.33 Environmentally Sensitive Areas Goal 12 is to protect and preserve environmentally sensitive areas by reducing the negative impacts of development. Policy 12.1 is for environmentally sensitive areas to be conserved and protected from loss or degradation. Policy 12.3 is for significant areas of wetlands, and undeveloped shorelines to be kept as open space. Wetlands Policy 12.15 is to preserve wetlands because of the water quality, flood prevention, and habitat functions they provide. The amount of development allowed is determined by the size and environmental or habitat value of the wetlands. Wetlands Policy 12.16 is that per State law, on a city-wide, long-term basis, Moses Lake shall achieve no net loss of wetland environmental and/or habitat functions and values. Moses Lake should maintain wetland acreage over the long term. Wetland Policy 12.18 is that degraded wetlands should be enhanced and restored where possible.
- 2.34 Housing Goal 1 and Policies 1.1 and 1.4 provide for diversity in the type, density, and location of housing within the city in order to provide an adequate supply of safe and sanitary housing at price and rent levels appropriate to the varied financial capabilities of City residents.
- 2.35 Transportation Framework Goal 1 is for the City's transportation system to promote mobility for Moses Lake's citizens and workers by providing a range of transportation alternatives. The transportation system should emphasize facilities and services which support and encourage transit, ride sharing, bicycling, and walking as alternatives to the use of the automobile.
- 2.36 Transportation and Land Use Policy 4.1 is that new development and redevelopment shall encourage transit and be required to incorporate pedestrian supportive measures where appropriate, such as:
- A. Providing pedestrian spaces
 - B. Providing adequate sidewalks, bikeways, pathways, and crosswalks
 - C. Preserving the connectivity of the pedestrian, bicycle, and street system
- 2.37 Bicycle and Pedestrian Transportation Policy 9.3 is to provide for adequate roadway, pedestrian, and bicycling connections in newly developing and redeveloping areas of the city, promoting both internal access and linkages with the rest of the city.
- 2.38 Circulation System Management Goal 10 says that the City should develop and maintain a functional circulation system that serves the existing and future population, considers vehicle and pedestrian safety, traffic movement, and impacts to neighborhoods and adjacent property. Policy 10.1 is to develop and maintain a cost effective street system that serves the existing and future population, minimizes traffic delays and impacts to neighborhoods, and minimizes the disruption of the natural environment. Policy 10.3 is to assure the provision of street and walkways as land is developed by requiring property owners to install street improvements based on a minimum standard for the street classification.
- 2.39 Capital Facilities–Parks and Recreation Goal 2 states that the City will provide an integrated system of parks, recreation facilities, trails, greenbelts, and open space as community assets, both in form and function.
- 2.40 Capital Facilities–Parks and Recreation Goal 8 is to develop a high quality system of multi-purpose park trails and corridors that access significant environmental features, public facilities, and developed local neighborhoods and business districts.
- 2.41 Capital Facilities–Parks and Recreation Policy 8.3 is to link residential neighborhoods to community facilities like McCosh Park and Paul Lauzier Athletic Fields, among others.

3. CONCLUSIONS BY THE PLANNING COMMISSION.

From the foregoing findings of fact, the Planning Commission makes the following conclusions:

- 3.1 The decision of the Planning Commission must be supported by the evidence presented and must be consistent with the standards and criteria for review specified in state statutes and city ordinances. The standards and criteria for review of preliminary plat applications are found in Chapter 58.17 of the Revised Code of Washington (RCW), Title 17 of the Moses Lake Municipal Code (MLMC), and Title 20 MLMC.
- 3.2 The requirements of MLMC 20.09.020 are met:
 1. **Comprehensive Plan/Municipal Code:** The development is consistent with Comprehensive Plan goals and policies on infill and housing by redeveloping land that can be served by public services and by providing more housing. By protecting the existing wetland, the development is consistent with the policies on wetlands and sensitive areas and the Municipal Code wetland regulations. With conditions requiring a connection to Peninsula Drive, the project improves circulation in the area so it is consistent with the goals and policies on transportation. With conditions for parks mitigation, it is consistent with Comprehensive Plan goals and policies on parks. With deviations for cul-de-sac diameter and a dead-end street, the development meets the requirements and intent of Titles 17 and 18 of the Municipal Code. With the conditions placed in the MDNS, the development meets the requirements and intent of Title 19, Wetlands.
 2. **Adequate provisions for necessary improvements:** With a condition for a connection to Peninsula Drive, the development makes adequate provisions for streets and other public ways, water supply, and sanitary wastes through the dedication and improvement of right-of-way. With conditions for park development, it makes adequate provision for parks and recreation facilities.
 3. **Impacts:** With a condition for a connection to Peninsula Drive, transportation and emergency access impacts will be addressed. Through the conditions of the MDNS, the wetland and buffer will be protected from impacts and an archaeological survey will be required before site disturbance. No other impacts have been identified under Chapters 14 through 19 that will not be mitigated through existing regulations and conditions.
 4. **Public health, safety, welfare, and interest:** As conditioned, the development is beneficial to the public health, safety and welfare and is in the public interest because it promotes orderly and efficient division of undeveloped land in compliance with state law and makes it suitable for residential development consistent with the intent of the R-1 Zone.
 5. **Transportation Level of Service:** The development does not add enough traffic to lower the level of service of transportation facilities below the minimum standards established in the Comprehensive Plan. With the condition guaranteeing the future street connection, transportation level of service will be improved by providing better connectivity.
 6. **Parks Level of Service:** The development does not lower the level of service of neighborhood park facilities below the minimum standards established in the Comprehensive Plan because it will contribute its fair share to the cost of development of a neighborhood or mini park to serve the area.
 7. **Dedications:** The street rights-of-way proposed for dedication, including the future

connection from Lakeside to Peninsula, are a direct result of the development proposal, are needed to serve the development, and are the standard width required for all residential streets.

- 3.3 The required street frontage landscaping softens the impact of the paved surfaces, provides shade for pedestrians and structures, and enhances the right-of-way for pedestrian use. As the trees mature, the canopies will narrow the driver's perception of the road width, slowing traffic and improving safety.
- 3.4 The deviation to allow Lakeside Drive as a dead-end street is justified since the next property to the south is currently being developed with a single-family house, and the owner does not want a street through his property, and the street could only be continued through one property after that before it reaches Lower Peninsula Park.
- 3.5 The deviation for the cul-de-sac diameter is justified since the street will be under the length required for the smaller cul-de-sac once the street connects to Peninsula. The street connection will be guaranteed with a covenant and easement.

4. DECISION OF THE PLANNING COMMISSION.

- 4.1 On the basis of the foregoing findings of fact and conclusions, it is the decision of the Planning Commission of the City of Moses Lake that the request for a preliminary major plat as submitted on the property designated above be approved with the following conditions:
 - 4.1.1. The comments of the Development Engineer shall be addressed before final plat submittal.
 - 4.1.2. The developer shall propose a name for the new street connecting Lakeside Drive to Peninsula Drive. Before street construction plans are submitted, the name must be approved by the Municipal Services Department, Fire Department, the Multi Agency Communication Center, and the City Council.
 - 4.1.3. The deviations to allow Lakeside Drive to be a dead-end street and to end in a cul-de-sac at the proposed diameter shall be granted, with the condition that the street connection to Peninsula Drive be guaranteed with an easement and covenant for construction within 8 years.
 - 4.1.4. Based on no objections from public utility providers, public utility easements are not required along side and rear lot lines.
 - 4.1.5. The wetland buffer shall be shown on the plat. The buffer shall be 25', planted with native vegetation and protected for Lots 5, 6, 7, and 10. The buffer shall be 30' with no herbicides, pesticides, or fertilizer allowed for the existing developed Lot 8.
- 4.2 On the basis of the foregoing findings of fact and conclusions, it is the decision of the Planning Commission of the City of Moses Lake that the request for a shoreline substantial development permit as submitted on the property designated above be approved.

Approved by the Planning Commission on October 15, 2015.


Vicki Heimark, Planning Commission Chair

November 2nd, 2015

TO: City Manager
For City Council Consideration

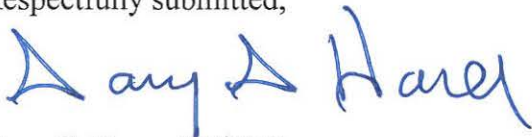
FROM: Municipal Services Director

**SUBJECT: ACCEPT EASEMENT
INSPIRE/WASHINGTON STATE MIGRANT COUNCIL**

The attached resolution is to accept an access easement from Inspire/Washington State Migrant Council for municipal purposes and uses to serve Inspire Development Center along Juniper Drive.

A copy of the resolution, easement and site map are enclosed for council consideration.

Respectfully submitted,



Gary G. Harer, PE/PLS
Municipal Services Director

encl.

cc: David Thompson - Development Engineering Manager

RESOLUTION NO. 3569

**A RESOLUTION ACCEPTING AN EASEMENT TO THE CITY OF MOSES LAKE
FROM INSPIRE/WASHINGTON STATE MIGRANT COUNCIL**

Recitals:

1. Resolution No. 238 provides all grants of real estate, or any interest therein, to the City of Moses Lake, shall not be accepted until a resolution has been duly passed by the City Council.
2. Inspire/Washington State Migrant Council have presented an easement to the City of Moses Lake.

Resolved:

1. Easement for municipal purposes and uses for the following described property is to maintain, operate, repair, replace and reading water and sanitary sewer meters and for testing and flushing private fire hydrants.

Lot 2, Hardenburgh Short Plat No. 1, AFN 921021057
Parcel Number 311466000

ACCEPTED by the City Council on November 10th, 2015.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

HARDENBURGH SHORT PLAT NO. 1

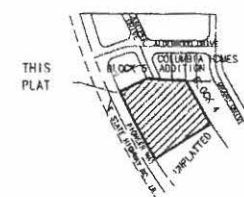
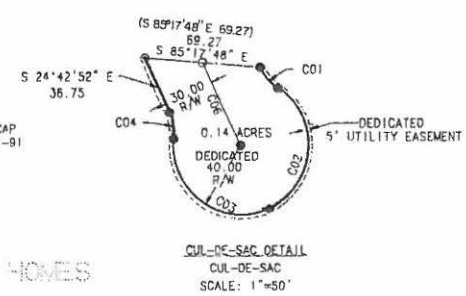
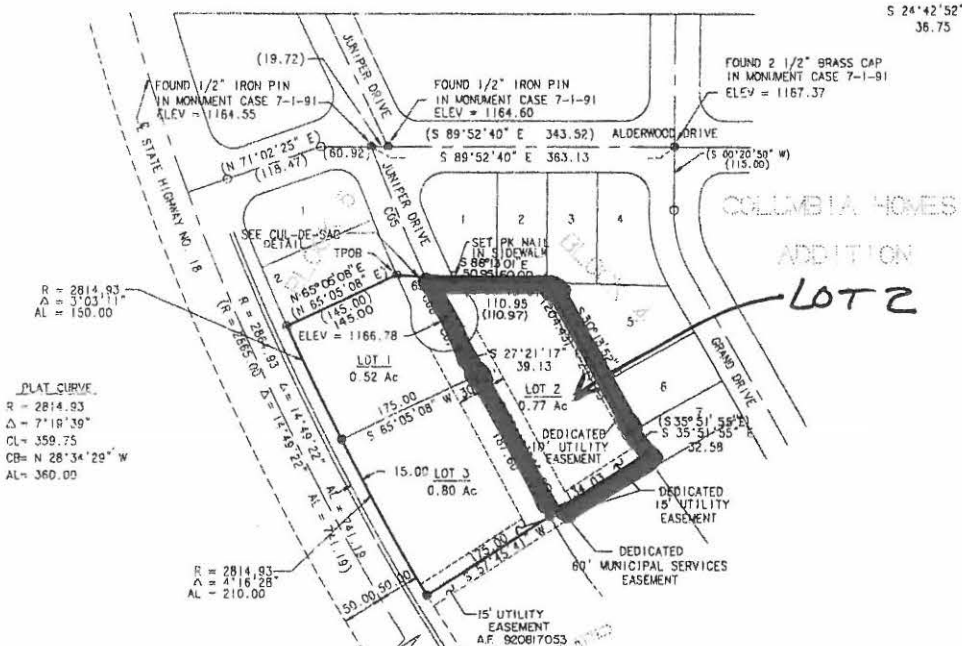
SECTION 23, TOWNSHIP 19 NORTH, RANGE 28 EAST, W.M.,

GRANT COUNTY, WASHINGTON

SECURITY NOT GUARANTEED

921021057

VICINITY MAP
SCALE: 1" = 400'



BASIS OF ELEVATIONS

USBR RECORD DATUM, EASTERLY MONUMENT IN CASE AT THE INTERSECTION OF JUNIPER AND ALDERWOOD, ELEVATION BEING 1164.60.

DATE OF SURVEY

JULY 1, 1991

BASIS OF BEARINGS

CENTERLINE OF ALDERWOOD DRIVE, PER COLUMBIA HOMES ADDITION, FILED IN VOLUME 7, PAGE 34 OF PLATS, RECORDS OF GRANT COUNTY, WASHINGTON, BEING NORTH 89°52'40" EAST, FOUND BEARING BEING IDENTICAL.

SURVEYOR'S CERTIFICATION AND DECLARATION

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS ACTUALLY SURVEYED.

I HEREBY DECLARE THAT THE HARDENBURGH SHORT PLAT NO. 1 IS BASED ON ACTUAL SURVEY AND SUBDIVISION OF A PORTION OF SECTION 23, TOWNSHIP 19, NORTH, RANGE 28 EAST, W.M., THAT THE DISTANCES AND COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, AND THAT PROPER MONUMENTS HAVE BEEN SET AND LOT CORNERS ARE STAKED ON THE GROUND.

W. K. Baber (SEAL)
LICENSED LAND SURVEYOR (LS 15160)

FILED FOR RECORD AT THE REQUEST OF THE CITY OF MOSES LAKE THIS 21st DAY OF *July*, 1992, AT 6:45 O'CLOCK P.M., AND RECORDED IN VOLUME *4* OF PLATS, ON PAGE *43*, RECORDS OF GRANT COUNTY, WASHINGTON.

William S. Voss
GRANT COUNTY AUDITOR

Naomi Chadwell
BY DEPUTY AUDITOR

LEGEND

() PREVIOUSLY RECORDED DATA PER COLUMBIA HOMES ADDITION, FILED IN VOLUME 4, PAGE 34 OF PLATS, RECORDS OF GRANT COUNTY, WASHINGTON

- SET 5/8" IRON PIN WITH CAP MARKED "LS 15160"
 - FOUND 5/8" IRON PIN WITH CAP MARKED "LS 12491"
 - CALCULATED POINT ONLY
 - FOUND MONUMENT AS NOTED
 - SET 2" BRASS CAP IN MONUMENT CASE
- PROPERTY LINE -----
- EASEMENT -----
- RIGHT-OF-WAY -----
- CENTERLINE -----

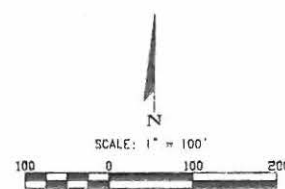
METHOD OF SURVEY

FIELD SURVEYS WERE ACCOMPLISHED UTILIZING CONTINUOUS TRAVERSE AND RADIAL SURVEY METHODS. MEASUREMENTS WERE PERFORMED USING A LIETZ SET 3, (1) ONE SECOND ELECTRONIC DIGITAL TACHOMETER NO. D20808, ANGULAR CLOSURE OF TRAVERSE MEETS STANDARDS AS SET FORTH IN WAC 332-130-090, PARAGRAPH 2(a), LINEAR CLOSURE AFTER AZIMUTH ADJUSTMENT IS GREATER THAN 1:10000 ACCURACY.

CURVE TABLE

NO	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CHORD BEARING
C01	30.00	9.48	18.37	35°04'41"	18.08	S 43°12'05" E
C02	40.00	65.45	81.78	117°08'11"	88.26	N 04°32'58" E
C03	40.00	71.02	84.63	121°13'25"	69.70	S 56°16'17" E
C04	30.00	7.77	15.21	29°03'18"	15.05	N 10°11'13" W
C05	2639.93	84.54	169.02	3°40'06"	168.99	S 23°26'56" E
C06	2639.93	26.89	53.78	1°10'02"	53.78	S 25°51'55" E
C07	2639.93	20.00	40.00	00°52'05"	40.00	S 26°52'59" E

NOTE: RADIUS OF CENTERLINE OF PIONEER CALCULATED BASED ON DATA FROM COLUMBIA HOMES ADDITION



S 23, T 19 N, R 28 E, W.M. C:\AD\911639\PLAT.DWG

BOUNDARY ENGINEERING INC.
CONSULTING ENGINEERS LAND SURVEYORS PLANNERS
110 E. BROADWAY MOSES LAKE, WA 98233
509-765-0287 FAX 509-766-1443

SCALE: 1" = 100'
DATE: 6-20-91
DWG BY: TFM/ACAD
CHK BY: WRB
JOB NO: 911639
FB NO:

CLIENT
FRED HARDENBURGH

DRAWING TITLE
SHORT PLAT

REV SHEET 1 OF 2
1 8-6-91 TFM
2 12-10-91 MLH
3 7-23-92 MLH

November 2nd, 2015

TO: City Manager
For City Council Consideration

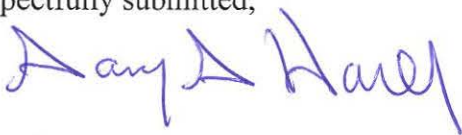
FROM: Municipal Services Director

**SUBJECT: ACCEPT STREET AND UTILITY IMPROVEMENTS
GRACE HARVEST CHURCH MAJOR PLAT**

The attached resolution is presented to the City Council for acceptance of street and utility improvements, lying in dedicated right-of-way or easements, as part of the Grace Harvest Church Major Plat. These improvements have been constructed in accordance with the City of Moses Lake's Street and Utility Standards.

The attached resolution and site plan is attached for council consideration.

Respectfully submitted,



Gary G. Harer, PE/PLS
Municipal Services

GH;tv

cc: Development Engineering Manager - David Thompson

RESOLUTION NO. 3570

**A RESOLUTION ACCEPTING STREET AND UTILITY IMPROVEMENTS FOR
MUNICIPAL USE AS PART OF THE GRACE HARVEST CHURCH MAJOR PLAT**

Recitals:

1. Street and Utility improvements, lying in dedicated right-of-way or easements, are in place and constructed to the City of Moses Lake's street and utility systems as part of the Grace Harvest Church Major Plat.
2. Said street and utility improvements have been installed in accordance with the City of Moses Lake's Community Standards, such installation being completed in October, 2015.
3. RCW 35.91.030 indicated that public street and utility facilities, which are developer installed should be accepted by the City of Moses Lake upon completion if the facilities are built to city standards.

Resolved:

1. The City of Moses Lake accepts the street and utility improvements as facilities of the City of Moses Lake and as such will charge for use of such facilities as authorized by ordinance.
2. After November 10th, 2017, all further maintenance and operation cost of said street and utility improvements, shall be borne by the City of Moses Lake, as provided by city ordinance.

ACCEPTED by the City Council on November 10th, 2015.

Dick Deane, Mayor


ATTEST:

W. Robert Taylor, Finance Director

MEMORANDUM

CITY OF MOSES LAKE
DEVELOPMENT ENGINEERING DIVISION
October 29, 2015

TO: Municipal Services Director

FROM: Development Engineering Manager, David L. Thompson 

RE: **GRACE HARVEST CHURCH MAJOR PLAT
ACCEPT STREET AND UTILITY IMPROVEMENTS**

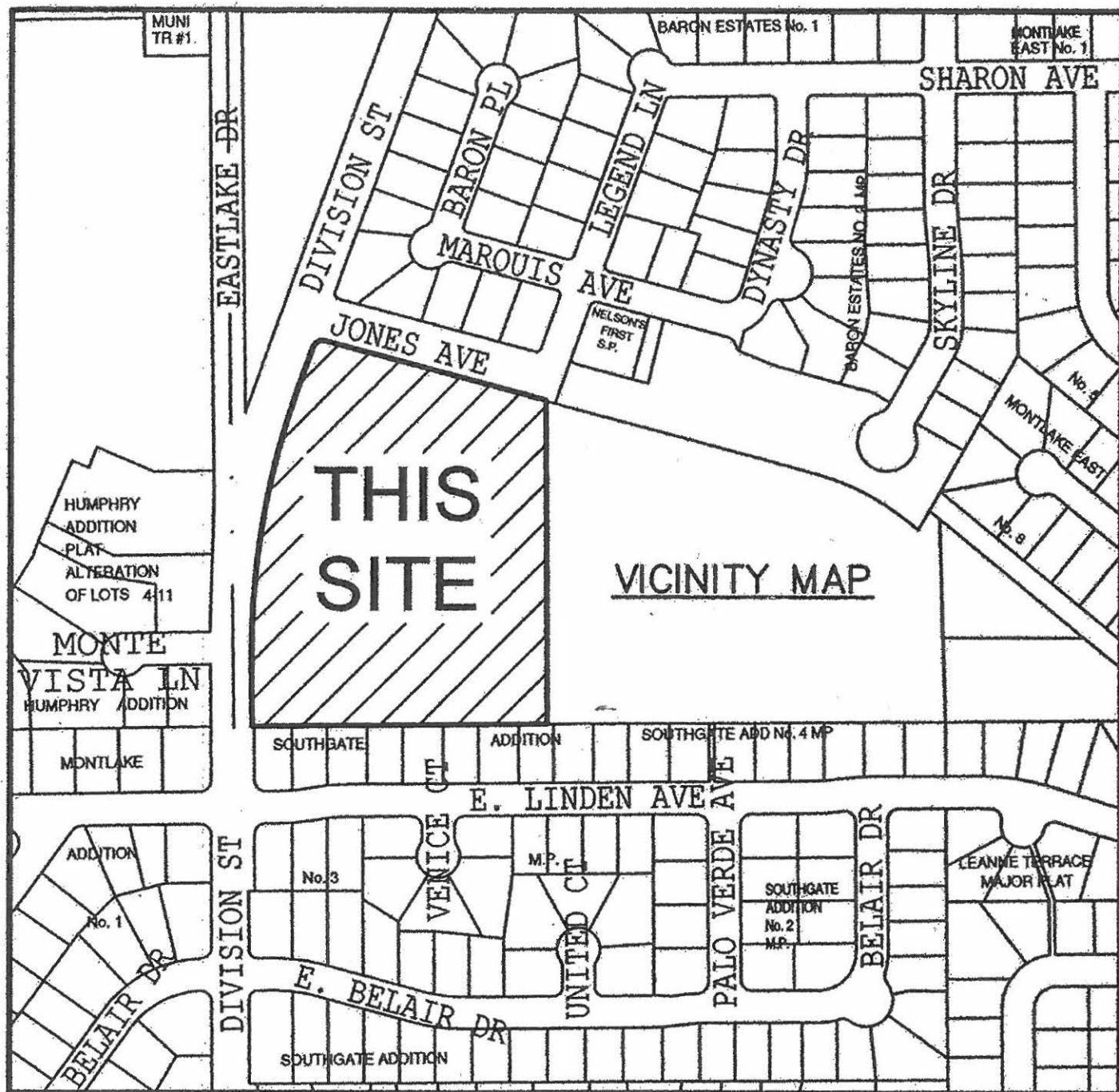
The street improvements constructed to serve the Grace Harvest Church Major Plat are complete and may be presented to Council for acceptance into the City system.

A SUBDIVISION MAINTENANCE BOND or other approved security in the amount of \$8,900.00 to the City is required to be provided by the owners for the two year maintenance period which commences on the date of acceptance of the improvements by the City Council.

A site plan is attached.

If you have any questions or require any additional information please contact me at your earliest convenience.

cc: Senior Planner, Anne Henning



GRACE HARVEST CHURCH MAJOR PLAT

November 5th, 2015

TO: City Manager
For City Council Consideration

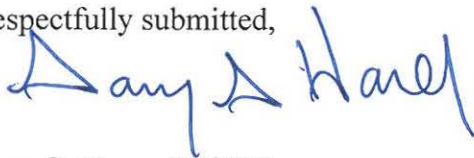
FROM: Municipal Services Director

**SUBJECT: ACCEPT STREET AND UTILITY IMPROVEMENTS
BERNHARDT MAJOR PLAT**

The attached resolution is presented to the City Council for acceptance of street and utility improvements, lying in dedicated right-of-way or easements, as part of the Bernhardt Major Plat. These improvements have been constructed with the City of Moses Lake's Street and Utility Standards.

The attached resolution and site plan is attached for council consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Gary G. Harer". The signature is stylized with a large "G" and "H".

Gary G. Harer, PE/PLS
Municipal Services Director

GH;tv

cc: Development Engineering Manager - David Thompson
Senior Planner - Anne Henning

RESOLUTION NO. 3572

**A RESOLUTION ACCEPTING STREET AND UTILITY IMPROVEMENTS FOR
MUNICIPAL USE AS PART OF BERNHARDT MAJOR PLAT**

Recitals:

1. Street and Utility improvements, lying in dedicated right-of-way or easements, are in place and constructed to the City of Moses Lake's street and utility systems as part of the Bernhardt Major Plat.
2. Said street and utility improvements have been installed in accordance with the City of Moses's Lake's Community Standards, such installation being completed in October, 2015.
3. RCW 35.91.030 indicated that public street and utility facilities, which are developer installed should be accepted by the City of Moses Lake upon completion if the facilities are built to city standards.

Resolved:

1. The City Council of Moses Lake accepts the street and utility improvements as facilities of the City of Moses Lake and as such will charge for use of such facilities as authorized by ordinance, contingent upon and the owners providing a maintenance bond for the street and utility improvements effective for two years from the date of acceptance of the improvements by Council.
2. After November 10th, 2017 all further maintenance and operation cost of said street and utility improvements, shall be borne by the City of Moses Lake, as provided by city ordinance.

ACCEPTED by the City Council on November 10th, 2015.

Dick Deane, Mayor

ATTEST:

W Robert Taylor, Finance Director

MEMORANDUM

CITY OF MOSES LAKE
DEVELOPMENT ENGINEERING DIVISION
November 5, 2015

TO: Municipal Services Director

FROM: Development Engineering Manager, David L. Thompson *DT. by JB.*

RE: **BERNHARDT MAJOR PLAT**
ACCEPT STREET AND UTILITY IMPROVEMENTS

The street improvements constructed to serve the Bernhardt Major Plat are complete and may be presented to Council for acceptance into the City system.

A SUBDIVISION MAINTENANCE BOND or other approved security in the amount of \$92,861.25 to the City is required to be provided by the owners for the two year maintenance period which commences on the date of acceptance of the improvements by the City Council.

A site plan is attached.

If you have any questions or require any additional information please contact me at your earliest convenience.

cc: Senior Planner, Anne Henning

BERNHARDT MAJOR PLAT

A PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 26,
TOWNSHIP 19 NORTH, RANGE 28 EAST, W.M., GRANT COUNTY, WASHINGTON



BERNHARDT MAJOR PLAT

A REPLAT OF A PORTION OF LOT 45, TERMINAL PARK ADDITION AND A REPLAT OF A PORTION OF TRACT 8, BATTERY ORCHARD TRACTS, A PORTION OF SECTION 22 AND 27, TOWNSHIP 19 NORTH, RANGE 28 EAST, W.M., CITY OF MOSES LAKE, GRANT COUNTY, WASHINGTON

FOUND PIN IN CONCRETE IN MONUMENT CASE (S89°55'20"E 2646.22') [S89°55'20"E 2645.96']

FOUND BRASS CAP MONUMENT IN CASE (S89°48'10"E 2638.17') [208.10'] [122.07']

FOUND U.S.B.R. BRASS CAP MON. IN CASE (S89°49'10"E 2638.28')

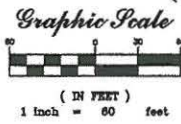
VERTICAL DATUM
THE ELEVATION 1074.49 ON THE U.S.B.R. BRASS CAP MONUMENT MARKING THE NORTH 1/4 CORNER OF SECTION 27 IS PER U.S.B.R. DATUM.

BEARING DATUM
THE BEARING S89°49'10"E ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 27 AS SHOWN ON THIS MAP EQUALS THE BEARING FOR THE SAME LINE ON THE U.S.B.R. SECTION SUBDIVISION MAP, RECORDS OF GRANT COUNTY, WASHINGTON.

- LEGEND**
- FOUND BRASS CAP MONUMENT IN CASE, UNLESS OTHERWISE NOTED, DATE: AUGUST 2005
 - WETLAND POINT DESIGNATED (WL-B#XX) BY WETLAND BIOLOGIST, DATE: AUGUST 2005
 - FOUND 5/8" REBAR AND CAP, P.L.S. 21651, DATE: AUGUST 2005
 - SET 3 1/2" BRASS CAP MONUMENT IN CASE, UNLESS OTHERWISE NOTED, DATE: _____
 - SET 5/8" REBAR AND CAP, P.L.S. 21651, UNLESS OTHERWISE NOTED, DATE: _____
 - CALCULATED POINT ONLY
 - RECORD DATA FROM U.S.B.R. SECTION BREAKDOWN MAP.
 - RECORD DATA RECORD OF SURVEY BOOK FILED IN BOOK 47, PAGES 94 & 95, RECORDS OF GRANT COUNTY, WHEN THE MEASURED BEARING AND/OR DISTANCE IS THE SAME AS THE CORRESPONDING RECORD DATA THEN ONLY RECORD IS SHOWN.

- PLAT BOUNDARY LINE
- LOT LINE
- EXISTING PROPERTY LINE
- ROAD RIGHT OF WAY
- CENTERLINE OF ROAD
- SECTION LINE
- MUNICIPAL EASEMENT
- PUBLIC UTILITY EASEMENT
- EXISTING EASEMENT AS NOTED
- WETLAND BOUNDARY LINE: 08-05
- WETLAND BUFFER LINE
- SHORELINE TO MOSES LAKE AS TIED ON: 08-12-05

- NOTES**
- ROAD RIGHT OF WAY DEDICATED TO THE CITY OF MOSES LAKE ON THIS PLAT.
 - WETLAND BUFFER 25' MINIMUM WIDTH - SEE SHEET 4 FOR RESTRICTIONS AND CONDITIONS.
 - RIGHT OF WAY RECORDED IN QUIT CLAIM DEED FILED UNDER AFN 1085744, RECORDS OF GRANT COUNTY, WASHINGTON.
 - 30' MUNICIPAL EASEMENT FOR SEWER MAINS IS GRANTED ON THIS PLAT.
 - PUBLIC UTILITY EASEMENTS GRANTED ON THIS PLAT, WIDTHS AS SHOWN.
 - 10' SEWER EASEMENT RECORDED MAY 22, 1950, AFN 157438.
 - LOT AREAS - SEE SHEETS 2 & 3.
 - DESIGNATED SHORELINE ACCESS AND COMMON EASEMENT FOR 2 LOTS IF DESIGNATED ON A PROPERTY LINE. SEE WETLAND AND SHORELINE RESTRICTIONS ON SHEET 4.



LINE	LENGTH	BEARING
L1	[69.95']	[S54°14'41"E]
L2	[86.03']	[S89°49'10"E]
L3	[50.05']	[S35°46'42"W]
L4	[62.53']	[S35°46'42"W]

CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	[88.85']	[135.00']	[16°29'23"]	19.56'
C2	[47.61']	[25.00']	[109°06'28"]	35.12'

PUBLIC UTILITY EASEMENTS
PUBLIC UTILITY EASEMENTS ARE DEDICATED ON THIS PLAT 5 FEET WIDE ON EACH SIDE OF ALL INTERIOR LOT LINES, 5 FEET WIDE ON THE PLAT SIDE OF ALL EXTERIOR LOT LINES, AND 10 FEET WIDE ALONG ALL STREET RIGHTS OF WAY, EXCEPT AS OTHERWISE NOTED, OR SHOWN ON THE FACE OF THE PLAT.

SURVEYOR'S CERTIFICATE AND DECLARATION
I HEREBY CERTIFY THAT THIS MAJOR PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS ACTUALLY SURVEYED.

I HEREBY DECLARE THAT THE PLAT OF BERNHARDT MAJOR PLAT IS BASED ON AN ACTUAL SURVEY AND SUBDIVISION OF A PORTION OF SECTION 22 AND 27, TOWNSHIP 19 NORTH, RANGE 28 EAST, W.M., THAT THE SURVEY WAS COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE DISTANCES, COURSES, AND ANGLES ARE SHOWN THEREON CORRECTLY TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, AND THAT PROPER MONUMENTS HAVE BEEN SET AND LOT CORNERS ARE STAKED ON THE GROUND.

DATE OF SURVEY: AUGUST 2005
METHOD OF SURVEY: CLOSED TRAVERSE AND RADIAL TIES
EQUIPMENT USED: GTS 303D TOPCON TOTAL STATION

Philip J. Bloom, P.L.S.
Registration No. 21651
321 S. Beech, Suite A
Moses Lake, WA 98837



AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS _____ DAY OF _____, 2015, AT _____ O'CLOCK _____ M. IN BOOK _____ OF MAJOR PLATS AT PAGES _____ THROUGH _____ RECORDS OF GRANT COUNTY, WASHINGTON, AT THE REQUEST OF THE CITY OF MOSES LAKE.

GRANT COUNTY AUDITOR _____ DEPUTY COUNTY AUDITOR _____



Columbia NW Engineering, P.S.
engineering ~ surveying ~ planning
249 North Elder Street, Moses Lake, WA 98837
PH: 509-766-1226 FAX: 509-766-6754

BERNHARDT MAJOR PLAT
FOR: BILL BERNHARDT
892 EAST ST., MOSES LAKE, WASHINGTON 98837

DTW	DRAWN BY
GCB	Q.A. REVIEW
05-13-2015	PLOT DATE
1"=60'	PLOT SCALE
1-14-09-08	PROJ. NO.
1	REVISION NO.
SHEET 1	OF 4

PLAT INFORMATION SHOWN ABOVE IS FOR INFORMATION ONLY - NO CONSTRUCTION IS REQUIRED

November 2, 2015

TO: City Manager
For City Council Consideration

FROM: Municipal Services Director

SUBJECT: **Accept Work**
Stratford Road Sidewalk Project – 2015

Moreno & Nelson Construction, Corp. has completed the Stratford Road Sidewalk Project – 2015. This project included sidewalks, bus turnouts, pedestrian at-grade railroad crossing, street lighting, and associated work on Stratford Road, between SR-17 and Maple Drive.

The contract was awarded in the amount of \$268,210 and the final contract amount is \$288,336. The extra cost included additional curb replacement, additional hot mix patch and other final quantities that exceeded the bid quantities; and a change order for work on existing water services.

The cost of the work is shared between Washington State Transportation and Improvement Board, Grant County, and the City of Moses Lake. Washington State Utility and Transportation Commission and Grant County Transit Authority also have committed to reimbursing the City for portions of the railroad crossing and the bus turnout, respectively. The City's share after receiving the reimbursements is approximately \$50,000.

The contract work is physically complete and ready for acceptance by City Council. Upon acceptance of the contract, we will enter into the 60-day lien period as required by Washington State Law prior to releasing the contractor's retainage.

Respectfully Submitted,



Gary Harer, PE/PLS
Municipal Services Director

cc AMSD
Project Engineer, Mike Moro

Richard Penhallurick
905 Stratford Rd
Moses Lake, WA 98837

November 2, 2015

Honorable Mayor and City Council:

On July 8, 2014, the City Council considered and granted my request to build on unplatted property. The permission granted had a thirty day period in which to provide an easement and apply for a building permit.

I do have an access easement. I would like the City Council to reconsider and approve the request to build on unplatted property. I have met legal requirements for an easement as stated in the following.

However, in the case of an easement, a "deed [of easement] is not required to establish the actual location of an easement, but is required to convey an easement" which encumbrances a specific servient estate. Smith v King, 27 Wash.App. 869, 871, 620 P.2d 542, 24 A.L.R. 4th 1049 (1980) (citing cases). The servient estate must be sufficiently described. See Seattle v. Nazarene, 60 Wash.2d 657, 660-61, 374 P.2d 1014 (1962).

The last time the City Council considered my request there were concerns about access. This has now been addressed. I restate the following for information to facilitate discussion.

1. **Utilities:** The project I have proposed for this unique property will only require water for fire suppression. There is no need for sewer. The issue of my access to Walmart's fire hydrants for fire suppression will need to be confirmed with the Fire Chief no matter if I am required to plat or not. The easement regarding this access is recorded in Grant County and fire flow was judged sufficient on Walmart's plans on record with the City. There is no argument with this requirement.
2. **Platting:** As a Planning Commissioner, I have always understood that when we review plats, a few factors drive the platting requirement. Staff wants to make sure adequate utilities exist to serve the site and adjacent property if that is the case. Platting also confirms property ownership – where does my property begin/end? Easements are also considered.

In my case I would argue that there is no need to plat, if there is no need to extend utilities given there is no additional properties to extend "to and through". To the West,

Walmart is served along with the commercial strip malls further West. To the North is SR-17. To the South is the water body of Moses Lake. To the East is the water body Moses Lake.

The issue of property ownership could be confirmed without the platting requirement. Walmart has property pins adjacent to my property. The construction I propose does not require more than that to figure the location of my property lines. This is the same idea for example when city Building Inspectors do an inspection. The requirement to verify the property pins is not the City's responsibility but rather the contractor who submits a site plan with their permit. Areas like Knolls Vista and the Lower Peninsula are great examples where areas exist that over time property pins have been removed, covered, etc. The inspections occur with the responsibility of the accuracy of information submitted with the building permit falling on the contractor.

Also, I would ask that the City Council consider their previous actions with similar requests to build on unplatted property that were not required to plat. Recently the City Council was presented with a request from Mick Hansen for property South of I-90. City staff mentioned that because of the location of the property, platting would not be beneficial. Mr. Hansen's is similar to mine: State Highway/Route to the North; State of Washington natural resource to the South and West.

- 3. Land Use:** A question was raised about the use of my property. This property is zoned Commercial. Given its unique location there is not much I can do with it. Do I wish I could build something more along the lines of my strip mall? Yes, but what business wants to have a view of the back of Walmart and minimal exposure to public travel. If a future use is proposed, City Code requires review before any change can be made and necessary changes can be made to address the City Code at that time. The mini-storage I propose is low impact development that does not require prime location. This is true of most mini-storage facilities that have already been built in town.

Please consider my request for an extension of time to build on unplatted property.

RESOLUTION - BUILD ON UNPLATTED PROPERTY - CRAB CREEK PROPERTIES

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

1126-A
V25
P. 7508

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

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

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

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

There was considerable discussion by the Council.

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

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

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

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

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

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

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

There was additional discussion by the Council.

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

July 2, 2014

TO: City Manager for Council Consideration

FROM: Community Development Director

SUBJECT: Crab Creek Homestead LLC - Request to Build on Unplatted Property

Attached is a letter from Richard Penhallurick, Crabcreek Homestead LLC, regarding his previous request to build on unplatted property that was considered by the City Council on July 9, 2013. See attached minutes of that City Council meeting. Mr. Penhallurick is asking that his request to build on unplatted property be removed from table and that the Council consider his initial request.

When the subject request was routed July 2013, comments were received from Russ Brown, Municipal Services Department. See attached Memo. The Fire Chief also expressed comments with regards to the request.

If the City Council wishes to consider this matter, the Council must remove the matter from the table prior to any consideration of the request. If the Council removes the matter from the table for consideration, attached is a resolution granting permission to Crab Creek Homestead LLC to build on unplatted property with the stipulation that the property be platted within one year.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3450

A RESOLUTION ALLOWING CRAB CREEK HOMESTEAD, LLC TO BUILD ON UNPLATTED PROPERTY

RECITALS:

1. Moses Lake Municipal Code 16.02.040 allows for the issuance of a building permit to a proponent who wishes to build on unplatted property after a resolution from the City Council.
3. The Crab Creek Homestead, LLC requested the City Council to allow it to build on unplatted property described as follows:

E1/2NW S OF HWY LS TX#S; RW LS PLAT in Section 14, Township 19N, Range 28, E.W.M.

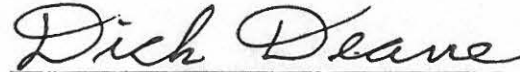
RESOLVED:

1. That Crab Creek Homestead, LLC be allowed to construct a mini storage facility, and nothing else, on unplatted property located off of Stratford Road and adjacent to the lake and Highway 17 with the stipulation that documentation of legal access be provided. The permission granted is personal to Crab Creek Homestead, LLC and does not run with the land.

Adopted by the City Council on July 8, 2014.

ATTEST:


W. Robert Taylor, Finance Director


Dick Deane, Mayor

Examples:

Parcel: 130005000

Address: 109 W Division

Owner: Washington Mutual

Section: T11R29S30

Wildcards:

% - all characters

12% court

_ (underscore) - one character

2__ N 4th



COPY

Richard Penhallurick
905 Stratford Rd
Moses Lake, WA 98837

COPY

June 20, 2014

Honorable Mayor and City Council:

On July 9, 2013, the City Council considered and tabled my request to build on unplatted property until such time that staff "could bring back an amendment to the ordinance that would give Council authority to place limitations on building on unplatted property". Staff did as Council asked and the Council passed the amendments as requested. At this time I would like my request to build on unplatted property be removed from the table and considered by the Council.

The last time the City Council considered my request there were concerns about infrastructure, platting and land use. I would like the City Council to consider the following as part of the discussion and to address their previous concerns.

1. **Utilities:** The project I have proposed for this unique property will only require water for fire suppression. There is no need for sewer. The issue of my access to Walmart's fire hydrants for fire suppression will need to be confirmed with the Fire Chief no matter if I am required to plat or not. The easement regarding this access is recorded in Grant County and fire flow was judged sufficient on Walmart's plans on record with the City. There is no argument with this requirement.
2. **Platting:** As a Planning Commissioner, I have always understood that when we review plats, a few factors drive the platting requirement. Staff wants to make sure adequate utilities exist to serve the site and adjacent property if that is the case. Platting also confirms property ownership – where does my property begin/end? Easements are also considered.

In my case I would argue that there is no need to plat, if there is no need to extend utilities given there is no additional properties to extend "to and through". To the West, Walmart is served along with the commercial strip malls further West. To the North is SR-17. To the South is the water body of Moses Lake. To the East is the water body Moses Lake.

The issue of property ownership could be confirmed without the platting requirement. Walmart has property pins adjacent to my property. The construction I propose does not require more than that to figure the location of my property lines. This is the same

idea for example when city Building Inspectors do an inspection. The requirement to verify the property pins is not the City's responsibility but rather the contractor who submits a site plan with their permit. Areas like Knolls Vista and the Lower Peninsula are great examples where areas exist that over time property pins have been removed, covered, etc. The inspections occur with the responsibility of the accuracy of information submitted with the building permit falling on the contractor.

Also, I would ask that the City Council consider their previous actions with similar requests to build on unplatted property that were not required to plat. Recently the City Council was presented with a request from Mick Hansen for property South of I-90. City staff mentioned that because of the location of the property, platting would not be beneficial. Mr. Hansen's is similar to mine: State Highway/Route to the North; State of Washington natural resource to the South and West.

- 3. Land Use:** A question was raised about the use of my property. This property is zoned Commercial. Given its unique location there is not much I can do with it. Do I wish I could build something more along the lines of my strip mall? Yes, but what business wants to have a view of the back of Walmart and minimal exposure to public travel. If a future use is proposed, City Code requires review before any change can be made and necessary changes can be made to address the City Code at that time. The mini-storage I propose is low impact development that does not require prime location. This is true of most mini-storage facilities that have already been built in town.

Please consider my request to build on unplatted property. I have no problem with the City Council attaching conditions that would assure the Council that I only plan to build mini-storage units.



PENHALLURICK TO WAL-MART ACCESS EASEMENT

Penhallurick hereby grants to Wal-Mart a perpetual, non-exclusive easement for vehicular and pedestrian ingress and egress over and across a portion of the South Parcel identified as "Lane Easement" on Exhibit D and more fully described on Exhibit F attached hereto and made a part hereof ("The Lane Easement"). Wal-Mart shall use the Lane Easement for ingress, access, and egress. The Lane Easement granted hereunder is a permanent easement and will continue in full force and effect so long as the easement is used by Wal-Mart, its successors and assigns. The Lane Easement shall be used by Wal-Mart, its customers, employees, tenants, and invitees. Maintenance shall be the responsibility of Wal-Mart and said Lane Easement shall be subject to the same shared maintenance obligation from Penhallurick as provided in Paragraph 5 hereinabove.

7. UTILITY EASEMENTS

Wal-Mart and Penhallurick agree to grant to each other utility easements that may be needed for making underground utility connections between the respective properties of the parties. Such utility easements shall be at locations that are necessary and convenient for making such utility connections and at locations that are mutually acceptable to both parties. The parties hereto agree not to unreasonably interfere with the other party and to repair any damages caused by one party on the other party's tract whenever any activities associated with such utility easements cause damages as shown on KPFF's engineering drawings sheet No. C-1 and C-3 dated October 29, 1992.

8. INDEMNIFICATION

Each party hereby indemnifies and saves the other party harmless from any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from personal injury, death, or property damage and occurring on or from its own property, except if caused by the act or neglect of the other parties hereto.

9. NOTICES

All notices and other communications required or permitted to be given hereunder shall be in writing and shall be mailed by certified or registered mail, postage prepaid, hand delivered, or by a nationally recognized courier for overnight delivery, addressed as follows:

WMT
UBT

Settlement Agreement / CR 2A

 COPY

1 of 4

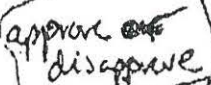
Settlement
~~Declaration~~ Agreement dated September 16, 2003
between Wal-Mart Real Estate Business Trust ("Wal-Mart")
and Crab Creek Homestead, LLC ("Crab Creek"). The
parties are defendant and plaintiff respectively in
Crab Creek Homestead LLC vs. Wal-Mart, Grant Cy Cause
No 02-2-00326-1 (the "lawsuit").

1. Wal-Mart will pay Crab Creek \$500,000.00
~~in cash~~ contemporaneous with entry of a dismissal
with prejudice of the lawsuit. The parties will bear
their own costs and attorney's fees.

2. The parties will mutually release each other
from all claims relating to the lawsuit.

3. The parties will amend The Declaration of
Restrictions dated 12/10/92 (Rec.# 930121032, Grant Cy.),
Section 1.A.5, to provide that Wal-Mart's consent under
said section will not be required for construction or alteration
that takes place within the existing structure on Outparcel
B-1; and (ii) Wal-Mart will act in good faith to review and
any proposals requiring consent under said section
upon request by Crab Creek.

 approval

 approve or
disapprove

4. Crab Creek shall terminate its existing access

WMT
CC

which is the subject of
this litigation

2 of 4

easement on the Wal-Mart property by filing a termination of record.

5. Wal-Mart will grant Crab Creek an alternate access easement to provide vehicular and pedestrian access ~~alternate~~ to the Crab Creek property located east of the Wal-Mart property, in the location shown on Exhibit A hereto. The easement shall be non-exclusive and shall be maintained at Wal-Mart's expense. Wal-Mart shall have the right, at its cost, to relocate the access easement, as long as the relocated easement ~~does not~~ provides substantial comparable access.

A Cascade Natural Gas

6. Wal-Mart will grant a non-exclusive utility easement to Grant County POD for underground installation of power and natural gas lines, in the location shown on Exhibit B. The easement shall provide that work in the easement shall occur ^{between 8 pm & 6 am (with temporary access across Crab Creek property)} ~~at a time scheduled~~ ^{by Wal-Mart} so as to minimize impacts on access to its store. In granting this easement, Wal-Mart does not waive any rights to enforce the covenants and ~~restrictions~~ to which the Crab Creek property is subject (e.g. record # 930121032, and the 6-30-93 and 12-12-00 amendments thereto). ^{Crab Creek shall give Wal-Mart 48 hrs notice prior to work in the easement, and once commenced, work shall be completed diligently.}

7. The parties shall satisfy the obligations set forth in this agreement by October 16, 2003.

8. In addition, the parties shall strike the

WMA CC

3 of 4

COPY

January 2004 trial date within 5 days of the date hereof.

~~9. The parties shall enter into a final settlement~~

~~Agree~~

9. Any issues relating to implementation ^{a enforcement} of this Agreement shall be submitted to binding arbitration with Hon. Larry Jordan, JDR.

10. The parties agree to take such actions and execute such documents as may be reasonably required to implement the terms of this Agreement.


11. In any arbitration to implement or enforce this Agreement, the prevailing party shall be entitled to its reasonable attorneys fees.

12. This offer shall terminate if not accepted by Crab Creek by countersigning this Agreement and delivering a signed original by 5:30 pm Sept 16, 2003.

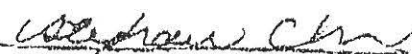
13. See below

Dated 16 Sept 2003

WMA-WMA RE BUSINESS TRUST

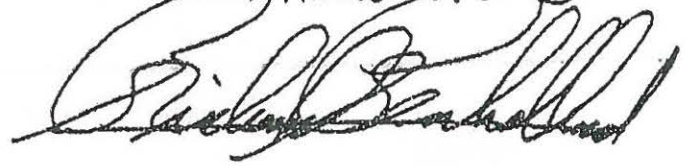

Eric Strauss
RE Manager

App'd As to Form



CL-11-1

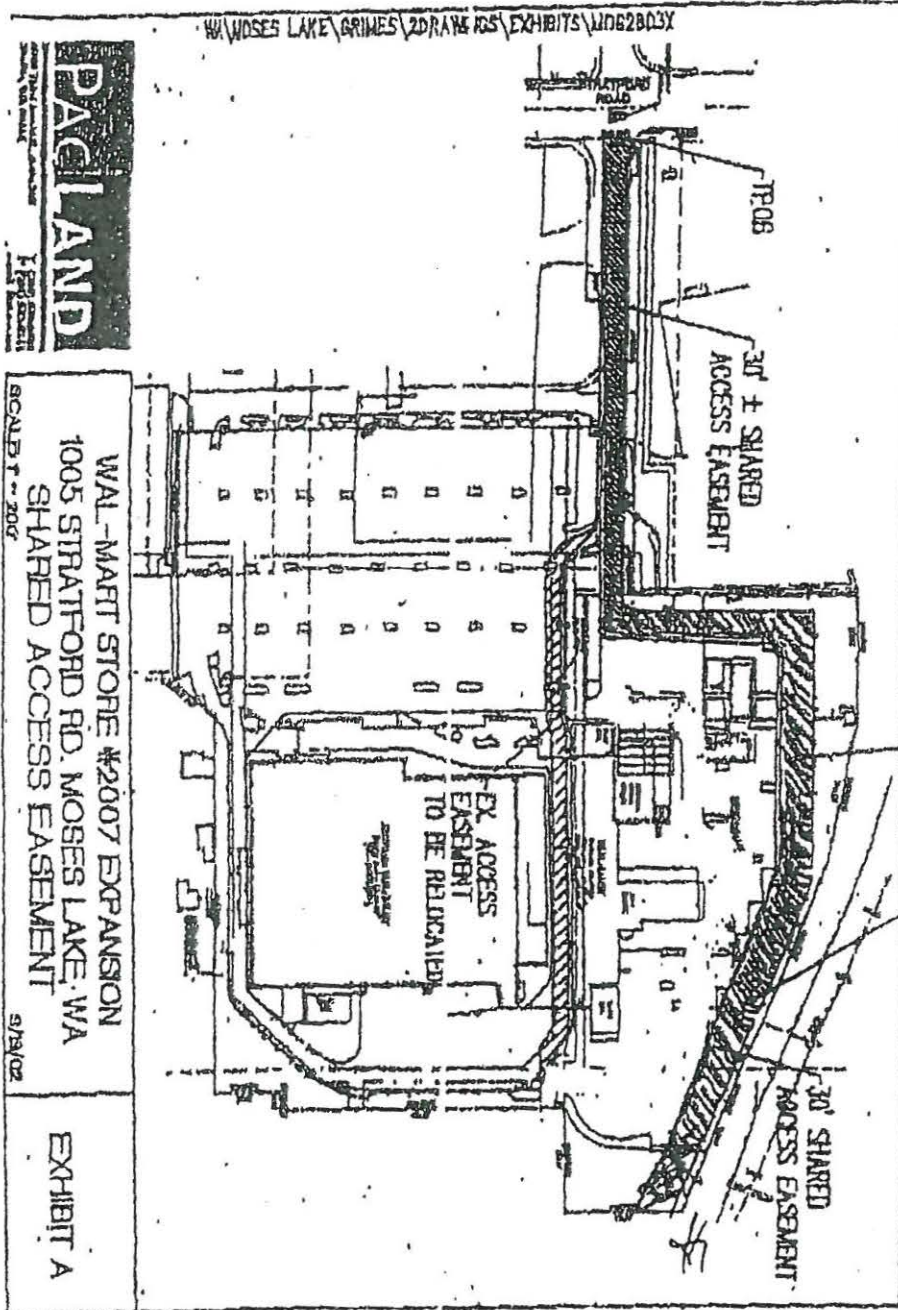
Crab Creek Homestead LLC



13. The parties shall maintain the terms of this Agreement in confidence, but may provide information to their accountants and attorneys or as compelled by government or judicial action or as necessary to enforce this Agreement. The parties may disclose that the lawsuit has been settled.

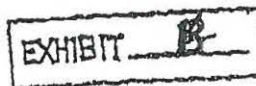
14. Wal-Mart will prepare a formal settlement agreement incorporating these material terms for execution by the parties.

COPY



WAL-MART STORE #2007 EXPANSION
1005 STRATFORD RD. MOSES LAKE, WA
SHARED ACCESS EASEMENT
SCALPT - 2007
5/29/02

EXHIBIT A



 COPY
 COPY

RESOLUTION NO.

A RESOLUTION ALLOWING CRAB CREEK HOMESTEAD, LLC TO BUILD ON
UNPLATTED PROPERTY

RECITALS:

1. Moses Lake Municipal Code 16.12.030 allows for the issuance of a building permit to a proponent who wishes to build on unplatted property after a resolution from the City Council.
3. The Crab Creek Homestead, LLC requested the City Council to allow it to build on unplatted property described as follows:

E1/2NW S OF HWY LS TX#S; RW LS PLAT in Section 14, Township 19N, Range 28, E.W.M.

RESOLVED:

1. That Crab Creek Homestead, LLC be allowed to construct a mini storage facility on unplatted property located off of Stratford Road and adjacent to the lake and Highway 17 with the stipulation that the property is platted within one year.

Adopted by the City Council on July 9, 2013.

ATTEST:

Bill J. Ecret, Mayor

W. Robert Taylor, Finance Director

CITY COUNCIL MEETING

July 9, 2013

ORDINANCES AND RESOLUTIONS

COPY

RESOLUTION - ACCEPT DONATION - COLUMBIA BASIN WALLEYE CLUB

A resolution was presented which accepts \$2,500 from the Columbia Basin Walleye Club. The funds are to be used for the purchase of three vinyl benches, signage, and landscaping to beautify the shoreline area by the Blue Heron park fishing pier

The resolution accepting a cash donation of \$2,500 from Gary Main of the Columbia Basin Walleye Club was read by title only.

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

RESOLUTION - BUILD ON UNPLATTED PROPERTY - CRAB CREEK HOMESTEAD

A resolution was presented which allows Crab Creek Homestead to build on unplatted property with the stipulation that the property be platted within one year.

The resolution allowing Moses Lake Industries to build on unplatted property was read by title only.

Gilbert Alvarado, Community Development Director, explained that the property is located behind Walmart adjacent to the lake and access would be provided through an easement through the Walmart property.

Rick Penhallurick, representing Crab Creek Homestead, stated that they would prefer not to be required to plat since city services do not need to be extended beyond the Walmart property. There are agreements in place to access the existing fire hydrants and other utilities if needed in the future. The plan is to use solar energy for power purposes.

There was considerable discussion by the Council.

Katherine Kenison, City Attorney, pointed out that the Council has the authority to grant permission to build on unplatted property without restriction or to require that the property be platted within one year but if the permission is granted to build on unplatted property without the requirement to plat, the property owner is not restricted to the use originally proposed but can develop any use allowed in the zone. She also pointed out that the permission to build on unplatted property would run with the land and platting could not be required in the future no matter what is proposed to be built on the property.

Staff was requested to bring back an amendment to the ordinance that would give Council the authority to place limitations on the building on unplatted property.

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

REQUEST TO CALL FOR BIDS - NoneREFERRALS FROM COMMISSIONS - None

 COPY
 COPY

July 3, 2013

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Crab Creek Homestead LLC - Request to Build on Unplatted Property

Attached is a request to build on unplatted property from Richard Penhallurick, Crab Creek Homestead LLC, for the construction of a mini-storage facility. Mr. Penhallurick has met with staff regarding his proposed project and is requesting to build on unplatted property with no requirement to plat the property described as Tax Parcel # 110007001.

The subject request was routed to appropriate departments for their review and comment. One comment was received from Russ Brown from the Municipal Services Department.

Attached for Council consideration is a resolution granting permission to Crab Creek Homestead LLC to build on unplatted property with the stipulation that the property be platted within one year.

Respectfully submitted

Gilbert Alvarado
Community Development Director

GA:jt

COPY

RECEIVED

MEMORANDUM

JUN 27 2013

CITY OF MOSES LAKE
DEVELOPMENT ENGINEERING DIVISION
June 27, 2013

COMMUNITY DEVELOPMENT
PLANNING & BUILDING
CITY OF MOSES LAKE

TO: Community Development Director, Gilbert Alvarado
FROM: Development Engineer, Russell L. Brown *R. Brown*
RE: **CRABCREEK HOMESTEAD LLC
REQUEST TO BUILD ON UNPLATTED PROPERTY
MINI -STORAGE BEHIND WALMART**

COPY

Looking at the mini-storage proposal two issues are very apparent:

1. Access to a public way. The WSDOT controls the access rights along the northerly property frontage on SR-17. The lake prohibits access from the east. There appear to be wet land issues to the south preventing access. Walmart borders the westerly property.
2. Access to water for fire suppression.

The platting process provides the mechanism to address the above issues along with sewer, power, shoreline, wetlands, and associated land development items. When the platting process is circumvented the opportunity for conflict and inconsistency is compounded.

If you have questions or require any additional information please contact me at your convenience.

cc: Municipal Services Director

COPY

Self Service Government MapSifter

Search

Examples:

Parcel: 130005000
Address: 109 W Division
Owner: Washington Mutual
Section: T11R29S30
Wildcards:
% - all characters
12% court
_ (underscore) - one character
2__ N 4th

COMMUNITY DEVELOPMENT
PLANNING & BUILDING
CITY OF MOSES LAKE

JUN 19 2013



Legend

MapSifter interface showing a satellite map of a residential area. The map displays streets including Kinder Rd NW, Kinder Rd NE, SR 17, Stratford Rd N, Valley Rd W, Loop Dr W, and Central Dr N. A red boundary outlines a specific parcel. A callout box provides details for this parcel:

- Parcel: 111522101
- Owner: Crab Creek Homestead LLC
- Address:

Navigation controls include zoom in (+), zoom out (-), and a compass. At the bottom, the coordinates 47.1447N, 119.2841W and scale 1:6,944 are displayed. Buttons for Print, Help, and About are also present.