



## CITY OF MOSES LAKE STAFF REPORT

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To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev. Director/Deputy City Manager  
Date: August 9, 2016  
Proceeding Type: MOTION  
Subject: 2016 Comprehensive Plan Amendments – Request for Direction

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### Legislative History:

- |                        |               |
|------------------------|---------------|
| • First Presentation:  | August 9 2016 |
| • Second presentation: |               |
| • Action:              | Motion        |
- 

### **Staff Report Summary**

Community Development has received a request from Mike Norman, Lee/Norman Development LLC, requesting a specific proposed Comprehensive Plan (Comp Plan) Land Use Designation be considered with the 2016 Comprehensive Plan amendments. Mr. Norman's request is coming in after the March 31<sup>st</sup> deadline established under Chapter 10, Maintenance of the Plan. Currently, the Planning Division staff are working on the 2016 Comp Plan amendments.

### **Background**

The Growth Management Act (Act) specifies mandatory updates for those Cities and Counties required to plan under the Act. We amend our Comp Plan on a more frequent basis than what is required by law due to local conditions and changes in policies and or development. Currently, the City of Moses Lake is in compliance with the Act and not required to officially review the Comp Plan until 2018.

Comp Plan amendments vary in review and analysis and some, such as UGA amendments that require coordination between Grant County and the City of Moses Lake. It was the time required to coordinate between County and City that prompted the March 31<sup>st</sup> deadline. Both Grant County and the City of

Moses Lake adopted the March 31st deadline for Comp Plan amendments in order to establish some consistency between Agencies and also provide adequate time to process amendment requests.

### **Fiscal and Policy Implications**

N/A

### **Options**

<i><b>Option</b></i>	<i><b>Results</b></i>
<ul style="list-style-type: none"><li>Consider and approve the request to allow for a Comp Plan amendment past the March 31<sup>st</sup> deadline.</li></ul>	Comp Plan amendment moves forward through the process and public hearing.
<ul style="list-style-type: none"><li>Consider the request and take no action.</li></ul>	Property remains under current Comp Plan Land Use Designation and Zoning.

### **Staff Recommendation**

The City Council should consider the request in accordance to the Moses Lake Comprehensive Plan and either approve or deny the request.

### **Attachments**

A.	Norman Letter
B.	Maps

### **Legal Review**

The following documents are attached and subject to legal review:

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

LEE/NORMAN DEVELOPMENT, LLC  
123 E. 9<sup>th</sup> Ave. #1  
Moses Lake, WA 98837  
July 25, 2016

City of Moses Lake  
401 Balsam Ave.  
PO Box 1579  
Moses Lake, WA 98837

ATTN: Mr. John Williams, City Manager  
Mr. Gilbert Alvarado, Community Development Director

RE: *Petition to City Council to amend the Comprehensive Plan*

Dear Mr. Williams and Mr. Alvarado,

Lee/Norman Development is the owner of certain real estate located within the Moses Lake City Limits, a portion of which has been platted (see Recording Number 1254918, pages 1,2 &3, Book 28 of Plats, Grant County), and is commonly known as "The Greens at Moses Lake Phase 1". Phase 2 of The Greens at Moses Lake remains un-platted. The entire development was approved under the City's PURD Ordinances, and governed by Ordinance 2327.

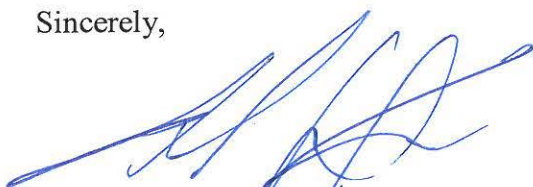
Prior to recording of the plat for Phase 1, the entire parcel was one tax lot numbered 110103000, bounded on the west by Division Street, the north by 9<sup>th</sup> Avenue, the east by lots fronting Garden Drive, and on the south by a parcel zoned for multifamily and by a number of lots zoned (at the time) for single family. The parcel was zoned R3 on its western portion (approximately 40% of the total parcel and zoned R1 on the eastern remainder. That zoning survives the requirements imposed by Ordinance 2327. Please see Attachment 1, which shows the parcel's location and underlying zoning.

The construction, both existing and new, of substantial multifamily projects to the north leads us to conclude that the best and highest use of the land is multifamily, not single family. However, the Comprehensive Plan presently stipulates the R1 zoning on the eastern portion of the property. We would like to request that the Comprehensive Plan be amended to permit a multi-family designation on the entire parcel. The cutoff date for such requests is March 31, 2016; and without the City Council's approval, we cannot move forward with an amendment request.

We therefore request that the City Council approve our applying for an amendment to the Comprehensive Plan at the next Council Meeting. Should the City Council approve our request, we will move forward with our Application and Petition to Amend the Comprehensive Plan.

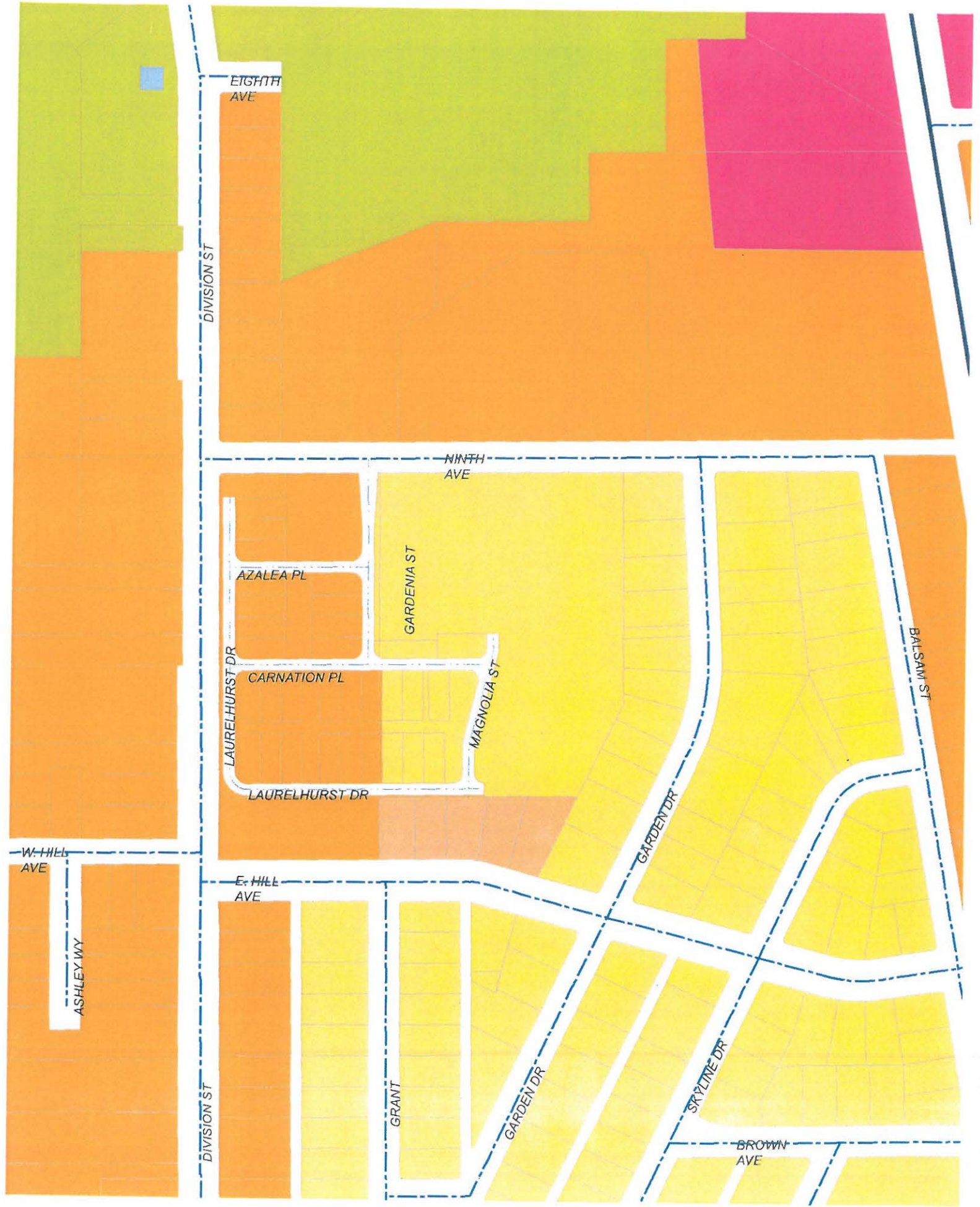
Thank you for your time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael D. Norman", is written over a horizontal line.

Michael D. Norman, Member, Lee/Norman Development, LLC





EIGHTH  
AVE

DIVISION ST

NINTH  
AVE

AZALEA PL

GARDENIA ST

CARNATION PL

MAGNOLIA ST

LAURELHURST DR

LAURELHURST DR

W. HILL  
AVE

ASHLEY WY

E. HILL  
AVE

DIVISION ST

GRANT

GARDEN DR

SKYLINE DR

BROWN  
AVE

BALSAM ST



## **Section 4 - Administrative Procedures for Comprehensive Plan Amendments or Revisions and Application**

The Growth Management Act requires the city to establish procedures for reviewing comprehensive plan amendments or revisions. The City Council is to consider such proposals concurrently and no more frequently than once a year in order that the cumulative effects of the various proposals can be ascertained. However, at the discretion of the City Council, the comprehensive plan may be amended or revised whenever an emergency exists. Any modifications to, or adoption of, the comprehensive plan and development regulations implementing same are to comply with the Growth Management Act.

### **SCOPE**

Contained herein and outlined below are administrative procedures that are to be used in amending or revising the comprehensive plan. It establishes who may initiate and when a comprehensive plan amendment or revision may be considered. A comprehensive plan map amendment must be accompanied by a rezone application and fee.

### **PURPOSE**

The comprehensive plan for the City of Moses Lake shall be used by all departments and the City Council as a policy guideline for development including, but not limited to, all building permits, rezone applications, variances, conditional use permits, street planning, transportation considerations, annexations, plats and

subdivisions, park development, location of public facilities, and other land use considerations without limitation. The comprehensive plan for the City of Moses Lake shall be considered as a source of substantive environmental policy in all environmental considerations by the city under the terms of the State Environmental Policy Act and Chapter 14.06 of the Moses Lake Municipal Code.

### **WHO MAY INITIATE**

- A. A property owner may apply for, or give consent to, an amendment or revision of the comprehensive plan associated with a development proposal for a specific parcel of land upon payment of required fees. Such application shall be deemed "quasi-judicial" in nature and will usually involve requests to change the comprehensive plan map associated with a rezone petition.
- B. Any citizen may apply for an amendment or revision to the comprehensive plan which is general in nature or with an area-wide significance. Such applications shall be deemed "legislative" in nature. Nothing herein should be interpreted to limit the right of any citizen to request any Council person or Planning Commission member to initiate an amendment.
- C. The City Council or the Planning Commission may, by motion, initiate consideration of an amendment or revision of the comprehensive plan. An affirmative vote of not less than a majority of the total members of the Council or Commission is required to initiate consideration of an amendment or revision.

### **TIME TO INITIATE**

- A. At the discretion of the City Council, the comprehensive plan may be amended or revised whenever an emergency exists.

## **MOSES LAKE PLANNING COMMISSION RECOMMENDED COMPREHENSIVE PLAN**

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### **Maintenance of the Plan**

- B. Quasi-judicial or legislative applications for amendment or revision to the comprehensive plan must be made between January 1 and March 31 of any year. Applications made during this time will be processed according

to applicable state and city codes. They are to be considered concurrently and during the same calendar year.



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

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To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev. Director/Deputy City Manager  
Date: August 9, 2016  
Proceeding Type: MOTION  
Subject: Request to Restore Mural and Repair Estimation

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**Legislative History:**

• First Presentation:	August 9 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a letter from Patricia Jensen addressing the City Council with regards to the Chief Moses mural. The letter details the history of the mural and the current condition, which has faded with time. Ms. Jensen also included in her letter an estimate to repair and restore the mural.

**Background**

In June of 2003, Colleen Trefz, Friends of Chief Moses, approached the Parks and Recreation Commission about her project to have a mural of Chief Moses painted on the GMAC Realty building owned by Jeff Foster. The Commission endorsed the project. Following her presentation to the Commission, she approached the City Council in June of 2003 about the project and funding request. The Council directed staff to work on an agreement with all parties involved in order to move forward on the mural request. See attached minutes.

After an agreement was drafted and agreed upon by all parties, the City Council in July of 2005 considered a funding request for \$2,500 from the Moses Lake Mural Society. The Council granted the request. See attached minutes.



### **Fiscal and Policy Implications**

The proposed request has not been included in the 2016 Budget. If the City Council were to consider the request, a Budget Adjustment would need to be approved in order to fund the request.

### **Options**

<b><i>Option</i></b>	<b><i>Results</i></b>
<ul style="list-style-type: none"><li><i>Consider and approve the funding request to restore the Chief Moses mural</i></li></ul>	<i>Budget Adjustment to fund the restoration of the Chief Moses mural. Mural is restored.</i>
<ul style="list-style-type: none"><li><i>Consider the funding request and take no action</i></li></ul>	<i>The restoration of the mural is not funded by the City of Moses Lake.</i>

### **Staff Recommendation**

Staff does not have a recommendation on the funding request. The City Council may wish to provide staff with direction on how they wish to proceed with the request.

### **Attachments**

A.	Jensen Letter
B.	Minutes

### **Legal Review**

The following documents are attached and subject to legal review:

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

## Estimate for restoration of Chief Moses mural

May 4th 2016 by: Patricia Jensen

I created the original mural of Chief Moses in 2004 which was 12 years ago. I used the best quality paint available. This paint is very resistant to UV rays and to fading. I feel it has held up very well.

I received very limited funding from private and personal and City contributions. I funded a large amount of this project myself. The mural took 2 years to complete because of this. The contributions I did receive I am extremely grateful for. The City of Moses Lake contributed \$2000. This portion went to the high quality paint I used. I requested a larger amount for the anti-graffiti top coat and the proposal was rejected at the time. I am asking that you reconsider a top coat at this time.

We have had an incident of graffiti which was removed, however you can definitely see the damage to a major portion of the mural on the right side (almost 1/3 of mural). The removal caused areas to be more exposed in fading.

The City has made this mural a historical monument and has built a beautiful park around it, where many events held. I am very honored by this. It is now a major icon to the City of Moses Lake.

I am requesting funding for the repair of the mural and a anti-graffiti topcoat applied. The topcoat is an additional UV protection and its primary function is anti-graffiti layer made to be easily cleaned. This will allow any further graffiti can be cleaned off without damage to the original painting.

The top coat anti-graffiti has to come from the same company who distributes this paint, otherwise there will be damage to original painting. This product is not readily available and in limited quantities. The Seattle supply house can gather from several states to get what we need. The company will need this money before they order it.

I am submitting an estimate of repair to mural as well as top coat I would like you to consider.

The repair to the mural is not as easy as just painting the areas of damage. The paint has held up well however the same color applied to the area will not match completely. The paint has faded some and a fresh coat will look unfinished and incomplete. The area has to be blended to match (1/3 portion). I will also touch up and match other portions of the mural that may need it.

Mural restoration including paint and labor

\$5,500 + tax \$434.50 total - \$5934.50

Anti-Graffiti top coat

cost of paint \$1421.28

labor / Prep of wall / application \$600.00

total cost of top coat \$2,021.28 + tax \$159.70 = \$2,180.98

Total estimate with restoration/repair and topcoat \$8115.48

I am currently residing in Phoenix and have for the last 10 years. I will be in Moses lake June 28th for 4 weeks regarding other matters. I would consider completing this work at that time if it is at all possible. I would like to avoid any travel costs I may incurred if it is pushed out to the future.

I would like to thank the City Council of Moses Lake for taking time to consider this proposal.

Sincerely,

Patricia Jensen

509 -771-3127 e-mail [patricia@patriciajensen.com](mailto:patricia@patriciajensen.com)



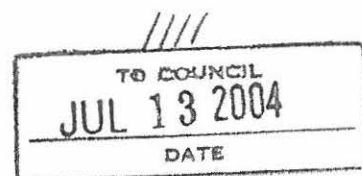
MOSES LAKE MURAL SOCIETY - REQUEST FOR FUNDS

The Moses Lake Mural Society requested \$2,500 for the purpose of purchasing supplies and assuring the completion of the Chief Moses Mural. The funds will also assist with the continuation of the program. The Society is proposing additional murals to commemorate the following - the rodeo, important citizens such as Monty Holm, the dams, children art and story telling, farming history, outdoor recreation, commercial enterprises, and downtown development.

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V21  
P. 6132

There was some discussion by the Council.

Action Taken: Mr. Lane moved that the request be granted to provide \$2,500 to the Moses Lake Mural Society, seconded by Mr. Blackwell, and passed unanimously.



# PARKS AND RECREATION COMMISSION

June 11, 2003

Members present: Jon Lane, Rhonda Anderson, Bill Ecret, Hilda Grant, Brian Dano, Ralph Gonzalez, Ryan Graves, and Mike O'Neill  
Staff present: Spencer Grigg and Diana McKinsey  
Guests present: Colleen Trefz, Friends of Chief Moses, and Patty Jensen, artist.

## MEETING ATTENDANCE RECORD - 2003

x = present 0 = absent

Name	January	February	March	April	May	June	July	August
Anderson, R	X	X	X	X	X	X		
Dano, B	X	X	X	X	X	X		
Ecret, B.	X	X	X	X	X	X		
Gonzalez, R	X	X	X	X	X	X		
Grant, H	X	X	X	X	X	X		
Graves, R.	X	X	O	X	X	X		
O'Neill, M	O	O	X	X	X	X		
Lane, J	X	X	X	X	X	X		

c = Meeting canceled cp=Comprehensive Plan Meeting in lieu of regular meeting. T-transition

The regular meeting was called to order by Chair Jon Lane at 7:00 p.m.

## Approval of Minutes

Mr. O'Neill moved the minutes of the May 14, 2003 meeting be approved as submitted. Seconded by Mr. Ecret, and passed unanimously.

## Citizens Proposition/Correspondence

None

## Sinkiuuse Square Mural

Colleen Trefz, Friends of Chief Moses, informed commissioners of her project to have a mural painted on the side Jeff Foster's building that runs along Sinkiuuse Square. Mrs. Trefz showed commissioners a rendering of the mural and stated she would like to dispel the 'Moses Hole' perception and create spots of interest throughout the community. She noted that the Colville tribe was honored to have Sinkiuuse Square named in their honor and to have the history of their people portrayed in the mural. Mrs. Trefz introduced Patty Jensen, artist of the rendering and proposed mural. Mrs. Trefz stated the Friends of Chief Moses is a legal entity and is working to secure funding for the project.

Mrs. Jensen stated she met with elders of the Colville tribe, direct descendants of Chief Moses, to create a mural that would give the history of their people and show how they survived in this area. Mrs. Jensen spoke with Pete Erickson and Wayne Rimple, Moses Lake Rotary, who felt the mural would tie in with the historical element of the club's project to redesign Sinkiuuse Square. She will meet with Rotary Club members Monday, June 23, 2003 to inform them of the proposed mural. Mrs. Jensen noted that the tribe would be offended if the name of the square were changed and hoped Rotary would reconsider renaming the area.

In response to a request, Mr. Grigg gave a short history of the naming of Sinkiuuse Square.

After some discussion it was the consensus of the commission that the project would enhance the community.

SINKIUSE SQUARE - MURAL

Colleen Trefz, Friends of Chief Moses, stated that they would like to paint a mural on the side of the GMAC building facing Sinkiuse Square. The mural would depict the history of this area and would also honor Chief Moses. The cost of the project is about \$15,000 and they requested the city participate in the project by contributing the initial \$2,000.

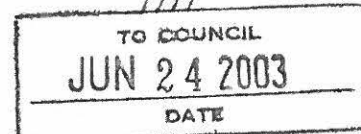
Mr. Blackwell pointed out that the Rotary Club will be making improvements to Sinkiuse Square and this mural is being discussed by their Long Range Planning Committee.

Mr. Tracy was concerned about completing the project.

James A. Whitaker, City Attorney, stated that there would need to be a contract with the building owner for the painting of the mural and perhaps a fund set up with the provision that the city would contribute when a certain amount was reached to ensure that the project would be completed.

There was some discussion and it was the consensus of the Council that it is a good project but additional information is needed and other funds should be raised prior to the city allocating any funds for the project.

Action Taken: Mr. Pearce moved the project be reconsidered when a contract is provided between the building owner and the Friends of Chief Moses and a fund has been established, seconded by Dr. Covey, and passed unanimously.







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

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To: John Williams, City Manager  
From: W. Robert Taylor, Finance Director  
Date: August 9, 2016  
Proceeding Type: Consideration  
Subject: Ordinance – Amend Garbage Collection Rates

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**Legislative History:**

• First Presentation:	August 9, 2016
• Second presentation:	
• Action:	Consideration

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**Staff Report Summary**

Council has an opportunity to approve 2016 increases to the Sanitation rates for both commercial and residential accounts. This increase will keep pace with the increase in contractor charges and make the fund solvent.

**Background**

Annually the fee charged by our contractors increases every September 1. For our major contractor that rate is no less than 1.5%. In 2015 the fund could not keep up with the landfill costs and operating expenses to the point that a \$500,000 interfund loan was needed to cover the shortfall. The rate increase of 10% is needed to pay back the loans and to cover the increase in operating costs. The increase would raise an additional \$300,000 to cover the annual interfund loan payments of \$144,000 and for small unanticipated increases such as yard waste having to be hauled to the landfill instead of the composting site and to build up the Fund Balance.

### **Fiscal and Policy Implications**

Passing the ordinance will increase rates of the Sanitation fund to keep pace with the contractor's fee increase and maintain service.

### **Options**

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><li>• <i>Adopt ordinance as presented</i></li></ul>	Action would increase the sanitation rates to allow the fund to pay back interfund loans and maintain the level of service of the utility.
<ul style="list-style-type: none"><li>• <i>Modify the ordinance</i></li></ul>	Action could require staff to bring a revised document to council for consideration
<ul style="list-style-type: none"><li>• <i>Take no action</i></li></ul>	The rates would remain the same and take the fund further into insolvency.

### **Staff Recommendation**

Staff recommends that City Council move to approve the ordinance as presented.

### **Attachments**

A.	<a href="#">Schedule A</a>
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### **Legal Review**

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none"><li>•</li></ul>		

ORDINANCE NO.

AN ORDINANCE ESTABLISHING CHARGES FOR GARBAGE COLLECTION

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

Section 1. Beginning with billings after September 9, 2016, charges for categories of garbage collection shall be in accordance with the fee schedule set out in Schedule A, which is attached to this ordinance and by this reference incorporated within the ordinance.

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

Adopted by the City Council and signed by its Mayor on August 23, 2016.

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

ATTEST:

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

APPROVED AS TO FORM:

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

# Schedule A

<u>Codes</u>		<u>Description</u>	<u>New Schedule A</u>	<u>Prior Rates Schedule A</u>
Code	Code	Garbage Tags	2.86	2.60
GB005A	CD005A	Residential 1st 96 Gallon Cart	31.85	28.95
GB006A	CD006A	Residential 1st 64 Gallon Cart	21.23	19.30
GB007A	CD007A	Residential 1st 48 Gallon Cart	15.93	14.48
GB010A	CD010A	Residential 2nd 96 Gallon Cart	31.85	28.95
GB011A	CD011A	Residential 2nd 64 Gallon Cart	21.23	19.30
GB012A	CD012A	Residential 2nd 48 Gallon Cart	15.93	14.48
GB015A	CD015A	Senior 1st 96 Gallon Cart	15.93	14.48
GB016A	CD016A	Senior 1st 64 Gallon Cart	10.62	9.65
GB017A	CD017A	Senior 1st 48 Gallon Cart	7.96	7.24
GB020A	CD020A	Senior 2nd 96 Gallon Cart	15.93	14.48
GB021A	CD021A	Senior 2nd 64 Gallon Cart	10.62	9.65
GB022A	CD022A	Senior 2nd 48 Gallon Cart	7.96	7.24
GB025A	CD025A	Delivery 2nd Cart	6.29	5.72
GB030A	CD030A	Pickup 2nd Cart	12.58	11.44
GB035A	CD035A	Duplex 1 Meter 2 Carts	25.22	22.93
GB040A	CD040A	Duplex 1 Meter 1 Cart	14.30	13.00
GB105A	CD105A	1 Can 1 Time a Week	12.19	11.08
GB110A	CD110A	1 Can 2 Times a Week	19.62	17.84
GB120A	CD120A	2 Cans 1 Time a Week	18.02	16.38
GB125A	CD125A	3 Cans 1 Time a Week	24.42	22.20
GB130A	CD130A	4 Cans 1 Time a Week	30.71	27.92
GB140A	CD140A	5 Cans 1 Time a Week	37.07	33.70
GB145A	CD145A	6 Cans 1 Time a Week	43.42	39.47
GB155A	CD155A	Commercial 65 Gallon Cart 1 Time a Week	19.16	17.42
GB160A	CD160A	Commercial 65 Gallon Cart 2 Times a Week	31.52	28.65
GB165A	CD165A	Commercial 95 Gallon Cart 1 Time a Week	25.34	23.04
GB170A	CD170A	Commercial 95 Gallon Cart 2 Times a Week	44.15	40.14
GB175A	CD175A	Commercial 95 Gallon Cart Extra Pickup	12.98	11.80
GB200A	CD200A	1 Yard Dumpster 1 Time a Week	40.95	37.23
GB210A	CD210A	1 Yard Dumpster 2 Times a Week	72.47	65.88
GB215A	CD215A	1 Yard Dumpster 3 Times a Week	102.78	93.44
GB218A	CD218A	1 Yard Dumpster 5 Times a Week	136.53	124.12
GB220A	CD220A	Extra Pickup 1 Yard Dumpster	52.00	47.27
GB225A	CD225A	1.5 Yard Dumpster 1 Time a Week	56.06	50.96
GB230A	CD230A	1.5 Yard Dumpster 2 Times a Week	98.27	89.34
GB235A	CD235A	1.5 Yard Dumpster 3 Times a Week	140.66	127.87
GB240A	CD240A	Extra Pickup 1.5 Yard Dumpster	53.02	48.20
GB245A	CD245A	2 Yard Dumpster 1 Time a Week	67.44	61.31
GB250A	CD250A	2 Yard Dumpster 2 Times a Week	118.01	107.28
GB255A	CD255A	2 Yard Dumpster 3 Times a Week	168.97	153.61
GB260A	CD260A	2 Yard Dumpster 4 Times a Week	220.40	200.36
GB265A	CD265A	2 Yard Dumpster 5 Times a Week	273.53	248.66
GB270A	CD270A	Extra Pickup 2 Yard Dumpster	54.11	49.19

# Schedule A

<u>Codes</u>		<u>Description</u>	<u>New Schedule A</u>	<u>Prior Rates Schedule A</u>
GB275A	CD275A	3 Yard Dumpster 1 Time a Week	93.41	84.92
GB280A	CD280A	3 Yard Dumpster 2 Times a Week	163.70	148.82
GB285A	CD285A	3 Yard Dumpster 3 Times a Week	234.47	213.15
GB287A	CD287A	3 Yard Dumpster 4 Times a Week	308.25	280.23
GB288A	CD288A	3 Yard Dumpster 5 Times a Week	388.56	353.24
GB290A	CD290A	Extra Pickup 3 Yard Dumpster	76.02	69.11
GB295A	CD295A	4 Yard Dumpster 1 Time a Week	116.17	105.61
GB300A	CD300A	4 Yard Dumpster 2 Times a Week	224.91	204.46
GB310A	CD310A	4 Yard Dumpster 3 Times a Week	319.29	290.26
GB315A	CD315A	4 Yard Dumpster 4 Times a Week	415.84	378.04
GB320A	CD320A	4 Yard Dumpster 5 Times a Week	516.18	469.25
GB325A	CD325A	Extra Pickup 4 Yard Dumpster	94.49	85.90
GB330A	CD330A	6 Yard Dumpster 1 Time a Week	160.62	146.02
GB335A	CD335A	6 Yard Dumpster 2 Times a Week	306.42	278.56
GB340A	CD340A	6 Yard Dumpster 3 Times a Week	450.97	409.97
GB345A	CD345A	6 Yard Dumpster 4 Times a Week	594.31	540.28
GB350A	CD350A	6 Yard Dumpster 5 Times a Week	736.40	669.45
GB352A	CD352A	Extra Pickup 6 Yard Dumpster	107.48	97.71
GB355A	CD355A	8 Yard Dumpster 1 Time a Week	219.93	199.94
GB360A	CD360A	8 Yard Dumpster 2 Times a Week	413.90	376.27
GB365A	CD365A	8 Yard Dumpster 3 Times a Week	605.41	550.37
GB370A	CD370A	8 Yard Dumpster 4 Times a Week	790.74	718.85
GB375A	CD375A	8 Yard Dumpster 5 Times a Week	969.88	881.71
GB380A	CD380A	Extra Pickup 8 Yard Dumpster	129.73	117.94
GB390A	CD390A	Extra 1/2 Yard	7.38	6.71
GB395A	CD395A	Extra Bag, Box or Bundle	3.43	3.12
GB405A	CD405A	Temporary Delivery	24.71	22.46
GB420A	CD420A	Temporary 2 Yard Dumpster	30.89	28.08
GB425A	CD425A	Temporary 2 Yard Dumpster Rental	5.26	4.78
GB440A	CD440A	Temporary 4 Yard Dumpster	49.42	44.93
GB445A	CD445A	Temporary 4 Yard Dumpster Rental	8.40	7.64
GB460A	CD460A	Temporary 6 Yard Dumpster	67.96	61.78
GB465A	CD465A	Temporary 6 Yard Dumpster Rental	10.64	9.67
GB480A	CD480A	Temporary 8 Yard Dumpster	87.00	79.09
GB485A	CD485A	Temporary 8 Yard Dumpster Rental	12.87	11.70
GB505A	CD505A	10 Yard Roll-off 1 Time a Month	376.84	342.58
GB510A	CD510A	10 Yard Roll-off Extra Pickup	277.99	252.72
GB515A	CD515A	10 Yard Roll-off 1 Time a Week	858.68	780.62
GB520A	CD520A	20 Yard Roll-off 1 Time a Month	452.68	411.53
GB525A	CD525A	20 Yard Roll-off Extra Pickup	323.07	293.70
GB530A	CD530A	20 Yard Roll-off 1 Time a Week	987.61	897.83
GB535A	CD535A	20 Yard Roll-off 2 Times a Month	643.39	584.90
GB540A	CD540A	30 Yard Roll-off 1 Time a Month	544.54	495.04
GB545A	CD545A	30 Yard Roll-off Extra Pickup	379.63	345.12



# Schedule A

<u>Codes</u>		<u>Description</u>	<u>New Schedule A</u>	<u>Prior Rates Schedule A</u>
GB550A	CD550A	30 Yard Roll-off 1 Time a Week	1,303.36	1,184.87
GB555A	CD555A	30 Yard Roll-off 2 Times a Week	2,518.23	2,289.30
GB560A	CD560A	30 Yard Roll-off 2 Times a Month	827.79	752.54
GB565A	CD565A	40 Yard Roll-off 1 Time a Month	800.57	727.79
GB570A	CD570A	40 Yard Roll-off Extra Pickup	433.47	394.06
GB575A	CD575A	40 Yard Roll-off 1 Time a Week	1,465.29	1,332.08
GB577A	CD577A	40 Yard Roll-off 2 Times a Week	2,930.53	2,664.12
GB580A	CD580A	Temporary Delivery	50.20	0.00
GB585A	CD585A	Temporary Rent	37.50	0.00
GB595A	CD595A	2 Yard Compactor 1 Time a Week	148.90	135.36
GB600A	CD600A	2 Yard Compactor Extra Pickup	76.02	69.11
GB605A	CD605A	10 to 15 Yard Compactor 1 Time a Week	1,037.61	943.28
GB610A	CD610A	10 to 15 Yard Compactor 1 Time a Month	331.19	301.08
GB615A	CD615A	10 to 15 Yard Compactor 2 Times a Month	600.42	545.84
GB620A	CD620A	10 to 15 Yard Compactor Extra Pickup	309.40	281.27
GB625A	CD625A	16 to 20 Yard Compactor 1 Time a Week	1,499.44	1,363.13
GB630A	CD630A	16 to 20 Yard Compactor 1 Time a Month	412.81	375.28
GB635A	CD635A	16 to 20 Yard Compactor Extra Pickup	379.41	344.92
GB640A	CD640A	21 to 30 Yard Compactor 1 Time a Month	483.63	439.66
GB645A	CD645A	21 to 30 Yard Compactor Extra Pickup	402.40	365.82
GB650A	CD650A	21 to 30 Yard Turn Around 1 Time a Month	534.30	485.73
GB655A	CD655A	21 to 30 Yard Turn Around Extra Pickup	453.08	411.89
GB660A	CD660A	31 to 40 Yard Compactor 1 Time a Month	617.76	561.60
GB665A	CD665A	31 to 40 Yard Compactor Extra Pickup	420.08	381.89
GB670A	CD670A	30 Cans Downtown	177.91	161.74
GB710A	CD710A	15 Minutes Manpower	18.30	16.64
GB720A	CD720A	15 Minutes Truck	25.10	10.40
GB730A	CD730A	Return Trip	11.44	11.44
RECRFN	RECRFN	Recycle Refund	0.00	0.00
RECPEN	RECPEN	Recycle Penalty	0.00	0.00

Nonconforming services will be billed at the nearest higher rate shown in the above schedule for the type of service rendered. Commercial accounts may pick any combination or quantity of services shown in the above and be billed on one account. Yardage or landfill charge - special service amount charged at landfill multiplied by 1.50.



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

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To: Moses Lake City Council  
From: John Williams, City Manager  
Date: August 9, 2016  
Proceeding Type: Consideration  
Subject: Ordinance – Amend MLMC Chapter 2.44 Park & Rec Commission

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**Legislative History:**

• First Presentation:	August 9, 2016
• Second presentation:	
• Action:	Consideration

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**Staff Report Summary**

Council has an opportunity to bridge the gap between our local youths and local government by amending a position on the Park and Recreation Commission. With this amendment, we would allow a youth representative to serve on the commission, express their opinions and ideas, participate in the decision making process of the commission, and raise awareness to local youth of the value of Parks and Recreational Programs.

**Background**

Historically, the positions for Park and Recreation Commission have been difficult to fill and by allowing a youth representative to serve on the commission, it would benefit our local young people and be easier to fill a vacant position as they occur.

**Fiscal and Policy Implications**

n/a

### Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><li><i>Amend the ordinance as presented</i></li></ul>	Improve communication between local young people and the Commission in order to better serve the youth with facilities and sports/enrichment activities.
<ul style="list-style-type: none"><li><i>Take no action.</i></li></ul>	Lose the benefit of communication with our young people of this community.

### Staff Recommendation

Consider recommended changes to the ordinance and allow a youth representative to have a seat on the Park and Recreation Commission.

### Attachments

A.	Ordinance
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### Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none"><li>Ordinance</li></ul>	Amending Chapter 2.44 of the Moses Lake Municipal Code – Park and Recreation Commission	08/04/2016 – City Manager, John Williams

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2.44 OF THE MOSES LAKE MUNICIPAL  
CODE ENTITLED "PARK AND RECREATION COMMISSION"

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

Section 1. Chapter 2.44 of the Moses Lake Municipal Code entitled "Park and Recreation Commission" is amended as follows:

2.44.010 Commission Established: There is created a Park and Recreation Commission for the city, consisting of seven (7) members, who shall be appointed by the Mayor and confirmed by the City Council, pursuant to MLMC 2.08.040. At least five (5) members shall reside within the corporate limits of the city and up to two (2) members shall reside in the city's urban growth area outside the corporate limits of the city. There is established one (1) youth representative position on the Park and Recreation Commission. This position shall be filled by a youth residing in the City's urban growth boundary who is between the ages of sixteen (16) and twenty two (22) and is a student.

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

Adopted by the City Council and signed by its Mayor on

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

ATTEST:

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

APPROVED AS TO FORM:

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



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

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To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev. Director/Deputy City Manager  
Date: August 9, 2016  
Proceeding Type: MOTION  
Subject: Resolutions – Nuisance Abatement & Cost of Service – 1244 S. Division

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**Legislative History:**

- |                        |                |
|------------------------|----------------|
| • First Presentation:  | August 9, 2016 |
| • Second presentation: |                |
| • Action:              | Motion         |

**Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at 1244 s. Division owned by Kendra Luther and Linda Lucas. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has been corrected by city forces.

In accordance with MLMC 8.14.080, Immediate Danger, the nuisance was abated under a determination that there was an immediate danger to the health and safety of the public. Attached is a resolution outlining the costs to abate the nuisance and authorizing the City to charge the owners of the property for those costs.

**Background**

The code enforcement matter at 1244 S. Division was found by the Code Enforcement Officer while on routine patrol of the city. In accordance with MLMC 8.14, Nuisances, the site was inspected and determined to be a nuisance pursuant to MLMC 8.14. See attached July 11, 2016 Notice of Violation and Order to Correct or Cease Activity.



### Fiscal and Policy Implications

N/A

### Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><li>• <i>Consider the Resolution abating the nuisances at 1244 S. Division</i></li></ul>	Compliance with MLMC 8.14 Nuisances
<ul style="list-style-type: none"><li>• <i>Consider the Resolution covering the cost of abatement</i></li></ul>	Costs will be recovered
<ul style="list-style-type: none"><li>• <i>Consider the Resolution and take no action.</i></li></ul>	Non-Compliance with MLMC 8.14, Nuisances
<ul style="list-style-type: none"><li>• <i>Consider the Resolution and take no action</i></li></ul>	City will have to absorb the costs of abatement

### Staff Recommendation

Staff recommends that City Council pass the Resolutions as presented.

### Attachments

A.	Resolution No.
B.	Exhibits 1 – 4
C.	Resolution No.

### Legal Review

The following documents are attached and subject to legal review:

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

## RESOLUTION NO. 3627

A RESOLUTION DETERMINING THAT KENDRA LUTHER AND LINDA LUCAS ARE THE OWNERS OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING SUMMARY ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTED ON SUCH PROPERTY WHICH REQUIRED THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

### Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at 1244 S. Division Street (Lot 11, Broad Ripple #1), Parcel #090640000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 U. The records of Grant County show the owners of the subject property to be Kendra Luther and Linda Lucas, 21444 30<sup>th</sup> Avenue S., Seatac, WA 98198-6030.
2. Notice. On June 21, 2016 the Code Enforcement Officer determined that the nuisance on the property, weeds in excess of 12", was an immediate danger to the health and safety of the public. The nuisance was corrected by removal of the weeds. On June 24, 2016, the Code Enforcement Officer caused to be delivered to Kendra Luther and Linda Lucas a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of August 9, 2016. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established that a nuisance existed on the property and was corrected by the City of Moses Lake.
4. Hearing. On August 9, 2016 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contained a public nuisance, which constituted an immediate danger subject to summary correction by the Code Enforcement Officer pursuant to Moses Lake Municipal Code 8.14.080, that the nuisance was abated by the City of Moses Lake, and that the record owner is responsible for the costs of abating such violation. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
  - 5.1. The following persons testified under oath:

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

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

EXHIBIT #2: Moses Lake Municipal Code 8.14.080

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 1244 Division Street, Moses Lake, Washington.

EXHIBIT #4: Letters dated July 26, 2016, from the Code Enforcement Officer to Kendra Luther and Linda Lucas advising the property owner of the hearing regarding abatement of property, scheduled for August 9, 2016.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 U existed on the subject property at 1244 S. Division Street, Moses Lake, Washington. Kendra Luther and Linda Lucas, 21444 305<sup>th</sup> Avenue S. Seatac, WA 98198-6030 are the record contract owners of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property constituted an immediate danger to the safety of the public by obstructing vehicular view and consisted of:
  - 2.1. Weeds over 12" in height
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.
4. The City of Moses Lake caused the nuisance to be abated due to immediate danger to the health and safety of the public.
5. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on August 9, 2016.

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Todd Voth, Mayor

ATTEST:

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W. Robert Taylor, Finance Director

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

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

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





06/20/2016 11:42





06/20/2016 11:42





06/20/2016 11:42





06/20/2016 11:43





# City of Moses Lake

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

---

DATED: Tuesday, July 26, 2016

Kendra Luther  
21444 S 30TH AVE  
SEATAC, WA 98198

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-1006*  
Property Located at: 1244 S DIVISION ST, MOSES LAKE on Parcel 090640000

Via Regular Mail and Certified Mail

Kendra Luther:

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: Lot 11 Broad Ripple # 1

This property is located at: 1244 S DIVISION ST, MOSES LAKE on Grant County Parcel No. 090640000.

On Tuesday, June 21, 2016, the City of Moses Lake Code Enforcement Division made a site visit to the property at 1244 S Division St after receiving numerous complaints of a sight hazard for drivers. Pursuant to Moses Lake Municipal Code 8.14.080, it was determined by the Code Enforcement Officer that the public nuisance condition at the subject property constituted an imminent or immediate danger to the health or safety of the public. An emergency abatement was conducted by the City on June 24, 2016 to remove this imminent or immediate danger.

Pursuant to Moses Lake Municipal Code (MLCM) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on August 9, 2016, which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to review the Code Enforcement Officer's determination of a nuisance condition on your property and emergency abatement. If the City Council affirms the determination of the Code Enforcement Officer, the cost of that abatement will be assessed against you as the owner of the subject property. At the hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others.

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

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

Sincerely,

RICK RODRIGUEZ  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director





# City of Moses Lake

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

---

DATED: Tuesday, July 26, 2016

Linda Lucas  
21444 S 30TH AVE  
SEATAC, WA 98198

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-1006*  
Property Located at: 1244 S DIVISION ST, MOSES LAKE on Parcel 090640000

Via Regular Mail and Certified Mail

Kendra Luther:

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: Lot 11 Broad Ripple # 1

This property is located at: 1244 S DIVISION ST, MOSES LAKE on Grant County Parcel No. 090640000.

On Tuesday, June 21, 2016, the City of Moses Lake Code Enforcement Division made a site visit to the property at 1244 S Division St after receiving numerous complaints of a sight hazard for drivers. Pursuant to Moses Lake Municipal Code 8.14.080, it was determined by the Code Enforcement Officer that the public nuisance condition at the subject property constituted an imminent or immediate danger to the health or safety of the public. An emergency abatement was conducted by the City on June 24, 2016 to remove this imminent or immediate danger.

Pursuant to Moses Lake Municipal Code (MLCM) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on August 9, 2016, which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to review the Code Enforcement Officer's determination of a nuisance condition on your property and emergency abatement. If the City Council affirms the determination of the Code Enforcement Officer, the cost of that abatement will be assessed against you as the owner of the subject property. At the hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others.

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

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

Sincerely,

RICK RODRIGUEZ  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director

RESOLUTION NO. 3628

A RESOLUTION ESTABLISHING THE BILLING TO BE IMPOSED AGAINST KENDRA LUTHER AND LINDA LUCAS AS THE OWNERS OF CERTAIN REAL PROPERTY UPON WHICH THE CITY CAUSED ABATEMENT OF A NUISANCE TO BE PERFORMED AFTER A FAILURE OF THE PROPERTY OWNER TO ABATE THE SAME.

RECITALS:

1. **Real Property Location and Ownership.** The records of Grant County show that Kendra Luther and Linda Lucas are the owners of property within the city limits located at 1244 S. Division Street. The parcel number of this property is 090640000. Kendra Luther and Linda Lucas were provided notice of a hearing held before the City Council on August 9, 2016, to consider the allegations of the Code Enforcement Officer that a nuisance requiring abatement existed on property owned by Kendra Luther and Linda Lucas.
2. On August 9, 2016 the City Council conducted a hearing to determine if a nuisance existed on the property at 2144 S. Division. At the conclusion of that hearing, the City Council adopted Resolution No. 3627 which provided a nuisance existed on the property at 2144 S. Division, and that the City caused the nuisance to be abated by summary correction pursuant to Moses Lake Municipal Code 8.14.080 as an immediate danger, and the costs of that abatement to be charged against the property owner.

RESOLVED:

1. The costs to the City to abate the nuisance identified in Resolution 3627 on the property at 1244 S. Division are set forth below. Those costs are derived from the attached documents which detail the costs incurred.
2. The costs to be recovered from Kendra Luther and Linda Lucas are:

City labor and equipment costs	\$0.00
Contracted labor and equipment (company)	\$134.88
Total	\$134.88
3. This charge is certified by the City Council as due and owing the City. This charge shall be forwarded in writing to Kendra Luther and Linda Lucas for payment. If payment is not received within thirty (30) days of submittal, the same shall be submitted for collection with other unpaid billings of the City and collected or reduced to judgment on the rolls of Grant County Clerk.

Adopted by the City Council on August 9, 2016.

ATTEST:

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

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



Tatum Lawn Care  
P O Box 155  
Moses Lake, WA 98837

www.tatumlawncareswa.com

Invoice #

59895

6/24/2016

Hi Everyone, SUMMER IS HERE!!  
We are here to take care of your property  
while you vacation or just want to play.  
Have a Great Summer!!

For your convenience, we offer email invoices. If  
interested, include your email address with your  
payment. We would appreciate any updates for  
phone numbers or addresses, also. We thank you.

City of Moses Lake  
Attn:  
P O Box 1579  
Moses Lake WA 98837

P.O. No.

Due Upon Receipt

RE:

1244 Division St

**Service Provided**  
Mow down and clean up weeds along sidewalk

Quantity  
(#, sq ft, lbs, gal)

Rate  
(per)

Total Plus  
Tax Below

**Item totals**

125.00

125.00

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 30 2016

PLANNING AND BUILDING  
CITY OF MOSES LAKE

Balances 30 days past due are subject to 1.5% interest charge per  
month.

Thank you for allowing us to be of service.  
Questions? Call 509-762-6771

**Subtotal** \$125.00

**Sales Tax (7.9%)** \$9.88

**Total** \$134.88



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

---

To: John Williams, City Manager  
From: Gilbert Alvarado, Community Dev. Director/Deputy City Manager  
Date: August 9, 2016  
Proceeding Type: MOTION  
Subject: Resolution – Nuisance Abatement – 1116 S. Evergreen

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**Legislative History:**

• First Presentation:	August 9, 2016
• Second presentation:	
• Action:	Motion

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**Staff Report Summary**

Attached is a resolution providing for the abatement of a nuisance at 1116 S. Evergreen owned by Louis Mattly. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

**Background**

The code enforcement matter at 1116 S. Evergreen was found by the Code Enforcement Officer while on routine patrol of the city. In accordance with MLMC 8.14, Nuisances, the site was inspected and determined to be a nuisance pursuant to MLMC 8.14. See attached June 17, 2016 Notice of Violation and Order to Correct or Cease Activity.

**Fiscal and Policy Implications**

N/A

### Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><li>Consider the Resolution abating the existing nuisances at 2118 W. Spruce</li></ul>	Compliance with MLMC 8.14 Nuisances
<ul style="list-style-type: none"><li>Consider the Resolution and take no action.</li></ul>	Non-Compliance with MLMC 8.14, Nuisances

### Staff Recommendation

Staff recommends that City Council consider abating the existing nuisance at 1116 S. Evergreen and pass the Resolution as presented.

### Attachments

A.	Resolution No.
B.	Exhibits 1 – 4

### Legal Review

The following documents are attached and subject to legal review:

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



RESOLUTION NO. 3629

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

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at 1116 S. Evergreen Drive, (Lot 3, Block 2, Hayden Estates Third Addition), Parcel #111987008, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 U. The records of Grant County show the owner of the subject property to be Louis Mattly, 1800 N. Cole Road, Apt. D-108, Boise, ID 83704-7373.
2. Notice. On June 17, 2016, the Code Enforcement Officer caused to be delivered by regular mail and certified mail to the owner of record of the subject property a Notice of Violation and Order to Correct or Cease Activity. No appeal was filed to challenge that order. The time to comply under that order has passed. The nuisance described in that order has not been abated by correction of the condition of the property and a nuisance continues to exist on the subject property. On July 25, 2016, the Code Enforcement Officer caused to be delivered to Louis Mattly a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of August 9, 2016. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
  - 3.1 A violation of MLMC 8.14.030 U - Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
    - U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
      1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
      2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.
4. Hearing. On August 9, 2016 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.



5. Evidence:

- 5.1. The following persons testified under oath:

Rick Rodriguez, Moses Lake Code Enforcement Officer

- 5.2. The following exhibits were made a part of the record of the proceedings:

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

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated June 17, 2016 from the Code Enforcement Officer addressed to Louis L. Mattly, 1800 N. Cole Road, Apt. D-108, Boise, ID 83704-7373.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 1116 S. Evergreen, Moses Lake, Washington.

EXHIBIT #4: Letter dated July 25, 2016, from the Code Enforcement Officer to Louis L. Mattly advising the property owner of the hearing regarding abatement of property, scheduled for August 9, 2016.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 U. exists on the subject property at 1116 S. Evergreen, Moses Lake, Washington. Louis Mattly, 1800 N. Cole Road, Apt. D-108, Boise, ID 83704-7373 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
  - 2.1. Weeds and grasses over 12" in height
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.
4. Louis Mattly, the record contract owner, has fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:
  - 4.1 Weeds and grasses must be cut to lower than 12" in height
5. City staff shall provide a status report to City Council on the progress of the record contract owners and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.
6. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on August 9, 2016.

ATTEST

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

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

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

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



# City of Moses Lake

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

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

**DATED:** Friday, June 17, 2016

**ISSUED TO:**

LOUIS L MATTLY  
1800 N Cole Rd Apt D108  
Boise, ID 83704-7373

**CASE #:** COD2016-0566

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

*Weeds and Grasses in excess of 12" in height are present in the front yard and along side the drive way of this home.*

**The City is requiring these corrections listed on this Notice and Order be accomplished by Monday, June 27, 2016.**

#### ACTION NECESSARY TO CORRECT VIOLATION

*Weeds and Grasses must be cut to lower than 12" in height.*

#### LOCATION OF UNLAWFUL CONDITION

LOCATION: 1116 S EVERGREEN DR, MOSES LAKE

PARCEL: 111987008

LEGAL DESC: Lot 3 Block 2 Hayden estates Third Addition

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Brett Hollen". The signature is written in dark ink and is positioned above the printed name and title.

BRETT HOLLEN  
Code Enforcement Officer





05/09/2016 07:22





05/09/2016 07:22





# City of Moses Lake

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

DATED: Monday, July 25, 2016

LOUIS L MATTLY  
1800 N Cole Rd Apt D108  
Boise, ID 83704-7373

RE: Hearing to Permit City Abatement of Nuisance for case file #: *COD2016-0566*  
Property Located at: 1116 S EVERGREEN DR, MOSES LAKE on Parcel 111987008

Via Regular Mail and Return Receipt Mail

LOUIS L MATTLY

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: Lot 3 Block 2 Hayden estates Third Addition

This property is located at: 1116 S EVERGREEN DR, MOSES LAKE on Parcel 111987008


On Friday, June 17, 2016 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of Monday, June 27, 2016 the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLCM) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on Tuesday August 9, 2016 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At the hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

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

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

Sincerely,

  
RICK RODRIGUEZ  
Code Enforcement Officer

cc: City Manager  
City Attorney  
Community Development Director