

MOSES LAKE CITY COUNCIL

Bill Ecret
David Pearce
Mark Reese

Jon Lane
Mayor



Joseph K. Gavinski
City Manager

David Curnel
Karen Liebrecht
Dick Deane

September 28, 2010

AGENDA

Sophia Guerrero, Executive Secretary

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 Presentation - Fire
 - B. Vision 2020 Award
5. CONSENT AGENDA
 - A. Approval of Minutes - September 14, 2010
 - B. Approval of Bills and Checks Issued
 - C. Resolution - Accept Easement - Americold Corporation
 - D. Resolution - Accept Street & Utility Improvements ASPI Commercial Park #2 Major Plat
 - E. EKA Chemicals Final Major Plat and Findings of Fact
 - F. Resolution - Abandon Easement - EKA Chemical
 - G. Nuisance Abatements - Set Date for Hearing
6. COMMISSION APPOINTMENTS - None
7. CONSIDERATION OF BIDS AND QUOTES
 - A. Consideration of Bids
 1. Pavement Patch Truck
 2. Backhoe & Compactor
 3. Truck Conversion
8. PETITIONS, COMMUNICATION, OR PUBLIC HEARINGS
 - A. Public Hearing - Ordinance - REC Solar Grade Silicon III Annexation - 2nd Reading
 - B. Communications - Request for Additional Funding - ML Senior Opp Services (tabled)
 - C. Communications - Home Occupation Variance - Taxi Cab - Keno
 - D. Communications - Request to Work Off Hours - Broadway Ave. (SR-171) - WSDOT
9. ORDINANCES AND RESOLUTIONS
 - A. Ordinance - Amend MLMC Chapter 16.52 - 1st Reading (tabled)
 - B. Resolution - Accept Donation - Anonymous Donor - Police Dept
 - C. Resolution - Nuisance Abatement - 720 Pennivy - Jack Allen
 - D. Resolution - Nuisance Abatement - 403 Earl Rd - Margorie Rodriguez
 - E. Resolution - Nuisance Abatement - 221 & 227 Crestview Dr. - Yuriy Polischuk
 - F. Resolution - Nuisance Abatement - 522 Kentucky - Eric & Brianna Benson
 - G. Resolution - Nuisance Abatement - 502 Kentucky - Michael Watson
 - H. Resolution - Nuisance Abatement - 530 Florida - Terri Shallenberger

Finance
Ronald Cone

Municipal Services
Gary Harer

Police Chief
Dean Mitchell

Parks & Recreation
Spencer Grigg

Fire Chief
Tom Taylor

Community Development
Gilbert Alvarado

City Attorney
Jim Whitaker

10. **REQUEST TO CALL FOR BIDS**
 - A. **Blue Heron Sewer Crossing - 2010**
11. **REFERRALS FROM COMMISSIONS**
12. **OTHER ITEMS FOR COUNCIL CONSIDERATION**
 - A. **Request Permission to Place Signs - Fireman's Breakfast - Fire Dept**
13. **NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS**
14. **COUNCIL QUESTIONS AND COMMENTS**
15. **CITY MANAGER REPORTS AND COMMENTS**
 - A. **Initiatives 1100 & 1105**

Finance Ronald Cone	Municipal Services Gary Harer	Police Chief Dean Mitchell	Parks & Recreation Spencer Grigg	Fire Chief Tom Taylor	Community Development Gilbert Alvarado	City Attorney Jim Whitaker
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MOSES LAKE CITY COUNCIL
September 28, 2010

DRAFT

Council Present: Jon Lane, Bill Ecret, Dick Deane, Karen Liebrecht, Brent Reese, and Richard Pearce Absent: David Curnel

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

PLEDGE OF ALLEGIANCE: Sgt. David Sands led the Council in the pledge of allegiance.

PRESENTATIONS AND AWARDS

FIRE DEPARTMENT

Casey Cooper, Paramedic, was introduced to Council.

VISION 2020

Bill Ecret, Vision 2020, stated that the September 2010 Visionary Award will be given to Tacos El Rey for their beautiful, well kept, and inviting restaurant.

CONSENT AGENDA

Minutes: The minutes of the September 14, 2010 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 city hall. As of September 28, 2010 the Council does approve for payment claims in the amount of \$274,003.41; prepaid claims in the amounts of \$19,722.03 and \$153,719.03; claim checks in the amount of \$2,773,400.38; and payroll in the amount of \$37,837.84.

Resolution - Accept Easement - Americold Corporation: A resolution was presented which accepts an easement from Americold Corporation for the installation of a hydrant adjacent to Road N.

Resolution - Accept Street and Utility Improvements - ASPI Commerce Park #2 Major Plat: A resolution was presented which accepts the street and utility improvements constructed as part of the ASPI Commerce Park #2 Major Plat.

Eka Chemicals Final Major Plat and Findings of Fact: Eka Chemicals submitted a one lot final plat of 28 acres. The site is located at 2701 Road N NE, and is zoned Heavy Industrial, which corresponds with the Comprehensive Plan Land Use Designation of Industrial. The final plat is consistent with the conditions of approval of the preliminary plat. The Planning Commission recommended that the final plat be approved with conditions. Also attached for acceptance are the Findings of Fact, Conclusions and Decision.

Resolution - Abandon Easement - Eka Chemicals: A resolution was presented which abandons an easement located near Road N which was intended to service the Eka Nobel Lift Station. A new easement will be dedicated on the Eka Chemicals Major Plat for this purpose, so the existing easement can be abandoned.

Nuisance Abatement: The Council should set October 12 as the date to consider a resolution to abate nuisances on 1105 Hill, 705 D Street, 1201 Baker, and 1103 Cascade.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES

PAVEMENT PATCH TRUCK, BACKHOE AND COMPACTOR, AND TRUCK CONVERSION

The city received two bids for the pavement patch truck, three bids for the backhoe and compactor, and one bid for the truck conversion.

Gary Harer, Municipal Services Director, explained that the low bidder for the backhoe and compactor did not contain a price for the equipment tax. This omission is an immaterial, informal irregularity that can be waived as the city will not pay this tax since a title will not be obtained through the Department of Licensing. The bid specifications were developed to describe the equipment offered on the state contract. The state contract lists the machinery at \$93,410. The low bid came in at \$93,873.

Action Taken: Mr. Pearce moved that the bid for the pavement patch truck be awarded to Enviro-Clean Equipment in the amount of \$161,091, seconded by Mr. Reese, and passed unanimously.

Action Taken: Mr. Reese moved that all bids for the backhoe and compactor be rejected and the equipment be purchased from the state bid in the amount of \$93,410, seconded by Mr. Pearce, and passed unanimously.

Action Taken: Mr. Deane moved that the bid for the truck conversion be awarded to Northend Truck Equipment, Inc. in the amount of \$44,320, seconded by Mrs. Liebrecht, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

ORDINANCE - REC SOLAR GRADE SILICON III ANNEXATION - 2ND READING/PUBLIC HEARING

An ordinance was presented which provides for the annexation of approximately 61 acres located adjacent to and south of Road 4 owned by REC Solar Grade Silicon.

The ordinance annexing property commonly known as the REC Solar Grade Silicon III annexation to the City of Moses Lake, Washington, and incorporating the same within the corporate limits of the City of Moses Lake, was read by title only.

The public hearing to consider the zoning of the property to Heavy Industrial was opened. There were no comments.

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

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

MOSES LAKE SENIOR OPPORTUNITY AND SERVICES

Moses Lake Senior Opportunity and Services requested an additional \$5,000 over the normal \$10,000 provided by the city for recreational services to seniors. The additional \$5,000 would be used to replace the carpet in the social hall, computer room, and office area with laminate type flooring which will increase the versatility of the areas.

Action Taken: Mr. Ecret moved that this item be removed from the table, seconded by Mr. Deane, and passed unanimously.

Mary Kile, representing the Senior Opportunity and Services, stated that the new flooring will allow for greater diversification of activities. She mentioned that the Senior Center received \$10,750 from the city in 2010 as well as \$3,581 for a new pool table.

Carry Liles, from the Senior Opportunity and Services, stated that there is an agency that tracks the people served by the Center's nutrition program and that shows that 80% of those served are from Moses Lake.

There was some discussion by the Council.

Action Taken: Mr. Ecret moved that the request to increase the contract amount for 2011 by \$5,000 be granted, seconded by Mr. Pearce, and passed unanimously.

HOME OCCUPATION - TAXI - KENO

Gary Keno, 3921 W. Peninsula Drive, Unit 16, requested a change in the Municipal Code in order to operate a taxi business from his residence.

Gilbert Alvarado, Community Development Director, explained that the home occupation regulations do not allow a taxicab business as a home occupation. The only way to permit a taxicab business as a home occupation is to change the municipal code.

Mr. Keno stated that he has three vehicles parked at this mobile home at the present time and the owner of the mobile home park has no objections to that as there is sufficient space to park all three. One of the vehicles would be used as the cab.

There was considerable discussion by the Council and it was felt that Mr. Keno should check with the mobile home park owner to see if there are any objections to such a business in the park prior to any further discussion by the Council. Some members of the Council were not in favor of a taxicab business as a home occupation.

NIGHT WORK - BROADWAY AVENUE OVERLAY PROJECT

The Washington State Department of Transportation requested permission to work between the hours of 7 p.m. and 6 a.m. on the overlay of Broadway from I-90 through town to Highway 17.

Bob Romine, Department of Transportation, stated that the work would last about 40 days total and would begin in the spring. This work will require detours of about three blocks at a time through the entire length of the project.

Gary Harer, Municipal Services Director, mentioned that there would still be two lanes of traffic on Broadway while the work is being done but that the side streets would be blocked off in three block increments.

Action Taken: Mr. Ecret moved that the request be granted, seconded by Mr. Deane, and passed unanimously.

SIGNS ON CITY PROPERTY - PATTY MURRAY /JAY CLOUGH

Ellie Webb, Grant County Democrats, requested permission to place temporary signs on city property in the approved locations.

Action Taken: Mr. Ecret moved that the request be granted, seconded by Mr. Pearce, and passed unanimously.

ORDINANCES AND RESOLUTIONS

RESOLUTION - DONATION - ANONYMOUS FOUNDATION

A resolution was presented which accepts a donation of \$2,500 from an anonymous foundation. The donation is to be used to improve station conditions, enhance safety, or contribute to the spirit and morale of the Moses Lake Police Department. It is the intent of the Police Department to use the donation to purchase ballistic body armor for the patrol officers.

The resolution accepting a donation to the Moses Lake Police Department from an anonymous foundation was read by title only.

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

RESOLUTION - NUISANCE ABATEMENT - 720 PENNIVY

A resolution was presented which would abate the weed nuisance at 720 Pennivy Street. The property owner was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Jack Allen and Robert Allen 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.

Clair Harden, Code Enforcement Officer, was sworn in and provided testimony concerning this issue. He mentioned that there has been no response from the property owners to any of the notices provided by the city and none of the nuisances have been corrected.

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

RESOLUTION - NUISANCE ABATEMENT - 403 EARL

A resolution was presented which would abate the weed nuisance at 403 Earl. The property owner was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Marjorie Rodriguez 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 was read by title only.

Clair Harden, Code Enforcement Officer, was sworn in and provided testimony concerning this issue. He mentioned that the owner is deceased and the property is in foreclosure.

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

RESOLUTION - NUISANCE ABATEMENT - 221 AND 227 CRESTVIEW

A resolution was presented which would abate the weed nuisance at 221 and 227 Crestview. The property owner was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Yuriy Polischuk 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 was read by title only.

Clair Harden, Code Enforcement Officer, was sworn in and provided testimony concerning this issue. He mentioned that there has been no response from the property owner to any of the notices provided by the city and none of the nuisances have been corrected.

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

RESOLUTION - NUISANCE ABATEMENT - 522 KENTUCKY

A resolution was presented which would abate the weed nuisance at 522 Kentucky Drive. The property owner was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Eric and Brianna Benson 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.

Clair Harden, Code Enforcement Officer, was sworn in and provided testimony concerning this issue. He mentioned that there has been no response from the property owners to any of the notices provided by the city and none of the nuisances have been corrected.

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

RESOLUTION - NUISANCE ABATEMENT - 502 KENTUCKY

A resolution was presented which would abate the weed nuisance at 502 Kentucky Drive. The property owner was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Michael Watson 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 was read by title only.

Clair Harden, Code Enforcement Officer, was sworn in and provided testimony concerning this issue. He mentioned that there has been no response from the property owner to any of the notices provided by the city and none of the nuisances have been corrected.

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

RESOLUTION - NUISANCE ABATEMENT - 530 FLORIDA

A resolution was presented which would abate the weed and grass nuisance at 530 Florida Drive. The property owner was given a Notice to Correct and a Notice of Violation and Order to Correct or Cease Activity.

The resolution determining that Terri J. Shallenberger 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 was read by title only.

Clair Harden, Code Enforcement Officer, was sworn in and provided testimony concerning this issue. He mentioned that the property owner indicated that the property is going back to the bank and she has no further interest in it.

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

REQUEST TO CALL FOR BIDS

BLUE HERON SEWER CROSSING

Staff requested authorization to call for bids for the 2010 Blue Heron Sewer Crossing Project. This project includes extending a 12" sewer force main under I-90 through an existing casing located south of Blue Heron Park. The force main will serve the future development that is anticipated in the Mae Valley area.

Action Taken; Mr. Reese moved that staff be authorized to call for bids, seconded by Mrs. Liebrecht, and passed unanimously.

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION

SIGNS - FIREFIGHTERS BREAKFAST

The Moses Lake Volunteer Firefighters requested permission to place signs in the allowed locations to advertize their 19th Annual Fireman's Breakfast on October 16, 2010.

Tom Taylor, Fire Chief, stated that there are six signs and two of them will be located at the fire stations. The remaining four signs will be placed in locations that have been permitted by the Council.

Action Taken: Mr. Reese moved that the request be granted, seconded by Mr. Pearce, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - NoneCOUNCIL QUESTIONS AND COMMENTS - NoneCITY MANAGER REPORTS AND COMMENTSI-1100 AND I- 1105

Joseph K. Gavinski, City Manager, provided information on Initiatives 1100 and 1105, both of which concern the closure of state liquor stores and would privatize the sale and distribution of liquor. He mentioned that if the initiatives pass the city would lose about \$215,000.

AGCCT MEETING

Joseph K. Gavinski, City Manager, reminded the Council of the AGCCT meeting on Thursday, September 29, at the MAC.

TOUR OF CITY FACILITIES

Joseph K. Gavinski, City Manager, wanted to know if the Council is interested in taking a tour of city facilities. It was decided to take the tour on October 12 at 10 a.m.

BUDGET

Joseph K. Gavinski, City Manager, stated that staff has provided their budgets for 2011 and most of them are in good shape. However, the current estimates show that the Ambulance Utility Fund will lose about \$700,000 in 2010 and another \$750,000 in 2011 if there is no additional contribution from the General Fund and the utility fee remains the same. He mentioned that there have already been significant loans made to the fund. He pointed out that the problem is that the expenses are rising faster than receipts.

He also mentioned that the city will be looking at doing some major water and sewer construction projects and using revenue bonds to fund the projects. The project would include Longview Tracts sewer, a reservoir in the Larson Subdivision area, and revisions at the Central Operations Facility to deal with a retention tank, which is a safety issue.

The regular meeting was adjourned at 8:30 p.m.

ATTEST

Jon Lane, Mayor

Ronald R. Cone, Finance Director

September 22, 2010

TO: City Manager
For City Council Consideration

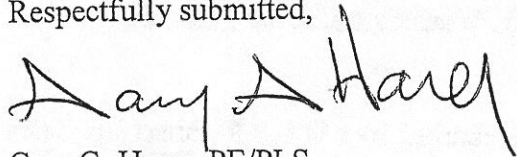
FROM: Municipal Services Director

**SUBJECT: ACCEPT EASEMENT
AMERICOLD CORPORATION**

The attached resolution is to accept an easement from the Americold Corporation to allow for the installation of a hydrant adjacent to Road N, as required for REC Major Plat.

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

Respectfully submitted,

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

Gary G. Harer, PE/PLS
Municipal Services Director

encl.

cc: Project Engineer - Michael Moro

RESOLUTION NO. 3172

A RESOLUTION ACCEPTING AN EASEMENT TO THE CITY OF MOSES LAKE
FROM THE AMERICOLD

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. The Americold Corporation has presented an easement to the City of Moses Lake.

Resolved:

1. An easement for municipal purposes for the following described property is hereby accepted by the City of Moses Lake:

That portion of Lot 1, Americold Short Plat, lying in the Southwest Quarter of Section 16, Township 19 North, Range 29 East, W.M., Grant County, Washington, more particularly described as follows:

Commencing at the southwest quarter of said Section 16, marked by a U.S.B.R. brass cap, from which the west quarter corner of said section, marked by a U.S.B.R. brass cap, bears North 00°53'25" East, 2,656.59 feet; thence North 00°53'25" East, along the west line of the southwest quarter of Section 16, a distance of 1,874.97 feet; thence South 89°06'32" East, 30.00 feet to the east right-of-way of Road N NE, being the true point of beginning; thence continuing South 89°06'32" East, 5.00 feet; thence North 00°53'25" East, 10.00 feet; thence North 89°06'32" West, 5.00 feet to the east right-of-way of Road N NE; thence South 00°53'25" West, along said right-of-way, 10.00 feet to the true point of beginning.

Parcel #311849000

ACCEPTED by the City Council on September 28th, 2010.

Jon Lane, Mayor

ATTEST:

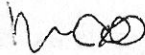
Ronald R. Cone, Finance Director

MEMORANDUM

September 20, 2010

To: Municipal Services Director

From: Development Engineer—Moro



**RE: REC MOSES LAKE MAJOR PLAT
ACCEPT EASEMENT FROM AMERICOLD**

We have received a signed and notarized easement from Americold. The easement will allow for installation of a hydrant adjacent to Road N, as required for REC Major Plat. Without the easement, the contractor for REC would have needed to either relocate the gas main or install the hydrant line across Road N.

Judy Thompson has the original easement and map. The easement should be submitted to City Council for acceptance prior to recording.

cc: Administrative Secretary

RECORD AND RETURN TO
Legal Department
City of Moses Lake
P. O. Box 1579
Moses Lake, WA 98837

MUNICIPAL EASEMENT

The Grantor, Americold Corporation, hereby grants an easement for all municipal purposes and uses, to the City of Moses Lake, a municipal corporation, upon the following described property:

That portion of Lot 1, Americold Short Plat, lying in the Southwest Quarter of Section 16, Township 19 North, Range 29 East, W.M., Grant County, Washington, more particularly described as follows:

Commencing at the southwest quarter of said Section 16, marked by a U.S.B.R. brass cap, from which the west quarter corner of said section, marked by a U.S.B.R. brass cap, bears North 00°53'25" East, 2,656.59 feet; thence North 00°53'25" East, along the west line of the southwest quarter of Section 16, a distance of 1,874.97 feet; thence South 89°06'32" East, 30.00 feet to the east right-of-way of Road N NE, being the true point of beginning; thence continuing South 89°06'32" East, 5.00 feet; thence North 00°53'25" East, 10.00 feet; thence North 89°06'32" West, 5.00 feet to the east right-of-way of Road N NE; thence South 00°53'25" West, along said right-of-way, 10.00 feet to the true point of beginning.

Parcel #311849000

AMERICOLD CORPORATION

By 

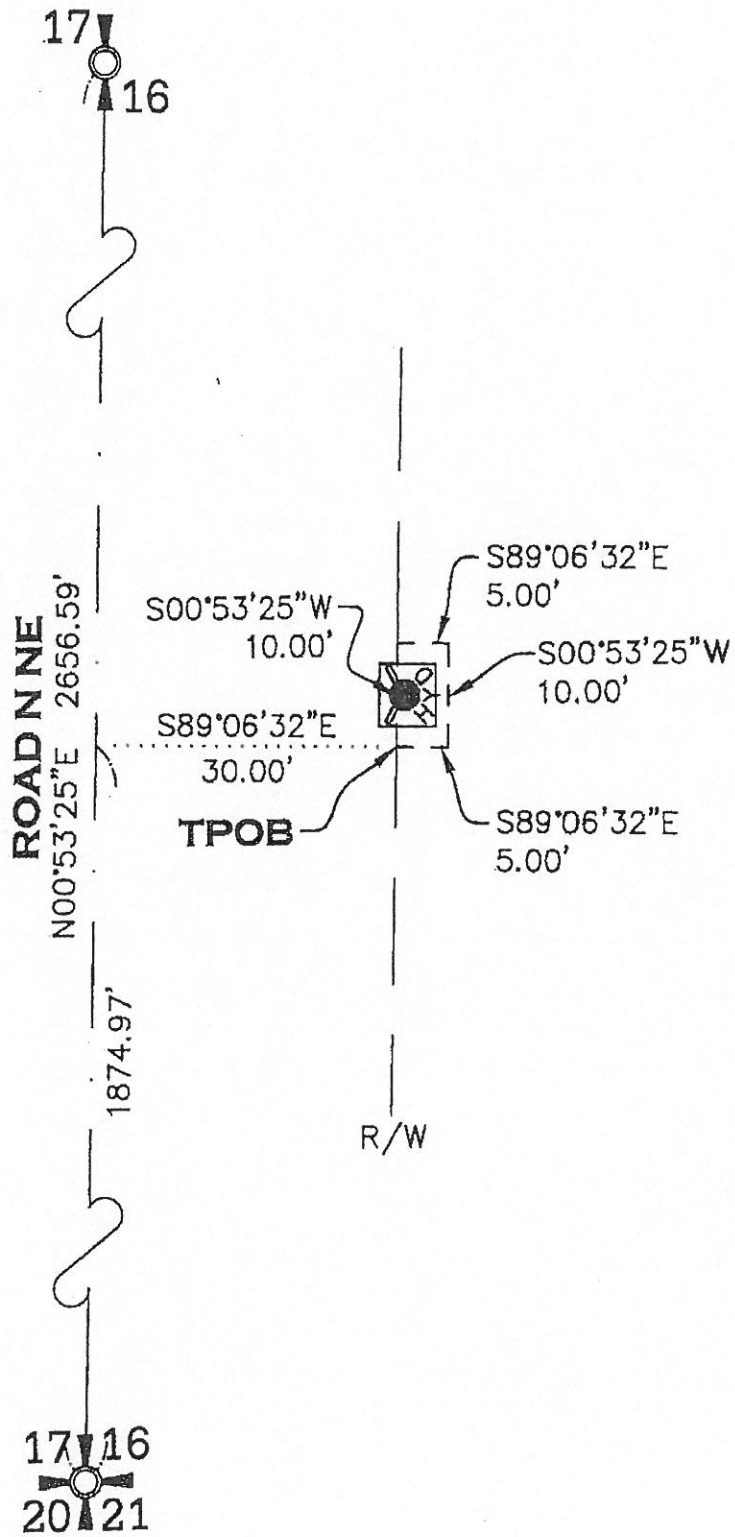
Washington State
Grant County

I certify that I know or have satisfactory evidence that Scott Nolan signed this instrument, on oath stated that he is authorized to execute the instrument, and acknowledged it as the Facility Service Mgr of Americold Corporation to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated September 15, 2010


Notary Public
My appointment expires July 13, 2013





September 22nd, 2010

TO: City Manager
For City Council Consideration

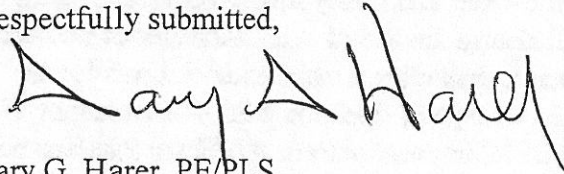
FROM: Municipal Services Director

**SUBJECT: ACCEPT STREET AND UTILITY IMPROVEMENTS
ASPI COMMERCIAL PARK #2 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 ASPI Commercial Park #2 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,

A handwritten signature in black ink, appearing to read "Gary G. Harer". The signature is stylized with a large initial "G" and a long, sweeping underline.

Gary G. Harer, PE/PLS
Municipal Services Director

GH;tv

cc: Development Engineer - Russell Brown

RESOLUTION NO. 3173

A RESOLUTION ACCEPTING STREET AND UTILITY IMPROVEMENTS FOR
MUNICIPAL USE AS PART OF THE ASPI COMMERCIAL PARK #2 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 ASPI Commercial Park #2 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 September, 2010.
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, and after the ASPI Commercial Park #2 Major Plat has been recorded at the Grant County Auditors office.
2. After September 28th, 2012, 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 September 28th, 2010.

Jon Lane, Mayor

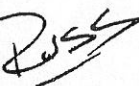
ATTEST:

Ronald R. Cone, Finance Director

MEMORANDUM

CITY OF MOSES LAKE
DEVELOPMENT ENGINEERING DIVISION
September 22, 2010

TO: Municipal Services Director

FROM: Development Engineer, Russell L. Brown 

RE: **ASPI COMMERCIAL PARK #2 MAJOR PLAT
EAST DOOLITTLE STREET AND UTILITY IMPROVEMENTS
PROJECT NUMBER A-711 -- PERMIT NUMBER 4176**

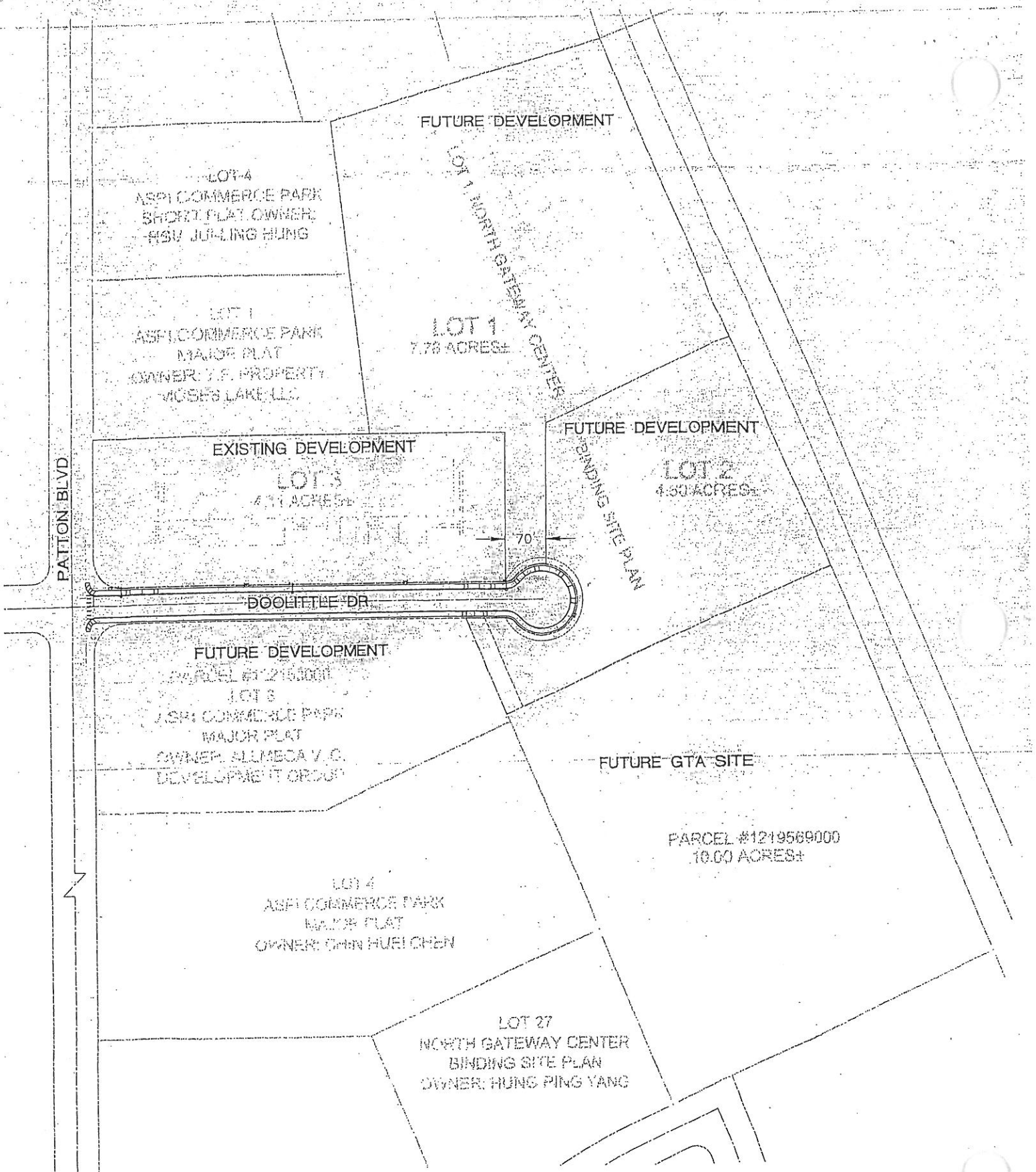
The street and utility improvements constructed to serve the ASPI Commercial Park #2 Major Plat are complete and may be presented to Council for acceptance into the City system contingent on the following items being completed:

1. The owners are required to provide a maintenance bond for the street and utility improvements effective for two years from the date of acceptance of the improvements by the Council. The amount of the maintenance bond for this project is **\$111,000.00** which is $\pm 50\%$ of the construction costs.
2. The ASPI Commercial Park #2 Major Plat must be approved and recorded.

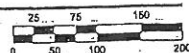
A site plan is attached.

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

cc: Senior Planner, Anne Henning
Building Official
Public Works Superintendent
Wastewater Supervisor
Water Supervisor
Street Supervisor



NORTH
 SITE PLAN
SCALE: 1" = 100'



APPROVED FOR CONSTRUCTION

September 23, 2010

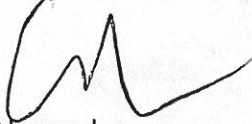
TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Eka Chemicals Final Major Plat and Findings of Fact

Eka Chemicals has submitted a one lot final plat of 28 acres. The site is located at 2701 Road N NE, and is zoned Heavy Industrial, which corresponds with the Comprehensive Plan Land Use Designation of Industrial. The final plat is consistent with the conditions of approval of the preliminary plat.

The Planning Commission recommended that the final 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
Community Development Director

GA:jt

EKA CHEMICALS MAJOR PLAT

A PORTION OF FARM UNITS 233 AND 103, IRRIGATION BLOCK 41, COLUMBIA BASIN PROJECT,
SITUATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 29 EAST, W.M.,
CITY OF MOSES LAKE, GRANT COUNTY, WASHINGTON

COVENANTS
COVENANTS, AS APPROVED WITH THE PLAT, ARE RECORDED.
AS SEPARATE DOCUMENT UNDER AUDITOR'S FILE NUMBER
RECORDS OF GRANT COUNTY, WASHINGTON.

SURVEY EQUIPMENT
TOPCON HPR PLUS GPS/BLONASS
TOPCON GRT-8000A ROBOTIC TOTAL STATION
TOPCON GTS 3030 TOTAL STATION
TOPCON F2000 & F2050 DATA COLLECTORS
TDS RANGER DATA COLLECTORS

VERTICAL DATUM
NORTH AMERICAN VERTICAL DATUM (NAVD) 1988.
HORIZONTAL CONTROL DATUM
BASIS OF BEARING: NAD 83/91, NAD 80 SOUTH ZONE, US FEET.
PROJECT COMBINED SCALE FACTOR CALCULATED FROM:
LATITUDE: 46°37'13.19" N
LONGITUDE: 119°43'22.94" W
EARTH'S RADIUS: 3959 MI
CONVERGENCE: 0°57'30.9237"
PROJECT COMBINED SCALE FACTOR: 0.998875591
ALL DISTANCES SHOWN ARE GROUND DISTANCE.

SURVEY PROCEDURES
INITIAL CONTROL ESTABLISHED USING STATO GPS OBSERVATIONS
PROCESSED WITH ORION POSITIONING USER SERVICE (OPUS)
SOLUTIONS. OPUS SOLUTIONS COMPARED WITH REAL TIME
KINEMATIC (RTK) SOLUTIONS. ALL MEASUREMENTS
CONSERVED. MEASURES FOR CORRELATION VALUES. PROJECT
GRID TO GROUND SCALE FACTOR CALCULATION CHECKED AND
ADJUSTED WITH ELECTRONIC DISTANCE METER (EDM) GROUND
DISTANCE MEASURED BETWEEN TWO OR MORE FOUND AND/OR
SET CONTROL MONUMENTS. CONVENTIONAL TRAVERSE AND
TRIPLE TRAP TRAVERSE USED TO CHECK MONUMENT STATION
SPECIFIC FEATURES AND GPS RTK QUALITY ASSURANCE AND
QUALITY CONTROL.

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 EKA CHEMICALS MAJOR
PLAT IS BASED ON AN ACTUAL SURVEY AND SUBDIVISION OF A
PORTION OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 29 EAST,
W.M., GRANT COUNTY, WASHINGTON. THE SURVEY WAS MADE IN
DIRECTION AND THAT THE DISTANCES, BEARINGS, 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: NOVEMBER 2009

Wayne Carl Ostler, P.L.S.
Registration No. 46321
249 North Elder Street
Moses Lake, WA 98837



AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF THE CITY OF MOSES
THIS MAJOR PLAT WAS RECORDED IN VOLUME _____ AT OF PLATS
ON PAGE(S) ____ RECORDS OF GRANT COUNTY, WASHINGTON.

GRANT COUNTY AUDITOR _____ DEPUTY COUNTY AUDITOR _____

NOTES

RIGHT OF WAY DEPICTED TO THE CITY OF MOSES
LAKE ON THIS PLAT.

PUBLIC UTILITY EASEMENT GRANTED ON THIS PLAT,
NOTES AS NOTED.

EXISTING EASEMENT FILED UNDER APN 91051038

DRAIN EASEMENT ALONG FARM UNIT BOUNDARY 231 &
103, PER APN 494391 & 518281, WIDTH UNDEFINED.

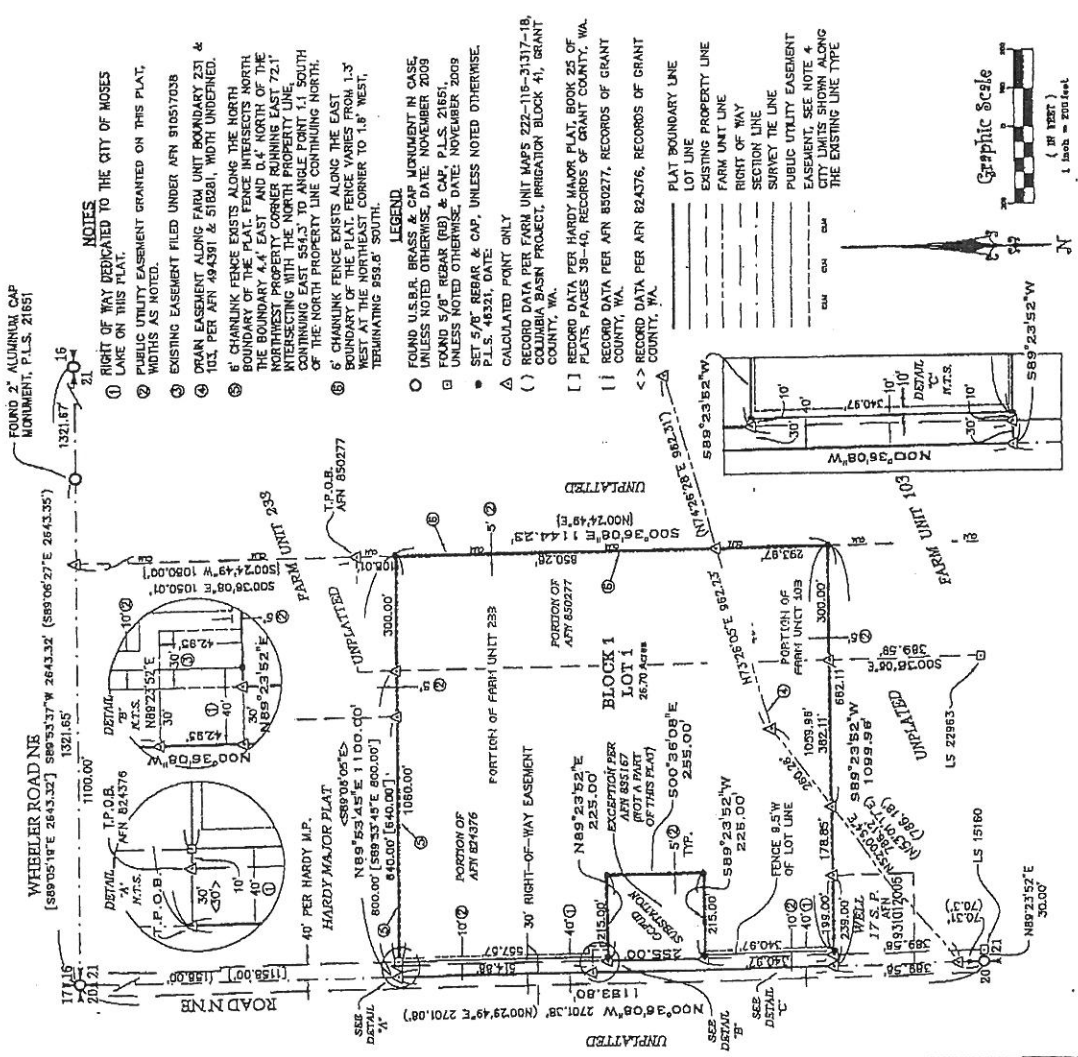
6' CHAINLINK FENCE EXISTS ALONG THE NORTH
BOUNDARY OF THE PLAT. FENCE INTERSECTS NORTH
BOUNDARY 4.4' EAST AND 0.4' NORTH OF THE
NORTHWEST PROPERTY CORNER RUNNING EAST 72.1'
INTERSECTING WITH THE NORTH PROPERTY LINE,
CONTINUING EAST 554.3' TO ANCHOR POINT, 11.1' SOUTH
OF THE NORTH PROPERTY LINE CONTINUING NORTH.

6' CHAINLINK FENCE EXISTS ALONG THE EAST
BOUNDARY OF THE PLAT. FENCE INTERSECTS NORTH
BOUNDARY 1.3' EAST AND 0.4' NORTH OF THE
NORTHWEST PROPERTY CORNER TO 1.8' WEST,
TERMINATING 953.6' SOUTH.

LEGEND
○ FOUND U.S.B. BRASS MONUMENT IN CASE
UNLESS NOTED OTHERWISE, DATE: NOVEMBER 2009
□ FOUND 5/8" REBAR (RB) & CAP, P.L.S. 21651.
□ FOUND 5/8" REBAR (RB) & CAP, NOVEMBER 2009
• SET 5/8" REBAR & CAP, UNLESS NOTED OTHERWISE.
P.L.S. 46321, DATE:
△ CALCULATED POINT ONLY
() RECORD DATA PER FARM UNIT MAPS 272-115-31317-18,
IRRIGATION BLOCK 41, GRANT
COUNTY, WA.
[] RECORD DATA PER HARDY MAJOR PLAT, BOOK 25 OF
PLATS, PAGES 38-40, RECORDS OF GRANT
COUNTY, WA.
[] RECORD DATA PER APN 850277, RECORDS OF GRANT
COUNTY, WA.
<> RECORD DATA PER APN 824376, RECORDS OF GRANT
COUNTY, WA.

PLAT BOUNDARY LINE
LOT LINE
EXISTING PROPERTY LINE
FARM UNIT LINE
RIGHT OF WAY
SECTION LINE
SURVEY TIE LINE
PUBLIC UTILITY EASEMENT
EASEMENT, SEE NOTE 4
CITY LIMITS SHOWN ALONG
THE EXISTING LINE TYPE

Graphic Scale
1 inch = 200 feet
(IF NEET)



Columbia NW Engineering, PS
engineering - surveying - planning
749 North Elder Street, Moses Lake, WA 98837
Ph: 609-769-1228 Fax: 609-769-9754

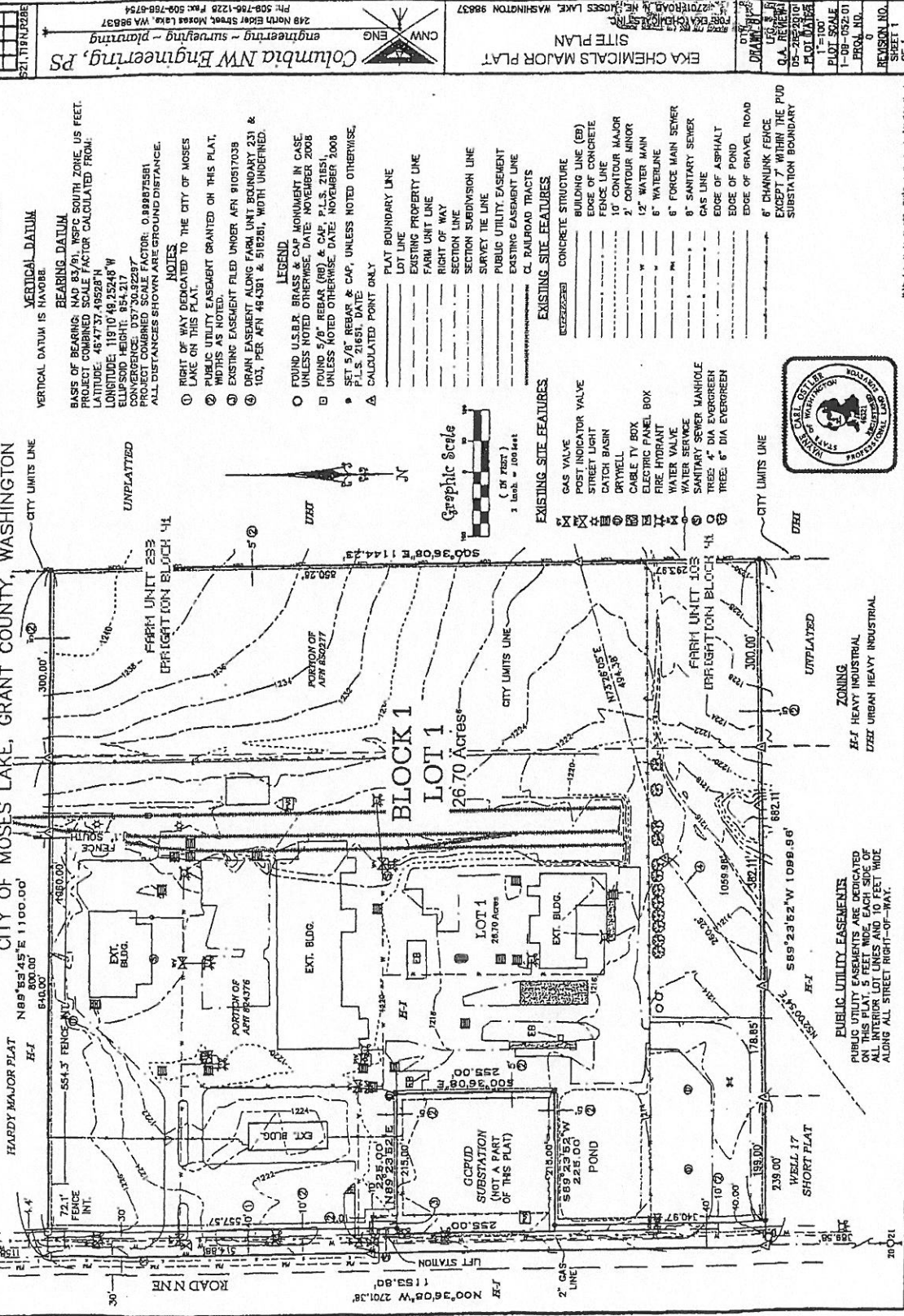
EKA CHEMICALS
MAJOR PLAT
FOR EKA CHEMICALS, INC.
2207 ROAD N NE, MOSES LAKE, WASHINGTON 98837

INDEX DATA

DRAMA BY
LFD
05-28-2010
PLOT DATES
1-2007
PLOT SCALE
1"=80'-00" (1"=200')

EKA CHEMICALS MAJOR PLAT - SITE PLAN

A PORTION OF FARM UNITS 233 AND 103, IRRIGATION BLOCK 41, COLUMBIA BASIN PROJECT,
SITUATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 29 EAST, W.M.,
CITY OF MOSES LAKE, GRANT COUNTY, WASHINGTON



VERTICAL DATUM
VERTICAL DATUM IS NAVD83.

BEARING DATUM
BASIS OF BEARING: NAD 83/91, NPSG SOUTH ZONE, US FEET.
PROJECT COMBINED SCALE FACTOR CALCULATED FROM:
LATITUDE: 46°47'37.49528"N
LONGITUDE: 119°10'49.25248"W
ELEVATION: 954.217
PROJECT COMBINED SCALE FACTOR: 0.999975581
ALL DISTANCES SHOWN ARE GROUND DISTANCES.

NOTES

- RIGHT OF WAY DEDICATED TO THE CITY OF MOSES.
- LAKE ON THIS PLAT.
- PUBLIC UTILITY EASEMENT GRANTED ON THIS PLAT, WIDTHS AS NOTED.
- EXISTING EASEMENT FILED UNDER AFR 91057039.
- DRAIN EASEMENT ALONG FARM UNIT BOUNDARY 231 & 103, PER AFR 484381 & 518281, WIDTH UNDETERMINED.

LEGEND

- FOUND U.S.B.R. BRASS & CAP MONUMENT IN CASE, UNLESS NOTED OTHERWISE. DATE: NOVEMBER 2008.
- FOUND 5/8" REBAR (R#) & CAP, P.L.S. 21ES1, UNLESS NOTED OTHERWISE. DATE: NOVEMBER 2008.
- SET 5/8" REBAR & CAP, UNLESS NOTED OTHERWISE, P.L.S. 21ES1. DATE:
- CALCULATED POINT ONLY.

PLAT BOUNDARY LINE

- LOT LINE
- EXISTING PROPERTY LINE
- FARM UNIT LINE
- RIGHT OF WAY
- SECTION LINE
- SECTION SUBDIVISION LINE
- SURVEY TIE LINE
- PUBLIC UTILITY EASEMENT
- EXISTING EASEMENT LINE
- CL. RAILROAD TRACTS

EXISTING SITE FEATURES

- CONCRETE STRUCTURE
- BUILDING LINE (BL)
- EDGE OF CONCRETE
- EDGE LINE
- 10' TYPICAL MAJOR
- 2' TYPICAL MINOR
- 12" WATER MAIN
- 6" WATERLINE
- 6" FORCE MAIN SEWER
- 8" SANITARY SEWER
- GAS LINE
- EDGE OF ASPHALT
- EDGE OF POND
- EDGE OF GRAVEL ROAD
- 6" CHAINLINK FENCE
- EXCEPT 7' WITHIN THE PUD SUBSTATION BOUNDARY

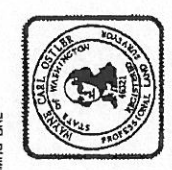
CITY LIMITS LINE

ZONING

H-F HEAVY INDUSTRIAL
UZE URBAN HEAVY INDUSTRIAL

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS ARE DEDICATED ON THIS PLAT, 5 FEET WIDE EACH SIDE OF ALL UTILITIES, AND 10 FEET WIDE ALONG ALL STREET RIGHT-OF-WAY.



INDEX DATA

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
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71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

COLUMBIA NW Engineering, PS
engineering - surveying - planning
248 North Elder Street, Moses Lake, WA 98807
PH: 509-766-1225 FAX: 509-766-6754

EKA CHEMICALS MAJOR PLAT
SITE PLAN
2701 ROAD, WASHINGTON 98837

PLAT SCALE
1" = 100'

PROJ. NO.
0

REVISION NO.
0

SHEET 1 OF 1

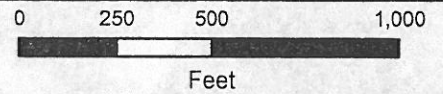
JUN 24 2010
CITY OF MOSES LAKE
PLANNING & BUILDING
COMMUNITY DEVELOPMENT

EKA CHEMICALS
MAJOR PLAT

WHEELER RD

PRIVATE RD

ROAD N.NE



RD 4 NE

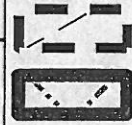
RD L NE

EKA CHEMICALS M P

WHEELER RD

RD N NE

RD N NE



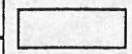
CITY LIMITS



UGA BOUNDARY

ALDER

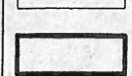
STREET NAMES



LOTS



LAKE



EKA CHEMICALS MP

PIONEER WAY

SR 17

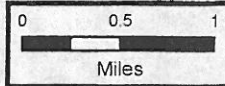
NELSON RD

RD L NE

RD 2 NE

RD NE

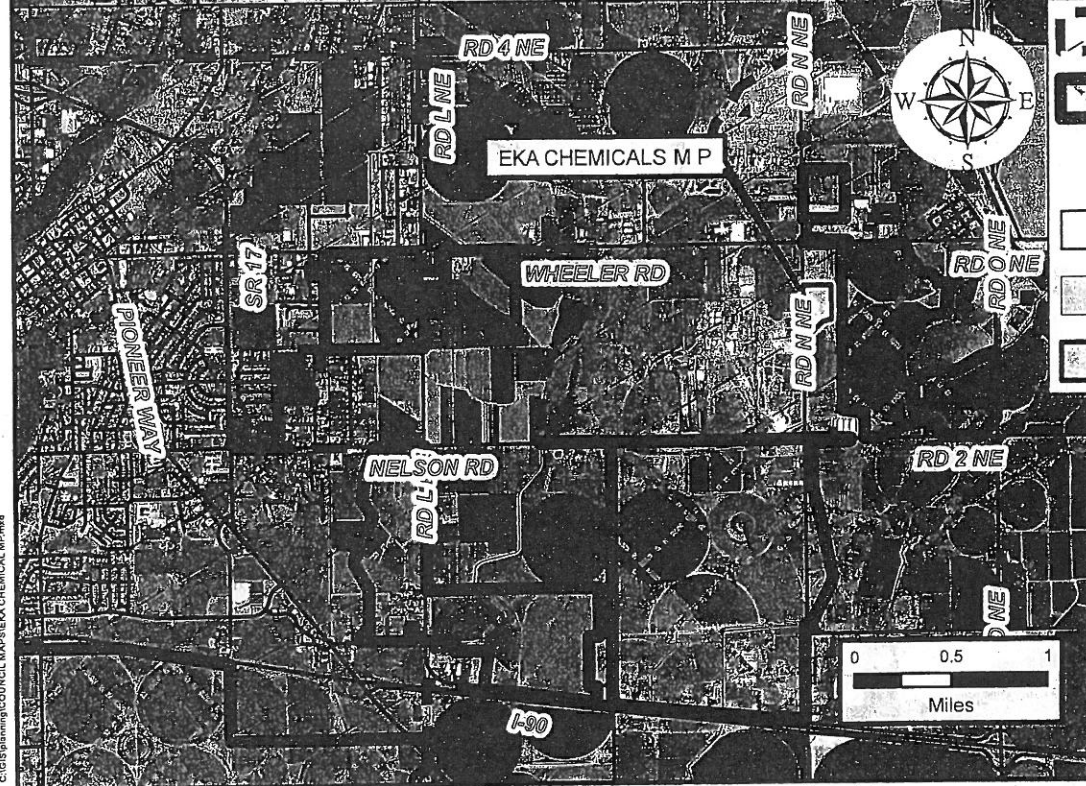
I-90




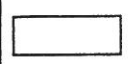





CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP

DATE: SEPTEMBER 19, 2010



	CITY LIMITS
	UGA BOUNDARY
	ALDER
	STREET NAMES
	LOTS
	LAKE
	EKA CHEMICALS MP



CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP
DATE: SEPTEMBER 19, 2010

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

IN THE MATTER OF THE FINAL EKA CHEMICALS
MAJOR PLAT

FINDINGS OF FACT, CONCLUSIONS, AND
DECISION

1. HEARING BEFORE THE PLANNING COMMISSION.

- 1.1 Date. A public meeting was held upon proper notice before the Commission on September 16, 2010.
- 1.2 Proponent. Eka Chemicals, Inc. is the proponent of this plat.
- 1.3 Purpose. The proponent has submitted a final plat application to create one platted lot of 26.7 acres for property which is legally described upon the plat. City staff has confirmed the property described on the plat is the property submitted for platting.
- 1.4 Evidence. The Commission considered the following materials in reaching its decision:
 - A. The final plat submitted June 24, 2010.
 - B. Staff report and attachments.

2. FINDINGS OF FACT BY THE PLANNING COMMISSION.

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

- 2.1 The proponent is the owner of the property.
- 2.2 The property is currently zoned Heavy Industrial.
- 2.3 There were no significant changes between the preliminary plat and final plat.

3. CONCLUSIONS BY THE PLANNING COMMISSION.

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

- 3.1 The Planning Commission of the City of Moses Lake is vested with the authority to determine approval of plats.
- 3.2 It is in the best interests and welfare of the city's citizens to plat the property as proposed.
- 3.3 With conditions, the final plat is consistent with the preliminary plat approval.

4. DECISION OF THE PLANNING COMMISSION.

On the basis of the foregoing findings of fact and conclusions, it is the recommendation of the Planning Commission that the plat be approved with the following conditions:

- 4.1 The comments of the Development Engineer shall be addressed.
- 4.2 The comments of the United States Bureau of Reclamation and East Columbia Basin Irrigation District shall be addressed before the plat is recorded.

Approved by the Planning Commission on September 16, 2010.

Mitch Molitor
Planning Commission Chairman

September 21, 2010

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Nuisance Abatements - Set Date for Hearing

The Code Enforcement Officers have been working with the property owners of 1105 Hill, 705 D Street, 1201 Baker, and 1103 Cascade on the abatement of nuisances on their property without success. The Council should set October 12 as the date to consider resolutions to abate the nuisances and to hear any objections thereto.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt

MEMO:

TO: JIM WHITAKER
FROM: GREG NEVAREZ
DATE: September 21, 2010
RE: 1105 Hill Ave.
Parcel # 111026000
Lot 12 BLK 1; SOUTH TERRACE ADD

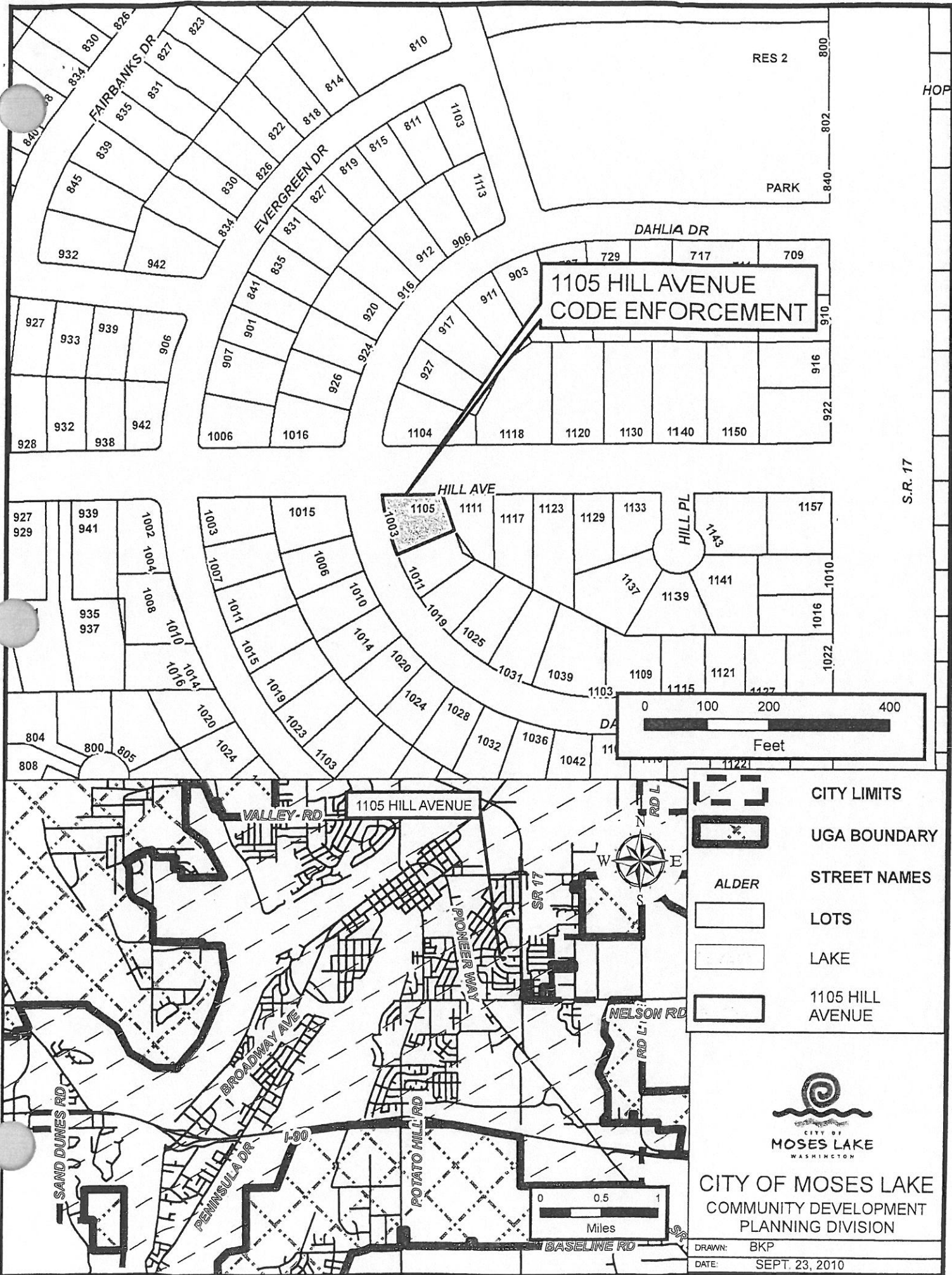
On August 16, 2010, per your direction, I issued Mr. Gordon Beeman a second Notice & Order. Mr. Beeman was given until August 26, 2010 to comply with the order. As of today's, date there has been little to no change in the violations at this address.

This case reached the maximum penalty on September 16, 2010. I drove by today and took some pictures of the property.

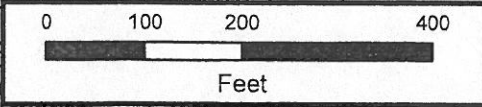
Please let me know if there is anything else I need to do with this case.

Thanks,


Greg Nevarez
Code Enforcement Officer II
City of Moses Lake



1105 HILL AVENUE
CODE ENFORCEMENT

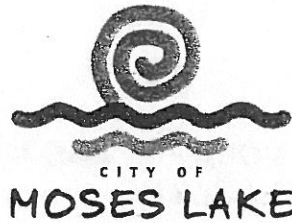


- CITY LIMITS
- UGA BOUNDARY
- STREET NAMES
- LOTS
- LAKE
- 1105 HILL AVENUE



CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP
DATE: SEPT. 23, 2010



September 22, 2010

Grant Holdings LLC
227 Bellevue Way NE #585
Bellevue, WA 98004

Re: Hearing to Permit City Abatement of Nuisance
Property located at: 705 D St, Parcel 111335000, Moses Lake, WA 98837
Via Regular Mail and Return Receipt Mail

Grant Holdings LLC:

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 15; TERMINAL PARK ADD #2; 10,318 SQ FT PARCEL 111335000, Moses Lake, WA 98837

This property is located at 705 D St, Parcel 111335000, Moses Lake, WA 98837

On August 3, 2010, 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. No appeal was taken from that 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 expired without compliance. As of September 21, 2010, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on October 12, 2010, 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 Police Department Building. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist, to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At that hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

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

If you have any questions, you may contact the City Manager's Office at City Hall, 321 S.
Balsam, Moses Lake, WA, phone 509-766-9202.

Sincerely

A handwritten signature in black ink, appearing to read "Curt Ledeboer". The signature is fluid and cursive, with the first name "Curt" being more prominent.

Curt Ledeboer
Code Enforcement Officer

cc: City Manager
City Attorney
Municipal Services Director

MEMO:

TO:

FROM:

DATE:

RE: 705 D St
Parcel # 111335000
Lot 15; TERMINAL PARK ADD #2;10,318 SQ FT

06-22-10 While on patrol, I noticed that the weeds at 705 D St. were over 12" in height. There were excessive weed violations throughout the yard and planter strip on the property. The property is registered to Fox and Shirley Henderson with Grant Holdings LLC at 227 Bellevue Way NE #585, Bellevue, WA. I was unable to locate a contact number on this date, so I sent a notice to correct.

08-11-10 I was given a contact number for the Henderson's by a coworker. 206-271-1155.

08-13-10 Since they were several weeks past their clean up date for the first letter, without making a single alteration, I sent the Notice of Violation and Order to Correct

08-23-10 I received a call from Fox Henderson and he told me that he has a prior arrangement with a neighbor to cut it regularly and the neighbor hasn't done it this time, so Fox is going to come over during Labor Day and take care of it himself. He is also going to contact a landscaper so this can be maintained on a regular basis.

08-24-10 I received a call from John Russell (305-5568) and he said Mr. Henderson is not telling the truth. He said that Mr. Henderson approached him about paying him for taking care of the lot but Mr. Russell wanted the payment in advance if he were to do that, and he never was paid so he didn't do anything with the property. In his opinion, Mr. Henderson said this as a way to get an extension. If the weeds are not cut by the deadline I set for Labor Day Weekend, then I'm sending it to the attorney.

9/21/10

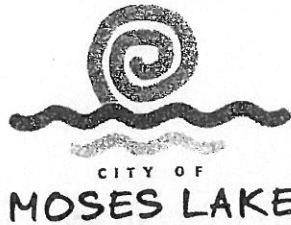
09-13-10 I got a call from Fox Henderson, saying he would get to the property in the middle of the week to clean it up. This is also the final date for the maximum penalty of the notice and order.

09-21-10 I gave Mr. Henderson the weekend to get the property cleaned because I wouldn't have been able to complete the memo until today, but the property still was not done.

Please let me know if there is anything else I need to do with this case.

Thanks,

Curt Ledeboer
Code Enforcement Officer 1
City of Moses Lake



CITY OF MOSES LAKE
NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Grant Holdings LLC
227 Bellevue Way NE #585.
Bellevue, WA 98004

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030 U

- 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.

Street Address of Violation:

705 D ST, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 15; Terminal Park Add #2; 10,318 SQ FT (CALC) Parcel # 111335000

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

Action Necessary to Correct Violation:

The City is requiring you to cut down and remove all weeds on the property.

Time by Which Violation is to be Corrected or Activity Ceased:

The City is requiring these corrections listed on this Notice and Order be accomplished by August 13, 2010.


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

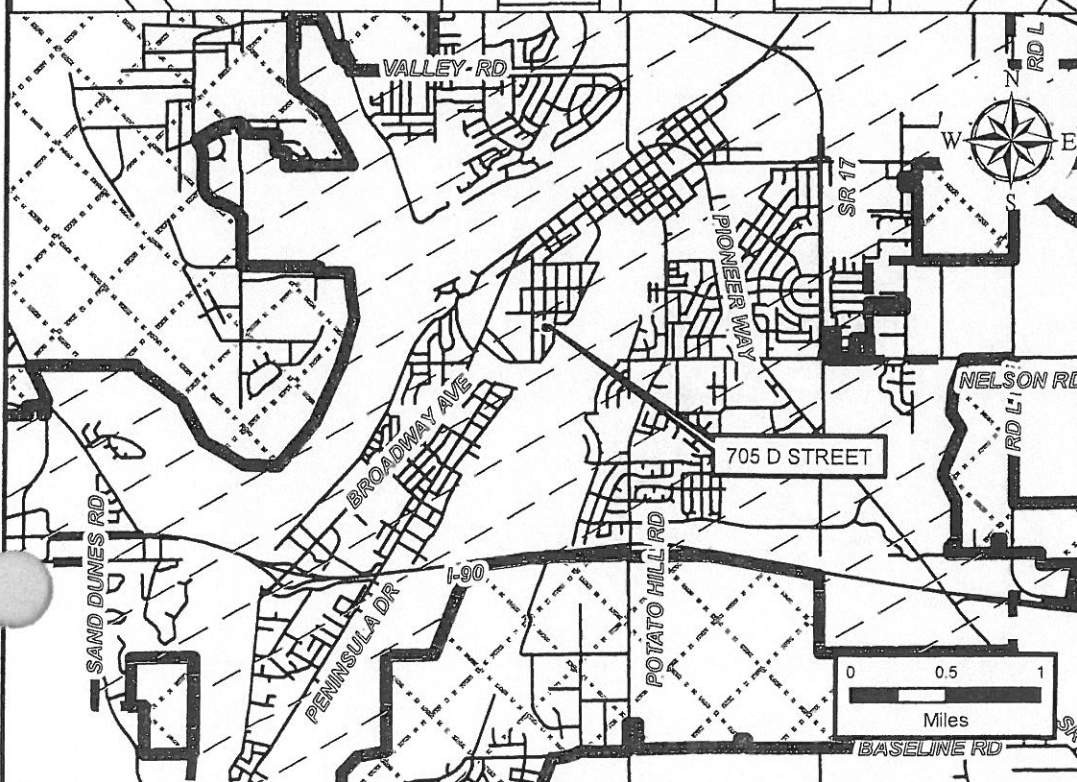
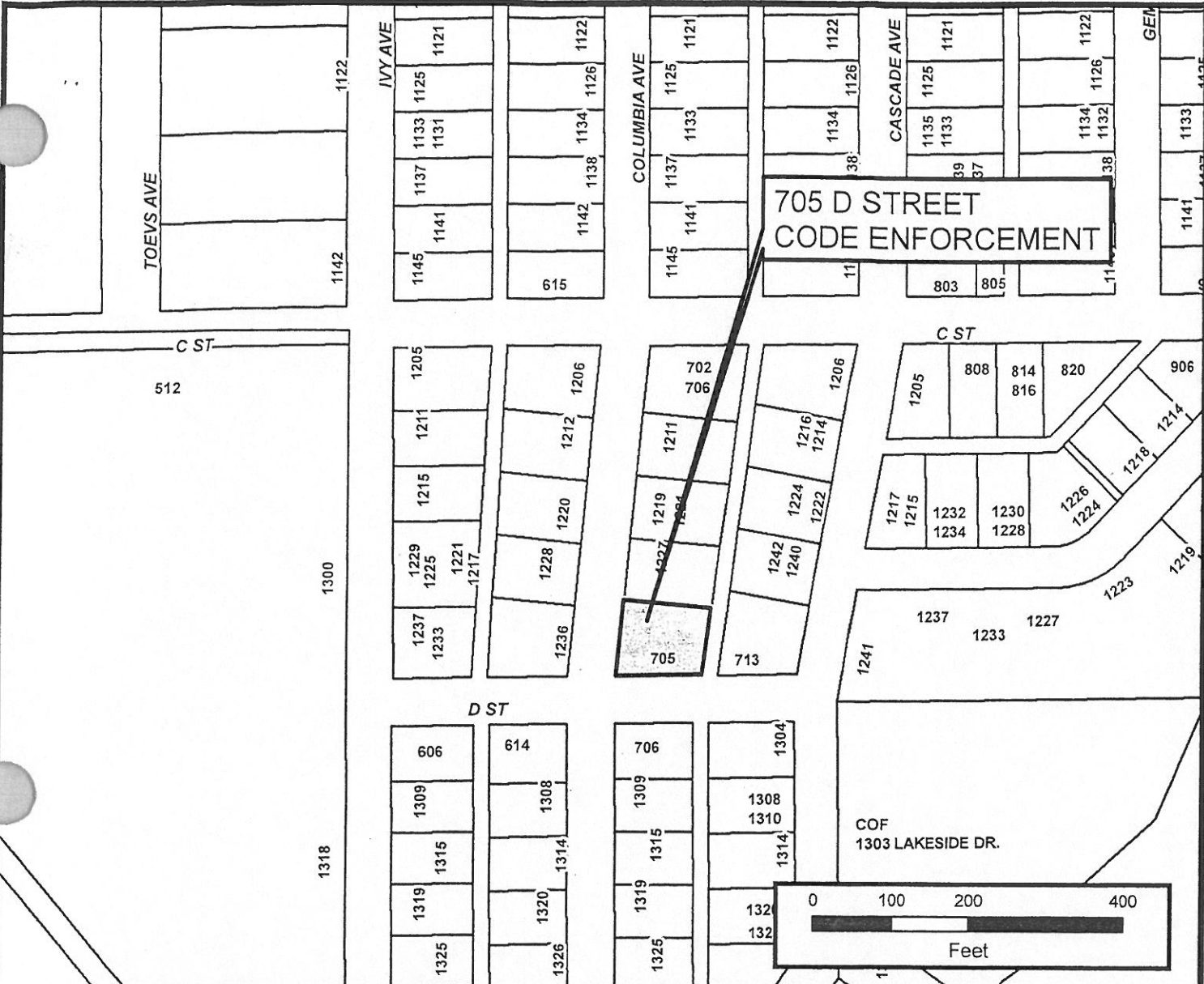
1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5,000), beginning on the 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 A \$800.00 FEE.

YOU ARE FURTHER NOTIFIED THAT, IF THE AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HEREIN, THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APPROPRIATE ACTION.

Date this August 3, 2010


Curt Ledebor
Code Enforcement Officer
City of Moses Lake
(509) 766-9394



CITY LIMITS

UGA BOUNDARY

ALDER

STREET NAMES

LOTS

LAKE

705 D STREET

CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP

DATE: SEPT. 23, 2010



09-16-10

Judd Locher
1201 Baker St
Moses Lake, WA 98837

Re: Hearing to Permit City Abatement of Nuisance
Property located at: 1201 Baker St, Parcel 90223000, Moses Lake, WA 98837
Via Regular Mail and Return Receipt Mail

Mr. Judd Locher:

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 9 BLK 2 1/2 VAC WALKWAY ADJ; BAKER HEIGHTS; 65X130

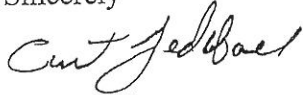
This property is located at 1201 Baker St, Parcel 90223000, Moses Lake, WA 98837
On August 3, 2010, the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity. No appeal was taken from that Notice of Violation and Order to 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 expired without compliance. As of September 16, 2010, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on October 12, 2010, 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 Police Department Building. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist, to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At that hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

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

If you have any questions, you may contact the City Manager's Office at City Hall, 321 S.
Balsam, Moses Lake, WA, phone 509-766-9202.

Sincerely



Curt Ledeboer
Code Enforcement Officer

cc: City Manager
City Attorney
Municipal Services Director



CITY OF
MOSES LAKE

**CITY OF MOSES LAKE
NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY**

TO: Judd Locher
1201 Baker St.
Moses Lake, WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030 M.5

M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by

Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.

Street Address of Violation:

1201 Baker St, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 9 BLK 2.5 Vac Walkway ADJ; Baker Heights; 65x130 parcel # 90223000

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

Action Necessary to Correct Violation:

The City is requiring you to cut down, spray, and remove all noxious Kochia weeds.

Time by Which Violation is to be Corrected or Activity Ceased:

The City is requiring these corrections listed on this Notice and Order be accomplished by August 13, 2010 .

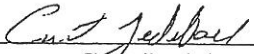
YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:

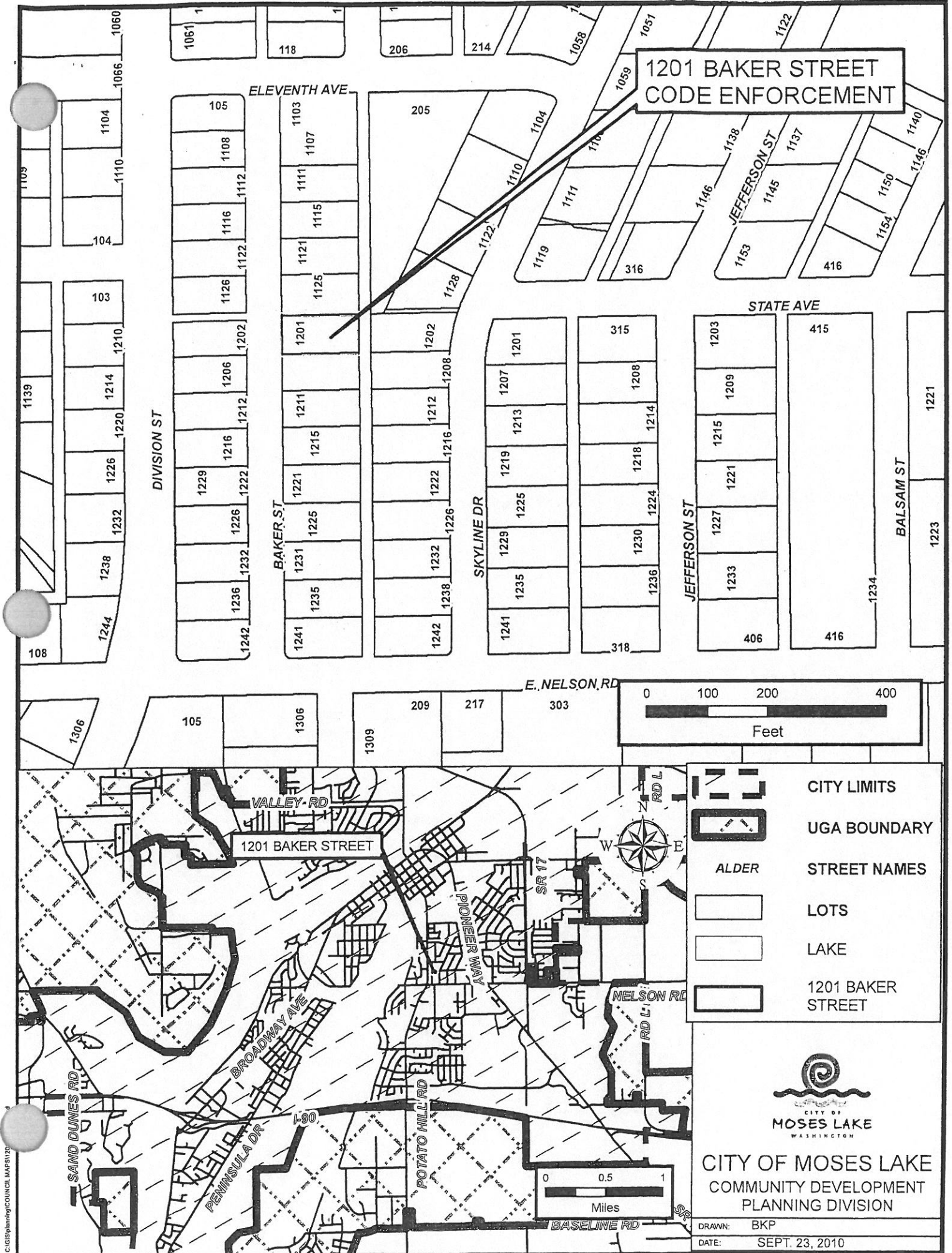
1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5,000), beginning on the 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 A \$800.00 FEE.

YOU ARE FURTHER NOTIFIED THAT, IF THE AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HEREIN, THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APPROPRIATE ACTION.

Date this August 3, 2010


Curt Ledeboer
Code Enforcement Officer
City of Moses Lake
(509) 766-9394





September 21, 2010

Ryan Winzler
1103 Cascade
Moses Lake, WA 98837

Re: Hearing to Permit City Abatement of Nuisance
Property located at: 1103 Cascade
Via Regular Mail and Return Receipt Mail

Ryan Winzler:

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 1 Blk 9; Guffin Eccles Add#3; 60X125 Parcel 91718000

This property is located at 1103 Cascade in Moses Lake WA 98837

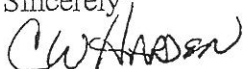
On August 13, 2010, the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity. No appeal was taken from that Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity expired without compliance. As of September 21, 2010, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on October 12, 2010, 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 Police Department Building. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist, to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At that hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

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

If you have any questions, you may contact the City Manager's Office at City Hall, 321 S.
Balsam, Moses Lake, WA, phone 509-766-9202.

Sincerely

A handwritten signature in dark ink, appearing to read "C W Harden". The signature is written in a cursive, somewhat stylized font.

C W Harden
Code Enforcement Officer

cc: City Manager
City Attorney
Municipal Services Director



CITY OF
MOSES LAKE

**CITY OF MOSES LAKE
NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY**

TO: Ryan Winzler
1103 Cascade.
Moses Lake WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030 M5

Street Address of Violation:

1103 Cascade, Moses Lake WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 1 Blk 9; Guffin Eccles Add #3; 60X125 parcel 91718000

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

Action Necessary to Correct Violation:

The City is requiring you to remove the dead shrubs from the property.

Time by Which Violation is to be Corrected or Activity Ceased:

The City is requiring these corrections listed on this Notice and Order be accomplished by August 23, 2010.

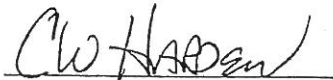
YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:

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 (\$5,000), 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 A \$800.00 FEE.

YOU ARE FURTHER NOTIFIED THAT, IF THE AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HEREIN, THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APPROPRIATE ACTION.

Date this August 13, 2010



C. W. Harden
Code Enforcement Officer
City of Moses Lake
(509) 764-3400

September 22, 2010

TO: City Manager
For City Council Consideration

FROM: Municipal Services Director

SUBJECT: **Consideration of Bids**
1) Pavement Patch Truck
2) Backhoe and Compactor
3) Truck Conversion

1) Pavement Patch Truck Bid 519-2010-07

On September 8, 2010, staff opened bids for a pavement patch truck to replace the 1984 Thermo-Lay and the 1970 truck that it is mounted on. The following two bids were received:

<u>Vendor</u>	<u>Total Bid With Tax</u>
Enviro-Clean Equipment Gresham, OR	\$161,091
J F Sahlberg & Co. Buckley, WA	\$184,186
Staff's Estimate	\$160,000

Enviro- Cleans Equipment bid substantially meets the specifications.

Staff recommends Council to award the bid to Enviro-Clean Equipment in the amount of \$161,091.

2) Backhoe and Compactor Bid 519-2010-09

On September 8, 2010, staff opened bids for a backhoe and compactor to replace the 1995 backhoe for the Water Division. The three following bids were received:

<u>Vendor</u>	<u>Make/Model</u>	<u>Total Bid With Tax</u>
Rowand Machinery Co. Pasco	2010 John Deere	\$93,873
Central Machinery Sales Moses Lake (Bid #1)	2010 Case	\$96,286
Central Machinery Sales Moses Lake (Bid #2)	2011 Case	93,410 \$98,286 OK
Staff's Estimate		\$101,000

State Contract
NC Machinery
Tukwila, WA

2010 Caterpillar

\$93,410

Rowand Machinery Sales' bid did not contain a price for the equipment tax. This omission is an immaterial, informal irregularity that can be waived. The city will not pay this tax since a title will not be obtained through the Department of Licensing. The equipment that Rowand Machinery Sales submitted substantially meets the specifications.

The bid specifications were developed to describe the equipment offered on the state contract. The staff's estimate was based on the estimate of \$101,000 given by NC Machinery while preparing the specifications. This estimate was included in the bid advertisement. After the bid opening, staff again contacted NC Machinery and they gave the state contract of price \$98,286. The difference between NC Machinery Sales' estimate and their final price is that they did not calculate the exact cost of the options in their first estimate.

The Council can either award the contract to Rowand Machinery Company who submitted the low bid, or reject all bids and authorize staff to purchase the equipment from the state contract.

3) Truck Conversion Bid 519-2010-15

On September 8, 2010, staff opened bids to convert the cab and chassis that was purchased earlier this year into a dump, plow and sander truck for the Street Division.

The following bid was received:

<u>Vendor</u>	<u>Total Bid With Tax</u>
Northend Truck Equipment, Inc. Marysville, WA	\$44,320
Staff's Estimate	\$36,000

Staff included a pre-wet system in this contract, \$8,000 value, that is listed in another portion of the budget. However, staff did not adjust the estimate to include this additional equipment. Staff considers Northend Truck Equipment's bid to be reasonable and fair to the City.

Staff recommends awarding this bid to Northend Truck Equipment, Inc. in the amount of \$44,320.

Respectfully Submitted,



Gary Harer, PE/PLS
Municipal Services Director

September 22, 2010

To: Municipal Services Director
For City Council Consideration

From: Public Works Superintendent *Tim*

Subject: **Bid Tabulation - Pavement Patch Truck**
Bid Number 519-2010-07

Notice to Bidders was published in the Columbia Basin Herald on August 20, 2010.

The new pavement patch truck will replace Equipment #551, a 1984 Thermo-Lay, and Truck #207, a 1970 Dodge.

Two (2) equipment companies requested bid documents. Bids were opened on September 8, 2010. We received two (2) bid proposals. Amounts have been rounded to the nearest dollar for this bid tabulation.

<u>Vendor</u>	<u>Make and Model</u>	<u>Total Price with Tax</u>
Enviro-Clean Equipment Gresham, OR	2011 Spaulding 6TCTM 2011 Freightliner M2 106V	\$161,091
J F Sahlberg & Co. Buckley, WA	2011 Pro-Patch 425 2011 International 7300 SA615	\$184,186
Staff's Estimate		\$160,000

There are sufficient savings from other capital purchases this year to make up the difference between the low bid price and our budgeted amount of \$160,000.

The bid from Enviro-Clean Equipment substantially meets the bid specification.

Staff recommends awarding Bid Number 519-2010-07, Pavement Patch Truck, to Enviro-Clean Equipment for the amount of \$161,091 including tax.

cc Equipment Rental Supervisor

September 22, 2010

To: Municipal Services Director
For City Council Consideration

From: Public Works Superintendent *Tim*

Subject: Bid Tabulation - Backhoe & Compactor
Bid Number 519-2010-09

Notice to Bidders was published in the Columbia Basin Herald on August 20, 2010.

The new Backhoe & Compactor will replace Equipment #304, a 1995 Case 580L in the Water Division. Equipment #304 will be rotated to the Parks Department and replace Equipment #310, a 1979 Case 580C.

Two (2) equipment companies requested bid documents. Bids were opened on September 8, 2010. We received three (3) bid proposals. Amounts have been rounded to the nearest dollar for this bid tabulation.

<u>Vendor</u>	<u>Make and Model</u>	<u>Total Price with Tax</u>
Rowand Machinery Co. Pasco, WA	2010 John Deere 310SJ Backhoe 2010 TCI.92 Compactor	\$93,873
Cental Machinery Sales Moses Lake, WA (Bid No. 1)	2010 Case 580 Super M Series 3 Backhoe Allied 1000B Compactor	\$96,286
Central Machinery Sales Moses Lake, WA (Bid No. 2)	2011 Case 580 580 Super N Backhoe Allied 1000B Compactor	\$98,714
NC Machinery (State Contract) Tukwila, WA	2010 Caterpillar 416 E Backhoe Quick Disconnect Compactor	\$93,410
Staff's Estimate		\$101,000

Our bid specifications were developed to describe the equipment offered on the state contract.

The low bid from Rowand Machinery substantially meets the bid specification.

cc Equipment Rental Supervisor

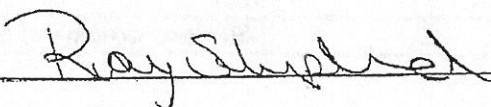
COPY

CITY OF MOSES LAKE
 BID NUMBER 519-2010-09
 BIDDER'S PROPOSAL FORM

BID NAME: Backhoe and Compactor
 BID OPENING: 2:00 p.m., Thursday, September 2, 2010

Item	Qty.	Description	Unit Price	Total Price
1	1	Backhoe and Compactor	\$87,000.00	\$87,000.00
		Year, Make and Model Bld: 2010 JD 310 SJ		
		2010 BTI TC-92		
Sub Total				\$87,000.00
Sales Tax (Rate 7.9%)				\$ 6,873.00
Equipment Tax (0.3%)				
The award will be based on the Base Bid Total.				
Base Bid Total				\$93,873.00

The undersigned agrees to furnish the following items at the prices stated, subject to the conditions and requirements of this bid.

Delivery Date:	90 Days from receipt of order.	
Business Name:	Rowand Machinery Company	
Address:	1907 East James Street Pasco, WA 99301	
This Form Completed by (Print Name):	Ray Shepherd	
Signature:		
Title:	Territory Manager	
Date:	07 September 2010	
Telephone:	509-547-8813	Fax: 509-547-7959

COPY

State Contract

APPENDIX E PRICE WORKSHEET

Category 1. Tractor w/Loader and Backhoe, 14' - 17' Dig Depth, @
16,000 lb. Operating Weight.

Contractor; NC Machinery

Mfg: Caterpillar	Model: 416E
------------------	-------------

Set-Up, Testing Ready For Operation (STRO)	Equipment Cost FOB Destination Statewide (ECFS)	Total:
\$ 2,300.00	\$71,182.00	\$73,482.00

Date of manufacturer's price list: 2010	
Discount % off of list price for options	28%
Discount % off of list price for attachments	28%
Discount % off of list price for parts	0%
Repair Manuals	\$0 when ordered w/machine

Category 2. Tractor w/Loader and Backhoe, 14' - 17' 6" Dig Depth, @
17,500 lb. Operating Weight.

Contractor; NC Machinery


Mfg: Caterpillar	Model: 420E
------------------	-------------

Set-Up, Testing Ready For Operation (STRO)	Equipment Cost FOB Destination Statewide (ECFS)	Total:
\$2,300.00	\$73,422.00	\$75,722.00

Date of manufacturer's price list: 2010	
Discount % off of list price for options	28%
Discount % off of list price for attachments	28%
Discount % off of list price for parts	0%
Repair Manuals	\$0 when ordered w/ machine

September 21, 2010

To: Municipal Services Director
For City Council Consideration

From: Public Works Superintendent 

Subject: **Bid Tabulation - Truck Chassis Conversion**
Bid Number 519-2010-15

Notice to Bidders was published in the Columbia Basin Herald on August 20, 2010.

A new truck chassis was purchase earlier this year. The truck chassis replaced equipment number 312, a 1988 GMC truck. This project will convert the replacement truck chassis into a dump, plow, and sander truck for the Street Division. The dump box, plow, and sander are being transferred from vehicle 312 to the new truck chassis.

Five (5) truck companies requested bid documents. Bids were opened on September 8, 2010. We received one (1) bid proposal. Amounts have been rounded to the nearest dollar for this bid tabulation.

<u>Vendor</u>	<u>Total Price with Tax</u>
Northend Truck Equipment, Inc. Marysville, WA	\$44,320
Staff's Estimate	\$36,000

There are sufficient savings from other capital purchases this year to make up the difference between the bid price and our budgeted amount of \$36,000.

The bid from Northend Truck substantially meets the bid specification.

Staff recommends awarding Bid Number 519-2010-15, Truck Chassis Conversion, to Northend Truck for the amount of \$44,320 including tax.

cc Equipment Rental Supervisor

September 21, 2010

TO: City Manager for Council Consideration

FROM: Community Development Director

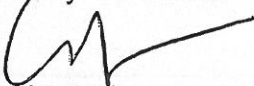
SUBJECT: Ordinance - REC Solar Grade Silicon III Annexation- 2nd Reading and Public Hearing

REC Solar Grade Silicon III requested the annexation of approximately 5.1 acres located west of Road N and south of Road 4 as shown on the attached map.

A public hearing to consider the zoning has been scheduled. The Council should open the public hearing and take testimony on the zoning of the property to be annexed.

The ordinance is presented for Council consideration. This is the second reading of the ordinance.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt

ORDINANCE NO. 2584

AN ORDINANCE ANNEXING PROPERTY COMMONLY KNOWN AS THE REC SOLAR GRADE SILICON III ANNEXATION TO THE CITY OF MOSES LAKE, WASHINGTON, AND INCORPORATING THE SAME WITHIN THE CORPORATE LIMITS OF THE CITY OF MOSES LAKE

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

Section 1. The following described real estate, as shown on the attached map marked Exhibit A which by this reference is incorporated within this ordinance, situated in Grant County is hereby annexed to and incorporated in the City of Moses Lake:

A parcel of land situated in Section 17, Township 19 North, Range 29 East, W.M., Grant County, Washington described as follows:

Farm Unit 229, Block 41, Columbia Basin Project shown on the maps prepared by the United States Bureau of Reclamation, less the north 30 feet thereof.

containing 61.1 acres more or less

Parcel #19 067 3000

Section 2. All property within the territory annexed shall hereinafter be assessed and taxed at the same rate and on the same basis as other property within the city.

Section 3. The area annexed will be zoned HI, Heavy Industrial.

Section 4. That a copy of this ordinance shall be filed with the Board of County Commissioners of Grant County, Washington.

Section 5. 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 September 28, 2010.

ATTEST:

Jon Lane, Mayor

Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

James A. Whitaker, City Attorney

REC ANNEXATION
FARM UNIT 229 BLOCK 41

0 500 1,000 2,000
Feet

REC ANNEXATION

RD 5 NE

RD 4 NE

RD 1 NE

RD 2 NE

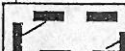
RD 3 NE

WHEELER RD

NELSON RD

PIONEER WAY

SR 17



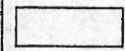
CITY LIMITS



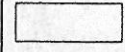
UGA BOUNDARY

ALDER

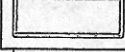
STREET NAMES



LOTS



LAKE



REC ANNEXATION



CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP

DATE: SEPTEMBER 07, 2010

0 0.5 1
Miles

REC ANNEXATION
FARM UNIT 229 BLOCK 41

0 500 1,000 2,000
Feet

REC ANNEXATION

RD 5 NE

RD 4 NE

RD 3 NE

WHEELER RD

NELSON RD



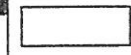
CITY LIMITS



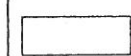
UGA BOUNDARY

ALDER

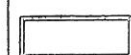
STREET NAMES



LOTS



LAKE



REC ANNEXATION



CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP

DATE: SEPTEMBER 07, 2010

0 0.5 1
Miles

MOSES LAKE SENIOR OPPORTUNITY & SERVICES
608 East Third Avenue
Moses Lake, WA 98837
Telephone: (509) 765-7809, FAX (509) 766-6651
August 5, 2010

City of Moses Lake
321 South Balsam Street
Moses Lake, WA 98837

RE: Request for Additional Funds

Attention: City Council
(Would like to present at August 24th council meeting)

The Moses Lake Senior Center would like to submit a request for funding above the \$10,000 base in the amount of \$5,000.00.

We endeavor to enrich the lives of our seniors by providing a broad range of recreational activities for them, including exercise programs, Pinochle, dances, pool, computer classes and use of the computer room, Bridge, Wii, quilting and sewing to name some of the activities.

We would like to replace the 25 year old carpet in the social hall, computer room and office area with laminate type flooring. Installing laminate flooring in the social hall would give the much needed additional space for dances and more versatility for other activities.

These areas total approximately 3,000 square feet. Enclosed is a bid from Cost Less Carpet for materials only. We are able to install the flooring with volunteer labor. At least one of our volunteers is a licensed contractor. We successfully installed this type of flooring in the Birch room a year ago.

We appreciate your hard work and consideration.

Sincerely,



Pat Reents, President

cc:
Joe Gavinski
Ronald Cone

COST LESS CARPET -- MOSES LAKE
888 E. Broadway Extended
MOSES LAKE, WA 98837
509-765-6942

Order Summary

Order # 38054
Date 8/4/2010
Salesperson GINA
Terms COD
Cust PO # Social Room
First Print Date

Bill To

Moses Lake Senior Center
608 E 3RD Ave
Moses Lake, WA 98837

509-765-7809

Ship To

SKU	Product	Delivered	Qty	Price	Line Total
WB660459	Shaw : XSB 0232U : 137 Acadia Birch (26.40sf) 8 mm 114 Bxs & 0 Pcs		3009.60	\$1.40	\$4,213.44
WB16160017	Laminate Pad (White Moisture Barrier) (200 sqft a roll)		3000.00	\$0.12	\$360.00
WB20200647	Shaw : Mutil-Purpose Reducer SVMPR : (Shaw Item#322)#137		10.00	\$19.99	\$199.90

Sub Total \$4,773.34

Freight \$0.00

Sales Tax \$377.09

Grand Total \$5,150.43

Pymts Rec'd \$0.00

BEFORE INSTALLING ANY PRODUCT, INCLUDING BUT NOT LIMITED TO -
CARPET, VINYL, WOOD OR LAMINATE FLOORING, TILE, AND SLAB -
PLEASE VERIFY THE SHADE AND COLOR OF ALL PURCHASED ITEMS. NO
IMPLIED WARRANTIES ARE GRANTED BEYOND THE MANUFACTURER
WARRANTY. CLAIMS WILL ONLY BE CONSIDERED FOR NON-INSTALLED
PRODUCTS. THERE IS A 25% RESTOCKING FEE ON ALL SPECIAL ORDERS
AND CUT ROLL ITEMS. NOT RESPONSIBLE FOR ITEMS LEFT OVER 30 DAYS.

EMPLOYEE INITIALS _____ PICK UP DATE _____

CUSTOMER SIGNATURE _____

Balance Due \$5,150.43

ADD FOR FREIGHT

MOSES LAKE SENIOR CENTER
 608 E 3rd Avenue
 Moses Lake, WA 98837
 Telephone: (509) 765-7809

Current Funding Amounts for 6 months, ending 06/30/2010

• City of Moses Lake	\$ 10,750	
• City of Moses Lake (pool table)	3,581	
• Grant County	3,000	
• United Way	5,208	
• Emergency Food & Shelter	3,900	
• Genie	1,720	
• Lioness	1,000	
• Paul Lauzier Foundation (kitchen remodel)	10,000	
• Sunrise Rotary (Meals on Wheels, automobile)	<u>3,500</u>	
• Total Funded Amount		42,659

• Membership	3,776	
• Walk-in Donations	7,020	
• Nutrition Program, AACCW	46,938	
• Nutrition Program, Copes	7,004	
• Nutrition Program, Meals - in house	14,082	
• Thrift Store	82,207	
• Building Rental	4,379	
• Special Fund Raising, i.e. Mother's Day Breakfast	2,663	
• Senior Center Activities	4,900	
• Miscellaneous	<u>4,959</u>	
		<u>177,928</u>

Total Income

\$ 220,587

Page 2 of 2 - Moses Lake Senior Center

In the calendar period of January - June, 2010, we served 5,021 meals at the center and 5,806 home delivered meals.

The number of people served at the center for the first six months of 2010 is 15,040. This does not include customers at our Thrift Store.

We have also served 17,325 people for "2nd Harvest" which is a free food give away program.

We feel that an appropriate ratio for city residents vs. county would be 80% city and 20% Grant County.

City of Moses Lake
Moses Lake City Council
321 S. Balsam St.
Moses Lake, WA 98837

September 21, 2010

Re: Adopting a proposed change to Moses Lake Municipal Code, Chapter 18.55, Home Occupations.

Dear Sirs:

My name is Gary Keno.

The purpose of this letter is to allow me to obtain a variance in the Municipal Code 18.55.040 (J). These are home occupations that are not deemed as permissible uses or home occupations.

I am asking for a variance of the taxi business portion of this section (J). My desire is to start a new taxicab business in Moses Lake. This requires a permanent address and phone number, if I live inside the city limits. The request is to allow me to use my personal home as my new business address. Since I will be self employed and the only person in the business, there should not be any problems with my neighbors. The primary service I will perform is to receive phone calls from clients that need transportation from a pickup location to be transported to a drop off location. I will be using my home phone as the primary calling number and call forwarding will transfer other incoming calls to my personal cell phone while I'm on the road. My taxicab will be parked at my residents during non business hours.

I am asking for a City Council hearing to further explain any other questions concerning this Municipal Code variance. Please respond back to me with a date and time.

Thank you for your time.

Gary Keno
3921 W. Peninsula Dr.
Unit 16
Moses Lake, WA 98837-3038
509-855-5519



Gary Keno

September 22, 2010

TO: City Manager
For City Council Consideration

FROM: Municipal Services Director

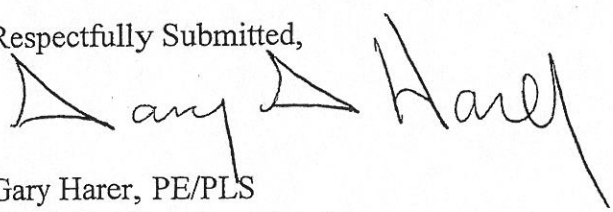
SUBJECT: **Construction Work Hours**
Broadway Avenue (SR-171) Overlay Project

Bob Romine, WSDOT Project Engineer, requests permission for the Washington State Department of Transportation's contractor to work between the hours of 10 p.m. and 7 a.m. during their Broadway Avenue (SR-171) overlay project that is scheduled to be completed in 2011. Mr. Romine will make a presentation at the council meeting.

Moses Lake Municipal Code 8.28.050.B.3 requires City Council approval for construction work between the hours of 10 p.m. and 7 a.m.

This request is presented to the City Council for consideration.

Respectfully Submitted,


Gary Harer, PE/PLS
Municipal Services Director

Gary Harer

From: Romine, Bob [RomineR@wsdot.wa.gov]
Sent: Thursday, September 09, 2010 10:41 AM
To: gharer@ci.moses-lake.wa.us
Subject: SR 171 Paver

Hi Gary,

It's been awhile since I've talked to you about this project and now that we are closed to getting the plans completed there are some logistics that I need to resolve with you regarding performing the work within the city limits. This project involves milling and filling the driving lanes, pavement markings, and updating ADA sidewalk ramps. This project is will go from SR 171 ramps terminals on Broadway to where the Pioneer Way to Stratford project ended the paving limits.

Key things that need to be discussed are:

- Hours of work for asphalt planing and paving (**proposed hours 7 PM to 6 AM**)
- How many city blocks can be closed at a time (**proposed 3 blocks**)
- Notification of parking lane closures.
- Any City ordinances that would impact the night work.
- Is there a need to present the project to the City Council?
- Anything else that you may think is relevant regarding this project.

*Bob Romine, P.E.
Project Engineer
WSDOT/North Central Region
509-667-2880*



To: City Manger for Council Consideration
From: Tom Taylor, Fire Chief
Date: August 19, 2010
Subject: Amend Chapter 16.52 of the MLMC

Due to recent fire safety concerns and research from the National Fire Protection Association regarding fatal fires where residential fire sprinkler systems charged with anti-freeze solutions resulted in rapid progression of fires, I am respectfully requesting to amend Chapter 16.52 of the Moses Lake Municipal Code, Installation and Maintenance of Automatic Fire Extinguishing Systems.

The proposed amendment would prohibit charging a residential fire sprinkler system with any solution other than water. It would also require existing systems that are charged with an anti-freeze solution be drained and re-charged with water.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Taylor", is written over a horizontal line.

Tom Taylor
Fire Chief

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 16.52 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "INSTALLATION AND MAINTENANCE OF AUTOMATIC FIRE EXTINGUISHING SYSTEMS"

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

Section 1. Chapter 16.52 of the Moses Lake Municipal Code entitled "Installation and Maintenance of Automatic Fire Extinguishing Systems" is amended as follows:

16.52.040 Fire Extinguishing Systems:

- A. Where Required: In addition to the locations required to install automatic sprinkler systems by the currently adopted State Fire Code in Group R-1 and R-2 occupancies, locations which are twelve thousand five hundred (12,500) square feet in total area, or larger, are required to install automatic sprinklers throughout, including the attic.
- B. Sprinkler System Alarms: When serving more than twenty (20) sprinklers, automatic sprinkler systems shall be supervised by an approved central proprietary or remote station service or a local alarm which will give an audible signal at a constantly attended location.
- C. Fire Department Connections: All newly installed fire department connections shall be equipped with Knox locking caps.
- D. Use of Anti-Freeze Solutions: Fire sprinkler systems installed in any residential occupancy shall contain water only and not be charged with anti-freeze solutions to include glycerin or glycol. Residential systems currently charged with an anti-freeze solution must be drained and re-charged with water.

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 October 12, 2010.

Jon Lane, Mayor

ATTEST:

Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

James A. Whitaker, City Attorney

Memo



September 15, 2010

TO: City Manager, for Council Consideration

FROM: Dean Mitchell, Police Chief

SUBJECT: Resolution, Donation

I'm requesting to accept a gift of \$2,500 from a foundation with local ties. The foundation asks that they remain anonymous. The foundation has requested that the gift be used "to improve station conditions, enhance safety, or contribute to the spirit and morale of MLPD".

I have discussed this gift with members of the department. We would like to utilize the gift to purchase ballistic body armor for our patrol officers.

Please see attached resolution for Council's consideration of this generous gift.

Sincerely,

A handwritten signature in cursive script that reads "Dean G. Mitchell".

Dean G. Mitchell
Police Chief

Attachment

RESOLUTION NO. 3174

A RESOLUTION ACCEPTING A DONATION TO THE MOSES LAKE POLICE
DEPARTMENT FROM AN ANONYMOUS FOUNDATION

RECITALS:

1. The Moses Lake Police Department has been awarded an anonymous donation in the amount of \$2,500.00
2. The foundation has asked that these funds be used "to improve station conditions, enhance safety, or contribute to the spirit and morale of MLPD." These funds will be used to purchase ballistic body armor for our patrol officers.

RESOLVED:

1. The City of Moses Lake accepts the donation for the Moses Lake Police Department.
2. The City of Moses Lake expresses appreciation to the anonymous foundation for their generosity.

Adopted by the City Council on _____.

Jon Lane, Mayor

ATTEST:

Ronald R. Cone, Finance Director

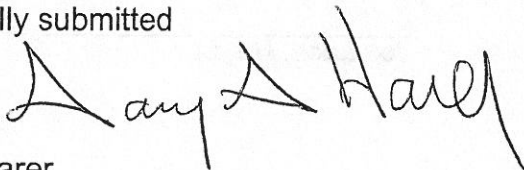
September 20, 2010

TO: City Manager for Council Consideration
FROM: Municipal Services Director
SUBJECT: Resolution - Abandon Easement - Eka Chemicals

Attached is a resolution which abandons an easement located in the northwest quarter of Section 21, Township 19 North, Range 29 East. The easement was intended for the EKA Noble Lift Station. This easement also extends south on Grant County PUD property. a new easement for the lift station will be dedicated on the EKA Chemicals Major Plat; so, therefore, the existing easement is requested to be abandoned.

The resolution abandoning the easement is presented for Council consideration.

Respectfully submitted

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

Gary G. Harer
Municipal Services Director

GGH:jt

RESOLUTION NO. 3175

A RESOLUTION AUTHORIZING ABANDONMENT OF AN EASEMENT

RECITALS:

1. The City of Moses Lake requested the abandonment of the easement on the following described property recorded under Grant County Auditor's File Number 910517038:

An easement for municipal purposes located entirely in the NW 1/4 of Section 21, Township 19 North, Range 29 East, W.M., Grant County, Washington, being more accurately described as follows:

Commencing at the northwest corner of the Northwest quarter of said Section 21; thence South 00°25'00" West, on the west line of said Northwest 1/4, a distance of 1,672.88 feet; thence South 89°35'00" East, perpendicular to said west line, a distance of 30.00 feet to a point on the easterly right-of-way margin of Road N NE and the true point of beginning; thence continuing South 89°35'00" East a distance of 30.00 feet; thence south 00°25'00" West, parallel to said easterly right-of-way margin, a distance of 50.00 feet; thence North 89°35'00" West a distance of 30.00 feet to said easterly right-of-way margin; thence North 00°25'00" East, on said easterly right-of-way margin, a distance of 50.00 feet to the true point of beginning.

RESOLVED:

1. The City Council of the City of Moses Lake does resolve that the above described easement will be abandoned and that the City Manager is authorized to execute the necessary documents in order to accomplish that abandonment.

Adopted by the City Council on September 28, 2010.

ATTEST:

Jon Lane, Mayor

Ronald R. Cone, Finance Director

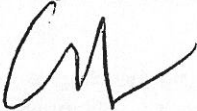
September 22, 2010

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement - Allen

Attached is a resolution providing for the abatement of nuisances on property owned by Jack Allen located at 720 Pennivy. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

The resolution is attached for Council consideration.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA;jt

RESOLUTION NO. 3176

A RESOLUTION DETERMINING THAT JACK ALLEN AND ROBERT ALLEN ARE THE OWNERS OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTS ON SUCH PROPERTY; AND DIRECTING THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at 720 Pennivy (Lot 5, Block 1, Albertus Addition), Parcel #90178000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030. The records of Grant County show the owners of the subject property to be Jack Allen and Robert Allen, 830 Kiefer Drive, Moses Lake, WA 98837.
2. Notice. On August 2, 2010, 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 September 14, 2010, the Code Enforcement Officer caused to be delivered to Jack Allen a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 28, 2010. 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 M 5 - Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
4. Hearing. On September 28, 2010 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
 - 5.1. The following persons testified under oath:

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

EXHIBIT #1: Moses Lake Municipal Code Chapter 8.14.030

EXHIBIT #2: Previous "Notice To Correct" letter sent.

EXHIBIT #3: Notice of Violation and Order to Correct or Cease Activity dated August 2, 2010 from the Code Enforcement Officer addressed to Jack Allen 803 Keifer Drive, Moses Lake, WA 98837.

EXHIBIT #4: Pictures taken by Code Enforcement Officer of the property located at Parcel #90178000, Moses Lake, Washington.

EXHIBIT #5: Letter dated September 14, 2010, from the Code Enforcement Officer to Jack Allen advising the property owner of the hearing regarding abatement of property, scheduled for September 28, 2010.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 M exists on the subject property at Parcel #90178000, Moses Lake, Washington. Jack Allen and Robert Allen, 830 Kiefer, Moses Lake, WA 98837 are the record contract owners of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. Noxious weeds and weeds and grasses 12 inches or greater growing on the property.
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. Jack Allen and Robert Allen, the record contract owners, have fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:
 - 4.1 Cut and spray weeds and Kochia on the lot.
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 September 28, 2010.

Jon Lane, Mayor

ATTEST:

Ronald R. Cone, Finance Director



CITY OF MOSES LAKE
NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Jack Allen
803 Keifer DR
Moses Lake WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030 M5

Street Address of Violation:

720 Pennivy, Moses Lake WA 09938

Brief Legal Description of Property Where Violation Exists:

Lot 5 Blk 1; Albertus Add #2; 60X140 parcel 901780000

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

Action Necessary to Correct Violation:

The City is requiring you to cut and spray weeds and kochia on lot..

Time by Which Violation is to be Corrected or Activity Ceased:

The City is requiring these corrections listed on this Notice and Order be accomplished by August 12, 2010.

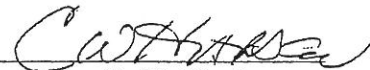
YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:

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 (\$5,000), 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 A \$800.00 FEE.

YOU ARE FURTHER NOTIFIED THAT, IF THE AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HEREIN, THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APPROPRIATE ACTION.

Date this August 2, 2010



C. W. Harden
Code Enforcement Officer
City of Moses Lake
(509) 764-3400

**NOTICE TO CORRECT
UNSAFE OR UNLAWFUL
CONDITION**



DATED: July 8, 2010
ISSUED TO: Jack Allen
803 Kiefer Dr
Moses Lake, WA 98837

LOCATION OF UNLAWFUL CONDITION: 720 Pennivy, Moses Lake, WA 98837

DESCRIPTION: Noxious Weeds, (See attached picture)

Moses Lake Municipal Code Section No.: 8.14.030 M5

As owner, agent, lessee other person occupying or having charge or control of the building, lot or premises at 720 Pennivy, you are hereby notified that the undersigned, pursuant to Chapter 8.14 of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

The presence of noxious weeds on or adjacent to the property, whether growing or otherwise.

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030 M5

- M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
 - 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.

You are notified to correct said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not correct the condition within the specified time period, a notice & order to correct the condition, will be issued to you, which can result in a penalty being imposed.

CORRECTION REQUIRED: The City is requiring that all noxious weeds be sprayed, cut down and removed to control it's growth. Also, all other weeds taller than 12 inches in height must be cut down.

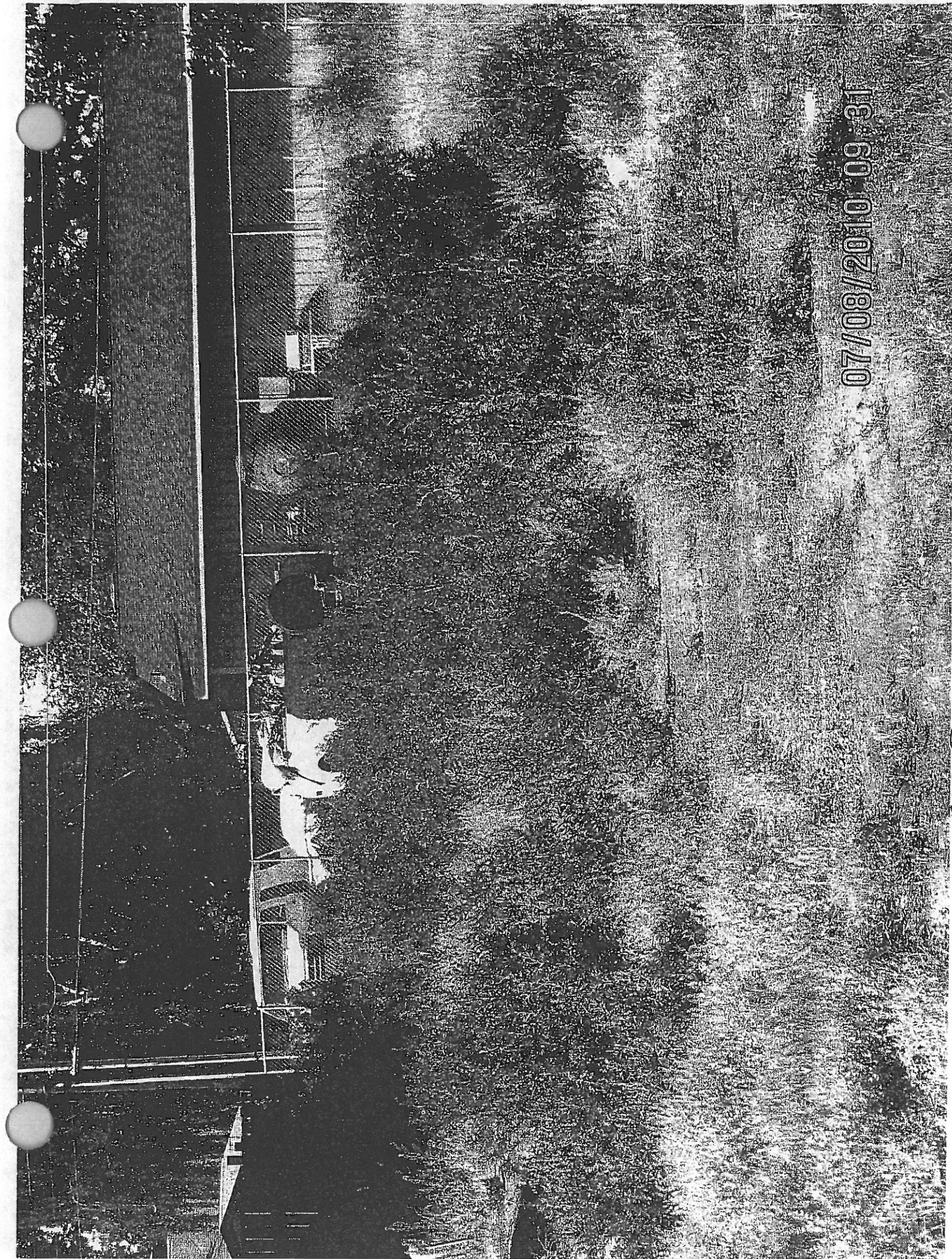
I would like to **thank you** in advance for your cooperative efforts. If you have questions or need clarification on any of the above-mentioned items, please give me a call (509) 764-3400 or come see me at City Hall.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. W. Harden". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

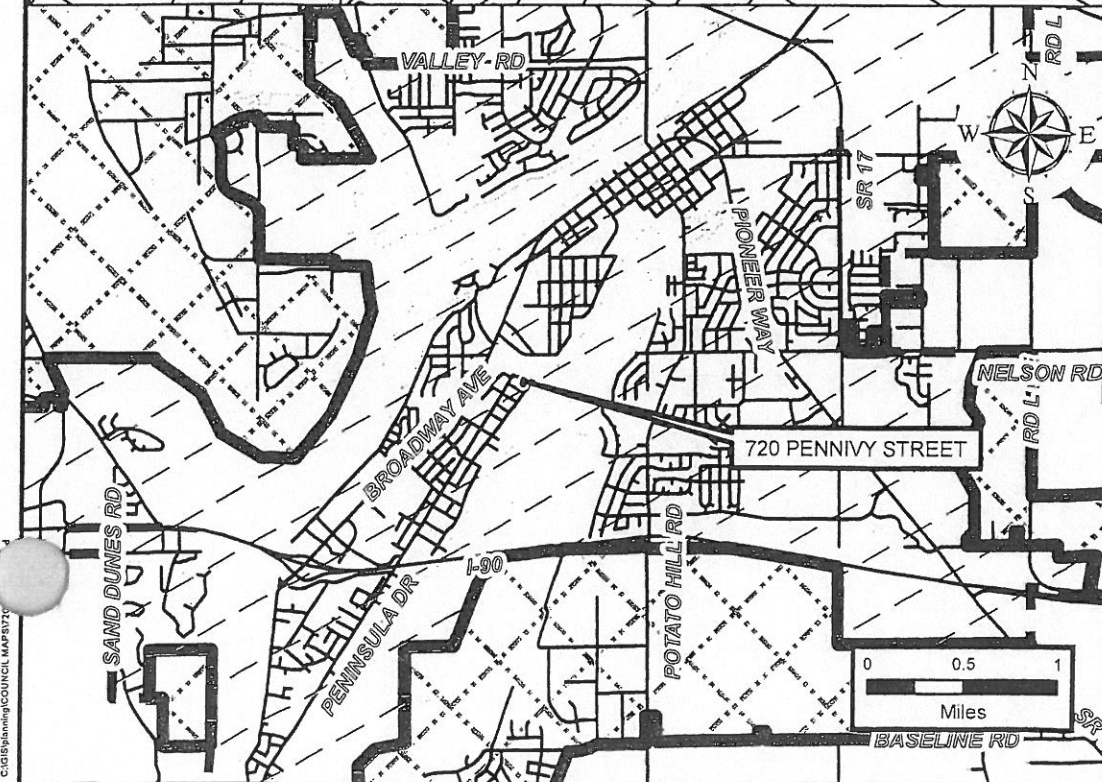
C. W. Harden
Code Enforcement Officer I
charden@ci.moses-lake.wa.us

07/08/2010 09:31





09/02/2010 10:37



	CITY LIMITS
	UGA BOUNDARY
	STREET NAMES
	LOTS
	LAKE
	720 PENNIVY ST.

CITY OF MOSES LAKE
WASHINGTON

CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP
DATE: SEPT. 23, 2010

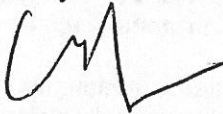
September 22, 2010

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement - Rodriguez

Attached is a resolution providing for the abatement of nuisances on property owned by Marjorie Rodriguez located at 403 Earl. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

The resolution is attached for Council consideration.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3177

A RESOLUTION DETERMINING THAT MARJORIE RODRIGUEZ 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 403 Earl (Lot 29, Knolls Vista 13th Addition) Parcel #100488000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030. The records of Grant County show the owner of the subject property to be Marjorie Rodriguez, 403 Earl, Moses Lake, WA 98837.
2. Notice. On July 30, 2010, 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 September 14, 2010, the Code Enforcement Officer caused to be delivered to Marjorie Rodriguez a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 28, 2010. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
 - 3.1 A violation of MLMC 8.14.030 U. - Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
4. Hearing. On September 28, 2010 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
 - 5.1. The following persons testified under oath:

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

EXHIBIT #1: Moses Lake Municipal Code Chapters 8.14.030

EXHIBIT #2: Previous "Notice To Correct" letter sent.

EXHIBIT #3: Notice of Violation and Order to Correct or Cease Activity dated July 30, 2010 from the Code Enforcement Officer addressed to Marjorie Rodriguez, 403 Earl, Moses Lake, WA 98837.

EXHIBIT #4: Pictures taken by Code Enforcement Officer of the property located at Parcel #100488000, Moses Lake, Washington.

EXHIBIT #5: Letter dated September 14, 2010, from the Code Enforcement Officer to Marjorie Rodriguez advising the property owner of the hearing regarding abatement of property, scheduled for September 28, 2010.

Resolved:

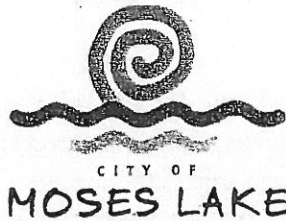
1. A public nuisance in violation of MLMC 8.14.030 U exists on the subject property at Parcel #100488000, Moses Lake, Washington. Marjorie Rodriguez, 403 Earl, Moses Lake, WA 98837 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. Dead 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. Marjorie Rodriguez, 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 Spray and remove noxious weeds from the property.
5. City staff shall provide a status report to City Council on the progress of the record contract owner 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 September 28, 2010.

Jon Lane, Mayor

ATTEST:

Ronald R. Cone, Finance Director



**CITY OF MOSES LAKE
NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY**

TO: Margorie Rodriguez
403 Earl
Moses Lake WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030 M5 U

Street Address of Violation:

403 Earl, Moses Lake WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 29; Knolls Vista 13th Add; Senior Citizen Exemption; 7833 SQ FT parcel 100488000

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

Action Necessary to Correct Violation:

The City is requiring you to spray and remove noxious seeds from property.

Time by Which Violation is to be Corrected or Activity Ceased:

The City is requiring these corrections listed on this Notice and Order be accomplished by August 9, 2010.

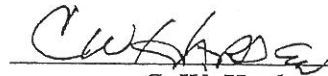
YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:

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 (\$5,000), 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 A \$800.00 FEE.

YOU ARE FURTHER NOTIFIED THAT, IF THE AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HEREIN, THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APPROPRIATE ACTION.

Date this July 30, 2010



C. W. Harden
Code Enforcement Officer
City of Moses Lake
(509) 764-3400

**NOTICE TO CORRECT
UNSAFE OR UNLAWFUL
CONDITION**



DATED: June 10, 2010
ISSUED TO: Margorie Rodriguez
403 Earl
Moses Lake, WA 98837

LOCATION OF UNLAWFUL CONDITION: 403 Earl Moses Lake, WA 98837

DESCRIPTION: Weeds or grass growth over 12" in height.(See attached picture)

Moses Lake Municipal Code Section No.: 8.14.030 U

As owner, agent, lessee other person occupying or having charge or control of the building, lot or premises at 403 Earl, you are hereby notified that the undersigned, pursuant to Chapter 8.14 of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Weeds or grass growth over 12" in height.

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030 U

- 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.

You are notified to correct said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not correct the condition within the specified time period, a notice & order to correct the condition, will be issued to you, which can result in a penalty being imposed.

CORRECTION REQUIRED: The City is requiring that the weeds or grass be cut or sprayed to be acceptable to City Code.

I would like to **thank you** in advance for your cooperative efforts. If you have questions or need clarification on any of the above-mentioned items, please give me a call (509) 764-3400 or come see me at City Hall.

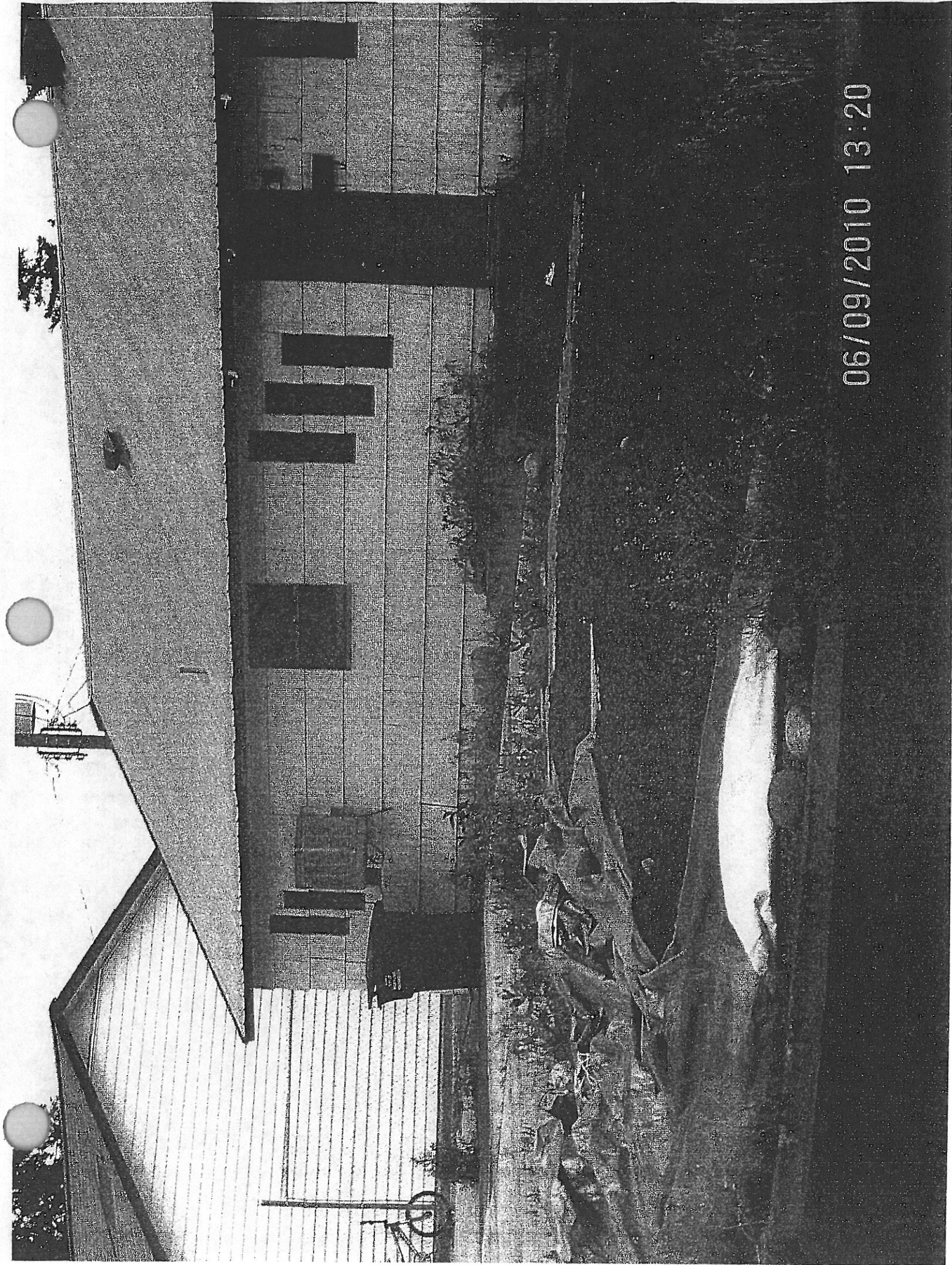
Sincerely,

A handwritten signature in black ink that reads "C. W. Harden". The signature is written in a cursive style with a large, stylized "C" and "H".

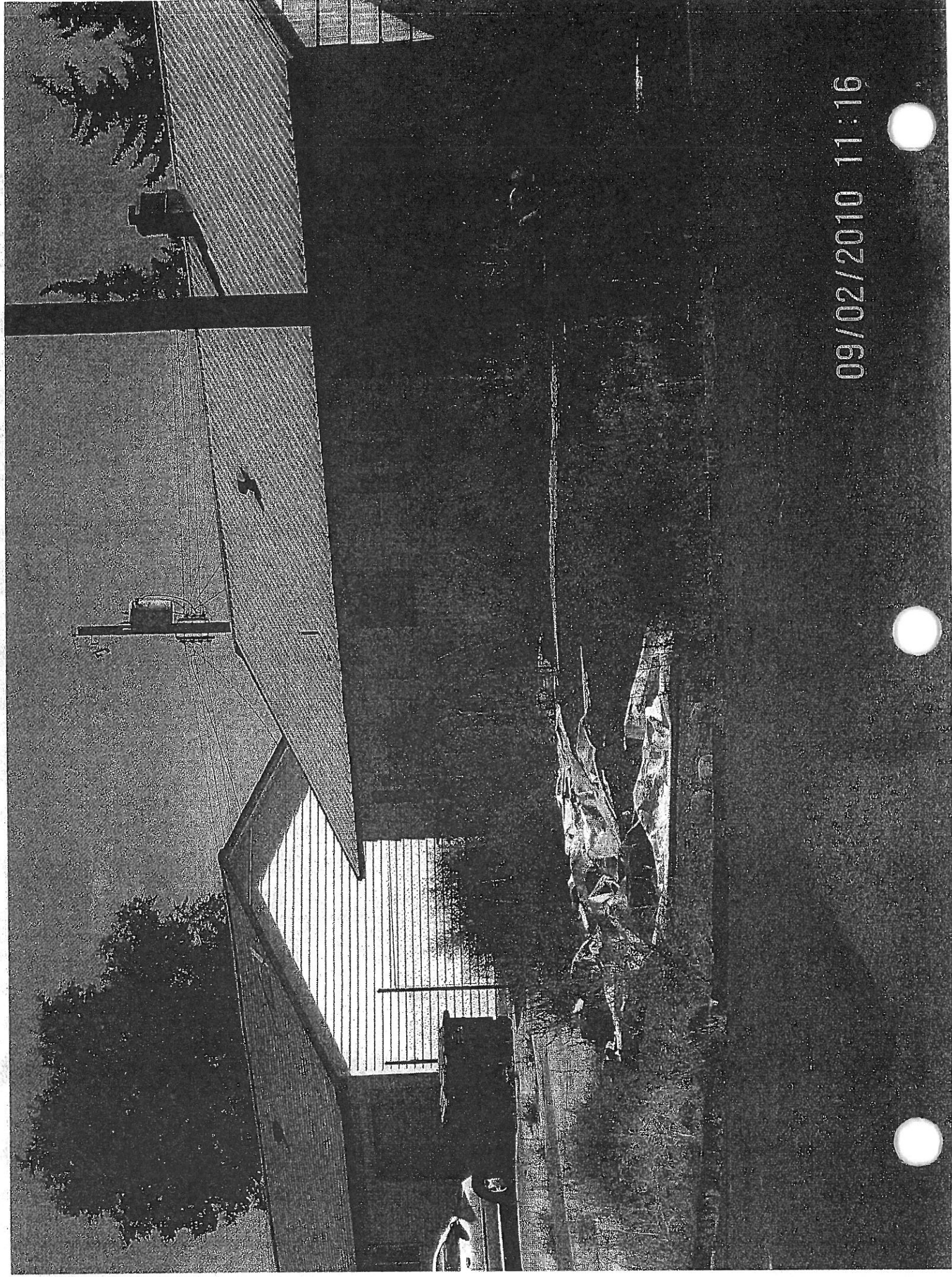
C. W. Harden

Code Enforcement Officer I

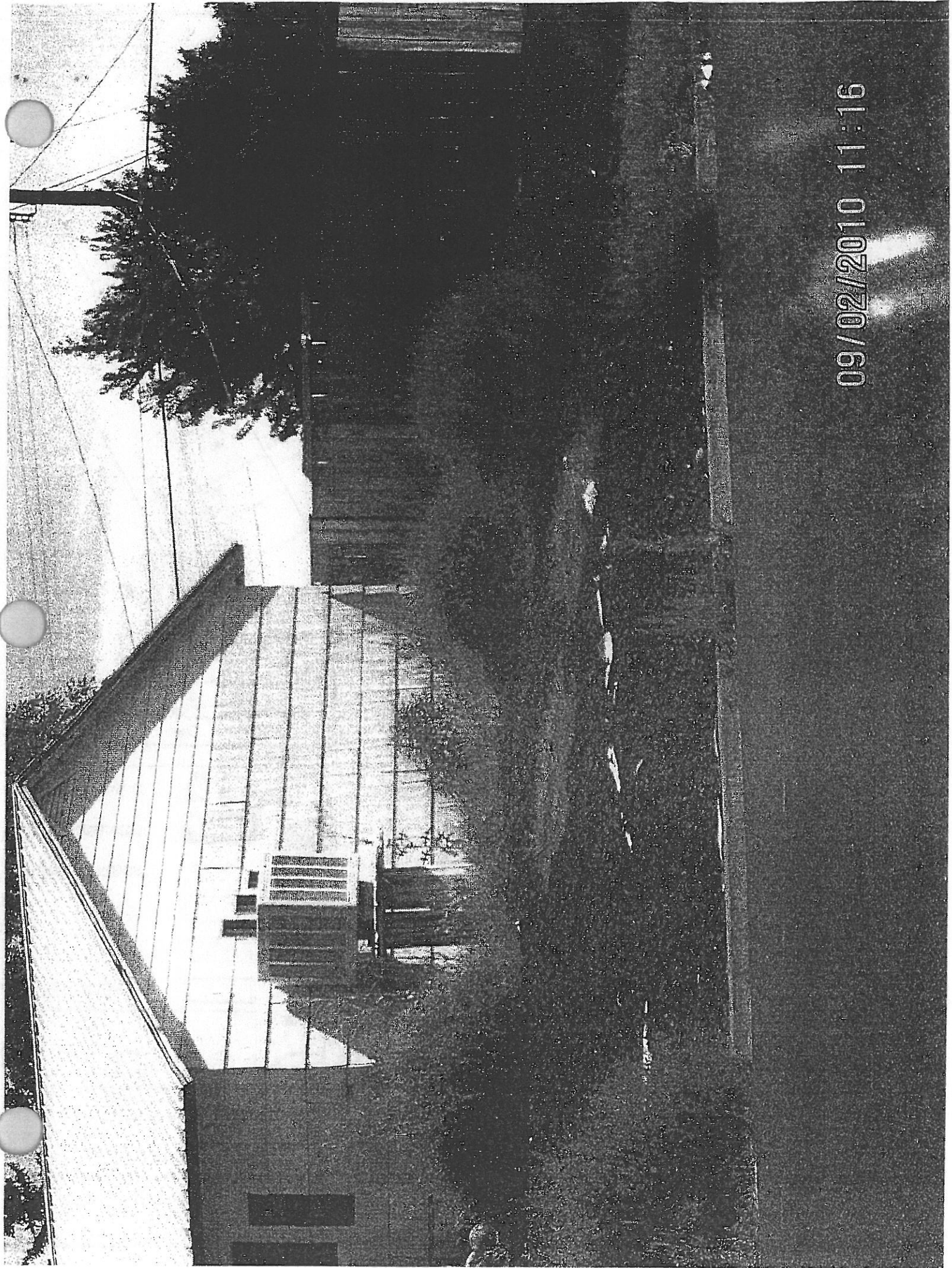
charden@ci.moses-lake.wa.us



06/09/2010 13:20

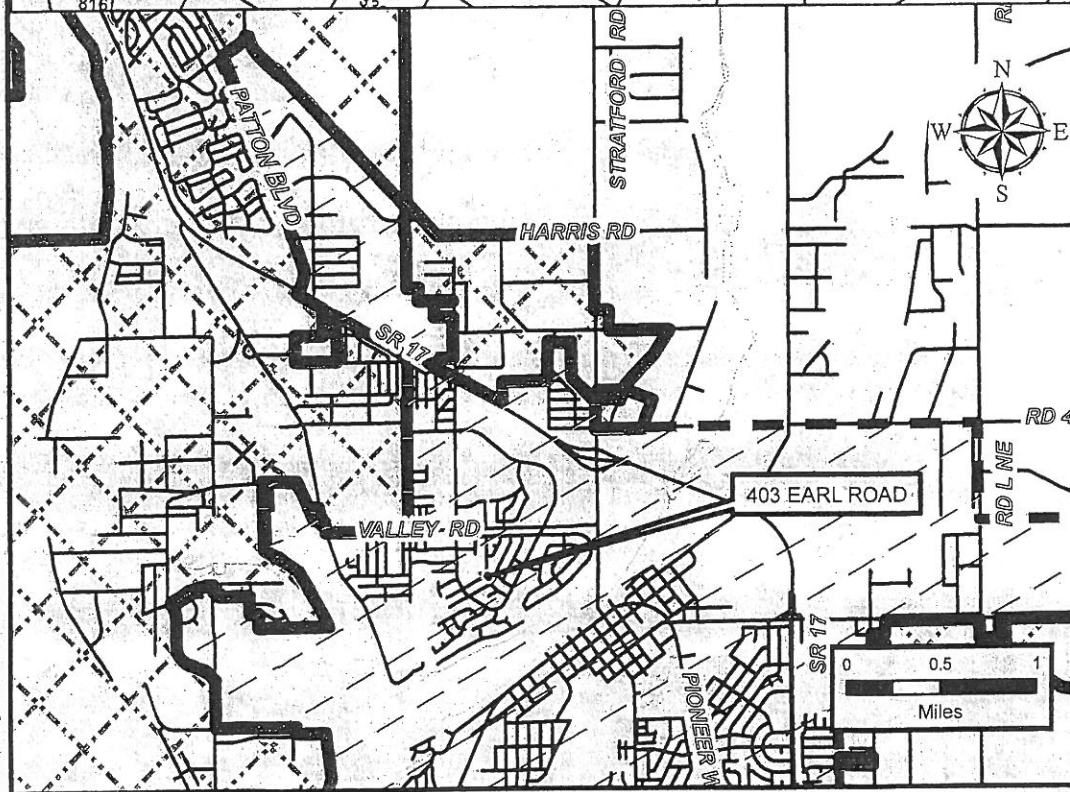
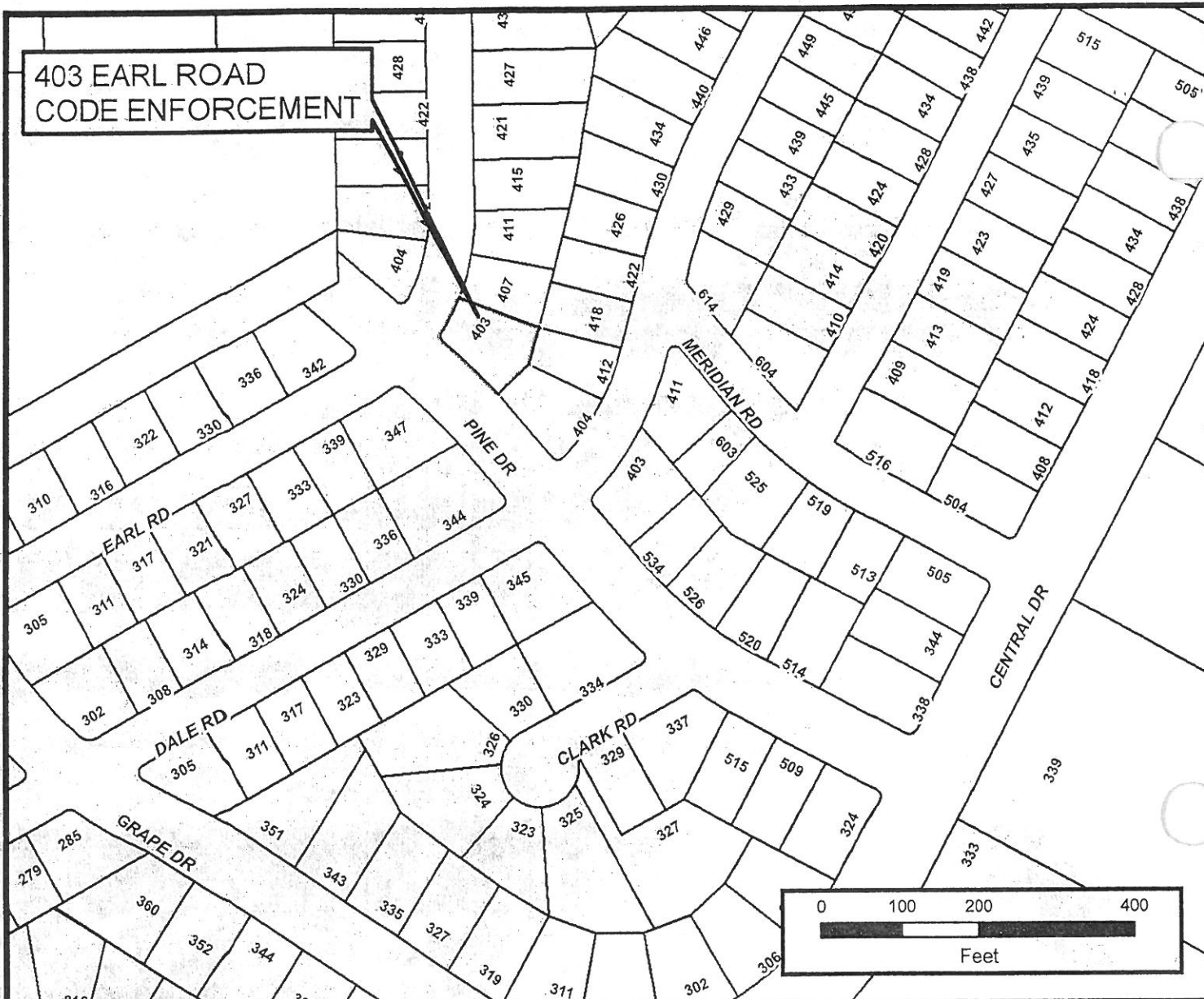





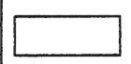



09/02/2010 11:16



09/02/2010 11:16

403 EARL ROAD
CODE ENFORCEMENT



-  CITY LIMITS
-  UGA BOUNDARY
-  ALDER
-  STREET NAMES
-  LOTS
-  LAKE
-  403 EARL ROAD



CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP
DATE: SEPT. 23, 2010

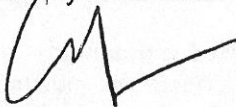
September 22, 2010

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement - Polischuk

Attached is a resolution providing for the abatement of nuisances on property owned by Yuriy Polischuk located at 221 and 227 Crestview. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

The resolution is attached for Council consideration.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA;jt

RESOLUTION NO. 3178

A RESOLUTION DETERMINING THAT YURIY POLISCHUK 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 221 and 227 Crestview (Lots 13 and 14, Block 3, Crestview Heights Major Plat), Parcel #91325333 and 91325334, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030. The records of Grant County show the owner of the subject property to be Yuriy Polischuk, P. O. Box 3843, Federal Way, WA 98063.
2. Notice. On July 30, 2010, 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 September 14, 2010, the Code Enforcement Officer caused to be delivered to Yuriy Polischuk a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 28, 2010. 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 violation exists on the subject property and have not been corrected:
 - 3.1 A violation of MLMC 8.14.030 U - Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
4. Hearing. On September 28, 2010 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
 - 5.1. The following persons testified under oath:

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

EXHIBIT #1: Moses Lake Municipal Code Chapter 8.14.030 U

EXHIBIT #2: Previous "Notice To Correct" letter sent.

EXHIBIT #3: Notice of Violation and Order to Correct or Cease Activity dated July 30, 2010 from the Code Enforcement Officer addressed to Yuriy Polischuk, P. O. Box 3843, Federal Way, WA 98063.

EXHIBIT #4: Pictures taken by Code Enforcement Officer of the property located at Parcel #91325333 and #91325334, Moses Lake, Washington.

EXHIBIT #5: Letter dated September 14, 2010, from the Code Enforcement Officer to Yuriy Polischuk advising the property owner of the hearing regarding abatement of property, scheduled for September 28, 2010.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 U exists on the subject property at Parcel #91325333 and #91325334, Moses Lake, Washington. Yuriy Polischuk, P. O. Box 3843, Federal Way, WA 98063 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. Noxious weeds and weeds and grasses 12 inches or greater growing on the property.
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. Yuriy Polischuk, 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 Spray and remove noxious weeds from the property and cut weeds over 12" in height.
5. City staff shall provide a status report to City Council on the progress of the record contract owner 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 September 28, 2010.

Jon Lane, Mayor

ATTEST:

Ronald R. Cone, Finance Director



CITY OF MOSES LAKE
NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Yuriy Polischuk
POB 3843
Federal Way WA 98063

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030 M5

Street Address of Violation:

221 & 227 Crestview, Moses Lake WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 13 Block 3; Crestview Heights Major Plat; 9238 SQ FT & Lot 14 Block 3; Crestview Heights Major Plat; 9370 SQ FT Parcels 91325333 & 91325334

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

Action Necessary to Correct Violation:

The City is requiring you to spray and remove noxious weeds from property and cut weeds over 12" in height

Time by Which Violation is to be Corrected or Activity Ceased:

The City is requiring these corrections listed on this Notice and Order be accomplished by August 9, 2010.

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 (\$5,000), 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 A \$800.00 FEE.

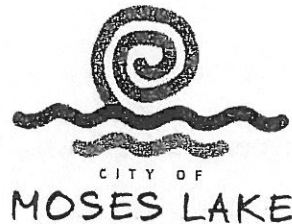
YOU ARE FURTHER NOTIFIED THAT, IF THE AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HEREIN, THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APPROPRIATE ACTION.

Date this July 30, 2010



C. W. Harden
Code Enforcement Officer
City of Moses Lake
(509) 764-3400

**NOTICE TO CORRECT
UNSAFE OR UNLAWFUL
CONDITION**



DATED: June 30, 2010
ISSUED TO: Yuriy Polischuk
POB 3843
Federal Way WA 98063

LOCATION OF UNLAWFUL CONDITION: 227 Crestview parcel 91325333, Moses Lake, WA 98837

DESCRIPTION: Weeds or grass growth over 12" in height.(See attached picture)

Moses Lake Municipal Code Section No.: 8.14.030 U

As owner, agent, lessee other person occupying or having charge or control of the building, lot or premises at 227 Crestview parcel 91325333, you are hereby notified that the undersigned, pursuant to Chapter 8.14 of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Weeds or grass growth over 12" in height.

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030 U

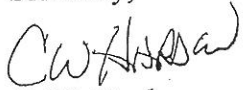
- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.

You are notified to correct said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not correct the condition within the specified time period, a notice & order to correct the condition, will be issued to you, which can result in a penalty being imposed.

CORRECTION REQUIRED: The City is requiring that the weeds or grass be cut or sprayed to be acceptable to City Code.

I would like to **thank you** in advance for your cooperative efforts. If you have questions or need clarification on any of the above-mentioned items, please give me a call (509) 764-3400 or come see me at City Hall.

Sincerely,

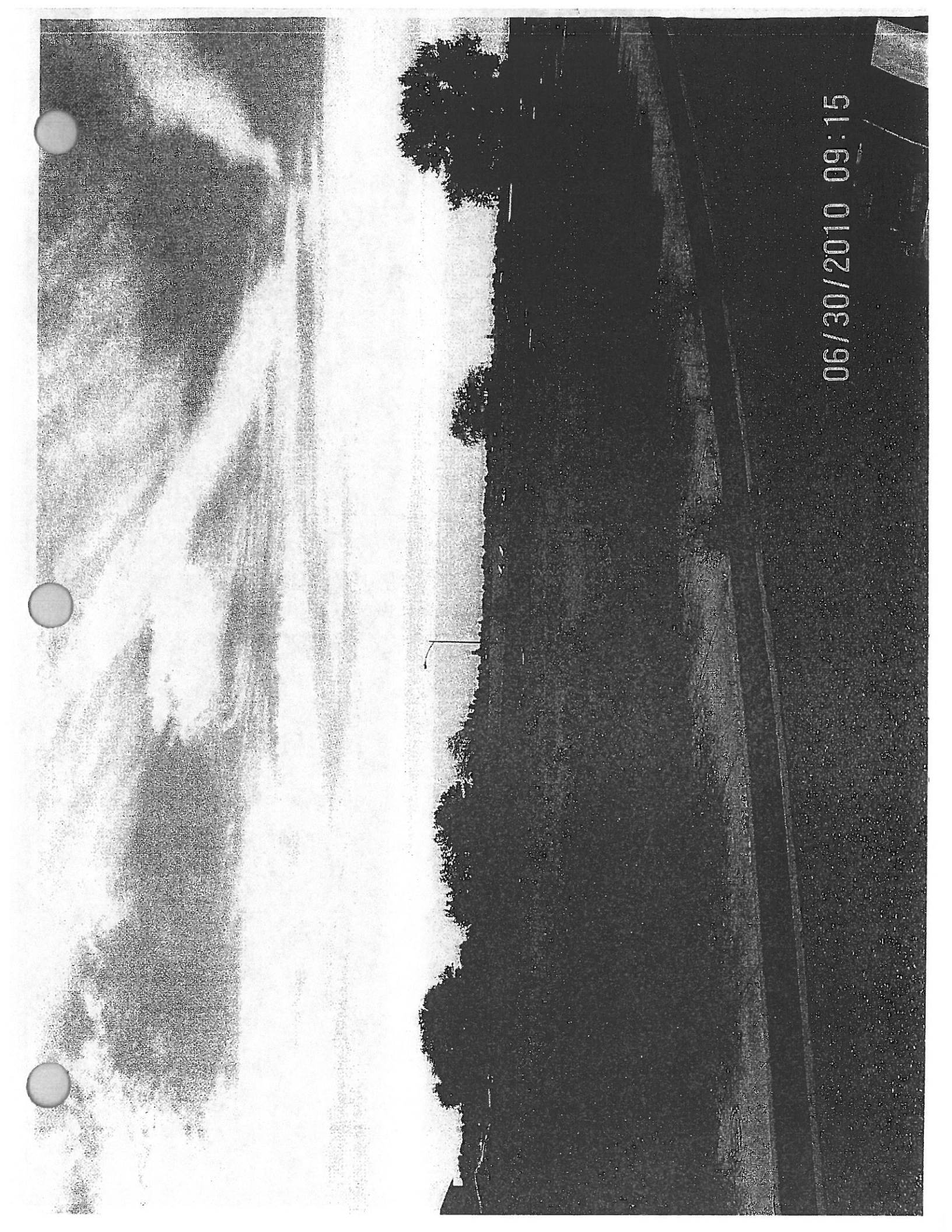
A handwritten signature in black ink, appearing to read "C. W. Harden". The signature is stylized with a large "C" and a long, sweeping underline.

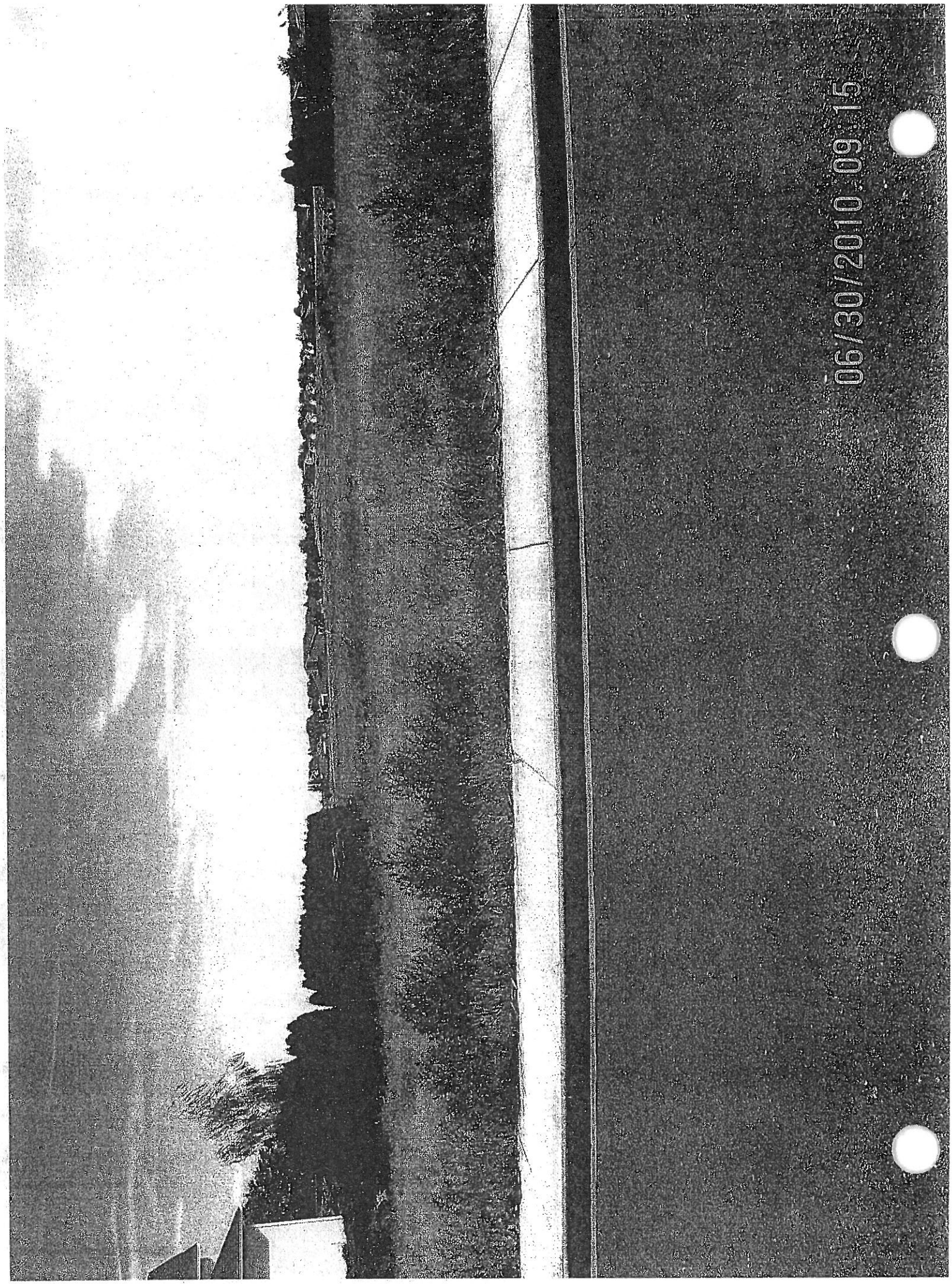
C. W. Harden

Code Enforcement Officer I

charden@ci.moses-lake.wa.us

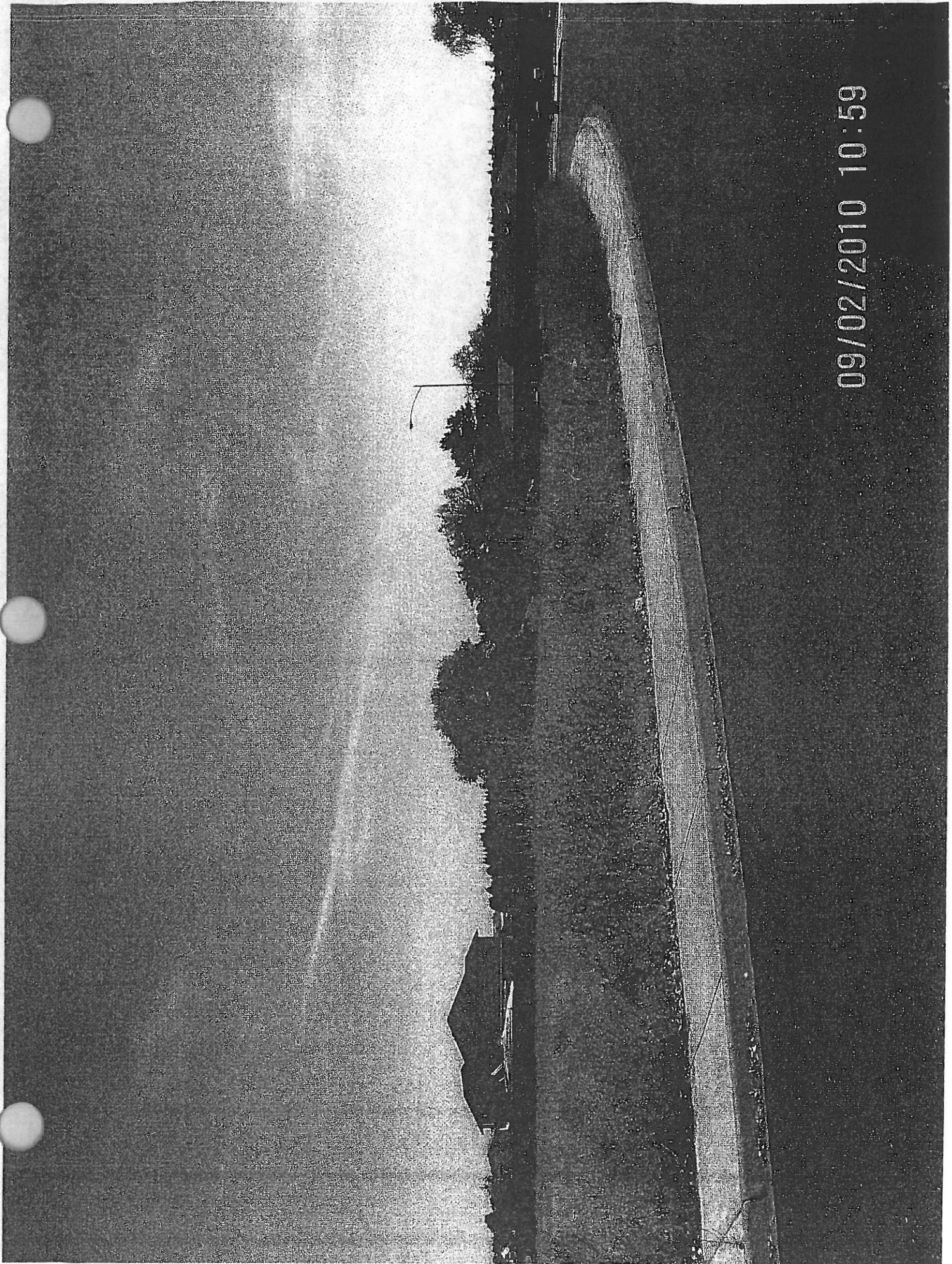
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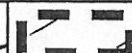
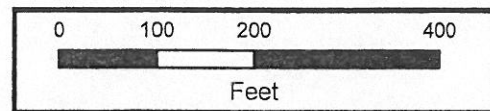
09/02/2010 10:59



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221 AND 227 CRESTVIEW DRIVE CODE ENFORCEMENT



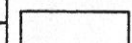
CITY LIMITS



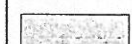
UGA BOUNDARY

ALDER

STREET NAMES



LOTS



LAKE



221 AND 227
CRESTVIEW DR.



CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP

DATE: SEPT. 23, 2010



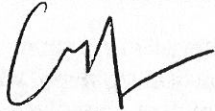
September 22, 2010

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement - Benson

Attached is a resolution providing for the abatement of nuisances on property owned by Eric and Brianna Benson located at 522 Kentucky. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

The resolution is attached for Council consideration.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3179

A RESOLUTION DETERMINING THAT ERIC AND BRIANNA BENSON ARE THE OWNERS OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTS ON SUCH PROPERTY; AND DIRECTING THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at 522 Kentucky (Lot 8, Blk 2, Sage Vista Second Addition Major Plat) Parcel #110993695, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030. The records of Grant County show the owners of the subject property to be Eric and Brianna Benson, 522 Kentucky, Moses Lake, WA 98837.
2. Notice. On July 30, 2010, 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 September 14, 2010, the Code Enforcement Officer caused to be delivered to Eric and Brianna Benson a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 28, 2010. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
 - 3.1 A violation of MLMC 8.14.030 U - Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 - 3.2 A violation of MLMC 18.57.090 A: The property owner shall maintain all landscape plant material for the life of the project. All unhealthy or dead plant materials shall be replaced within the next planting season, not to exceed one hundred eighty (180) days from the date of loss. Trees and shrubs shall only be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent a safety hazard. Planted areas shall be maintained free of trash and weeds.
4. Hearing. On September 28, 2010 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
 - 5.1. The following persons testified under oath:

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

EXHIBIT #1: Moses Lake Municipal Code Chapters 8.14.030 and 18.57.090

EXHIBIT #2: Previous "Notice To Correct" letters sent.

EXHIBIT #3: Notice of Violation and Order to Correct or Cease Activity dated July 30, 2010 from the Code Enforcement Officer addressed to Eric and Brianna Benson, 522 Kentucky, Moses Lake, WA 98837.

EXHIBIT #4: Pictures taken by Code Enforcement Officer of the property located at Parcel #110993695, Moses Lake, Washington.

EXHIBIT #5: Letter dated September 14, 2010, from the Code Enforcement Officer to Eric and Brianna Benson advising the property owner of the hearing regarding abatement of property, scheduled for September 28, 2010.

Resolved:

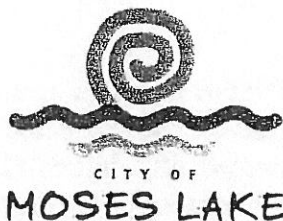
1. A public nuisance in violation of MLMC 8.14.030 U and 18.17.090 A exists on the subject property at Parcel #110993695, Moses Lake, Washington. Eric and Brianna Benson, 522 Kentucky, Moses Lake, WA 98837 are the record contract owners of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. Dead weeds and grasses over 12" in height and a dead lawn.
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. Eric and Brianna Benson, the record contract owners, have fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:
 - 4.1 Spray and remove noxious weeds from the property.
5. City staff shall provide a status report to City Council on the progress of the record contract owners and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.
6. A copy of this resolution shall be provided to the record contract owners by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on September 28, 2010.

Jon Lane, Mayor

ATTEST:

Ronald R. Cone, Finance Director



CITY OF MOSES LAKE
NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Eric/Brianna Benson
522 Kentucky
Moses Lake WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030 M5 U

Street Address of Violation:

522 Kentucky, Moses Lake WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 8 Block 2; Sage Vista Second Add Major Plat; 70000 SQ FT parcel 110993695

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

Action Necessary to Correct Violation:

The City is requiring you to spray and remove noxious seeds from property.

Time by Which Violation is to be Corrected or Activity Ceased:

The City is requiring these corrections listed on this Notice and Order be accomplished by August 9, 2010.

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 (\$5,000), 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 A \$800.00 FEE.

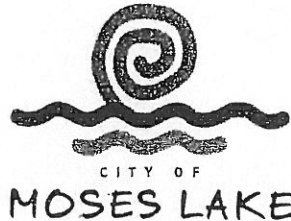
YOU ARE FURTHER NOTIFIED THAT, IF THE AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HEREIN, THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APPROPRIATE ACTION.

Date this July 30, 2010



C. W. Harden
Code Enforcement Officer
City of Moses Lake
(509) 764-3400

NOTICE TO CORRECT
UNSAFE OR UNLAWFUL
CONDITION



DATED: May 26, 2010
ISSUED TO: Eric/Brianna Benson
522 Kentucky
Moses Lake, WA 98837

LOCATION OF UNLAWFUL CONDITION: 522 Kentucky Moses Lake, WA 98837

DESCRIPTION: Weeds or grass growth over 12" in height. Dead lawn(See attached picture)

Moses Lake Municipal Code Section No.: 8.14.030 U 18.57.090

As owner, agent, lessee other person occupying or having charge or control of the building, lot or premises at 522 Kentucky, you are hereby notified that the undersigned, pursuant to Chapter 8.14 of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Weeds or grass growth over 12" in height. **Dead lawn.**

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030 U

- 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.

18.57.090 Maintenance Requirements

- A. Plant Maintenance: The property owner shall maintain all landscape plant material for the life of the project. All unhealthy or dead plant materials shall be replaced within the next planting season, not to exceed one hundred eighty (180) days from the date of loss. Trees and shrubs shall only be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent a safety hazard. Planted areas shall be maintained free of trash and weeds.

You are notified to correct said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not correct the condition within the specified time period, a notice & order to correct the condition, will be issued to you, which can result in a penalty being imposed.

CORRECTION REQUIRED: The City is requiring that the weeds or grass be cut or sprayed to be acceptable to City Code.

I would like to **thank you** in advance for your cooperative efforts. If you have questions or need clarification on any of the above-mentioned items, please give me a call (509) 764-3400 or come see me at City Hall.

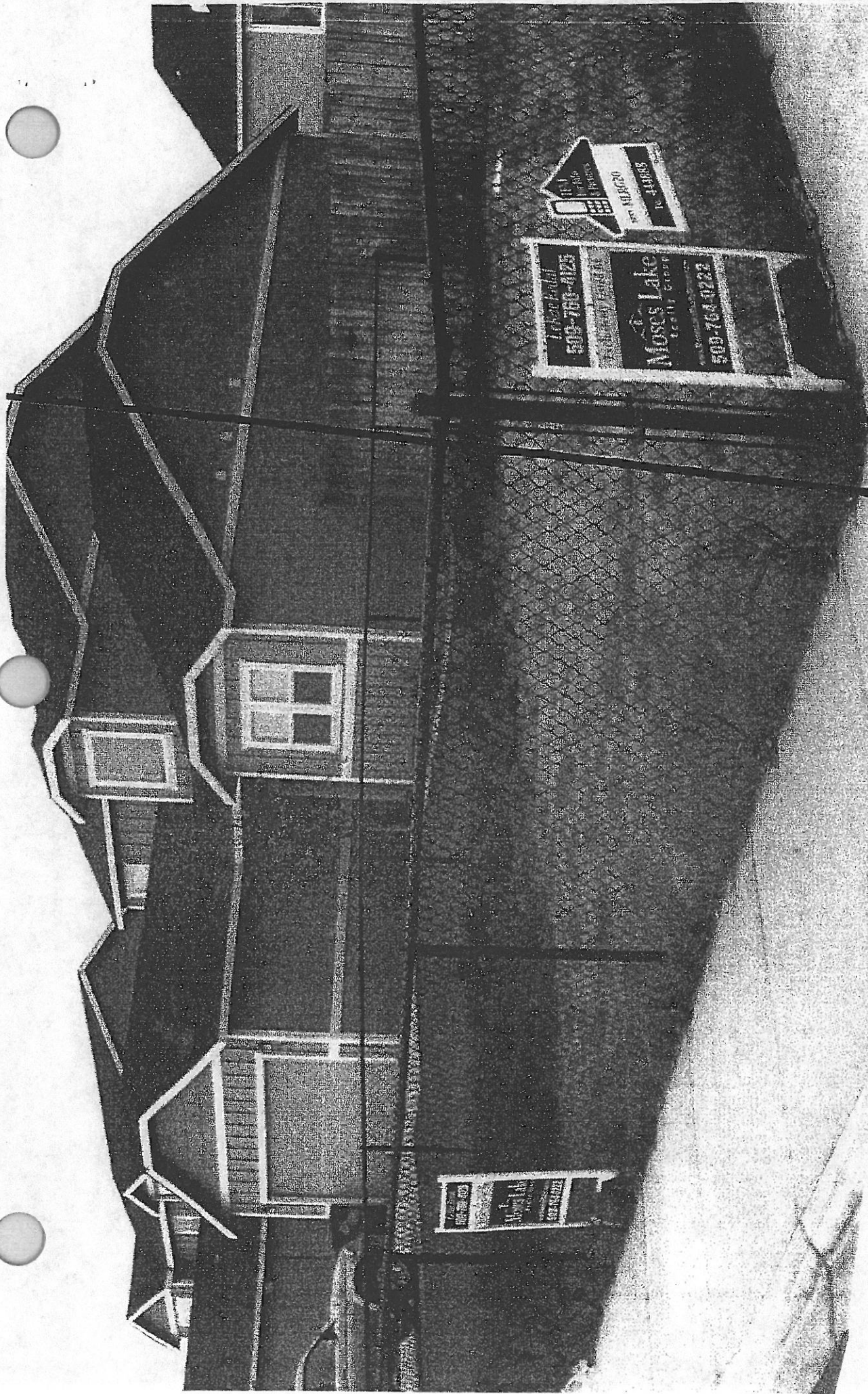
Sincerely,

A handwritten signature in black ink, appearing to read "C. W. Harden". The signature is stylized with a large "C" and a long horizontal stroke.

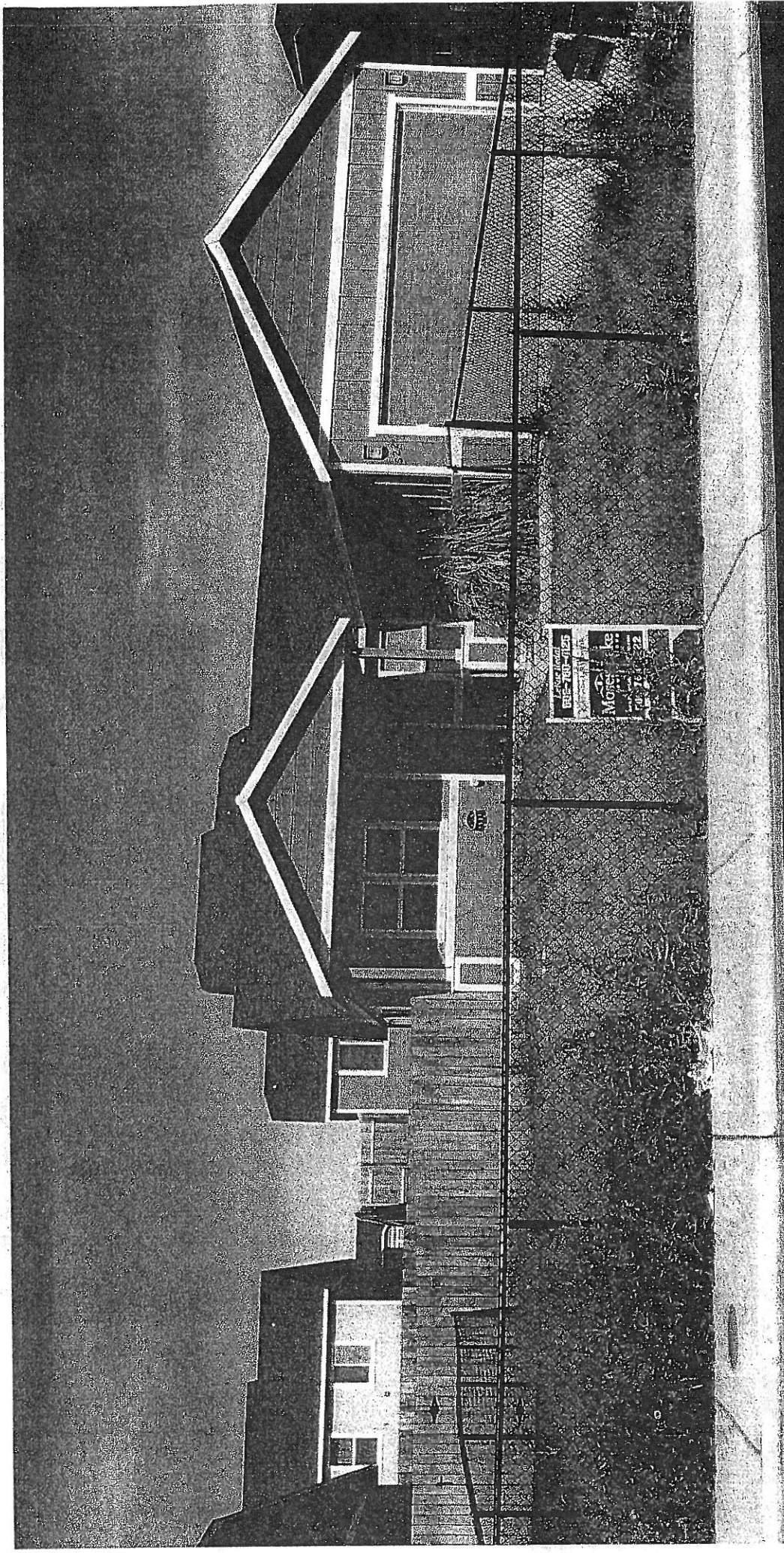
C. W. Harden

Code Enforcement Officer I

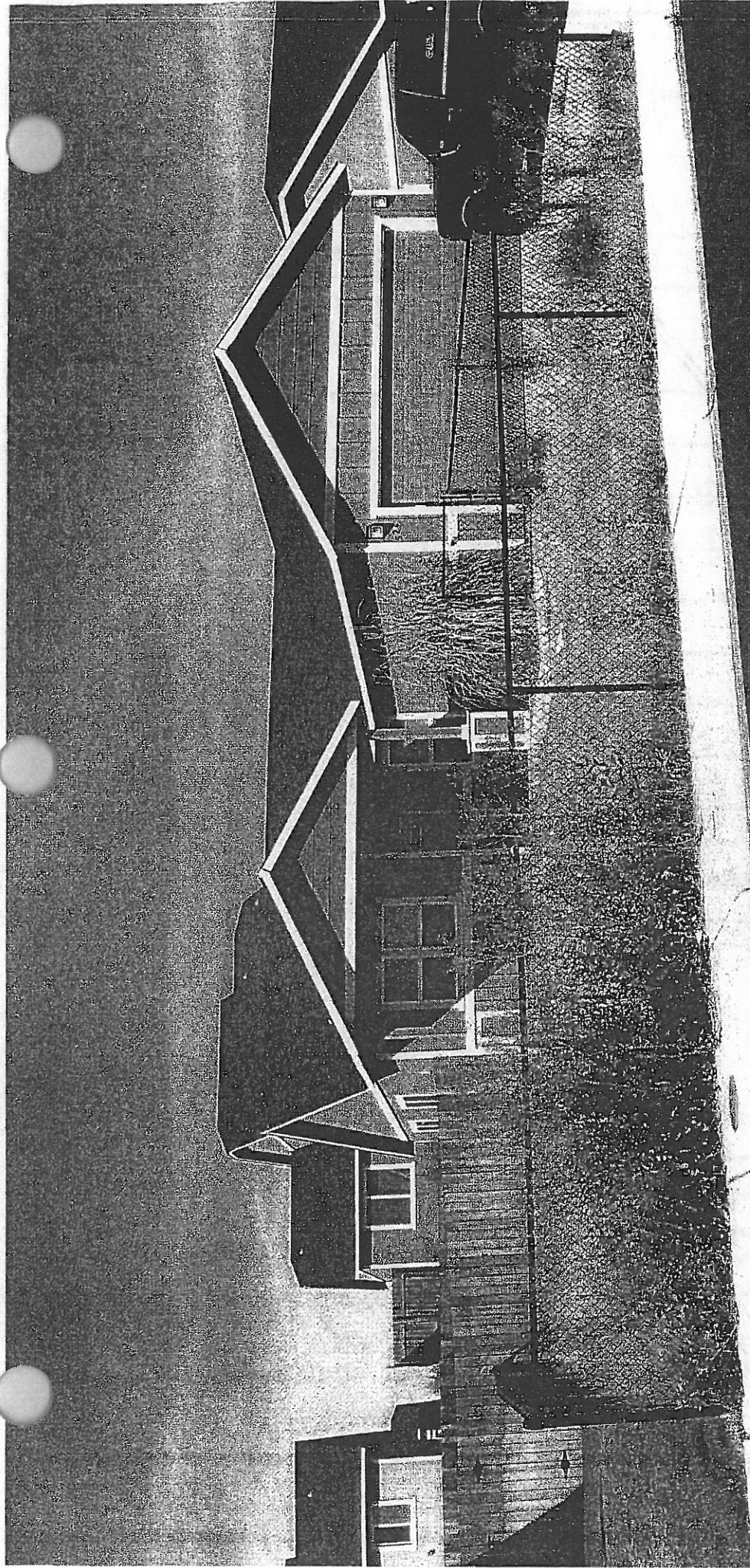
charden@ci.moses-lake.wa.us



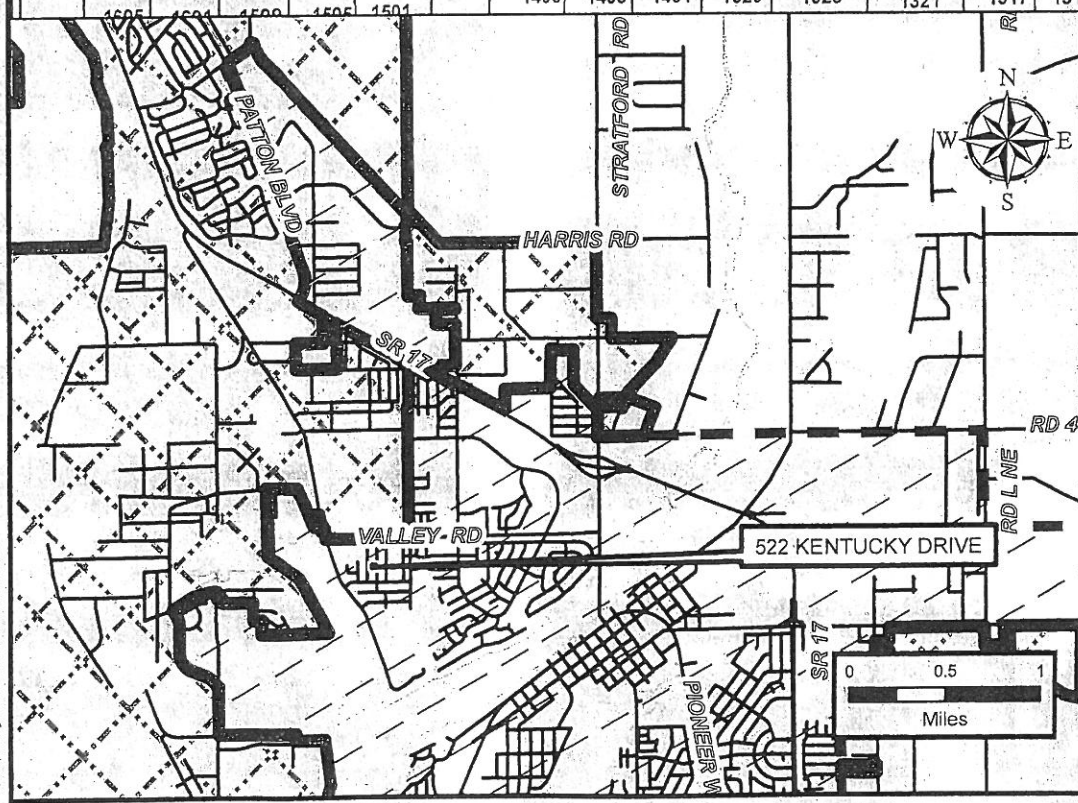
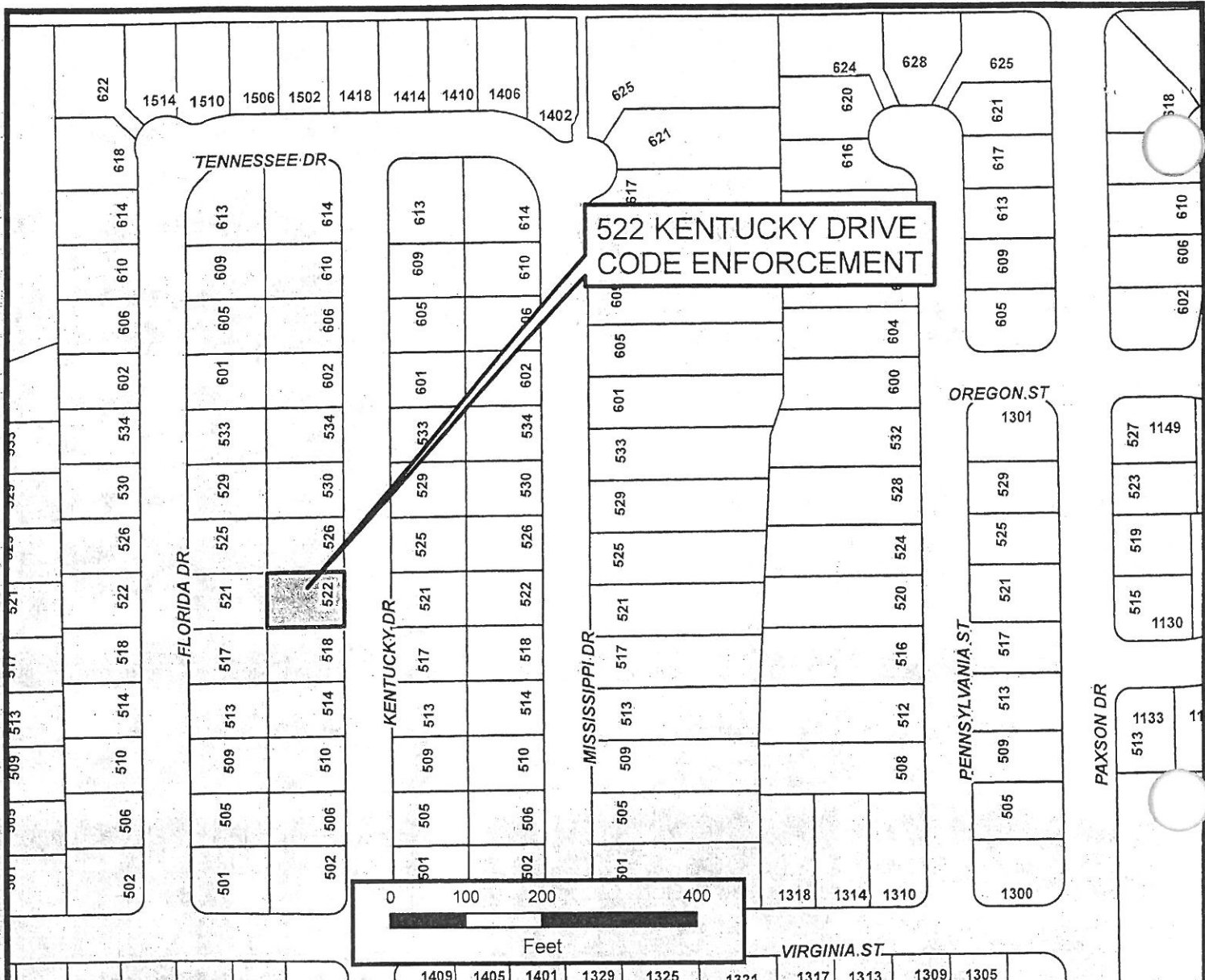
05/25/2010 08:40



06/30/2010 09:10



09/02/2010 10:54



CITY LIMITS
 UGA BOUNDARY
 STREET NAMES
 LOTS
 LAKE
 522 KENTUCKY DRIVE

CITY OF MOSES LAKE
 COMMUNITY DEVELOPMENT
 PLANNING DIVISION

DRAWN: BKP
 DATE: SEPT. 23, 2010

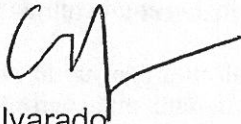
September 22, 2010

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement - Watson

Attached is a resolution providing for the abatement of nuisances on property owned by Michael Watson located at 502 Kentucky. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

The resolution is attached for Council consideration.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3180

A RESOLUTION DETERMINING THAT MICHAEL WATSON 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 502 Kentucky (Lot 2 Blk 6, Sage Vista First Addition Major Plat) Parcel #110993642, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 and 18.57.090. The records of Grant County show the owner of the subject property to be Michael Watson, 502 Kentucky, Moses Lake, WA 98837.
2. Notice. On July 30, 2010, 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 September 14, 2010, the Code Enforcement Officer caused to be delivered to Michael Watson a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 28, 2010. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
 - 3.1 A violation of MLMC 8.14.030 U. - Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 - 3.2 A violation of MLMC 18.57.090 A. - The property owner shall maintain all landscape plant material for the life of the project. All unhealthy or dead plant materials shall be replaced within the next planting season, not to exceed one hundred eighty (180) days from the date of loss. Trees and shrubs shall only be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent a safety hazard. Planted areas shall be maintained free of trash and weeds.
4. Hearing. On September 28, 2010 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
 - 5.1. The following persons testified under oath:

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

EXHIBIT #1: Moses Lake Municipal Code Chapters 8.14.030 and 18.57.090

EXHIBIT #2: Previous "Notice To Correct" letter sent.

EXHIBIT #3: Notice of Violation and Order to Correct or Cease Activity dated July 30, 2010 from the Code Enforcement Officer addressed to Michael Watson, 502 Kentucky, Moses Lake, WA 98837.

EXHIBIT #4: Pictures taken by Code Enforcement Officer of the property located at Parcel #110993642, Moses Lake, Washington.

EXHIBIT #5: Letter dated September 14, 2010, from the Code Enforcement Officer to Michael Watson advising the property owner of the hearing regarding abatement of property, scheduled for September 28, 2010.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 U and 18.17.090 A exists on the subject property at Parcel #110993642, Moses Lake, Washington. Michael Watson, 502 Kentucky, Moses Lake, WA 98837 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. Dead weeds and grasses over 12" in height and a dead lawn.
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. Michael Watson, 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 Spray and remove noxious weeds from the property.
5. City staff shall provide a status report to City Council on the progress of the record contract owner 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 September 28, 2010.

Jon Lane, Mayor

ATTEST:

Ronald R. Cone, Finance Director



CITY OF
MOSES LAKE

CITY OF MOSES LAKE
NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Michael Watson
502 *Kentucky*
Moses Lake WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030 M5 U

Street Address of Violation:

Kentucky
520 ~~Florida~~, Moses Lake WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 2 Block 6; Sage Vista Second Add Major Plat; 5848 SQ FT parcel 110993642

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

Action Necessary to Correct Violation:

The City is requiring you to spray and remove noxious seeds from property.

Time by Which Violation is to be Corrected or Activity Ceased:

The City is requiring these corrections listed on this Notice and Order be accomplished by August 9, 2010.

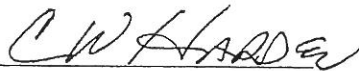
YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:

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 (\$5,000), 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 A \$800.00 FEE.

YOU ARE FURTHER NOTIFIED THAT, IF THE AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HEREIN, THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APPROPRIATE ACTION.

Date this July 30, 2010



C. W. Harden
Code Enforcement Officer
City of Moses Lake
(509) 764-3400

**NOTICE TO CORRECT
UNSAFE OR UNLAWFUL
CONDITION**



DATED: May 26, 2010
ISSUED TO: Michael Watson
~~502 Virginia~~ *Kentucky*
Moses Lake, WA 98837

LOCATION OF UNLAWFUL CONDITION: 502 Kentucky Moses Lake, WA 98837

DESCRIPTION: Weeds or grass growth over 12" in height. Dead lawn(See attached picture)

Moses Lake Municipal Code Section No.: 8.14.030 U 18.57.090

As owner, agent, lessee other person occupying or having charge or control of the building, lot or premises at 502 Kentucky, you are hereby notified that the undersigned, pursuant to Chapter 8.14 of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Weeds or grass growth over 12" in height. **Dead lawn.**

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030 U

- 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.

18.57.090 Maintenance Requirements

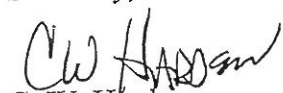
- A. **Plant Maintenance:** The property owner shall maintain all landscape plant material for the life of the project. All unhealthy or dead plant materials shall be replaced within the next planting season, not to exceed one hundred eighty (180) days from the date of loss. Trees and shrubs shall only be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent a safety hazard. Planted areas shall be maintained free of trash and weeds.

You are notified to correct said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not correct the condition within the specified time period, a notice & order to correct the condition, will be issued to you, which can result in a penalty being imposed.

CORRECTION REQUIRED: The City is requiring that the weeds or grass be cut or sprayed to be acceptable to City Code.

I would like to **thank you** in advance for your cooperative efforts. If you have questions or need clarification on any of the above-mentioned items, please give me a call (509) 764-3400 or come see me at City Hall.

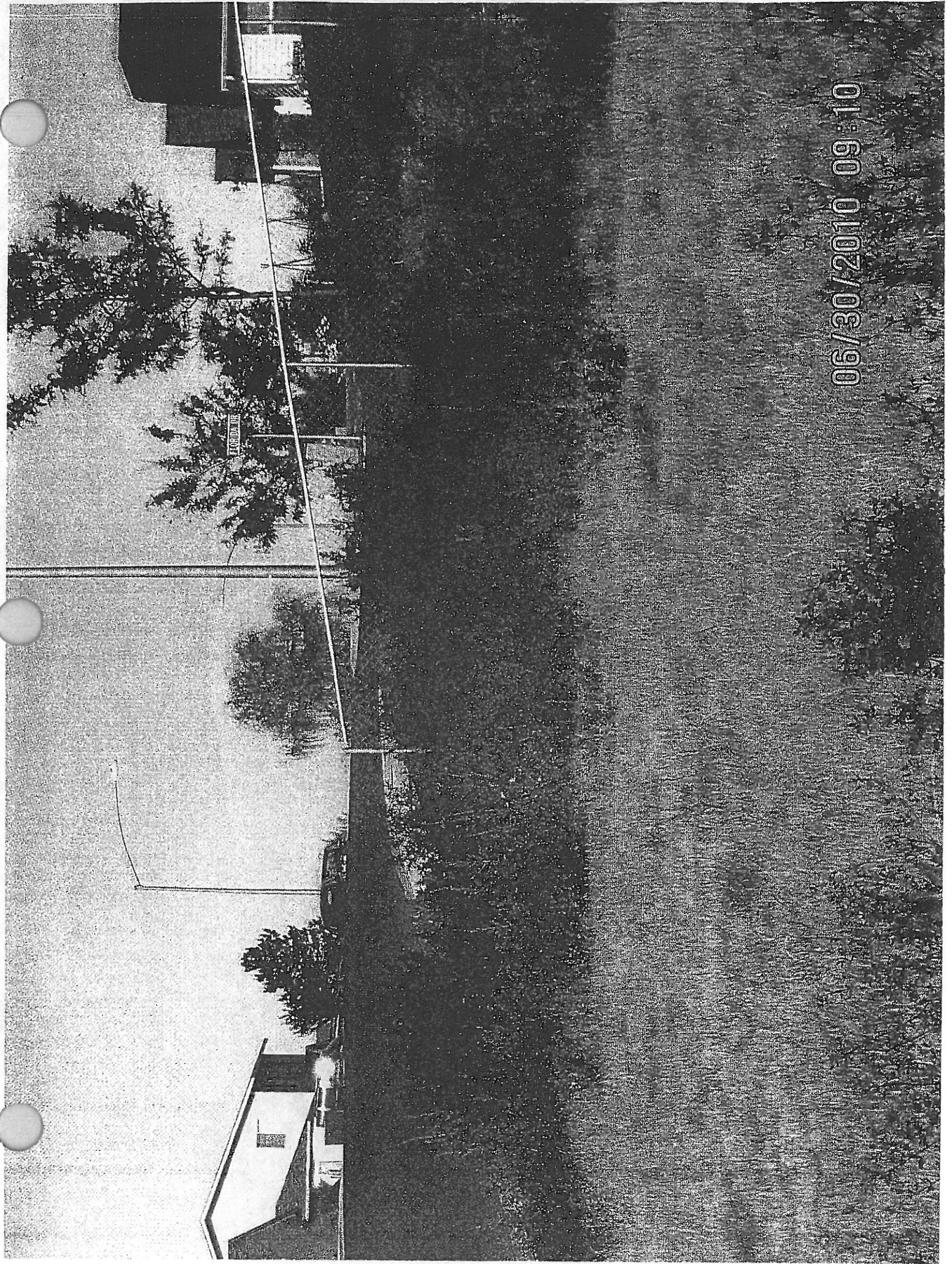
Sincerely,

A handwritten signature in black ink, appearing to read "C. W. Harden".

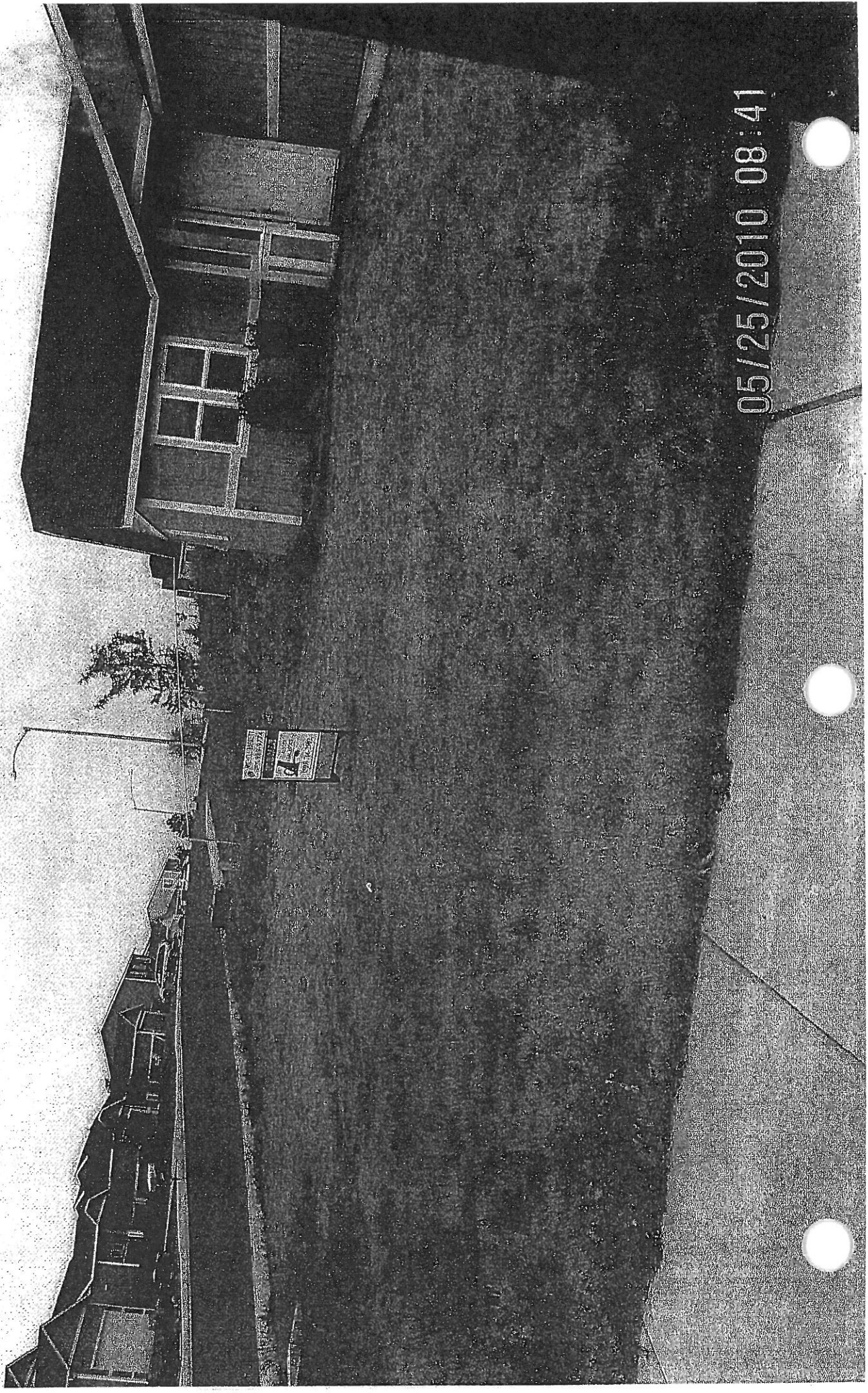
C. W. Harden

Code Enforcement Officer I

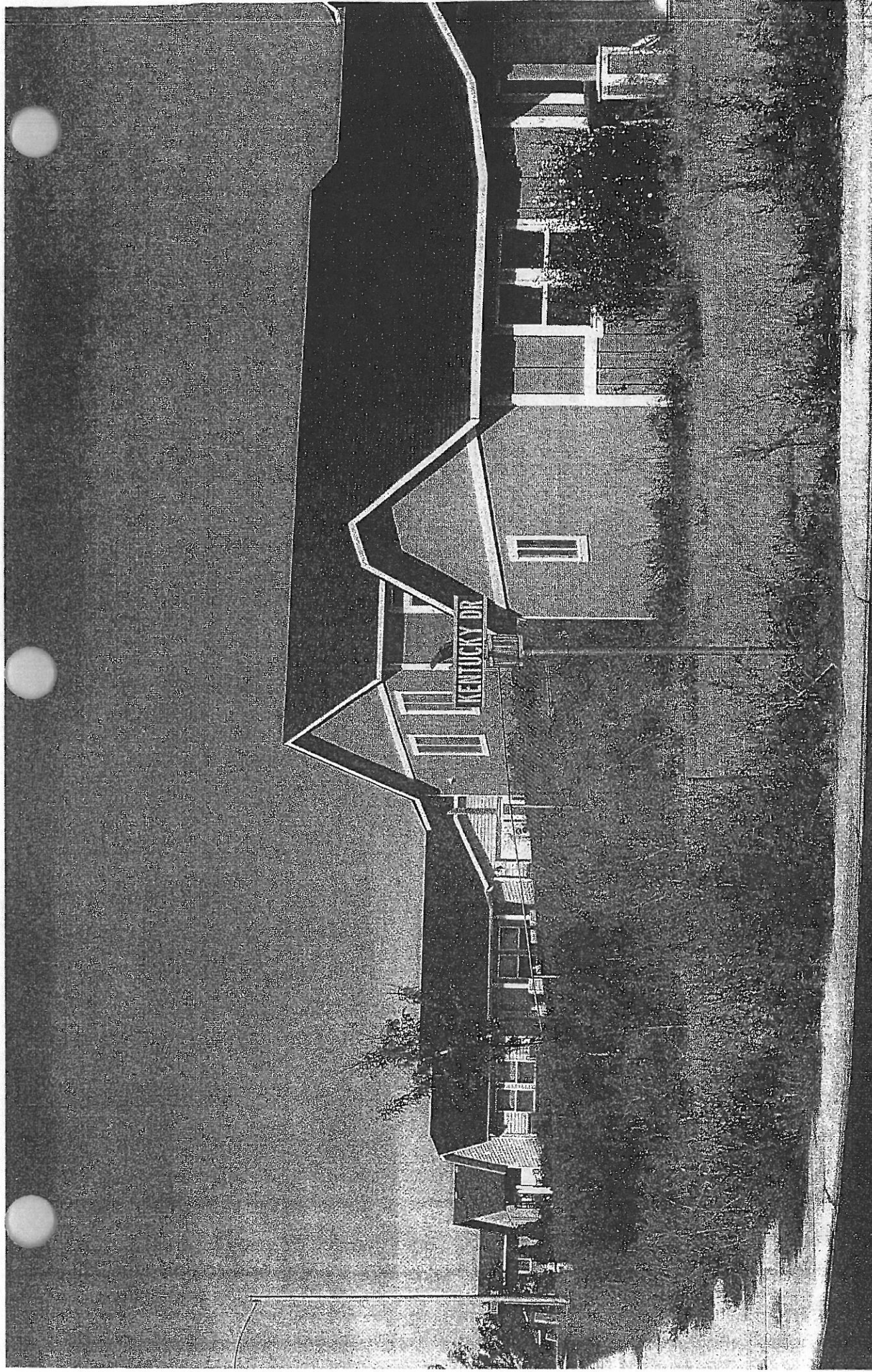
charden@ci.moses-lake.wa.us



06/30/2010 09:10

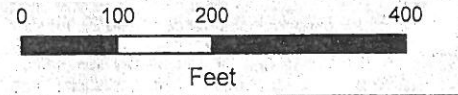


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09/02/2010 10:53

502 KENTUCKY DRIVE CODE ENFORCEMENT



VIRGINIA ST

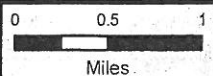


- CITY LIMITS
- UGA BOUNDARY
- STREET NAMES
- LOTS
- LAKE
- 502 KENTUCKY DRIVE



CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP
DATE: SEPT. 23, 2010



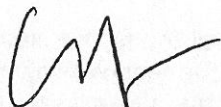
September 22, 2010

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement - Shallenberger

Attached is a resolution providing for the abatement of nuisances on property owned by Terri Shallenberger located at 530 Florida. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

The resolution is attached for Council consideration.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3181

A RESOLUTION DETERMINING THAT TERRI J. SHALLENBERGER 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 530 Florida (Lot 17, Block 4, Sage Vista Second Addition Major Plat), Parcel #110993728, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 and 18.57.090. The records of Grant County show the owner of the subject property to be Terri J. Shallenberger, 530 Florida, Moses Lake, WA 98837.
2. Notice. On July 30, 2010, 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 September 14, 2010, the Code Enforcement Officer caused to be delivered to Terri J. Shallenberger a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of September 28, 2010. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
 - 3.1 A violation of MLMC 8.14.030.U - Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 - 3.2 A violation of MLMC 18.57.090 A: The property owner shall maintain all landscape plant material for the life of the project. All unhealthy or dead plant materials shall be replaced within the next planting season, not to exceed one hundred eighty (180) days from the date of loss. Trees and shrubs shall only be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent a safety hazard. Planted areas shall be maintained free of trash and weeds.
4. Hearing. On September 28, 2010 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
 - 5.1. The following persons testified under oath:

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

EXHIBIT #1: Moses Lake Municipal Code Chapters 8.14.030 U and 18.57.090 A

EXHIBIT #2: Previous "Notice To Correct" letter sent.

EXHIBIT #3: Notice of Violation and Order to Correct or Cease Activity dated July 30, 2010 from the Code Enforcement Officer addressed to Terri Shallenberger, 530 Florida, Moses Lake, WA 98837.

EXHIBIT #4: Pictures taken by Code Enforcement Officer of the property located at Parcel #110993728, Moses Lake, Washington.

EXHIBIT #5: Letter dated September 14, 2010, from the Code Enforcement Officer to Terri Shallenberger advising the property owner of the hearing regarding abatement of property, scheduled for September 28, 2010.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 U. and MLMC 18.17.090 A. exists on the subject property at Parcel #110993728, Moses Lake, Washington. Terri Shallenberger, 530 Florida, Moses Lake, WA 98837 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. Weeds or grass 12 inches or greater growing on the property and dead lawn.
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. Terri J. Shallenberger, 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 Spray and remove noxious weeds from the property.
5. City staff shall provide a status report to City Council on the progress of the record contract owner 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 September 28, 2010.

Jon Lane, Mayor

ATTEST:

Ronald R. Cone, Finance Director



CITY OF
MOSES LAKE

**CITY OF MOSES LAKE
NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY**

TO: Terri Shallenberger
530 Florida
Moses Lake WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030 M5 U

Street Address of Violation:

530 Florida, Moses Lake WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 17 Block 4; Sage Vista Second Add Major Plat; 7128 SQ FT parcel 110993728

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

Action Necessary to Correct Violation:

The City is requiring you to spray and remove noxious seeds from property.

Time by Which Violation is to be Corrected or Activity Ceased:

The City is requiring these corrections listed on this Notice and Order be accomplished by August 9, 2010.

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 (\$5,000), 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 A \$800.00 FEE.

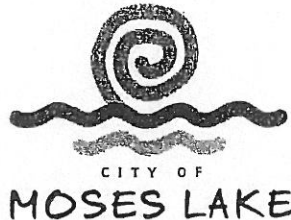
YOU ARE FURTHER NOTIFIED THAT, IF THE AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HEREIN, THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APPROPRIATE ACTION.

Date this July 30, 2010



C. W. Harden
Code Enforcement Officer
City of Moses Lake
(509) 764-3400

**NOTICE TO CORRECT
UNSAFE OR UNLAWFUL
CONDITION**



DATED: May 26, 2010
ISSUED TO: Terri Shallenberger
530 Florida
Moses Lake, WA 98837

LOCATION OF UNLAWFUL CONDITION: 530 Florida, Moses Lake, WA 98837

DESCRIPTION: Weeds or grass growth over 12" in height. Dead lawn(See attached picture)

Moses Lake Municipal Code Section No.: 8.14.030 U 18.57.090

As owner, agent, lessee other person occupying or having charge or control of the building, lot or premises at 530 Florida, you are hereby notified that the undersigned, pursuant to Chapter 8.14 of the Moses Lake Municipal Code, has determined that there exists upon or adjoining said premises the following conditions:

Weeds or grass growth over 12" in height. **Dead lawn.**

This is contrary to the provisions of the Moses Lake Municipal Code Section number 8.14.030 U

- 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.

18.57.090 Maintenance Requirements


- A. **Plant Maintenance:** The property owner shall maintain all landscape plant material for the life of the project. All unhealthy or dead plant materials shall be replaced within the next planting season, not to exceed one hundred eighty (180) days from the date of loss. Trees and shrubs shall only be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent a safety hazard. Planted areas shall be maintained free of trash and weeds.

You are notified to correct said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not correct the condition within the specified time period, a notice & order to correct the condition, will be issued to you, which can result in a penalty being imposed.

CORRECTION REQUIRED: The City is requiring that the weeds or grass be cut or sprayed to be acceptable to City Code.

I would like to **thank you** in advance for your cooperative efforts. If you have questions or need clarification on any of the above-mentioned items, please give me a call (509) 764-3400 or come see me at City Hall.

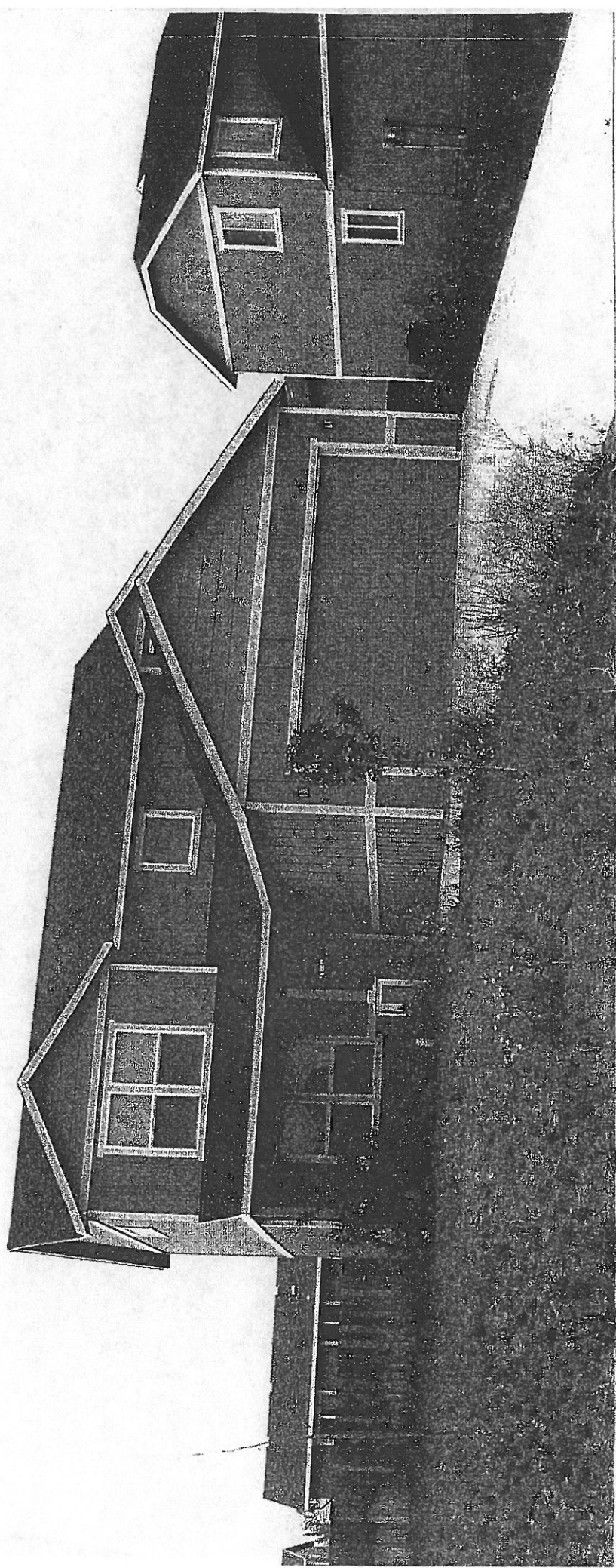
Sincerely,

A handwritten signature in black ink, appearing to read "C. W. Harden". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

C. W. Harden

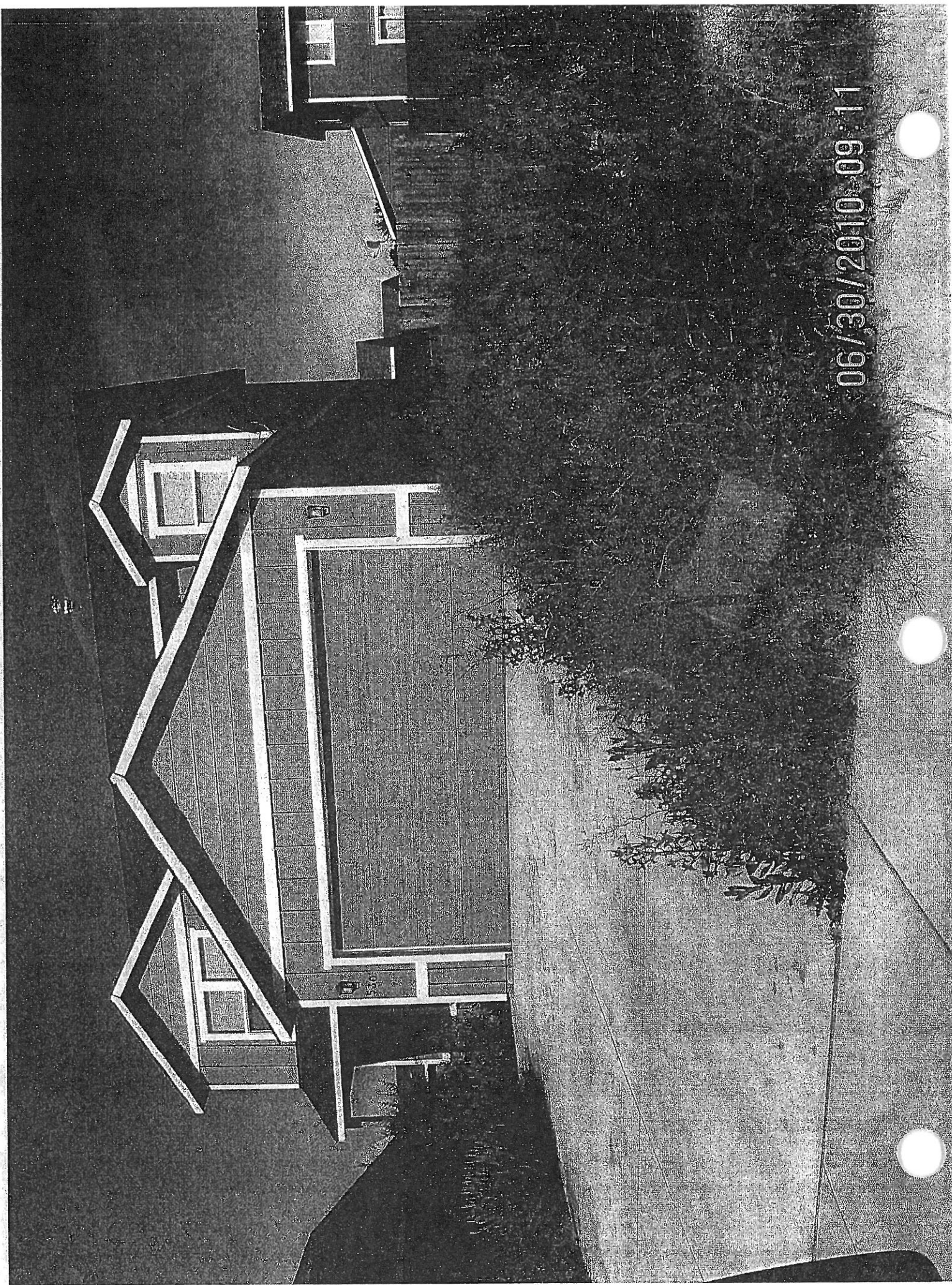
Code Enforcement Officer I

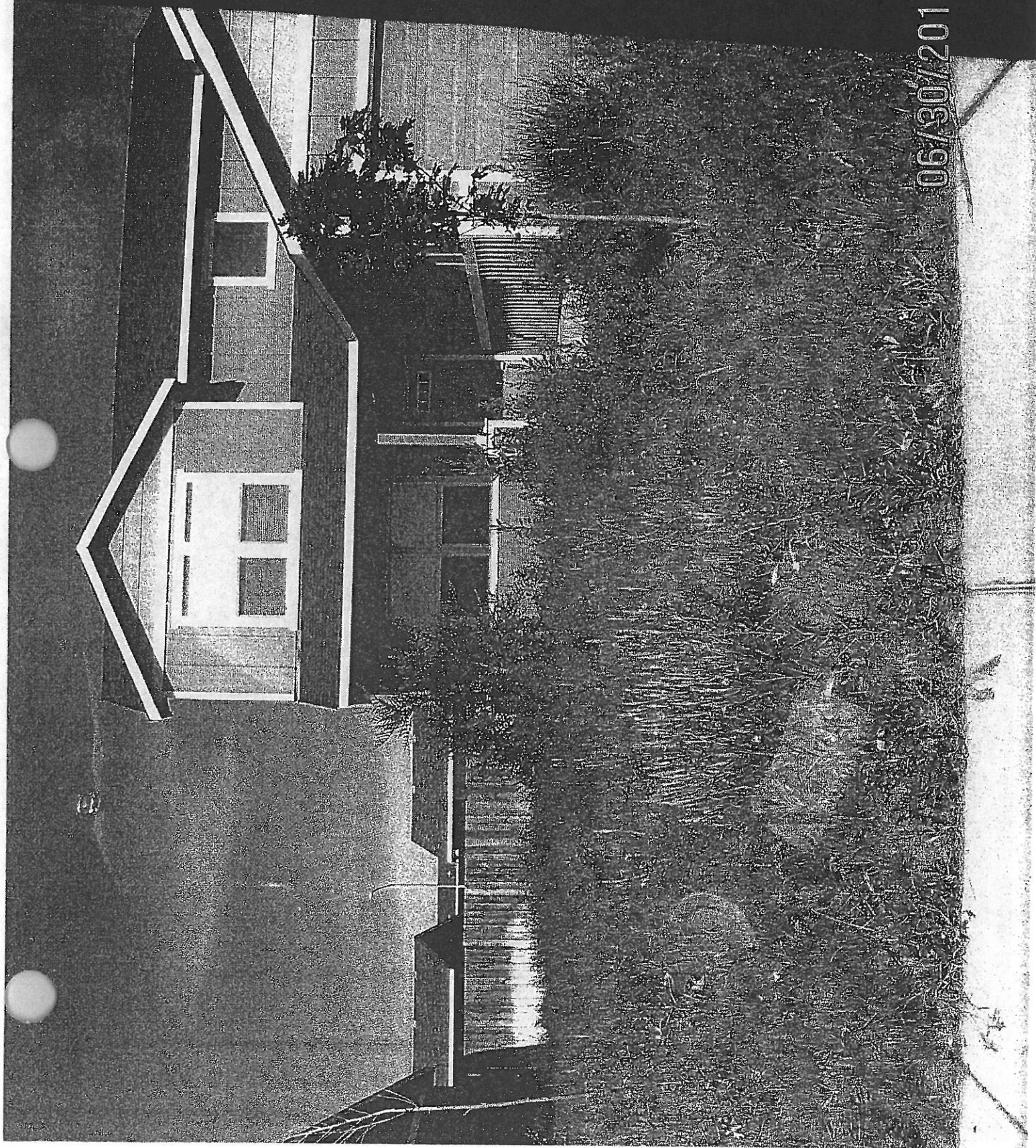
charden@ci.moses-lake.wa.us



05/26/2010 13:28

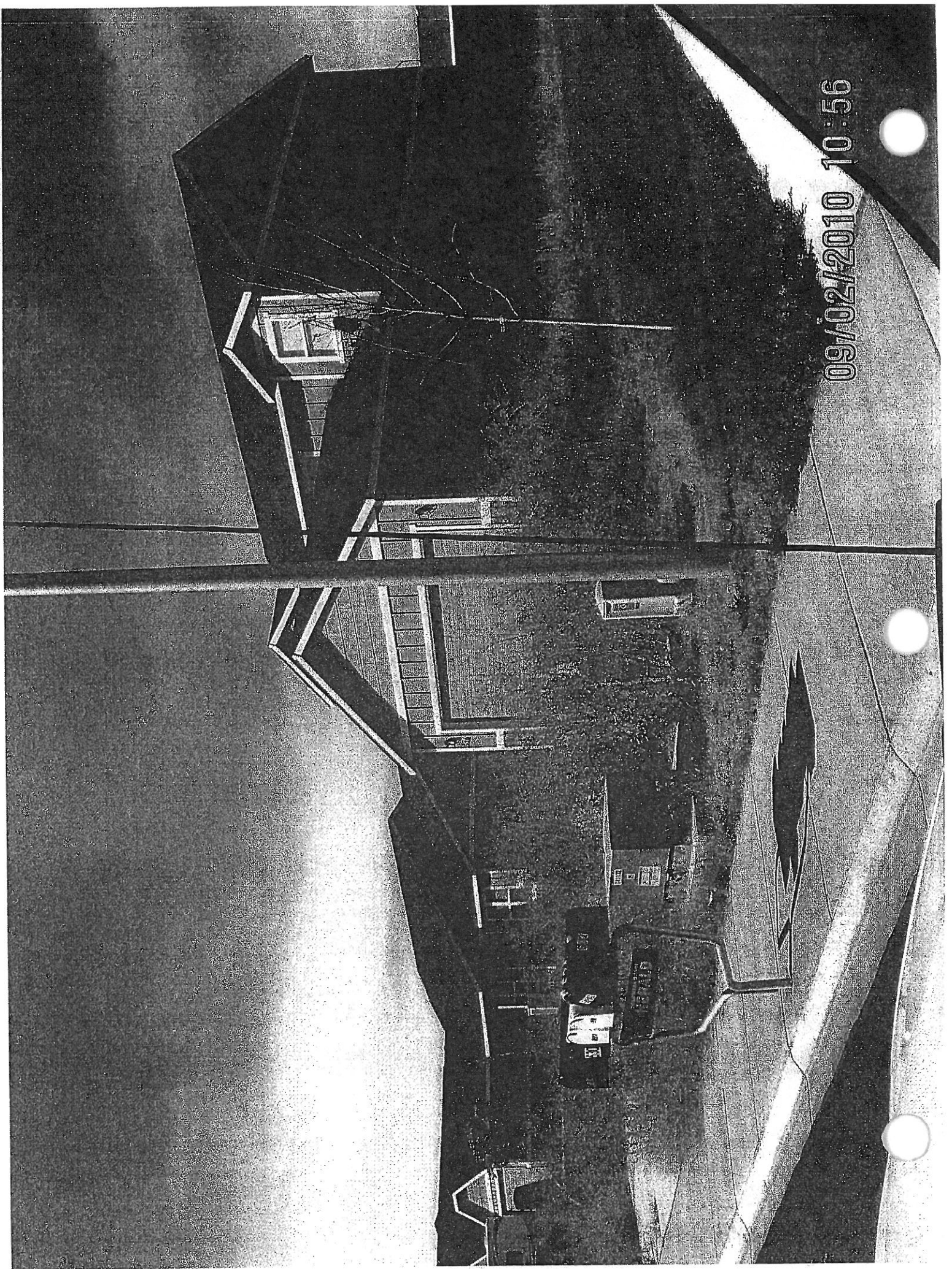
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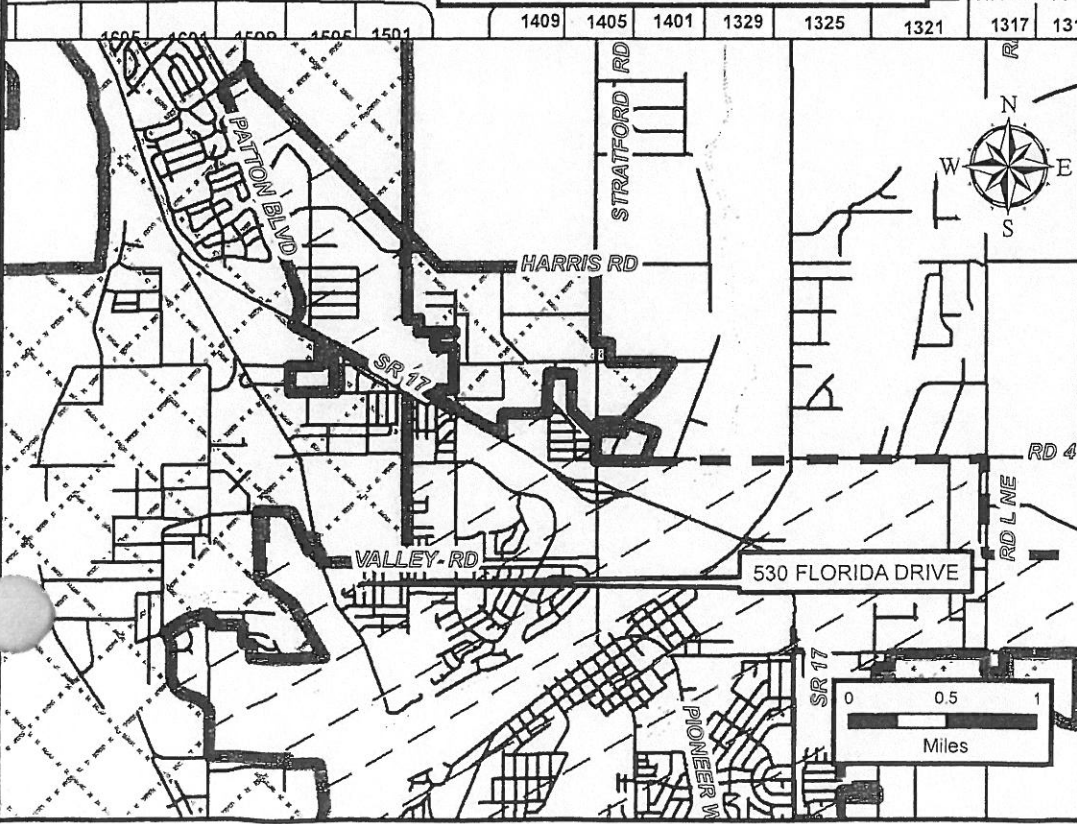
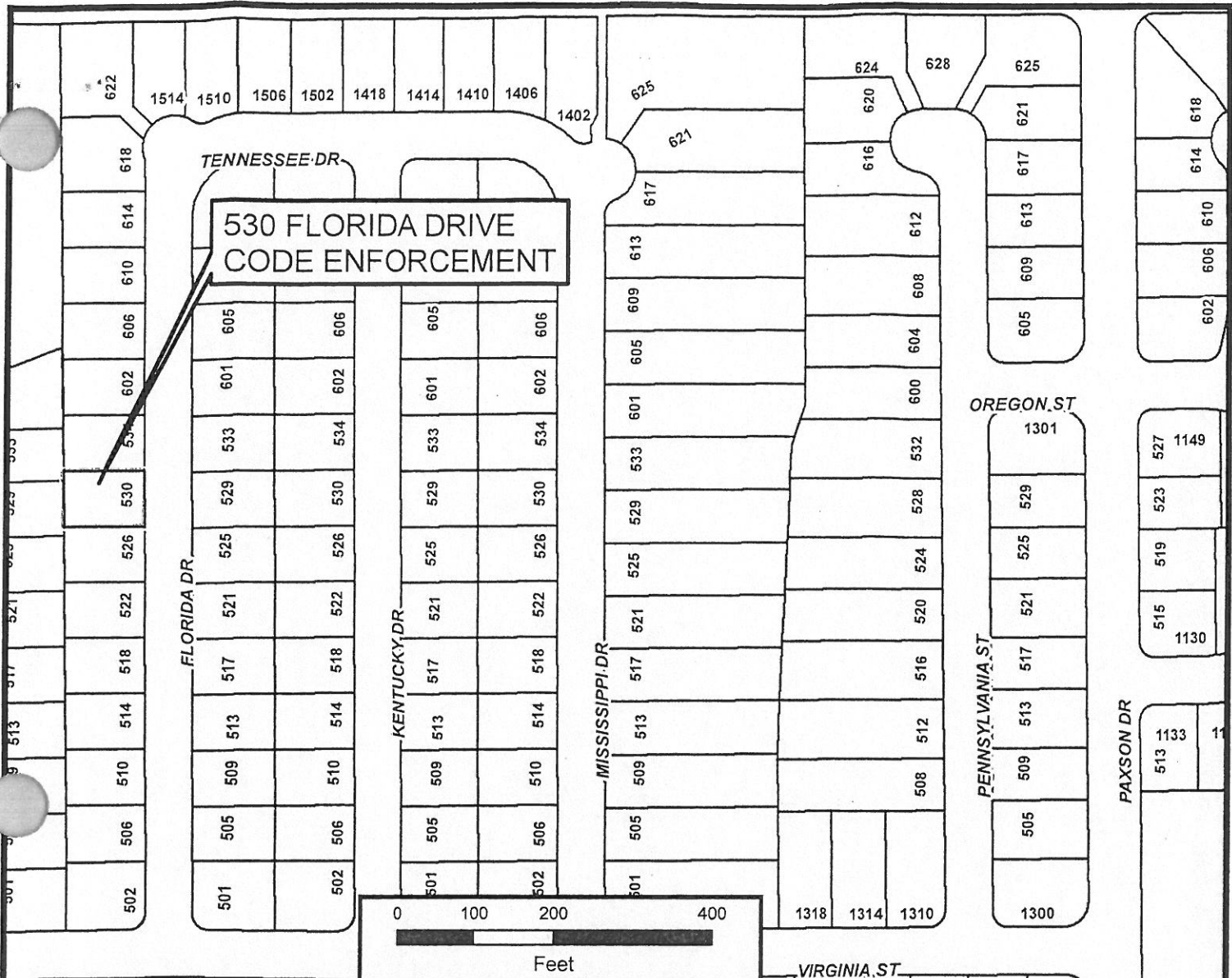




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09/02/2010 10:56





ALDER

LAKE

530 FLORIDA DRIVE

CITY LIMITS

UGA BOUNDARY

STREET NAMES

LOTS

LAKE

530 FLORIDA DRIVE

CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

DRAWN: BKP

DATE: SEPT. 23, 2010

September 23, 2010

TO: City Manager
For Council Consideration

FROM: Municipal Services Director

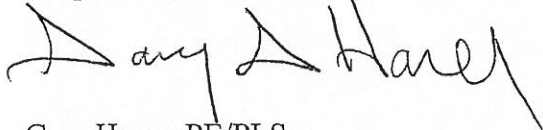
SUBJECT: **Request To Call For Bids**
Blue Heron Sewer Crossing - 2010

Staff is nearing completion of the plans and specifications for the 2010 Blue Heron Sewer Crossing Project. This project includes extending a 12-inch sewer force main under Interstate 90 through an existing casing located south of Blue Heron Park. This force main will serve the future development that is anticipated in the Mae Valley area.

The estimated total cost for this project is \$150,000. The project is included in the 2010 budget.

Staff is requesting authorization to advertise this contract for bids

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary Harer", written over a horizontal line.

Gary Harer, PE/PLS
Municipal Services Director

c: File

September 23, 2010

TO: Municipal Services Director
For Council Consideration

FROM: City Engineer

RE: **REQUEST TO CALL FOR BIDS**
BLUE HERON SEWER CROSSING - 2010


Staff is nearing completion on plans and specifications for the Blue Heron Sewer Crossing - 2010 project. This project includes extending a 12-inch sewer force main under Interstate 90 through an existing casing. This force main will serve the future development that is anticipated in the Mae Valley area.

Plans are available at the Engineering counter for review. If the approval to go to bid is granted, the schedule is to award the bid in October of 2010 and complete the project by December of 2010.

The engineer's estimate for this project is \$125,000 for construction and \$25,000 for engineering and administration. The project is included in the 2010 construction budget.

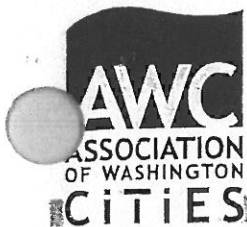
Staff is requesting authorization to advertise this contract for bids. Please contact me if you have any questions.

Respectfully submitted,



Shawn O'Brien, P.E.
City Engineer

c: File



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www.awcnet.org

September 8, 2010

AWC Member

Over the past decade citizen initiatives played a tremendous role in shaping local government. This fall our citizens will be asked to evaluate the merits of six different initiatives. As stewards of good government, it is important that you help educate our residents about the impacts of these initiatives on their community. AWC is committed to helping you with this effort. Our mission is education. We have several resources that you can use to prepare your city for the impacts of these initiatives and educate your citizens.

You should have just received the September edition of AWC's *Cityvision*. This issue focuses on initiatives and what they mean to cities. It also contains a look back at the last ten years of ballot measures and ways cities are reaching out now to talk to their communities. We hope that you always share every edition of *Cityvision* with those outside the city family. For this edition, we think that it is particularly critical that you "pass it forward." To help and encourage you to share *Cityvision* widely we are providing each city with extra copies of this issue. Please take some time to pass it on to your friends and neighbors outside of city hall.

For more specific information about the two liquor privatization initiatives, 1100 and 1105, please join us for a webinar on September 14. Along with the Public Disclosure Commission, we'll focus on how the measures impact your city and what is your role as a city official. To register for this free webinar, please visit our website, www.awcnet.org.

Take a look at the enclosed liquor initiatives fact sheet and the talking points template you can customize with your city's facts and impacts. We also encourage you to review the enclosed Public Disclosure Commission guidelines – a good overview of what you can and can't do when discussing ballot measures.

And of course, AWC's website is always an excellent source of information. We created a special section on the initiatives with a particular focus on the two liquor privatization initiatives since they have the largest direct impact on our members. We'll keep this site updated with the latest available information.

We look forward to working together with all of our 281 cities and towns to educate our communities about the impacts of the November ballot initiatives. We hope that you find these materials useful and that they help you when talking with your community members. If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,



Kathy Turner
President



Mike McCarty
CEO

Moses Lake - profits 143,000 / tax 97,000

Initiatives 1100 & 1105: The Privatization of Liquor

If approved by voters, Initiatives 1100 & 1105 each impact a significant revenue stream for cities, counties, and the state. While both initiatives close state liquor stores and privatize the sale and distribution of liquor, the measures have different effective dates and different impacts to state and local government revenue.

How do the initiatives impact local and state revenue?

State and local governments get two types of revenue from the sale of liquor: liquor profits and liquor taxes.

- Liquor board profits are revenues from permits, licenses, and liquor store sales. The state first pays for the activities of the Liquor Control Board (administration, sales people, leases, etc.), and the remaining profits are divided 50% to the state, 40% to cities, and 10% to counties (border areas receive an additional distribution).
- Liquor excise taxes come from a state tax to consumers and restaurant licensees. The tax rates include a basic rate plus surcharges. Revenues from the basic rates of 15% for consumers and 10% for restaurants are shared 65% to the state, 28% to cities, and 7% to counties.

According to estimates in MRSC's *Budget Suggestions For 2011*, the following are city distributions:

Distributions to cities	2008	2009	2010 revised	2011 estimate*
Liquor profits	\$27,090,572	\$27,091,000	\$34,072,000	\$31,200,000
Per capita profits	\$6.73	\$6.67	\$8.21	\$7.34
Liquor tax	\$19,301,609	\$19,900,000	\$20,551,000	\$21,161,000
Per capita liquor tax	\$4.80	\$4.90	\$4.95	\$4.98

*Subject to change if either of the initiatives pass.

This means that a city of 35,000 received \$464,000 in taxes and profits in 2010, while a city of 5,000 received \$66,000.

What do the two initiatives do to profits and taxes?

Both initiatives eliminate liquor profits. I-1100 maintains the liquor tax; I-1105 eliminates the liquor tax effective April 1, 2012.

Do the initiatives require a new method of liquor taxation?

No. I-1105 has intent language that the privatization of liquor sales and distribution "not result in revenue losses to state or local governments" and directs the Liquor Control Board to recommend to the Legislature "a rate of taxation that, along with other spirits-related revenue sources, would project to generate at least the same annual revenue for the state and local jurisdictions as under the current state control system..." The Legislature is under no obligation to enact the Liquor Control Board's proposal, and if I-1053 (Eyman's initiative) passes, it makes it far more challenging to enact new or replacement tax rates on liquor sales. That initiative requires a 2/3 vote by the Legislature to raise taxes.

With the removal of the state liquor taxes, liquor sales and distribution would become subject to two local taxes: the local sales tax and the local B&O tax, if located in the 38 towns and cities that impose such a tax. Any sales tax revenues would be distributed based on the point of sale and not the current per capita system for liquor revenue.

Will the state save money by closing liquor stores?

No. The state pays for the administration and operation of state liquor stores from the revenue of selling liquor. In addition, liquor generates additional money for the state. For 2011 – 2015, the Office of Financial Management estimates that the state general fund will lose between \$115 and \$123

million under I-1100 and between \$513 and \$547 million under I-1105.

continued

Are there other impacts on local governments from these initiatives?

I-1100 removes the funding source for liquor enforcement, and I-1105 does not provide an assured funding source for enforcement. Coupled with the likelihood of an increased number of liquor outlets, local law enforcement could feel the impact.

Additionally, the Municipal Research and Services Center receives almost all of its funding from a contract with the state. The contract is funded through cities' (76.7% of its 2011 budget) and counties' (15.9%) share of liquor revenue. The city share is paid out of city liquor profits, which would be eliminated by both initiatives, and the county share is paid out of county liquor taxes, which would be eliminated by I-1105.

When would private stores open? When would liquor profits and taxes end?

The initiatives have different effective dates:

	I100	I105
Date private liquor distribution begins	1/1/2011	10/1/2011
Private liquor stores open	6/1/2011	11/1/2011
State liquor stores close – according to OFM fiscal note	6/15/2011	11/15/2011
State liquor distribution & liquor profits end – according to OFM fiscal note	6/15/2011	11/15/2011
State liquor stores must close	12/31/2011	4/1/2012
State liquor distribution must end & liquor profits end	12/31/2011	4/1/2012
State liquor taxes end	N/A	4/1/2012

How many stores will be able to sell liquor if one or both of the initiatives pass?

Currently, Washington has 315 state and contract liquor stores, and it is unknown how many private retailers will choose to sell liquor if one or both initiatives pass. Earlier this year, the Washington State Auditor estimated 3,357 private stores would sell liquor under a privatized system. I-1100 would allow any current retailer with a beer and/or wine grocery store license or specialty store license to sell liquor; approximately 5,200 stores currently have one of these licenses and would be eligible to sell liquor. I-1105 directs the Liquor Control Board to develop criteria for issuing retail liquor licenses.

Why are there two liquor initiatives?

While both initiatives allow private retailers to sell liquor, one primary difference is who is allowed to distribute liquor. Currently, the state distributes liquor to the liquor stores. I-1100 would allow retailers to negotiate and buy liquor directly from the manufacturers. I-1105 would require retailers to buy liquor from a third-party distributor; the distributors would sell to all retailers at the same price.

According to the Washington State Public Disclosure Commission, Initiative 1100's campaign is primarily funded by Costco, and Initiative 1105 is funded by Odom Southern Holdings and Young's Market Company, two beverage distribution companies.

Large retailers likely would benefit by negotiating discounts directly with the makers of liquor. Smaller retailers (and distributors), on the other hand, likely would benefit from a distribution system that sells to small and large retailers at the same price.

What happens if both initiatives pass?

In 1993, when two rival tax-limit measures, I-601 and I-602, were on the ballot, the Attorney General issued a formal opinion observing it would be possible for the Legislature to resolve any conflict by amending either or both measures with a two-thirds vote. Failing that, the courts would be tasked with resolving the differences, possibly by giving deference to the initiative that got the most votes or that had the later effective date.

What is AWC's role?

AWC will continue to provide our members with educational materials. Please check our website for additional information at www.awcnet.org/initiatives. This website includes:

- Summaries of I-1100 and I-1105.
- Tables of liquor taxes and profits received by each city from 2006 – 2008.
- News articles about the initiatives.
- Resources from the Public Disclosure Commission & Attorney General's Office about elected and appointed officials ballot measure campaign activities and use of public funds.

For more information

Candice Bock, Legislative & Policy Advocate
candiceb@awcnet.org, (360) 753-4137.

Guidelines for elected and appointed officials' participation

The Public Disclosure Commission (PDC) suggests you review the following guidelines before participating in any ballot proposition activity. Go to [PDC Guidelines](#) for a complete listing of the PDC's Guidelines for Local Government Agencies in Election Campaigns. If you have any questions, please call the PDC at (360) 753-1111.

You may:

- Elected officials and city staff may speak at community forums and clubs during regular work hours to **make an objective and fair presentation of the facts** on a ballot measure. City equipment (projector, laptop) may be used for the presentation.
- Elected officials may attend an event any time during the day and **give their opinion** about a ballot measure, as long as they are not being compensated by the city or using any public equipment, facility or vehicle.
- City employees or elected officials may, on their own time during non-work hours (and not with the use of city property or equipment), participate in campaign-related activities.
- City employees may wear lapel buttons at work if the city has a policy permitting employees to wear political buttons.
- Private employee vehicles displaying bumper stickers may be parked on public property.
- City employees or elected officials may use their job title with the city in a letter to the editor (written on their own time using their own computer). They must clarify that they are expressing their own opinion, and not speaking for the city.
- A city employee may respond to a political inquiry by providing routine factual information if that is part of their normal job duty..
- You may, as an **elected council**, vote to support or oppose an initiative or referendum. If your council plans to vote to take a position on an initiative or referendum, the notice of the meeting when the vote will be taken must include the title and number of the ballot proposition. Council members and the public must have an equal opportunity to express an opposing view.

- **Elected officials** may make statements supporting or opposing an initiative or referendum in response to a specific media inquiry. All city officials may respond to requests for factual information as part of their normal job duty.
- A city may provide a facility, if it is available, for a public forum, making arrangements for all sides to be represented. If a city normally charges for the use of these facilities, then the city must charge all users equally.
- A city may use its website, newsletter, or other publications to provide citizens information about an issue that directly impacts the city, looking at all available information. If you routinely cover both sides of a ballot measure or controversial issue, you may present factual information on the ballot propositions.

If your website or newsletter publishes resolutions or reports on council activity, you may report on action taken on a resolution.

As a service, PDC staff will review your information before you send it out and point out potential problem areas.
- Distribution of all information must be to "normal and regular" recipients, using the publication's regular schedule. Repeated distribution of the same information may be considered campaign activity by the PDC.
- A city may use its web site to inform citizens about anticipated ballot measure impacts, and allow readers to explore an issue through detailed links. Websites may be updated according to the city's normal procedures.
- City employees may provide in-house contingency planning (what if an initiative or referendum passes). This isn't a public activity. This includes researching the impact of a ballot proposition for the purpose of gathering facts.

- City employees may respond to requests for public records even if the records will be used in support or opposition of a measure, as long as the record isn't exempt from disclosure under state law.

You may not:

- You **may not** use public facilities, supplies or equipment, for any campaign purpose. This includes phones, copiers, fax machines, mail facilities, typewriters, computers, email, websites and paper products. You may not reimburse the city for usage of these facilities. You **may not** use city vehicles to transport or display political material.
- You **may not** promote or oppose a candidate or ballot measure during work hours. This includes gathering signatures, distributing materials, coordinating speakers/fundraising/phone banks, etc.
- You **may not** produce information that targets specific subgroups. This does not refer to mailing to groups that are on the city's regular distribution list.
- City employees **may not** oppose or support an issue or candidate before a civic group on city work time. It must be on personal time.
- You **may not** have a petition available for signature at city hall, or other city facility or vehicle.
- You **may not** post signs advocating for or against candidates or ballot measures on any city property.
- You **may not** pressure other city employees to participate in campaign activities for a ballot measure or candidate, take a position or coordinate informational activities with campaign work.

A template for talking to your community...

How will Initiatives 1100 & 1105 impact (fill in city name)

If approved by the voters, Initiatives 1100 & 1105 each impact a significant revenue stream for cities and counties. We currently get money both from liquor board profits and liquor excise tax.

What are the impacts to (fill in city name)?

In 2009, (fill in city name) received \$(fill in amount) in liquor profits and \$(fill in amount) in liquor excise tax.

Examples of what this revenue pays for in (fill in city name) include: _____

I-1100 maintains the liquor excise tax but repeals the liquor profits distribution (by December 31, 2011) since the system would be privatized and profits go to the retailers.

I-1105 removes both the liquor excise tax and liquor profit distributions by April 1, 2012. I-1105 suggests that the Liquor Control Board recommend to the Legislature a new tax rate that generates the same amount of revenue state and local governments receive now. The question is whether that will really happen – the Legislature doesn't have to pass a new liquor tax. And if I-1053 (the Eyman initiative) passes, it makes it far more challenging to enact new or replacement tax rates on liquor sales. That initiative requires a 2/3 vote by the Legislature or a citizens vote to raise taxes. So it gets a lot more complicated.

What are other potential impacts from these initiatives?

I-1100 removes the funding source for enforcement of state liquor laws and I-1105 does not provide a guaranteed funding source for enforcement. Coupled with the fact (fill in city name) has (fill in number) liquor sales outlets under the current system and it could possibly increase to (fill in number) outlets with the passage of either initiative – *there would undoubtedly be an impact on our local law enforcement.*

Right now the Liquor Control Board (LCB) enforcement program currently has a 94% compliance rating at the state run and contract liquor stores, and a 76-84% compliance rate for other alcohol suppliers. That means the state is making sure the bars aren't serving underage drinkers or intoxicated customers. They go into stores with underage testers to see if stores will sell to someone under 21.

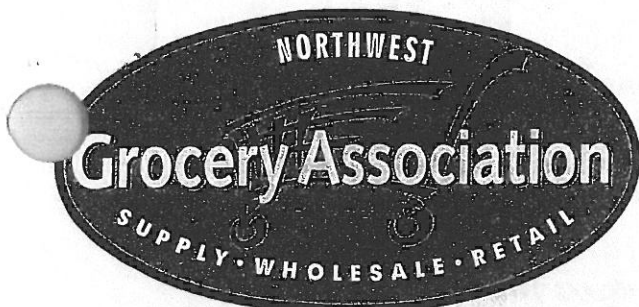
Without the compliance checks, liquor sales and consumption basically are on the honor system. If the state fails to fund the LCB's enforcement program, it will fall to (fill in city name) to make sure all of the additional liquor outlets and the existing restaurants and taverns comply with the LCB regulations.

It is reasonable to assume that if these compliance measures are not kept up, (fill in city name) could see an increase in DUI's, public intoxication, and underage drinking, which in turn could be more of a drain on local law enforcement. Our city's projected increase in law enforcement costs to maintain current LCB compliance ratings is (fill in amount).

Note:

Please use the following links to obtain your city's data:

- Liquor excise tax – www.awcnet.org/initiatives/2010/LiquorTaxDistSAO.pdf
- Liquor Board Profits – www.awcnet.org/initiatives/2010/LiquorProfitDistSAO.pdf
- Current and potential number of liquor retailers – www.awcnet.org/initiatives/2010/possibleliquorretailers.pdf



RECEIVED

SEP 15 2010

MOSES LAKE POLICE

September 14, 2010

Dean Mitchell
Moses Lake Chief of Police
Moses Lake Police Department
401 S Balsam St.
Moses Lake, WA 98837

Dear Chief Mitchell:

By now you have already heard a great deal from the critics of I-1100 as they seek to have law enforcement become the face of their campaign. We would like to share another perspective about I-1100.

Government has a very important role to regulate the sale of alcohol, but it does not belong in the liquor sales business. Operating state liquor stores creates a conflict of interest for state government. On the one hand their job is the strict control of liquor, particularly to keep it out of the hands of minors. On the other hand they have an obligation to maximize the revenue earned for the state general fund. During difficult economic times, there is even more pressure to maximize the dollars for the state.

Today there are more than 850 state workers devoted to the promotion and sale of alcohol and about 80 state workers committed to the enforcement of our retail state liquor laws. It is clear the priority has shifted to sales over enforcement.

I-1100 ends the conflict of interest. Closing the state liquor stores leaves the Liquor Control Board with a focused mission built around the enforcement of our liquor laws.

I-1100 is extremely responsible in its approach to changing the mission of the Liquor Control Board. We have left the taxes in place and our effort is not to punish government but to take it out of a business where it doesn't belong.

If you think government is doing enough to enforce liquor laws and protect teenagers from drinking, then we could understand the opposition to I-1100 and defending the status quo. We don't think the state is doing enough. Let me give you just one example:

Our high taxes and unreasonable markup of alcohol sold through state liquor stores has led to an epidemic of illegal importation of alcohol by people who are fundamentally law abiding. A car trip back from Nevada or California includes a couple of cases of alcohol in the trunk of the car. A recent Associated Press story in the *Tri-City Herald* discussed a liquor store in Post Falls, Idaho, just across the border from Washington that sells more than \$5 million in liquor annually – a large percentage of which is to Washington residents.

It is amazing that state liquor agents claim to have no idea about how much alcohol comes into this state illegally each year and they have no program to combat it. If the concern is teenage drinking, how many teenagers do you think get access to alcohol because the parents have a couple of cases stockpiled and kids use their own logic to assume that the parents will never miss just one bottle?

There is nothing magical about having state employees selling alcohol that will stop teenagers from drinking. The answer is a real enforcement program and punishment for those who violate the law. I-1100 leaves the state with full enforcement powers. The stores that are eligible for liquor licenses have already been cleared by the state to sell beer and wine. If the Liquor Control Board has the slightest hint these stores will sell to minors, then the LCB has authority to sanction or revoke their license.

We understand there is a great deal of pressure on you to oppose I-1100. We won't presume to ask you to support it, even though we think we can make a pretty good case about why you should. What we are asking is that you not allow yourself or your department to be used in a manner that could harm your credibility.

Voters understand. Voters know the state has no business operating liquor stores. They see it as an easy decision where we can reduce the scope of government and concentrate on the areas that are most important like law enforcement. They also see that there is a real effort to resist any changes in the status quo of government.

We appreciate your consideration of this letter and we hope that any comments you make about I-1100 will be based on facts.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gilliam".

Joe Gilliam
Yes To 1100 Steering Committee
President, Northwest Grocery Association