

MOSES LAKE CITY COUNCIL

Brent Reese
Jason Avila
Jon Lane

Bill Ecret
Mayor



Joseph K. Gavinski
City Manager

David Curnel
Karen Liebrecht
Dick Deane

August 27, 2013

AGENDA

Sophia Guerrero, Executive Secretary

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

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **IDENTIFICATION OF CITIZENS WANTING TO DISCUSS AGENDA ITEMS**
IDENTIFICATION OF CITIZENS WANTING TO DISCUSS NON-AGENDA ITEMS
4. **PRESENTATIONS AND AWARDS**
 - A. Proclamation - Commemoration & Support of Constitution Week - September 10 - 17, 2013
5. **CONSENT AGENDA**
 - A. Approval of Minutes - August 13, 2013
 - B. Approval of Bills and Checks Issued
 - C. Accept Work - Seal Coat Project - 2013
 - D. Resolution - Accept Street & Utility Improvements - Sunburst Multi-Family Major Plat
 - E. Resolution - Boundary Line Adjustment - Cascade Park - Kenison
6. **COMMISSION APPOINTMENTS - None**
7. **CONSIDERATION OF BIDS AND QUOTES - None**
8. **PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS**
 - A. Public Hearing - Ordinance - Extending Moratorium on Medical Marijuana Collective Gardens - 2nd Reading
9. **ORDINANCES AND RESOLUTIONS**
 - A. Ordinance - Amend MLMC 18.20 Residential Zones - 1st Reading
 - B. Resolution - Nuisance Abatement - 2603 Texas St - Hester
 - C. Resolution - Nuisance Abatement - 9859 Olympic Dr - McCourtie
 - D. Resolution - Nuisance Abatement - 1046 Division - Espinoza
 - E. Resolution - Nuisance Abatement - 9972 Sunny Dr - Huff
10. **REQUEST TO CALL FOR BIDS - None**
11. **REFERRALS FROM COMMISSIONS - None**
12. **OTHER ITEMS FOR COUNCIL CONSIDERATION**
 - A. Request to Connect to City Utilities 2215 Westshore Dr - GC Parcel # 141769000
 - B. Notice of Intention to Commence Annexation - Sonico Annexation

Finance W. Robert Taylor	Municipal Services Gary Harer	Police Chief Dave Ruffin	Parks & Recreation Spencer Grigg	Fire Chief Tom Taylor	Community Development Gilbert Alvarado	City Attorney Katherine L. Kenison
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- 13. NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS
- 14. COUNCIL QUESTIONS AND COMMENTS
- 15. CITY MANAGER REPORTS AND COMMENTS
 - A. Staff Reports
 - 1. Investment Report

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

Commemoration and Support of Constitution Week, September 10 – 17, 2013

WHEREAS: Early settlers to the New World established numerous localized governments to secure the rights of men and women; and

WHEREAS: Most of these early colonizers were subject to the King of England and Parliament; and

WHEREAS: The English government felt that the colonies existed for the purpose of assisting the mother country, especially in generating revenue; and

WHEREAS: Numerous laws enacted by the British Parliament against the 13 colonies, including the Navigation Act, the Quartering Act, the Stamp Act, the Townsend Acts, and the Intolerable Acts; and

WHEREAS: The tense relationship between England and the American colonies led to the Revolutionary War and the formation of the Declaration of Independence; and

WHEREAS: After the Continental Congress approved the Articles of Confederation, and the states ratified the Articles, a new government in America was established; and

WHEREAS: Numerous weaknesses existed in the Articles, including no executive branch to carry out the laws, no judicial system to enforce laws except state courts that only enforced state laws, a powerless Congress that could not regulate foreign and interstate commerce, and Congress could not lay and collect taxes; and

WHEREAS: The Continental Congress sent delegates to Philadelphia in an effort to revise the Articles of Confederation; and

WHEREAS: The delegates to the Constitutional Convention of 1787 settled upon a set of new laws regulating the powers of the federal government, which laws are enumerated in the Constitution of the United States of America; and

WHEREAS: By mid-year of 1788 eleven states ratified the Constitution; and

WHEREAS: The People established a new federal government under the laws of the Constitution of the United States; and

WHEREAS: The United States of America has remained a "city upon a hill" and a "beacon of hope" to the world; and

NOW, THEREFORE, IT IS PROCLAIMED, by the Mayor and the City Council of the City of Moses Lake, WA, that September 10 – 17, 2013 is hereby designated as Constitution Week and September 17, 2013 as Constitution Day. The Moses Lake City Council would also like to encourage all businesses and people to fly the United States flag, to study the Constitution, its historical background, and the principles established in that document.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Moses Lake to be affixed on this 27th day of August, 2013.

Mayor Bill J Ecret

Date

MOSES LAKE CITY COUNCIL

August 13, 2013

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

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

PLEDGE OF ALLEGIANCE: Mr. Reese led the Council in the pledge of allegiance.

PRESENTATION AND AWARDS

POLICE OFFICER RECOGNITION

Police Officers Juan Rodriguez and Adam Munro were recognized for their professionalism, service, and compassion to an elderly woman in need of assistance.

FIRE DEPARTMENT

Tasiya Oliver, Fire Clerk, and Brandon Wertman, Firefighter/EMT were presented to the Council.

SERVICE AWARDS

Years of Service pins for 10 years of service with the City were given to Michael Dosh, Sophia Guerrero, Juan Rodriguez, and Beau Montgomery. Years of Service pins for 15 years of service with the City were given to Dean McPherson and Brian Jones. Years of Service pins for 20 years of service with the City were given to Randy Graffe, Robert Harris, and Del Rose Hoy. Years of Service pins for 25 years of service with the City were given to Steve Miers, Tony Pfluger, and Bruce Strait. A Years of Service pin for 35 years of service with the City was given to Rolando Gonzales.

CONSENT AGENDA

Minutes: The minutes of the July 23 meeting were presented for approval.

Nuisance Abatement - Set Date for Hearing: A hearing was set for August 27 to consider nuisance abatement at 2603 W. Texas.

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

Approval of Claims, Prepaid Claims, Checks, and Payroll: Vouchers audited and certified by the Finance Director as required by RCW 42.24.080, and those expense reimbursement claims, certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Council for approval and is retained for public inspection at the Civic Center. As of August 13, 2013 the Council does approve for payment claims in the amount of \$706,157.70; prepaid claims in the amounts of \$82,360.82 and \$8,525.08; claim checks in the amount of \$1,648,991.02; and payroll in the amounts of \$3,806.98 and \$378,661.40.

Dr. Curnel questioned the payment of several bills and staff explained.

Action Taken: Dr. Curnel moved that the bills and checks be approved, seconded by Mr. Avila, and passed unanimously.

COMMISSION APPOINTMENTSTOURISM COMMISSION

Mayor Ecret requested confirmation of the re-appointment of Mary Perry to the Tourism Commission.

Action Taken: Mr. Lane moved that the re-appointment be confirmed, seconded by Dr. Curnel, passed unanimously.

CONSIDERATION OF BIDS AND QUOTESRESERVOIR 7 RAISING PROJECT

The City received three bids to raise Reservoir 7 which is located on Patton Boulevard. The project includes modifications to raise Reservoir 7 to increase the height by 18 feet. Because the bids were considerably above the engineer's estimate, staff recommended that the bids be rejected.

Gary Harer, Municipal Services Director, explained that increasing the height of a reservoir is a new project for the City and staff contacted experts in the field to obtain an estimate of the cost. Because the bids came in significantly over the engineer's estimate, staff recommended that the bids be rejected.

Action Taken: Mr. Lane moved that the bids be rejected due to the cost over the engineer's estimate, seconded by Mrs. Liebrecht, and passed unanimously.

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGSCOMMUNICATION - ITINERANT VENDOR FEES - WRIGHT

Carlos Wright requested that changes be made to the itinerant vendor fees to lower the cost to the business owner.

Joseph K. Gavinski, City Manager, gave the history on the itinerant vendor issue and fees.

Gilbert Alvarado, Community Development Director, explained what the City considers an itinerant vendor.

Mr. Wright pointed out that the business climate is different now than when the fees were originally established and that Moses Lake and Pasco have fees that are considerably higher than other cities in the state. He felt that the fee structure should be changed.

There was some discussion by the Council and staff was requested to provide additional information on the fee structure.

ORDINANCE - ANNEXATION - CARLILE DEVELOPMENT - 2ND READING/PUBLIC HEARING

An ordinance was presented which provides for the annexation of approximately 26.23 acres of property designated as Tax #7351 and located west of Randolph Road, north of Graham Road NE, and south of Tyndall Road NE.

The ordinance annexing property commonly known as the Carlile 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 was opened. There were no comments.

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

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

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 16.02 - UNPLATTED AREAS - 2ND READING

An ordinance was presented which establishes that Council permission to build on unplatted property is personal and does not attach to the land or property and that the Council can impose conditions on the building permit for the installation or completion of utility, street, sidewalk, or other improvements.

The ordinance amending Chapter 16.02 of the Moses Lake Municipal Code titled "Building Permits" was read by title only.

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

ORDINANCE - EXTEND MORATORIUM ON MEDICAL MARIJUANA GARDENS - 1ST READING

An ordinance was presented which extends the moratorium on the establishment of "collective gardens" for the medical use of marijuana.

The ordinance of the City of Moses Lake extending a moratorium on the establishment of medical marijuana collective gardens, defining "medical marijuana collective gardens", providing for a public hearing establishing an effective date, and providing that the moratorium, unless extended, will sunset within six (6) months of the date of adoption was read by title only.

Joseph K. Gavinski, City Manager, pointed out that the extension of the moratorium continues the City's wait and see position on the medical marijuana issue. He also mentioned that there is now considerable discussion in various cities about recreational marijuana use since rules have been drafted concerning the issue.

Action Taken: Mr. Reese moved that the first reading of the ordinance be adopted and a public hearing be set for August 27, seconded by Mr. Avila, and passed unanimously.

RESOLUTION - BUILD ON UNPLATTED PROPERTY - AT&T MOBILITY

A resolution was presented which allows AT&T Mobility to construct a 100' monopole and ground equipment on unplatted property owned by Crab Creek Homestead, LLC.

A resolution allowing AT&T Mobility and Crab Creek Homestead, LLC to build on unplatted property was read by title only.

Gilbert Alvarado, Community Development Director, explained the project and mentioned that the property is 44 acres but that AT&T will be using only 2,500 square feet for their facility.

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

RESOLUTION - ACCEPT DONATION - BUDU RACING, LLC

A resolution was presented which accepts a donation of \$1,500 from Rory and Deanna Muller of Budu Racing, LLC. the funds will be used for paths and trails.

The resolution accepting a cash donation of \$1,500 from Rory and Deanna Muller of Budu Racing, LLC was read by title only.

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

REQUEST TO CALL FOR BIDS - NoneREFERRALS FROM COMMISSIONS - NoneOTHER ITEMS FOR COUNCIL CONSIDERATIONDEVIATION REQUEST - UNDERGROUND UTILITIES

The Grant County PUD requested a deviation of the requirement to place new electrical distribution lines underground for one mile along the north side of Wheeler Road from 280 feet west of Road N to the D & L Foundry property. The cost to underground the power is \$436,000 and the overhead line will cost \$135,000. There are existing overhead lines in this area. The Council may approve a deviation if it is determined that the cost of the underground installation, when compared to overhead installation, is disproportionate in comparison to the benefit to be gained by the property and/or public.

Shane Lunderville, PUD, explained that D & L Foundry is expanding and needs additional power. The existing line cannot handle the need so a new line will be installed on the north side of Wheeler Road to service the property.

Mark Ross, Project Manager, D & L Foundry, mentioned that the cost of under grounding the power, which D & L would have to pay for, would have a significant impact on their ability to continue the project. The expansion of the business will create additional jobs.

There was some discussion by the Council concerning the aesthetics and cost and it was felt that since the area is industrial in nature, the aesthetics were less important than the cost.

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

DRIVEWAY DEVIATION - JUNIPER DRIVE

April Cisneros requested a deviation to the driveway requirements in order to expand an existing 20' wide driveway at 976 Juniper Drive the full length of the lot. The existing house is proposed to be converted into a day care center and the deviation would allow access to six on-site parking spaces required by the Planning Commission approval of the site plan.

Gary Harer, Municipal Services Director, mentioned that the if the request is granted, it will remove all the curb in front of the 60' lot and the whole frontage would be driveway. He mentioned that the lot is across Juniper Drive from the Moses Lake Branch of the Wenatchee Valley Clinic. He pointed out that the driveway standards were established to provide a safe condition for cars to back out of a property.

Gilbert Alvarado, Community Development Director, explained that the Planning Commission required six off-street parking spaces for this proposed day care and the only way that condition could be met was to turn the front yard into a parking area.

There was some discussion by the Council and it was pointed out that there is considerable traffic on Juniper Drive.

Staff pointed out the traffic issues with essentially the creation of a parking lot on a residential lot and the problem with backing out onto a busy street.

No action was taken by the Council.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

COUNCIL TRAVEL

Mr. Lane mentioned that there is a Pacific Northwest Idea Exchange meeting dealing with retail in Couer d'Alene on August 27 and 28 and requested permission to attend.

Action Taken: Mr. Deane moved that Mr. Lane be authorized to attend the Pacific Northwest Idea Exchange meeting in Couer d'Alene, seconded by Mrs. Liebrecht, and passed unanimously.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

AWARD NOTIFICATION

Joseph K. Gavinski, City Manager, reported that the Larson Wastewater Treatment Plant and the Sand Dunes Wastewater Treatment Plant will be receiving the 2012 "Wastewater Treatment Plant Outstanding Performance Award" from the Department of Ecology. He mentioned that this is a difficult award to obtain but that the Larson Plant has received this award for five years in a row.

AMBULANCE REPORT

The cash report on the ambulance operations for the month of July was provided.

BUILDING ACTIVITY REPORT

The July building activity report was provided.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$478,822.77 in sales tax and \$64,910.04 in transient rental income in July.

The regular meeting was adjourned at 8:50 p.m.

ATTEST

Bill J. Ecret, Mayor

W. Robert Taylor, Finance Director

DATE 8/14/13
TIME 13:22:23

PAGE 1
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
=====				
CITY OF MOSES LAKE	00008107			
		0000066994	137,873.00	REPAY INTERFUND LOAN
		0000066994	40,196.59	REPAY INTERFUND LOAN
		0000066992	300,000.00	REPAY INTERFUND LOAN
		0000066992	3,000.00	REPAY INTERFUND LOAN
		=====		
		TOTAL:	481,069.59	
LOWES	00003886			
		0000067154	25.38	MISC SUPPLIES
		0000067154	11.24	MISC SUPPLIES
		0000067154	3.05	MISC SUPPLIES
		0000067154	152.61	MISC SUPPLIES
		0000067154	511.50	MISC SUPPLIES
		0000067154	67.62	MISC SUPPLIES
		0000067154	5.07	MISC SUPPLIES
		=====		
		TOTAL:	776.47	
		=====		
		REPORT TOTAL:	481,846.06	

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

TOTALS BY FUND

FUND	FUND NAME	AMOUNT
		126.64
000	GENERAL FUND	178,109.26
410	WATER/SEWER	664.11
498	AMBULANCE SERVICE FUND	303,000.00
519	EQUIPMENT RENTAL	67.62
528	BUILD MAINTENANCE	5.07
	TOTAL	481,719.42
		846.06

CHANGES TO BE MADE SHOULD BE LISTED BELOW.

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

CORRECT AMOUNT TO BE PAID

C L A I M S A P P R O V A L

WE, THE UNDERSIGNED COUNCILMEN OF THE CITY OF MOSES LAKE, WASHINGTON, DO HEREBY CERTIFY THAT THE MERCHANDISE
OR SERVICES SPECIFIED HAVE BEEN RECEIVED AND THAT ABOVE CLAIMS ARE APPROVED, AS NOTED, FOR PAYMENT
IN THE AMOUNT OF \$481,846.06 THIS 27TH DAY OF AUGUST, 2013

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

FINANCE DIRECTOR

DATE 8/21/13
TIME 13:43:18

PAGE 1
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
DATABAR	00007974			
		0000067227	531.74	MAIL UTILITY BILLS
		0000067227	372.85	MAIL UTILITY BILLS
		0000067227	218.60	MAIL UTILITY BILLS
		0000067227	72.86	MAIL UTILITY BILLS
		0000067227	93.63	MAIL UTILITY BILLS
		=====		
		TOTAL:	1,289.68	
HOME DEPOT CREDIT SERVICES	00007824			
		0000067183	157.56	MISC SUPPLIES
		0000067183	384.50	MISC SUPPLIES
		0000067183	43.06	MISC SUPPLIES
		0000067183	237.94	MISC SUPPLIES
		0000067183	47.03	MISC SUPPLIES
		0000067183	10.23	MISC SUPPLIES
		0000067183	21.36	MISC SUPPLIES
		0000067183	34.66	MISC SUPPLIES
		0000067183	31.74	MISC SUPPLIES
		0000067183	9.72	MISC SUPPLIES
		0000067183	59.87	MISC SUPPLIES
		=====		
		TOTAL:	1,037.67	
PUD OF GRANT COUNTY	00001501			
		0000067165	722.31	ELECTRIC SERVICE
		0000067165	17.05	ELECTRIC SERVICE
		0000067165	5,109.08	ELECTRIC SERVICE
		0000067165	587.44	ELECTRIC SERVICE
		0000067165	1,219.97	ELECTRIC SERVICE
		0000067165	65.09	ELECTRIC SERVICE

DATE 8/21/13
TIME 13:43:18

PAGE 2
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		0000067165	1,797.48	ELECTRIC SERVICE
		0000067165	20.54	ELECTRIC SERVICE
		0000067165	659.54	ELECTRIC SERVICE
		0000067165	176.87	ELECTRIC SERVICE
		0000067165	18.44	ELECTRIC SERVICE
		0000067165	49.04	ELECTRIC SERVICE
		0000067165	25.26	ELECTRIC SERVICE
		0000067165	806.03	ELECTRIC SERVICE
		0000067165	188.06	ELECTRIC SERVICE
		0000067165	824.94	ELECTRIC SERVICE
		0000067165	34,559.74	ELECTRIC SERVICE
		0000067165	12,445.62	ELECTRIC SERVICE
		0000067165	100.59	ELECTRIC SERVICE
		0000067165	2,001.64	ELECTRIC SERVICE
		0000067165	607.13	ELECTRIC SERVICE
		0000067165	1,280.90	ELECTRIC SERVICE
		0000067165	983.96	ELECTRIC SERVICE
		=====		
		TOTAL:	64,266.72	
RIGHT CHOICE PAINTING	00006018			
		0000067145	9,286.95	2013 LIBRARY EXTERIOR PAINTING
		=====		
		TOTAL:	9,286.95	
STERLING SAVINGS BANK	00007077			
		0000067257	325.92	MISC SUPPLIES
		0000067144	69.01	TURMBULL - WELLNESS
		0000067153	29.60	MISC SUPPLIES
		0000067144	150.00	TURMBULL - WELLNESS
		0000067157	59.38	SUPPLIES & TRAVEL EXP

DATE 8/21/13
TIME 13:43:18

PAGE 3
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
STERLING SAVINGS BANK	00007077			
		0000067157	13.33	SUPPLIES & TRAVEL EXP
		0000067151	291.89	
		0000067151	16.73	
		0000067151	193.54	
		0000067151	31.57	
		0000067151	395.98	
		0000067151	650.00	
		0000067151	158.88	
		0000067151	232.63	
		0000067151	231.52	
		0000067151	64.90	
		0000067151	84.64	
		0000067151	360.04	
		0000067151	116.09	
		0000067151	14.19	
		0000067151	31.17	
		0000067151	289.26	
		0000067151	149.44	
		0000067246	67.90	MISCELLANEOUS
		0000067246	996.07	MISCELLANEOUS
		0000067246	140.23	MISCELLANEOUS
		0000067173	431.93	MISC SUPPLIES
		0000067173	126.73	MISC SUPPLIES
		0000067151	276.57	

DATE 8/21/13
TIME 13:43:18

PAGE 4
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR	VENDOR NO	Expenditure Account		Purpose of Purchase
Department	Object Description	P.O. Number	P.O. Amount	
=====				
		0000067151	600.00	
		0000067151	129.45	
		0000067157	995.00	SUPPLIES & TRAVEL EXP
		0000067225	379.43	MISC SUPPLIES/T & S
		0000067157	87.70	SUPPLIES & TRAVEL EXP
		0000067173	153.32	MISC SUPPLIES
		0000067153	357.97	MISC SUPPLIES
		0000067153	364.92	MISC SUPPLIES
		0000067225	310.51	MISC SUPPLIES/T & S
		0000067246	280.21	MISCELLANEOUS
		0000067225	15.20	MISC SUPPLIES/T & S
		0000067225	264.25	MISC SUPPLIES/T & S
		=====		
		TOTAL:	9,937.10	
UNITED PARCEL SERVICE	00005456			
		0000067180	88.00	SERVICE CHARGES
		=====		
		TOTAL:	88.00	
		=====		
		REPORT TOTAL:	85,906.12	

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

TOTALS BY FUND

FUND	FUND NAME	AMOUNT
000	GENERAL FUND	17,669.83
102	TOURISM ACTIVITIES	876.57
103	GRANTS AND DONATIONS	129.45
114	PATHS & TRAILS	995.00
116	STREET	1,013.00
410	WATER/SEWER	48,527.32
490	SANITATION FUND	218.60
493	STORM WATER	160.56
495	AIRPORT	100.59
498	AMBULANCE SERVICE FUND	246.95
517	CENTRAL SERVICES	722.89
519	EQUIPMENT RENTAL	605.92
528	BUILD MAINTENANCE	14,639.44
	TOTAL	85,906.12

CHANGES TO BE MADE SHOULD BE LISTED BELOW.

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

CORRECT AMOUNT TO BE PAID

C L A I M S A P P R O V A L

WE, THE UNDERSIGNED COUNCILMEN OF THE CITY OF MOSES LAKE, WASHINGTON, DO HEREBY CERTIFY THAT THE MERCHANDISE
OR SERVICES SPECIFIED HAVE BEEN RECEIVED AND THAT ABOVE CLAIMS ARE APPROVED, AS NOTED, FOR PAYMENT
IN THE AMOUNT OF \$85,906.12 THIS 27TH DAY OF AUGUST, 2013

.....
COUNCIL MEMBER

.....
COUNCIL MEMBER

.....
COUNCIL MEMBER

.....
FINANCE DIRECTOR

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
A & H PRINTERS	00000001	0000067235	219.76	AFTER SCHOOL SPORTS FLYERS
		0000067241	127.86	PRINTING
		=====		
		TOTAL:	347.62	
AIREFCO INC	00005311	0000067185	432.17	TIMERS
		=====		
		TOTAL:	432.17	
ALPINE PRODUCTS INC	00005052	0000067184	1,068.89	COLD PATCH
		=====		
		TOTAL:	1,068.89	
APWA	00000004	0000067226	760.00	APWA MEMBERSHIP RENEWAL
		=====		
		TOTAL:	760.00	
AQUATIC SPECIALTY SERVICES	00007861	0000067253	11,639.18	SNS MAINTENANCE SUPPLIES
		0000067253	837.30	SNS MAINTENANCE SUPPLIES
		=====		
		TOTAL:	12,476.48	
BASIN SEPTIC SERVICES	00000166	0000066964	339.90	SEPTIC SERVICES
		0000066964	113.30	SEPTIC SERVICES
		0000066964	129.48	SEPTIC SERVICES
		0000066964	129.48	SEPTIC SERVICES
		0000066964	16.19	SEPTIC SERVICES
		=====		
		TOTAL:	728.35	
BESSE MEDICAL SUPPLY	00006688	0000067230	111.09	AMBULANCE SUPPLIES
		=====		
		TOTAL:	111.09	
BLUMENTHAL UNIFORM CO INC	00000133	0000067239	1,142.98	UNIFORMS
		0000067161	221.09	UNIFORM SHIRTS, PANTS
		0000067161	256.69	UNIFORM SHIRTS, PANTS
		=====		
		TOTAL:	1,620.76	

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
=====				
BOUND TREE MEDICAL LLC	00006022			
		0000067175	165.14	AMBULANCE SUPPLIES
		=====		
		TOTAL:	165.14	
BSN SPORTS	00006942			
		0000067234	1,912.43	LAUZIER FIELD SUPPLIES
		=====		
		TOTAL:	1,912.43	
BUD CLARY CHEVROLET	00005392			
		0000064826	30,866.40	NEW POLICE VEHICLES
		0000064826	30,866.40	NEW POLICE VEHICLES
		0000064826	30,866.40	NEW POLICE VEHICLES
		0000066264	23,532.42	MINI CARGO VAN
		=====		
		TOTAL:	116,131.62	
BUD CLARY CHRYSLER DODGE JEEP	00005449			
		0000067187	104.74	ACTUATOR
		=====		
		TOTAL:	104.74	
BUD CLARY FORD	00006454			
		0000067186	72.80	BRAKE KIT
		=====		
		TOTAL:	72.80	
CASCADE ANALYTICAL INC	00005014			
		0000067192	220.00	SAMPLE TESTING
		0000067192	335.08	SAMPLE TESTING
		=====		
		TOTAL:	555.08	
CASCADE FIRE CORPORATION	00003644			
		0000067159	802.93	HELMETS, GOGGLES, HOODS
		=====		
		TOTAL:	802.93	
CASCADE NATURAL GAS CORP	00000203			
		0000067236	4,205.83	SNS/LRC GAS USAGE
		0000067236	10.60	SNS/LRC GAS USAGE
		0000067181	61.95	NAT GAS SERVICE
		0000067181	11.37	NAT GAS SERVICE
		=====		
		TOTAL:	4,289.75	
CENTRAL MANUFACTURING INC	00005478			
		0000067188	849.00	SUPPLIES

DATE 8/23/13
TIME 09:05:11

PAGE 3
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
=====				
		TOTAL:	849.00	
CENTURYLINK	00001502	0000067255	42.47	TELEPHONE SERVICE
		0000067255	223.16	TELEPHONE SERVICE
		0000067255	128.22	TELEPHONE SERVICE
		0000067255	263.91	TELEPHONE SERVICE
		0000067255	75.67	TELEPHONE SERVICE
		0000067255	42.47	TELEPHONE SERVICE
		0000067255	2,619.10	TELEPHONE SERVICE
		0000067255	175.94	TELEPHONE SERVICE
=====				
		TOTAL:	3,570.94	
CHASE PAYMENTECH-EFT	00004046	0000067166	922.71	CREDIT CARD FEES
		0000067166	646.99	CREDIT CARD FEES
		0000067166	379.34	CREDIT CARD FEES
		0000067166	126.44	CREDIT CARD FEES
		0000067166	162.48	CREDIT CARD FEES
=====				
		TOTAL:	2,237.96	
CITY OF MOSES LAKE	00008201	0000067249	788.55	WATER SERVICE
		0000067249	394.68	WATER SERVICE
		0000067249	1,979.04	WATER SERVICE
		0000067249	219.36	WATER SERVICE
=====				
		TOTAL:	3,381.63	
	00008106	0000067146	488.79	RETAINAGE-RIGHT CHOICE PAINT
=====				
		TOTAL:	488.79	
COMMERCIAL TIRE	00005968	0000067193	854.78	NEW TIRES

DATE 8/23/13
TIME 09:05:11

PAGE 4
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
=====				
		TOTAL:	854.78	
CONCESSIONS SUPPLY	00006286	0000067233	757.04	LARSON FIELD/SNS RESALE
		0000067233	228.84	LARSON FIELD/SNS RESALE
=====				
		TOTAL:	985.88	
CONSOLIDATED ELECTRIC DIST	00000819	0000066966	16.33	MISC SUPPLIES
		0000067191	40.53	MISC SUPPLIES
		0000067191	88.00	MISC SUPPLIES
=====				
		TOTAL:	144.86	
CURT LEDEBOER	00003539	0000067247	140.00	UNIFORMS
=====				
		TOTAL:	140.00	
D & L FOUNDRY INC	00006673	0000067195	90.21	MONUMENT LIDS
=====				
		TOTAL:	90.21	
DESERT MACHINE LLC	00005889	0000067194	65.17	MISC SUPPLIES
=====				
		TOTAL:	65.17	
E F RECOVERY	00007244	0000067231	841.50	PROF SERVICE
=====				
		TOTAL:	841.50	
EASTERN CASCADE DIST	00006909	0000067237	55.00	DRINKING WATER
=====				
		TOTAL:	55.00	
FABER INDUSTRIAL SUPPLY	00000501	0000066967	82.92	MISC SUPPLIES
		0000067197	62.33	GRAFFITI REMOVER
=====				
		TOTAL:	145.25	
FASTENAL COMPANY	00007372	0000067198	2,381.11	MISC SUPPLIES
		0000067198	26.05	MISC SUPPLIES
=====				
		TOTAL:	2,407.16	
FOOD SERVICES OF AMERICA	00007168			

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		0000067125	98.76	MAC MEMBERSHIP
		0000067125	5,581.16	MAC MEMBERSHIP
		0000067125	1,165.19	MAC MEMBERSHIP
		0000067125	69.62	MAC MEMBERSHIP
		=====		
		TOTAL:	6,914.73	
GRAINGER PARTS OPERATIONS	00002755			
		0000067199	158.45	MISC SUPPLIES
		0000067199	13.11	MISC SUPPLIES
		0000067199	42.26	MISC SUPPLIES
		=====		
		TOTAL:	213.82	
GRANT RECORD SEARCH	00007137			
		0000067256	404.63	RECORD SEARCH APRIL-JUNE 2013
		=====		
		TOTAL:	404.63	
H D FOWLER COMPANY	00003868			
		0000067201	3,121.95	MISC METER SUPPLIES
		=====		
		TOTAL:	3,121.95	
HELENA CHEMICAL COMPANY	00006809			
		0000067260	1,454.07	CHEMICALS/FERTILIZER
		=====		
		TOTAL:	1,454.07	
IBS INC	00004860			
		0000067203	467.89	DRILL BITS, STOCK SUPPLIES
		0000067203	199.70	DRILL BITS, STOCK SUPPLIES
		0000067203	331.08	DRILL BITS, STOCK SUPPLIES
		=====		
		TOTAL:	998.67	
JAMES & TERESA WENTLAND	00007938			
		0000067261	112.00	HORSEMANSHIP INSTRUCTION
		=====		
		TOTAL:	112.00	
JERRYS AUTO SUPPLY	00005835			
		0000067148	91.56	MISC PARKS REPAIR SUPPLIES
		0000067204	47.37	MISC SUPPLIES
		0000067204	47.98	MISC SUPPLIES
		0000067204	265.89	MISC SUPPLIES

DATE 8/23/13
TIME 09:05:11

PAGE 6
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
=====				
		TOTAL:	452.80	
JOE ROGERS	00006547	0000067244	100.00	SERVICES
=====				
		TOTAL:	100.00	
JOSH WEAVER	00005944	0000067223	85.00	REIMB CDL
=====				
		TOTAL:	85.00	
KONICA MINOLTA BUSINESS SOL	00007194	0000067178	302.84	MAINT AGREEMENT/CH COPIER
=====				
		TOTAL:	302.84	
KYLE MCCAIN	00007126	0000067240	140.00	UNIFORMS
=====				
		TOTAL:	140.00	
MERCHANT SOLUTIONS - EFT	00005882	0000067167	145.10	CREDIT CARD FEES
		0000067167	106.35	CREDIT CARD FEES
		0000067167	46.47	CREDIT CARD FEES
		0000067167	2,789.27	CREDIT CARD FEES
		0000067167	344.59	CREDIT CARD FEES
		0000067167	29.43	CREDIT CARD FEES
		0000067167	18.93	CREDIT CARD FEES
		0000067167	10.00	CREDIT CARD FEES
		0000067167	13.30	CREDIT CARD FEES
		0000067167	9.32	CREDIT CARD FEES
		0000067167	5.47	CREDIT CARD FEES
		0000067167	1.84	CREDIT CARD FEES
		0000067167	2.34	CREDIT CARD FEES
=====				
		TOTAL:	3,522.41	
MICROFLEX INC	00005896	0000067179	25.88	TAX AUDIT PROGRAM

DATE 8/23/13
TIME 09:05:11

PAGE 7
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
=====				
		TOTAL:	25.88	
MOSES LAKE SOCCER TOTS	00007063	0000067156	404.00	PROGRAM INSTRUCTION
=====				
		TOTAL:	404.00	
MOSES LAKE STEEL SUPPLY	00001268	0000066972	78.48	MISC SUPPLIES
		0000066972	48.49	MISC SUPPLIES
		0000066972	12.34	MISC SUPPLIES
		0000067209	160.02	MISC SUPPLIES
		0000067209	67.66	MISC SUPPLIES
		0000067209	17.84	MISC SUPPLIES
=====				
		TOTAL:	384.83	
MOSES LAKE YOUTH DYNAMICS	00002940	0000067252	300.00	SERVICES
=====				
		TOTAL:	300.00	
NORTH CENTRAL WASHINGTON FENCE	00006902	0000066973	619.99	MISC SUPPLIES
=====				
		TOTAL:	619.99	
NORTHSTAR CHEMICAL INC	00006113	0000067212	6,541.39	SODIUM HYPO
=====				
		TOTAL:	6,541.39	
NORTHWEST HOSE & FITTINGS	00001302	0000067211	91.41	MISC SUPPLIES
		0000067211	441.16	MISC SUPPLIES
=====				
		TOTAL:	532.57	
OGDEN MURPHY WALLACE INC	00006727	0000067164	827.08	PROF SERVICES
=====				
		TOTAL:	827.08	
OXARC INC	00001412	0000066976	210.24	MISC SUPPLIES
		0000067213	40.88	SAFETY VESTS, GLOVES
		0000067213	11.86	SAFETY VESTS, GLOVES

DATE 8/23/13
TIME 09:05:11

PAGE 8
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount	Purpose of Purchase
		TOTAL: 262.98	
PARKSON CORP	00006891	0000067229 6,847.22	MISC SUPPLIES
		TOTAL: 6,847.22	
PERFECTION TIRE & AUTOMOTIVE	00004609	0000067214 373.04	FRONT END ALIGNMENT
		TOTAL: 373.04	
POLLARDWATER.COM	00006064	0000067215 221.23	WRENCHES, TAPE
		0000067215 905.27	WRENCHES, TAPE
		TOTAL: 1,126.50	
PROGRESSIVE MEDICAL INTL	00006656	0000067174 458.41	AMBULANCE SUPPLIES
		0000067160 149.00	AMBULANCE SUPPLIES
		TOTAL: 607.41	
PUD OF GRANT COUNTY	00001501	0000067171 1,381.10	ELEC SERVICE/ST LIGHTS
		0000067171 34,727.26	ELEC SERVICE/ST LIGHTS
		TOTAL: 36,108.36	
QCL INC	00006542	0000067262 2,496.00	AUDIOGRAM TESTING
		TOTAL: 2,496.00	
QUILL CORPORATION	00004811	0000067158 127.78	MISC OFFICE SUPPLIES
		0000067158 71.19	MISC OFFICE SUPPLIES
		0000067158 127.77	MISC OFFICE SUPPLIES
		TOTAL: 326.74	
RAMADA MOSES LAKE	00006884	0000067149 3,613.27	CONCERT PERFORMER LODGING
		TOTAL: 3,613.27	
REFLEX TRAFFIC SYSTEMS	00004837	0000067168 15,507.87	PROF SERVICE/RED LIGHT TICKETS
		TOTAL: 15,507.87	
SAN DIEGO POLICE EQUIPMENT	00007332		

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000067242	5,660.43	AMMUNITION
		TOTAL:	5,660.43	
SAUL C CASTILLO	00000810	0000067251	110.00	PROF SERVICE
		TOTAL:	110.00	
SCHAEFFER MFG COMPANY	00003823	0000067217	1,335.15	OIL
		TOTAL:	1,335.15	
SHERWIN-WILLIAMS	00006229	0000066979	487.62	MISC SUPPLIES
		0000066979	230.80	MISC SUPPLIES
		0000066979	221.42	MISC SUPPLIES
		0000067219	2,432.93	TRAFFIC PAINT
		0000067219	56.05	TRAFFIC PAINT
		TOTAL:	3,428.82	
SHIRTBUILDERS INC	00004022	0000067177	7.55	EMBROIDERY
		TOTAL:	7.55	
SIGNS NOW	00007051	0000067152	585.21	LARSON PLAYFIELD SIGNAGE
		TOTAL:	585.21	
SPECIALTY WELDING INC	00006084	0000067176	577.27	FABRICATE/PAINT WRENCHES
		TOTAL:	577.27	
SPECTRUM COMMUNICATIONS	00002691	0000067218	193.19	REPAIR RADIOS
		TOTAL:	193.19	
ST BRIGIDS BREWERY LLC	00005475	0000067232	45.60	MAC RESALE
		TOTAL:	45.60	
STAPLES CREDIT PLAN	00007570	0000067282	101.38	TONER
		TOTAL:	101.38	
STATE AUDITORS OFFICE	00003249	0000067248	1,203.18	GENERAL AUDIT CHARGES

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
=====				
		TOTAL:	1,203.18	
SUNRISE ENVIRON SCIENTIFIC	00005283	0000067155	642.80	GRAFFITTI REMOVER
=====				
		TOTAL:	642.80	
SUNTRUST	00007361	0000067245	324.02	#35 LEASE PYMT/SEPT
		0000067245	3.89	#35 LEASE PYMT/SEPT
		0000067245	3,458.09	#35 LEASE PYMT/SEPT
		0000067245	95.40	#35 LEASE PYMT/SEPT
		0000067245	9,635.20	#35 LEASE PYMT/SEPT
		0000067245	61.65	#35 LEASE PYMT/SEPT
=====				
		TOTAL:	13,578.25	
T O ENGINEERS	00005176	0000067221	500.00	PROF SERVICE
=====				
		TOTAL:	500.00	
THE FIREFLY CAFE	00004186	0000067238	342.26	NATIONAL NIGHT OUT
=====				
		TOTAL:	342.26	
THOMSON REUTERS - WEST	00004968	0000067009	301.56	SUBSCRIPTION RENEWAL
		0000067163	931.18	LEGAL BOOKS
=====				
		TOTAL:	1,232.74	
TITAN TRUCK EQUIPMENT	00007965	0000067220	936.95	VEHICLE REPAIR
=====				
		TOTAL:	936.95	
UNDERWRITERS LABORATORIES INC	00006987	0000067162	1,044.45	INSPECTION SERVICES
		0000067162	975.00	INSPECTION SERVICES
=====				
		TOTAL:	2,019.45	
UTIL UNDRGRND LOCATION CENTER	00004598	0000067222	63.84	UTILITY LOCATES
		0000067222	63.84	UTILITY LOCATES

DATE 8/23/13
TIME 09:05:11

PAGE 11
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000067222	63.84	UTILITY LOCATES
		TOTAL:	191.52	
VERIZON WIRELESS	00002107	0000067169	160.03	MONTHLY USAGE CHARGES
		TOTAL:	160.03	
W A C E	00006867	0000067143	240.00	HARDEN-WACE FALL CONF REG/DUES
		TOTAL:	240.00	
W C P SOLUTIONS	00006671	0000067224	456.64	MISC CLEANING SUPPLIES
		TOTAL:	456.64	
		REPORT TOTAL:	286,114.45	

DATE FRI, AUG 23, 2013, 9:05 AM
TIME 09:05:12

TOTALS PAGE
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

TOTALS BY FUND

FUND	FUND NAME	AMOUNT
000	GENERAL FUND	72,756.89
102	TOURISM ACTIVITIES	3,613.27
103	GRANTS AND DONATIONS	69.62
116	STREET	38,951.89
275	EQUIPMENT LEASES	327.91
410	WATER/SEWER	26,994.76
483	W/S LEASES	3,553.49
490	SANITATION FUND	384.81
493	STORM WATER	251.96
495	AIRPORT	500.00
498	AMBULANCE SERVICE FUND	2,476.92
517	CENTRAL SERVICES	3,023.32
519	EQUIPMENT RENTAL	131,000.89
528	BUILD MAINTENANCE	2,208.72

DATE FRI, AUG 23, 2013, 9:05 AM
TIME 09:05:12

TOTALS PAGE
XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 08/27/2013

TOTALS BY FUND

FUND	FUND NAME	AMOUNT
-----	-----	-----
	TOTAL	286,114.45

CHANGES TO BE MADE SHOULD BE LISTED BELOW.

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

CORRECT AMOUNT TO BE PAID

C L A I M S A P P R O V A L

WE, THE UNDERSIGNED COUNCILMEN OF THE CITY OF MOSES LAKE, WASHINGTON, DO HEREBY CERTIFY THAT THE MERCHANDISE
OR SERVICES SPECIFIED HAVE BEEN RECEIVED AND THAT ABOVE CLAIMS ARE APPROVED, AS NOTED, FOR PAYMENT
IN THE AMOUNT OF \$286,114.45 THIS 27TH DAY OF AUGUST, 2013

.....
COUNCIL MEMBER

.....
COUNCIL MEMBER

.....
COUNCIL MEMBER

.....
FINANCE DIRECTOR

August 20, 2013

TO: City Manager
For City Council Consideration

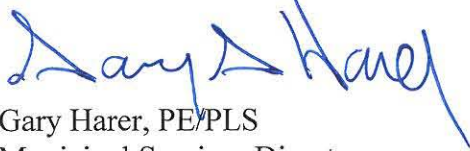
FROM: Municipal Services Director

SUBJECT: **Accept Work**
Seal Coat Project – 2013

Central Washington Asphalt, Inc. has completed the work for the 2013 Seal Coat Project. The project included chip sealing Valley Road and various residential streets.

The final construction cost for this project is \$462,115 as compared with the total bid amount of \$547,625. The savings resulted from using less oil and rock than what was
The contract work is physically complete and ready for acceptance by City Council. The 60-day lien period will begin upon acceptance of the work, as required by Washington State Law.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Gary Harer". The signature is stylized with a large, sweeping "G" and a long, horizontal stroke at the end.

Gary Harer, PE/PLS
Municipal Services Director

August 7th, 2013

TO: City Manager
For City Council Consideration

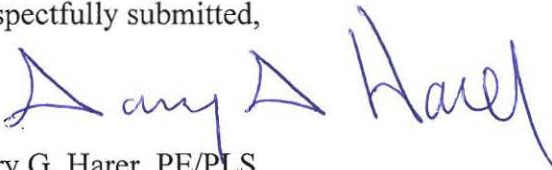
FROM: Municipal Services Director

**SUBJECT: ACCEPT STREET AND UTILITY IMPROVEMENTS
SUNBURST MULTI-FAMILY 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 Sunburst Multi-Family Major Plat. These improvements have been 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 blue ink, appearing to read "Gary G. Harer". The signature is stylized with a large "G" and "H".

Gary G. Harer, PE/PLS
Municipal Services Director

GH;MM;tv

encl.

cc: Project Engineer - Mike Moro

RESOLUTION NO. 3379

A RESOLUTION ACCEPTING STREET AND UTILITY IMPROVEMENTS FOR MUNICIPAL USE AS PART OF THE SUNBURST MULTI-FAMILY 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 Sunburst Multi-Family Major Plat.
2. Said street and utility improvements have been installed in accordance with the City of Moses Lake's Community Standards, such installation being completed in March, 2013.
3. RCW 35.91.030 indicated that public street and utility facilities, which are developer installed should be accepted by the City of Moses Lake upon completion if the facilities are built to city standards.

Resolved:

1. The City of Moses Lake accepts the street and utility improvements as facilities of the City of Moses Lake and as such will charge for use of such facilities as authorized by ordinance, contingent upon filing of the plat.

ACCEPTED by the City Council on August 27th, 2013.

Bill J. Ecret, Mayor

ATTEST:

W. Robert Taylor, Finance Director

August 21, 2013

TO: City Manager
For City Council Consideration

FROM: Municipal Services Director

SUBJECT: **Resolution - Boundary Line Adjustment - Estate of Ralph B. & Lois E. Kenison - Cascade Park**

The attached resolution gives approval for a boundary line adjustment along a portion of the east property line of Cascade Park. The adjacent property is owned by the Estate of Ralph B. & Lois E. Kenison. This will move the property line to correspond to actual usage.

The resolution is for City Council consideration.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Gary Harer", is written over the typed name.

Gary Harer, PE/PLS
Municipal Services Director

RESOLUTION NO.

A RESOLUTION APPROVING A BOUNDARY LINE ADJUSTMENT FOR PROPERTY OWNED BY THE CITY AND PROPERTY OWNED BY THE ESTATE OF RALPH B. AND LOIS E. KENISON

RECITALS:

1. Resolution 238 provides all grants of real estate, or any interest herein, to the City of Moses Lake, shall not be accepted and granted until a resolution has been duly passed by the City Council.
2. The City owns the parcel where Cascade Park is located. The adjoining property is owned by the Estate of Ralph B. and Lois E. Kenison
3. The boundary line adjustment will move the property line to correspond to actual usage.
4. It is advantageous for the City and the Estate of Ralph B. and Lois E. Kenison to adjust the common property line.
5. Exchanging quit claim deeds and filing a boundary line adjustment survey are required to adjust the property line.
6. The two properties that are being exchanged have similar values.

RESOLVED:

1. The City of Moses Lake, Washington, declares that it is advantageous for the City to adjust the common property line by exchanging quit claim deeds and filing a boundary line adjustment survey.
2. The quit claim deed from the Estate of Ralph B. and Lois E. Kenison to the City for the following described property is accepted:

THAT PORTION OF LOT 16, CRESTVIEW ESTATES NO. 3, AS FILED IN BOOK 3 OF PLATS, PAGE 27 AND THAT PORTION OF GOVERNMENT LOT 1 AND THAT PORTION OF THE NORTHEAST ¼ OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 28 EAST, W.M., GRANT COUNTY, WASHINGTON, SHOWN ON RECORD OF SURVEY, A.F.N. 1321089, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER $\frac{1}{4}$ OF SAID SECTION 16, MARKED BY A $\frac{1}{2}$ INCH REBAR, FROM WHICH THE NORTH $\frac{1}{4}$ CORNER OF SAID SECTION 16, MARKED BY A USBR BRASS CAP, BEARS N0°29'46"W, 2689.10 FEET; THENCE S0°28'17"E ALONG THE EAST LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 16, A DISTANCE OF 265.62 FEET; THENCE ADJACENT TO, AND 1 FOOT WEST OF AN EXISTING CHAIN-LINK FENCE THE FOLLOWING THREE (3) COURSES:

- S09°00'11"E, 90.22 FEET;
- THENCE S00°36'39"W, 402.55 FEET
- THENCE S39°10'10"W, 52 FEET, MORE OR LESS, TO THE SHORELINE OF MOSES LAKE, HEREFTER
REFERRED TO AS POINT "A";

THENCE BEGINNING AGAIN AT THE POINT OF BEGINNING; THENCE N89°33'42"E ALONG THE SOUTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 16, A DISTANCE OF 299.32 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN AUDITOR'S FILE NUMBER (AFN) 1047567, RECORDS OF SAID GRANT COUNTY; THENCE N0°26'08"W ALONG THE EAST LINE OF SAID PARCEL AND ALSO ALONG THE EAST LINE OF THAT PARCEL OF LAND DESCRIBED IN AFN 1054862, A DISTANCE OF 67.85 FEET TO THE POINT OF CURVATURE OF A 460.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARCEL DESCRIBED IN AFN 1054862 THE FOLLOWING THREE (3) COURSES:

- THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 34°45'49", A DISTANCE OF 279.10 FEET, WHOSE CHORD BEARS N17°48'49"W, 274.84 FEET TO THE POINT OF CURVATURE OF A 540.00 FOOT RADIUS REVERSE CURVE CONCAVE TO THE NORTHEAST;
- THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 25°44'49", A DISTANCE OF 242.66 FEET, WHOSE CHORD BEARS N22°19'26"W, 240.62 FEET;
- THENCE S81°05'29"W, 0.97 FEET TO THE EASTERLY BOUNDARY OF THAT PARCEL OF LAND DESCRIBED IN AFN 355563;

THENCE ALONG THE EASTERLY, NORTH AND WEST BOUNDARIES OF SAID PARCEL DESCRIBED IN AFN 355563 THE FOLLOWING THREE (3) COURSES:

3. The quit claim deed from the City to the Estate of Ralph B. and Lois E. Kenison for the following described property is granted:

THAT PORTION OF LOT 16, CRESTVIEW ESTATES NO. 3, AS FILED IN BOOK 3 OF PLATS, PAGE 27 AND THAT PORTION OF GOVERNMENT LOT 1 AND THAT PORTION OF THE NORTHEAST ¼ OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 28 EAST, W.M., GRANT COUNTY, WASHINGTON,

SHOWN ON RECORD OF SURVEY, A.F.N. 1321089,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER ¼ OF SAID SECTION 16, MARKED BY A ½ INCH REBAR, FROM WHICH THE NORTH ¼ CORNER OF SAID SECTION 16, MARKED BY A USBR BRASS CAP, BEARS N0°29'46"W, 2689.10 FEET; THENCE S0°28'17"E ALONG THE EAST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 16, A DISTANCE OF 265.62 FEET; THENCE ADJACENT TO, AND 1 FOOT WEST OF AN EXISTING CHAIN-LINK FENCE THE FOLLOWING THREE (3) COURSES:

- S09°00'11"E, 90.22 FEET;
- THENCE S00°36'39"W, 402.55 FEET
- THENCE S39°10'10"W, 52 FEET, MORE OR LESS, TO THE SHORELINE OF MOSES LAKE, HEREAFTER REFERRED TO AS POINT "A";

THENCE BEGINNING AGAIN AT THE POINT OF BEGINNING; THENCE N89°33'42"E ALONG THE SOUTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 16, A DISTANCE OF 299.32 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN AUDITOR'S FILE NUMBER (AFN) 1047567, RECORDS OF SAID GRANT COUNTY; THENCE N0°26'08"W ALONG THE EAST LINE OF SAID PARCEL AND ALSO ALONG THE EAST LINE OF THAT PARCEL OF LAND DESCRIBED IN AFN 1054862, A DISTANCE OF 67.85 FEET TO THE POINT OF CURVATURE OF A 460.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARCEL DESCRIBED IN AFN 1054862 THE FOLLOWING THREE (3) COURSES:

- THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 34°45'49", A DISTANCE OF 279.10 FEET, WHOSE CHORD BEARS N17°48'49"W, 274.84 FEET TO THE POINT OF CURVATURE OF A 540.00 FOOT RADIUS REVERSE CURVE CONCAVE TO THE NORTHEAST;
- THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 25°44'49", A DISTANCE OF 242.66 FEET, WHOSE CHORD BEARS N22°19'26"W, 240.62 FEET;
- THENCE S81°05'29"W, 0.97 FEET TO THE EASTERLY BOUNDARY OF THAT PARCEL OF LAND DESCRIBED IN AFN 355563;

THENCE ALONG THE EASTERLY, NORTH AND WEST BOUNDARIES OF SAID PARCEL
DESCRIBED IN AFN 355563 THE FOLLOWING THREE (3) COURSES:

Adopted by the City Council on August 27th, 2013.

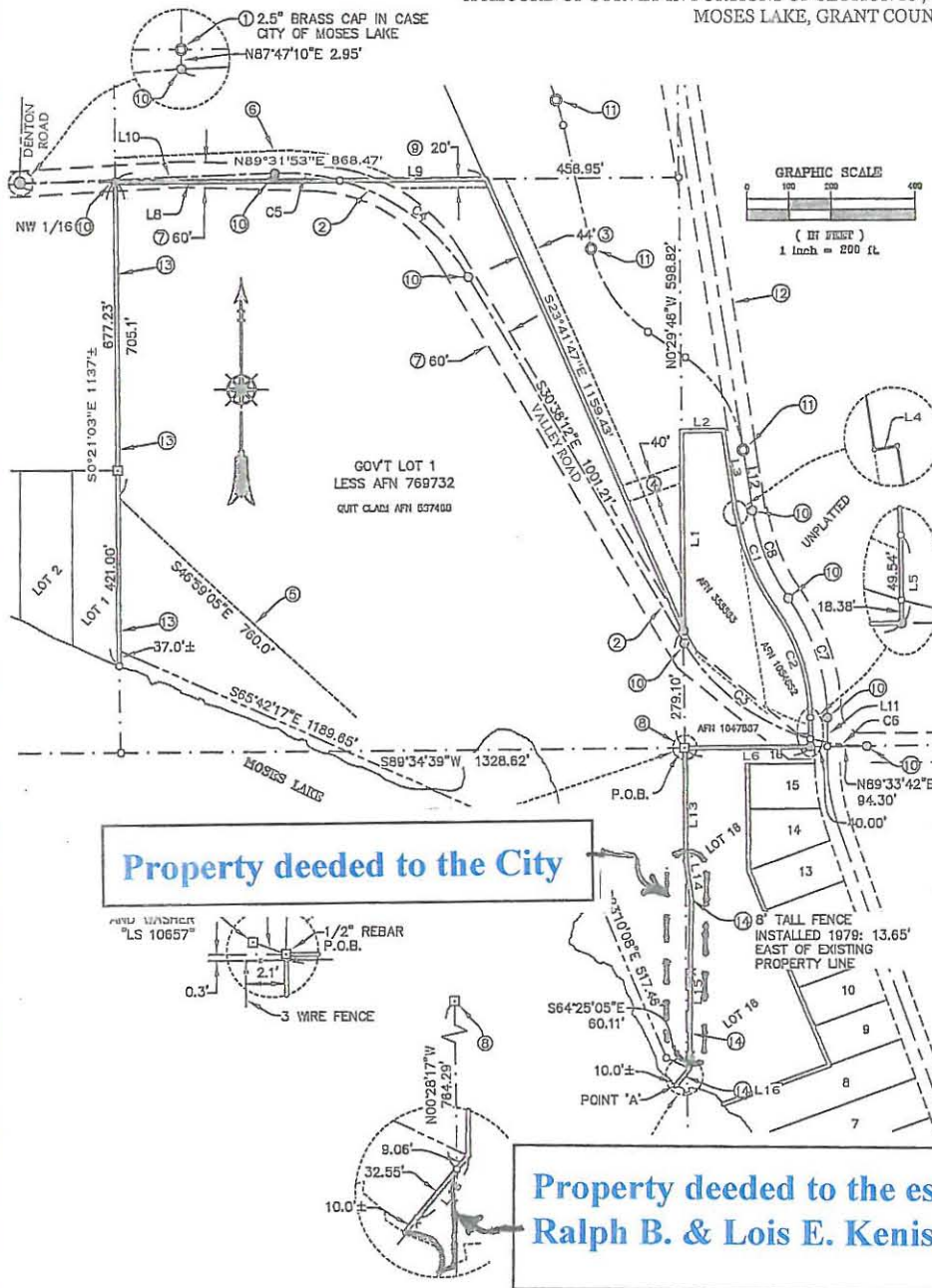
Bill J. Ecret, Mayor

ATTEST:

W. Robert Taylor, Finance Director

CASCADE PARK BOUNDARY LINE ADJUSTMENT-LOT CONSOLIDATION

A RECORD OF SURVEY IN PORTIONS OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 28 EAST, W.M.,
MOSES LAKE, GRANT COUNTY, WASHINGTON.



LINE	BEARING	LENGTH
L1	N0°29'46\"W	466.63'
L2	N89°31'53\"E	98.74'
L3	S89°33'42\"W	299.32'
L4	N81°05'29\"E	0.97'
L5	S0°25'08\"E	67.85'
L6	S89°33'42\"W	299.32'
L7	S30°38'12\"E	72.18'
L8	N89°31'53\"E	98.74'
L9	N89°31'53\"E	341.07'
L10	N87°32'34\"E	600.43'
L11	N00°20'00\"W	67.81'
L12	N09°04'38\"W	142.07'
L13	S00°28'17\"E	265.62'
L14	S09°00'11\"E	90.22'
L15	S00°36'39\"W	402.55'
L16	S39°10'10\"W	41.61'

CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	25°44'49\"	540.00'	242.66'	S22°19'26\"E	240.62'
C2	34°45'40\"	540.00'	242.07'	N21°23'24\"W	240.03'
C3	44°14'20\"	500.00'	279.10'	S17°48'59\"E	274.84'
C4	44°13'32\"	500.00'	279.10'	N10°33'15\"W	274.70'
C5	17°30'54\"	500.00'	153.72'	S83°40'04\"E	153.11'
C6	15°54'52\"	500.00'	135.97'	S82°36'51\"E	135.55'
C7	34°45'22\"	500.00'	303.30'	N17°49'03\"W	298.07'
C8	25°44'46\"	500.00'	224.89'	N22°19'20\"W	222.80'

NOTES

- FOUND STREET MONUMENT AT CENTERLINE OF DENTON ROAD AND SECTION 1/16 LINE INTERSECT, AS SHOWN ON VALLEY HOMES PLAT.
- CENTERLINE OF EXISTING CITY STREET AS BUILT IN 2007, AND PROPOSED FUTURE ROAD RIGHT-OF-WAY.
- MUNICIPAL ROAD EASEMENT PER AFN 1024918.
- 40' WIDE MUNICIPAL WATER EASEMENT, PER AFN 822669.
- CENTERLINE OF BURIED POWER EASEMENT, UNDEFINED WIDTH, PER AFN 599624.
- MUNICIPAL ROAD EASEMENT PER AFN 1082048.
- EXISTING ROAD EASEMENT PER COUNTY ROAD APPLICATION NO. 1316, AFN 741149.
- FOUND 1/2\" REBAR, UNKNOWN ORIGIN. FOUND 3/4\" REBAR WITH METAL WASHER \"LS 10657\" FROM UNRECORDED SURVEY IN RON BAKER'S FILES. 1/2\" REBAR IS THE ESTABLISHED C 1/4 BY REFERENCE & USAGE (BY NUMEROUS PLATS & SURVEYS), AND IS HELD FOR POSITION ON THIS SURVEY.
- 20' WIDE UTILITY EASEMENT PER AFN 1076565.
- FOUND MON CASE AND STRADDLE NAILS FROM 1998 CITY STREET RECONSTRUCTION, VERIFIED BOUNDARY LOCATION OF CASE AND STRADDLES. SET 2\" BRASS CAP MONUMENT FROM STRADDLES.
- EXISTING CENTERLINE OF CONSTRUCTED COUNTY ROAD AS SURVEYED, 7/2012. UNRECORDED INFORMATION ACQUIRED FROM GRANT COUNTY PUBLIC WORKS WAS NECESSARY TO COMPUTE ROADWAY CENTERLINE. CENTERLINE MAPPING INFORMATION NOT SHOWN. ALL FOUND MONUMENTS ARE 3.5\" BRASS CAP, PLS 43619, IN CASE.
- EXISTING 60.00 FOOT COUNTY ROAD RIGHT-OF-WAY, AIRWAY DRIVE.
- CITY PARK FENCE ON PROPERTY LINE.
- EXISTING BOUNDARY IS COINCIDENTAL WITH THE NORTH-SOUTH MID-SECTION LINE. THE ADJUSTED PROPERTY LINE WILL BE 1.0 FEET WEST OF EXISTING FENCE PER BOUNDARY LINE AGREEMENT.

MAP NOTES

- BOLD-TYPE FONT DENOTES EXTERIOR PROPERTY BOUNDARY.
- ALL DISTANCES SHOWN ARE GROUND DISTANCE.

LEGEND

- SECTION CORNER/QUARTER MARKER
- FOUND USBR BRASS CAP MONUMENT
- FOUND 2 1/2\" BRASS CAP MONUMENT, CITY OF MOSES LAKE, OR AS NOTED
- FOUND REBAR OR AS NOTED
- SET 2\" BRASS CAP MONUMENT, PLS 46321
- SET 5/8\" REBAR & CAP, PLS 46321
- CALCULATED POINT ONLY
- RECORD DATA PER DEED, AFN 355583
- RECORD DATA PER QUIT CLAIM DEED, AFN 1054862
- RECORD DATA PER QUIT CLAIM DEED, AFN 1047567
- SECTION LINE
- PROPERTY BOUNDARY
- EXISTING PROPERTY LINE
- EXISTING R.O.W. LINE
- R.O.W. CENTERLINE
- ROADWAY CENTERLINE
- EXISTING EASEMENT
- EXISTING FENCE
- ORDINARY HIGH WATER MARK 8/2012
- CLOSURE CALCULATION LINE
- PROPERTY LINE TO BE EXTINGUISHED



INDEX DATA
S16, T19N, R28E

CASCADE PARK
BLA / LOT CONSOLIDATION

APPROVED FOR RECORD
DATE: 10/10/2012
BY: [Signature]
SHEET 2 of 3



August 20, 2013

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Attached is a proposed ordinance continuing the moratorium on the establishment of medical marijuana collective gardens.

A public hearing has been scheduled. The Council should open the public hearing and take testimony on the continuation of the moratorium.

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

Respectfully submitted



Joseph K. Gavinski
City Manager

JKG:jt

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOSES LAKE EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE GARDENS, DEFINING "MEDICAL MARIJUANA COLLECTIVE GARDENS"; PROVIDING FOR A PUBLIC HEARING; ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.

Recitals:

1. On September 27, 2011, the City Council passed Ordinance No. 2630 imposing a moratorium on the licensing, establishment, maintenance or continuation of any medical marijuana collective garden; and
2. Ordinance No. 2630 defined the medical marijuana collective gardens that were subject to the moratorium and adopted findings and conclusions supporting the moratorium; and
3. On September 27, 2011, the City Council conducted a public hearing to take public testimony on the imposition of the moratorium; and
4. Additional time is needed to allow the City to consider land use regulations to address medical marijuana collective gardens; and
5. RCW 35A.63.220 and RCW 36.70A.390 allow the City to extend a moratorium for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and
6. Because the moratorium was set to expire on September 16, 2013, the City Council considered the issue of whether the moratorium should be extended for an additional six-month period during its regular Council meeting on August 27, 2013, and;
7. The City Council desires to enter findings in support of extension of the moratorium;

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

Section 1. The recitals set forth above are hereby incorporated as findings of fact.

Section 2. The City Council further finds as follows:

- A. The possession or distribution of marijuana has been and continues to be a violation of state law pursuant to Chapter 69.50 RCW (Washington's uniform Controlled Substances Act), and federal law, through the Controlled Substances Act; and
- B. In 1998, the voters of Washington State approved Initiative 692, now codified as Chapter 69.51A RCW, which created a limited defense to marijuana charges under state, not federal law, if the person charged could demonstrate that he or she was a qualifying patient or designated provider as those terms are defined in Ch. 69.51A RCW; and
- C. In 2011, the state legislature passed Engrossed Second Substitute Senate Bill (E2SSB) 5073 making significant amendments to the medical marijuana law in Washington; and
- D. The Governor signed the E2SSB 5073, but vetoed several portions expressing her reservations about provisions that involved state employees in activities that could be interpreted as in violation of federal laws; and
- E. E2SSB 5073 became effective on July 22, 2011; and

- F. E2SSB 5073 authorizes "collective gardens" where up to ten qualifying patients may join together to produce, grow and deliver up to 45 marijuana or cannabis plants for medical use; and
- G. Under E2SSB 5073 there is no limit to the number of medical marijuana collective gardens that may be located at any site nor restrictions as to where collective gardens may be located in relation to other uses; and
- H. Medical marijuana collective gardens are not currently addressed in the Moses Lake zoning code and under Section 1102 of E2SSB 5073 cities may adopt zoning requirements for collective gardens; and
- I. Unless the moratorium imposed by Ordinance No. 2630 is extended, medical marijuana collective gardens may be located within the City of Moses Lake while the City lacks the necessary tools to ensure the location is appropriate and that the potential secondary impacts of collective gardens are minimized and mitigated; and
- J. Initiative Measure No. 502, filed July 8, 2011 and on the ballot in November, 2012, proposed to legalize the production, possession, delivery, distribution and sale of marijuana subject to regulation by the State Liquor Control Board for both recreational and medicinal use; and
- K. Since Initiative 502 was passed by popular vote, the State will issue licenses to marijuana producers, processors and retailers for locations and operations within city limits, and the State Liquor Board must adopt rules associated with the regulation of licensed marijuana producers, processors and retailers within city limits by December 1, 2013; and
- L. The City cannot predict what rules the State Liquor Control Board will adopt in response to the passage of Initiative 502. Therefore, the City cannot presently anticipate what action may be necessary to respond to the effects of Initiative 502.
- M. The City Council deems it to be in the public interest to extend the moratorium imposed by Ordinance No. 2630 pending consideration of land use regulations to address medical marijuana collective gardens and the passage of Initiative 502.

Section 3. Pursuant to the provisions of RCW 35A.63.220 and RCW 37.70A.390, the moratorium enacted by Ordinance No. 2630 prohibiting the licensing, establishment, maintenance or continuation of any medical marijuana collective garden in the City of Moses Lake is extended for six months. A "medical marijuana collective garden" is an area or garden where qualifying patients engage in the production, processing, or transporting and delivery of marijuana for medical use as set forth in the E2SSB 5073 and subject to the limitations therein.

Section 4. Medical marijuana collective gardens as defined in Section 3 are hereby designated as prohibited uses in the City of Moses Lake. In accordance with the provisions of RCW 35A.82.020 and Moses Lake Municipal Code 5.04, no business license shall be issued to any person for a medical marijuana collective garden, which use is hereby defined to be a prohibited use under the ordinances of the City of Moses Lake.

Section 5. The moratorium set forth in this Ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire on that date unless extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the Moses Lake City Council.

Section 6. The City Manager is hereby authorized and directed to develop draft regulations regarding collective gardens. The regulations shall be referred to the Moses Lake Planning Commission for review and recommendation for inclusion in the Moses Lake Zoning Code.

Section 7. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Adopted by the City Council and signed by its Mayor on August 27, 2013

ATTEST:

Bill J. Ecret, Mayor

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

August 22, 2013

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Ordinance - Amend 18.20, Residential Zones - 1st Reading

Attached is a proposed ordinance which amends Chapter 18.20 of the Moses Lake Municipal Code entitled "Residential Zones" by allowing taller fences on corner lots.

Recently the Planning Commission received a request from a property owner to amend the fencing regulations of the residential zones. At the June 13 and July 11 Planning Commission meetings, the regulations for the height and location of fences on residential corner lots was discussed.

The Planning Commission discussed allowing taller corner yard fences to encroach into the side setback and also considered the tradeoffs between the desire of corner lot owners to have more of their yard hidden from sight and the overall appearance of the City to the neighbors, pedestrians, and visitors. After discussing the proposed amendments with staff and the public, the Commission recommended changes to the residential zones that would allow taller fencing for corner lots.

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

Respectfully submitted,



Gil Alvarado
Community Development Director

GA:jt

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 18.20 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "RESIDENTIAL ZONES"

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

Section 1. Chapter 18.20 of the Moses Lake Municipal Code entitled "Residential Zones" is amended as follows:

18.20.120 Fences, Walls, and Hedges:

A. Solid fencing shall not obscure sight at intersection.

B. All corner lots shall maintain a vehicular sight triangle for safety purposes. A sight triangle shall be formed by measuring from the intersection of the extended curb line or the traveled right-of-way (if no curbs exist) of the adjacent street to a distance of fifty feet (50') from the corner point. The third side of the triangle is the straight line connecting the two (2) fifty foot (50') sides. Within the area comprising the triangle, no fence, shrub, or other physical obstruction higher than thirty-six inches (36") above the established street grade shall be permitted. See Figure 1.

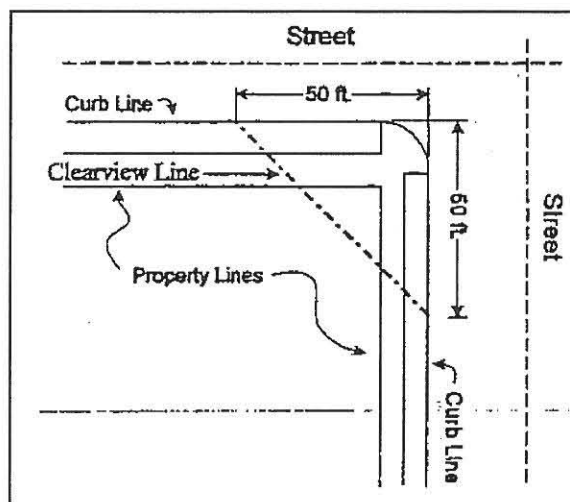


Figure 1

C. Fences and walls shall not exceed four feet (4') above finished ground level outside of the vehicle sight triangle in any front yard or corner lot exterior side yard, except for the following:

1. In the R-4 Zone, chain link, woven wire, or split rail fences, not to exceed five (5) feet in height are permitted. Fences of other materials and sight-obscuring fences shall not exceed 4'.
2. For a corner lot in the R-1, R-2, or R-3 Zone, the street frontage along the side of the house may have a fence up to six feet (6') in height, provided that the fence is set back from the sidewalk at least five feet (5'), and the area between the fence and the sidewalk is maintained in irrigated landscaping that meets the requirement of a Type IV street frontage buffer as specified in MLMC 18.57 at a minimum. The six foot (6') fence may extend no closer to the street frontage along the front of the house than twenty-five feet (25)' or even with the front of the house, whichever is more. The sight triangle provisions of MLMC 18.20.120.B must also be met.
3. When one of the frontages of a through lot is a primary or secondary street, sight obscuring fences not exceeding six feet (6') in height may be built inside the property line to within five feet (5') of the sidewalk abutting the primary or secondary street, provided the following requirements are met unless otherwise approved by the Planning Commission:

- a. The adjacent strip of land between the fence and the back of the adjacent sidewalk shall be improved by the property owner concurrent with the fence installation.
 - b. The property owner shall provide a treatment plan for the strip of land as part of the building permit application process.
 - c. The treatment plan shall provide for minimum treatment with grass, decorative rock, wood, bark, or any combination of such materials or similar materials in a manner that will minimize disturbance by natural elements or pedestrians. Additional landscaping is encouraged.
 - d. Approved landscaping, installed between the fence and the property line shall be permanently maintained in a healthy growing condition. Dead, diseased, and dying material shall be replaced immediately. Planted areas shall be maintained clear of rubbish and debris.
 - e. Fences proposed along Valley Road, Yonezawa Boulevard, Grape Drive, Division Street, and Nelson Road shall be three-dimensional, capped or framed, with twelve inch (12") wide pilasters located a maximum of sixteen feet (16') apart. Pilasters shall be of contrasting materials. The use of durable materials, such as masonry, is strongly encouraged. Masonry columns a minimum of two feet (2') wide may be placed every forty-eight feet (48') maximum if used in place of pilasters. All wood materials used must be painted or stained. Fences that are not consistent with the conditions specifically stated in this section may be allowed subject to the approval of the Planning Commission.
 - f. Lots contained within subdivisions may not apply for an individual fence permit unless the majority of the lots with arterial street frontage within that subdivision have already legally constructed six foot (6') high fencing along the frontage. If less than the majority of said lots have six foot (6') high fencing, then a subdivision fence pursuant to 18.20.120. K is required.
- D. Fences and walls shall not exceed eight feet (8') above finished ground level in any interior side or rear yard.
- E. Fences along walkways, pedestrian paths, or activity trail links open to the public shall be no more than four feet (4') solid or six feet (6') open in height or a combination of both with a maximum of four feet (4') solid portion starting from the top of the walkway, pedestrian path, or activity trail. Fencing located within the front or exterior side yard setback area may not exceed 4' in height. All fencing materials must be located inside the property line, and a landscaping treatment is required for the exterior side of the fence up to the hard surface pathway. This area shall be maintained by the property owner. The landscaping treatment plan is required in conjunction with the fence permit application and shall include a minimum treatment of grass, decorative rock, wood, bark, or any combination of such materials, or similar materials, in a manner that will minimize disturbance by natural elements or pedestrians. Additional landscaping is encouraged.
- F. All fences in residential zones shall be constructed of material commonly used in residential fence construction, such as wood, masonry, ornamental iron, chain link, and similar material. Fences of synthetic materials that have the functional equivalence of natural or traditional material may be substituted. Fences shall not be made of tires, or similar salvage materials, not originally designed as structural components of fences or buildings
- G. Electric fences and barbed wire fences shall be prohibited, except in the R-4 Zone where they may be used to contain livestock. Such fences shall not be located within the front yard setback area or along property lines adjacent to other residential and commercial zones and

shall be removed when the livestock use has been discontinued. Electric fences shall be posted with permanent signs every fifty feet (50') stating that the fence is electrified. All electric fences and appliances, equipment, and materials used in connection therewith shall be listed or labeled by a qualified testing agency and shall be installed in accordance with manufacturer's specifications and in compliance with the National Electrical Code.

H. Responsibility of Owners and Occupants:

1. It shall be the responsibility of the owner and/or occupant of the property where a fence is erected to maintain the structure in good repair at all times. When a portion of the fence exceeding twenty five percent (25%) of the street frontage is found to be in a deteriorated condition and/or in need of repair, including, but not limited to, broken or missing structural components, and/or the fence is substantially less than perpendicular to grade, the Building Official, or his or her authorized agent, may order the fencing to be repaired, replaced or removed depending on the condition of the fence. Such order shall be in writing. If the fencing is ordered to be replaced, then new fencing shall meet the current regulations.

2. The provisions of this section shall not apply to fences, walls, or shrubbery owned or maintained by the city, or to fences constructed or maintained by any other governmental body or agency, for which the principal purpose is inherent to public safety.

- I. An installation permit shall be required for the construction, erection, or installation of a fence or wall. All permit applications shall be reviewed and approved by the Building Official and the City Engineer for vehicular and pedestrian safety. Fences and walls exceeding six feet (6') in height are regulated by the State Building Code and require a building permit and associated fees.

- J. Additional information about fences is contained in MLMC 12.28.

- K. Subdivision Fencing: Border fences or walls not to exceed six feet (6') in height along streets bordering the subdivision and tapering to no higher than three feet (3') at street intersections and/or subdivision entrances may be permitted for new subdivisions under the following conditions:

1. The subdivision must be designed for interior street access to all lots abutting the border street(s).
2. If such a fence is proposed it must be for all or a majority of the arterial street frontage the subject lots abut. Individual fences taller than forty-eight inches (48") on independent lots will not be permitted in the required set back areas.
3. Fences shall be three-dimensional, capped or framed, with twelve inch (12") wide pilasters located a maximum of sixteen feet (16') apart. Pilasters shall be of contrasting materials. The use of durable materials, such as masonry, is strongly encouraged. Masonry columns a minimum of two feet (2') wide may be placed every forty-eight feet (48') maximum if used in place of pilasters. All wood materials must be painted or stained.
4. The fence may be installed along the public right-of-way line provided there is a minimum of five feet (5') of irrigated landscaping between the fence and the street improvements (sidewalk, curb, gutter, street trees). Border fences may not extend into the front yard on corner lots.
5. A five foot (5') width of landscaping is required between the fence and the abutting arterial, except that if the arterial is SR-17 then landscaping must comply with section 18.57.040. Landscaping for all other arterials must include one of the following landscaping options:

- a. Deciduous trees planted at an average spacing of twenty-five feet (25'), and a mix of evergreen and deciduous shrubs, spaced no further than 4' apart that do not exceed a height of four feet (4'), and non living groundcover; or
 - b. Deciduous trees planted at an average spacing of twenty-five feet (25'), and live groundcover.
6. The type and design of the fence and landscaping shall be reviewed and approved by the Planning Commission, and may be concurrent with the subdivision review process. The review shall include the fence material, landscaping, maintenance and the timing of the installation of fence and landscaping. All applications for subdivision fencing or walls shall be reviewed by the City Engineer for vehicular and pedestrian safety.
7. All landscaping elements, plant materials, and street trees shall be planted or installed by the developer and permanently maintained pursuant to MLMC 18.57.090 by a homeowner's association. In the absence of a homeowner's association, (i.e. if it is disbanded) landscaping shall be maintained by the individual property owner.
8. A homeowner's association, or similar organization, is required and shall perpetually maintain the fence and the landscaping. The developer and/or homeowners association shall provide evidence of such perpetual maintenance. The Community Development Director shall approve the evidence of the homeowners' association,
9. An irrigation system designed for the health of the street trees on arterial streets maintained by the homeowner's association or individual owner shall be required.

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 September 10, 2013.

Bill J. Ecret, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

August 20, 2013

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

Attached is a resolution providing for the abatement of nuisances at 2603 W. Texas Street, owned by Dorothy N. Hester. 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

A handwritten signature in blue ink, appearing to be 'G. Alvarado'.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO.

A RESOLUTION DETERMINING THAT DOROTHY N. HESTER 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 2603 W. Texas Street, Lot 22, Peninsula Addition #1, Parcel #110840000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 U. The records of Grant County show the owner of the subject property to be Dorothy N. Hester, 2603 W. Texas, Moses Lake, WA 98837. Notices have been sent to Dorothy Hester at 3557 S. Ferdinand Street, Seattle, WA 98118, which is Ms. Hester's daughter's address.
2. Notice. On June 6, 2013, 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 August 13, 2013, the Code Enforcement Officer caused to be delivered to Dorothy N. Hester a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of August 27, 2013. 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 - 8.14.030 - Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
 - U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
 2. All maintenance shall be done in a manner so that soil stability will not be

disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.

4. Hearing. On August 27, 2013 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: Notice of Violation and Order to Correct or Cease Activity dated June 6, 2013 from the Code Enforcement Officer addressed to Dorothy Hester, 2603 W. 3557 S. Ferdinand Street, Seattle, WA 98118.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 2603 W. Texas, Moses Lake, Washington.

EXHIBIT #4: Letter dated August 13, 2013, from the Code Enforcement Officer to Dorothy Hester advising the property owner of the hearing regarding abatement of property, scheduled for August 27, 2013.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 exists on the subject property at 2603 W. Texas, Moses Lake, Washington. Hester N. Dorothy, 2603 W. Texas Street, Moses Lake, WA 98837 is the record contract owner of the subject property per the records of Grant County. Notices have been sent to Dorothy Hester at 3557 S. Ferdinand Street, Seattle, WA 98118, which is Ms. Hester's daughter's address.
2. The public nuisance located upon the subject property consists of:
 - 2.1. Weeds and grass over 12" high
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.

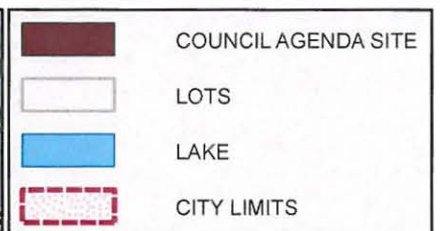
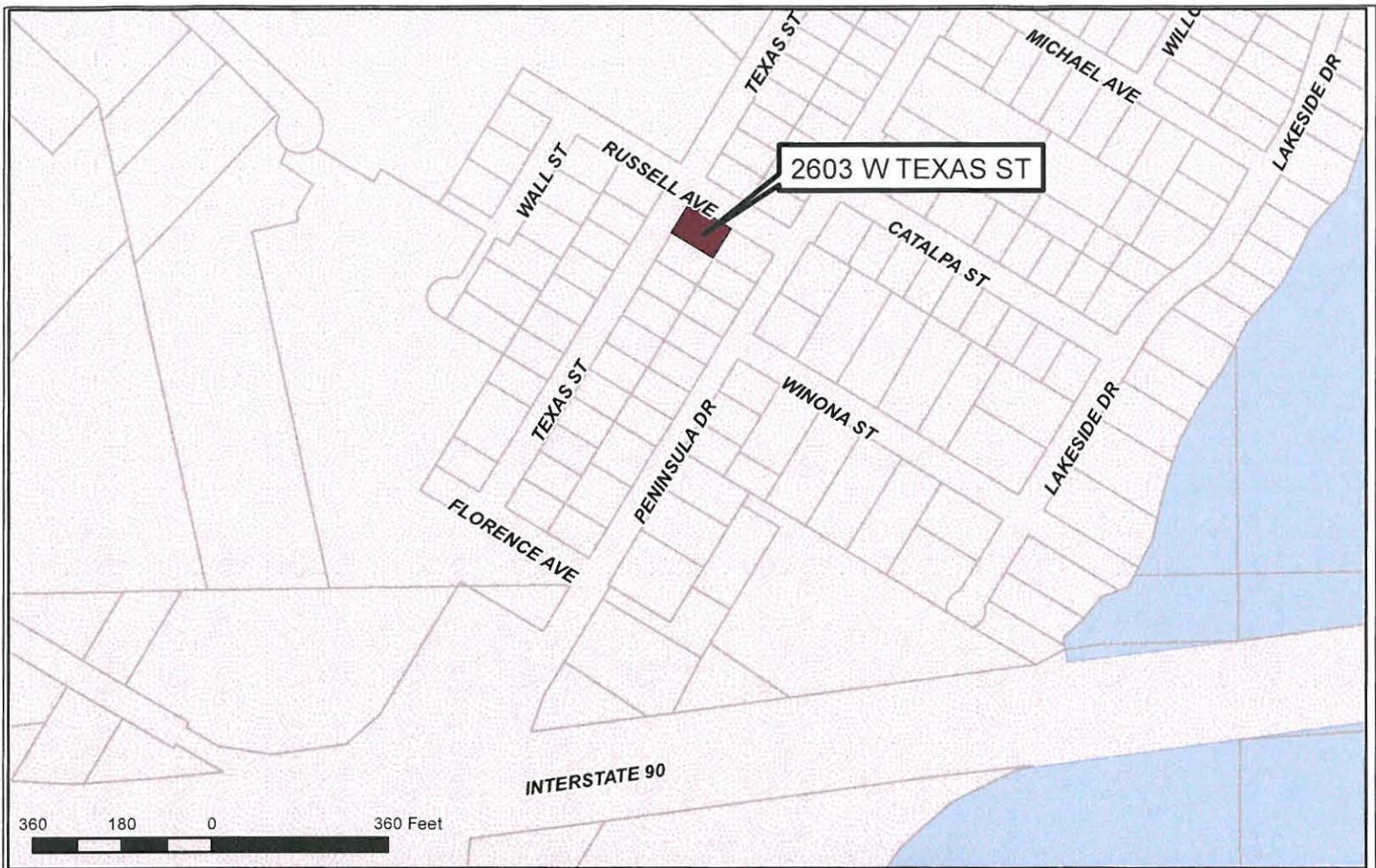
4. Dorothy N. Hester, the record contract owner, has fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:
 - 4.1 Grasses and weeds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

Adopted by the City Council on August 27, 2013.

Bill J. Ecret, Mayor

ATTEST:

W. Robert Taylor, Finance Director



CITY OF MOSES LAKE
 COMMUNITY DEVELOPMENT
 PLANNING DIVISION

Date: 8/9/2013

CMS

- 8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
- A. The existence of any trash, dirt, filth, and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter.
 - B. Defective or overflowing septic or sewage systems, and the existence of any noxious, foul, or putrid liquid or substance which poses a health hazard or creates a noxious odor.
 - C. Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.
 - D. Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health as determined by the Health Officer.
 - E. All other acts, failure to act, occupations, or use of property which is determined by the Health Officer to be a menace to the health of the public.
 - F. All limbs of trees which are less than seven (7) feet above the surface of any public sidewalk, or twelve (12) feet above the surface of any street.
 - G. All buildings, other structures, or portions thereof which have been damaged by fire, decay, neglect, or have otherwise deteriorated or become dilapidated so as to endanger the safety of the public.
 - H. All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the State Fire Code.
 - I. The keeping or harboring of any dog, fowl, or other animal which by frequent or habitual howling, yelping, barking, crowing, or in the making of other noises, annoys or disturbs the public, or the habitual allowing of dogs kept at any one address to run at large in violation of Chapter 6.05 of the Moses Lake Municipal Code entitled "Animal Control".
 - J. Making or causing to be made by any means whatsoever any noise of any kind which is a violation of Chapters 8.28 of the Moses Lake Municipal Code entitled "Noise Control".
 - K. The frequent, repetitive, or continuous sound made by any secured, unsecured, or deteriorated membrane or sheet metal, being moved by the wind or other source, which unreasonably interferes with the peace, comfort and repose of adjacent property owners or possessors.
 - L. Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left, any filth, paper, cans, glass, rubbish, trash garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or public or private property of another in the city.
 - M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
 - 1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, or whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal

matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles.

2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous.
 3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises.
 4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city.
 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
 6. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles.
 7. Any trash, litter, rags, accumulations or empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.
- N. The permitting to remain outside any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, in a place accessible to children, any abandoned, unattended, or discarded ice chest, refrigerator or other airtight contained, which does not have the door, lid or other locking device removed.
- O. Any pit, hole, basin or excavation which is unguarded or dangerous to life or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances, or regulations.
- P. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trap door thereto, or without filling or capping any well.
- Q. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the city.
- R. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public.
- S. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition.
- T. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto.

- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 - 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
 - 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.
- V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.
- W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
- X. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- Y. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section 8.14.010 (F), whose retail cost new would exceed one hundred dollars, without a special permit from the building official; provided, that nothing herein shall:
 - 1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion.
 - 2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.
 - 3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- Z. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof.
- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- BB. The keeping, permitting or harboring of any fowl, pigeons, rabbits, hoofed or cloven footed animals, except for caged birds kept within a residence or business.

- CC. The depositing of any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage and the like, or storing of any material of any kind, provided that in residential zones that shall include garbage cans or refuse containers in the alleys of the city, except on garbage pickup day.
- DD. The existence of graffiti, which is defined as a defacing, damaging, or destructive inscription, figure or design painted, drawn or the like, on the exterior of any building, fence, gate, or other structures or on rocks, bridges, trees, or other real or personal property.
- EE. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising its sale on property located in any commercial or industrial zone not owned by the seller.
- FF. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.
- GG. The existence on any premise any unsecured, unused, or abandoned building or structures.
- HH. For any building the existence of any broken glass in windows or doors for more than thirty (30) days.
- II. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty (30) days.
- JJ. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or compliment the buildings exterior or remains boarded up for more than sixty (60) days.
- KK. Any boarded up building that remains boarded up for more than ninety (90) days.
- LL. Permitting any violation of RCW 59.18.510 in any rental dwelling unit.
- MM. Criminal street gangs and any pattern of criminal street gang activity are each declared to be a public nuisance in violation of this chapter and other applicable code provisions, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and State Housing Code, subject to abatement through all available means. In addition thereto and without limitation, any pattern of criminal street gang activity upon, and the presence and use of property by, a criminal street gang, with the owner's knowledge or consent, constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property.



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

TO: Dorothy Hester
3557 S. Ferdinand St.
Seattle, WA. 98118

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

2603 W Texas St., Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 22 Peninsula ADD #1 110840000

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

Action Necessary to Correct Violation:

Grasses and weeds need to be cut down and or removed from these area.

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
Sunday, June, 16, 2013

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

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

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

Dated this Thursday, June 06, 2013



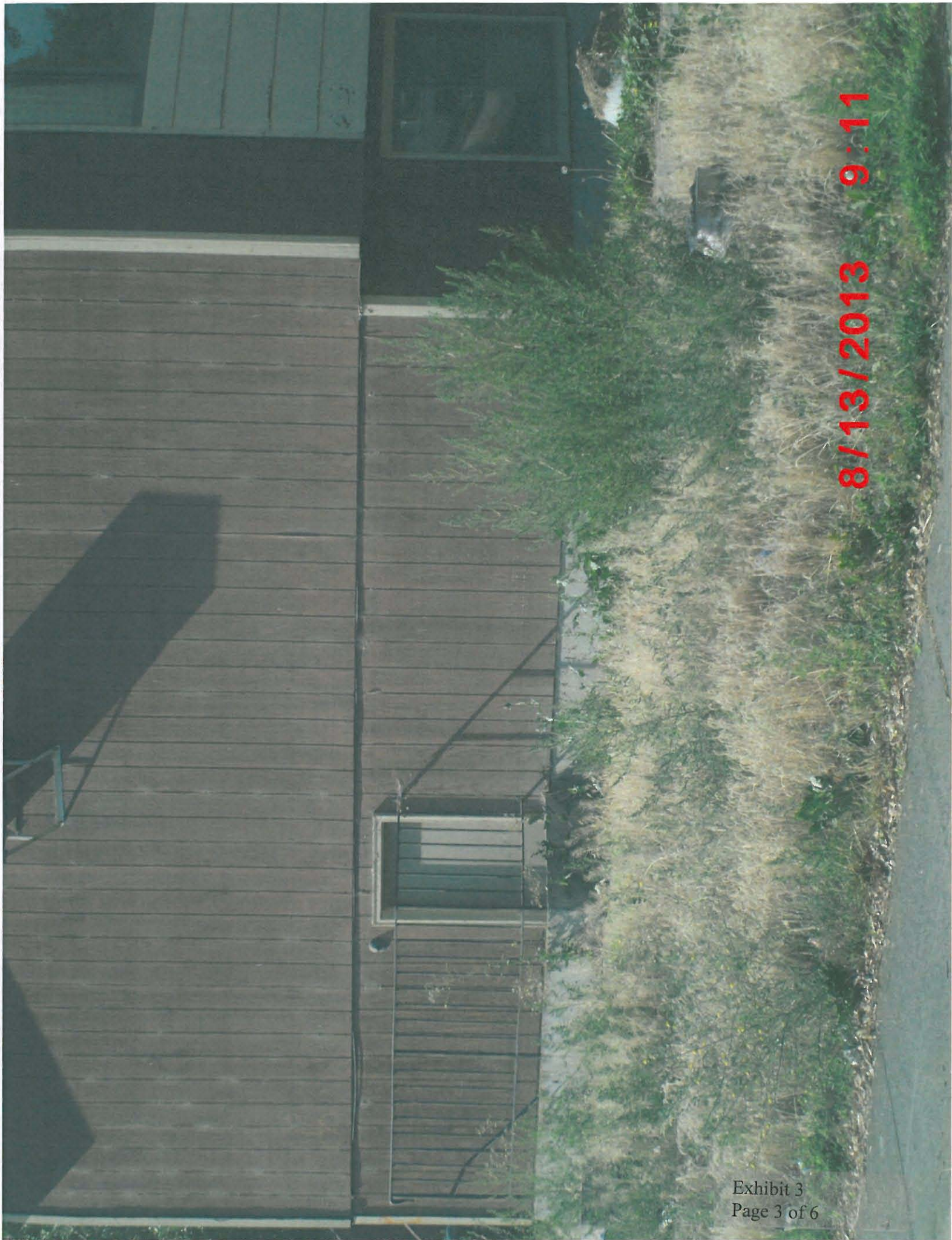
Brett Hollen
Code Enforcement
City of Moses Lake
509-764-3748

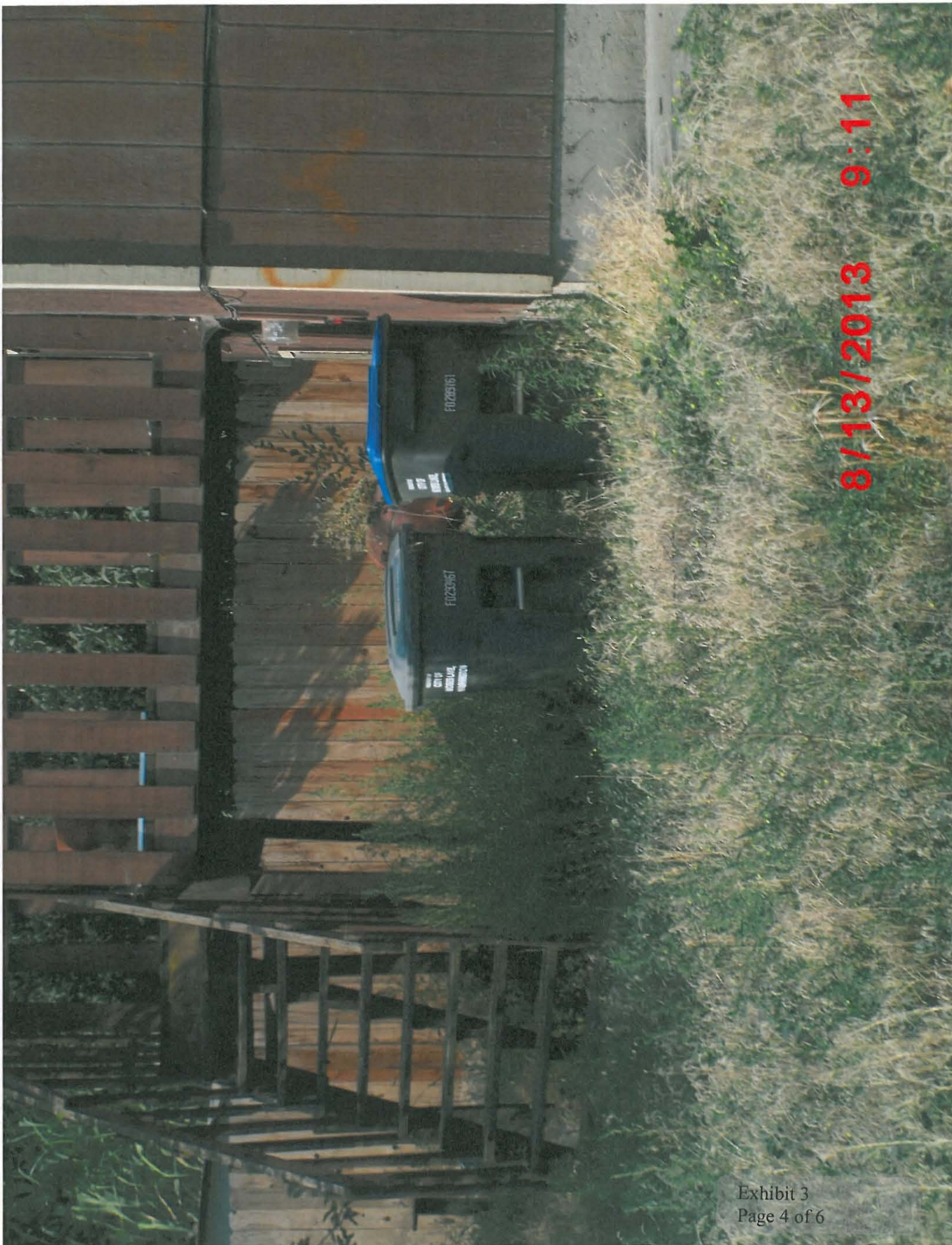


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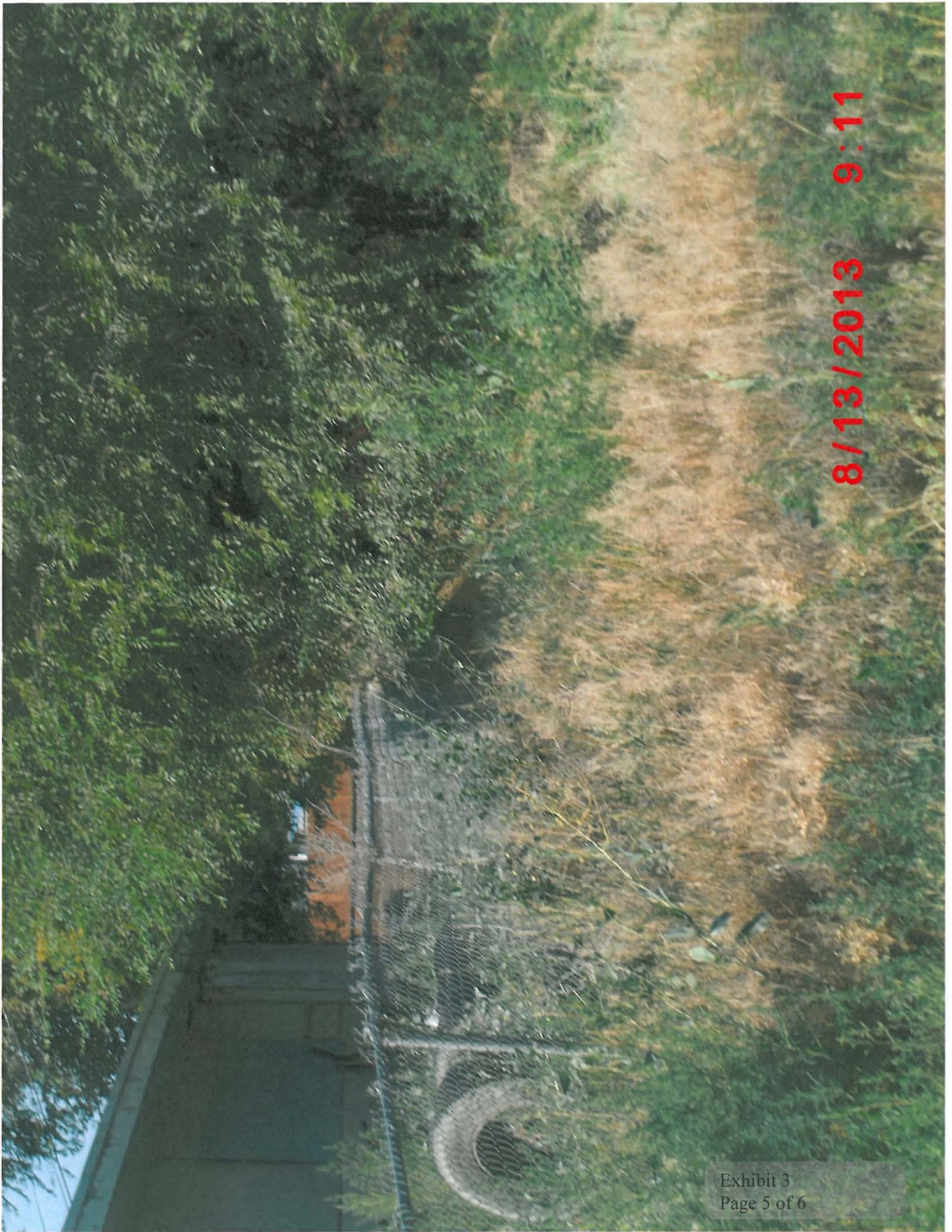


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8/13/2013 9:11



8/13/2013 9:11

8/13/2013 9:11

August, 13, 2013

Dorothy Hester
3557 S. Ferdinand St.
Seattle, WA. 98118

Re: Hearing to Permit City Abatement of Nuisance

Property located at: 2603 W Texas St., Parcel 110840000, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Dorothy Hester

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 22 Peninsula ADD #1.

This property is located at: 2603 W Texas St., Parcel 110840000, Moses Lake, WA 98837

On Thursday, June 06, 2013 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of August 27, 2013, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on Tuesday, August 27, 2013 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At that hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

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

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

Sincerely,

Code Enforcement Officer 1

cc: City Manager
City Attorney
Community Development Director

August 20, 2013

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

Attached is a resolution providing for the abatement of nuisances at 9859 NE Olympic Drive, owned by Robert McCourtie. 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

A handwritten signature in blue ink, appearing to read 'G. Alvarado', is positioned above the printed name.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO.

A RESOLUTION DETERMINING THAT ROBERT MCCOURTIE 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 9859 NE Olympic Drive (Lot 1, Block 1, Longview Tracts 2nd Addition), Parcel #120460000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 U. The records of Grant County show the owner of the subject property to be Robert McCourtie, 3219 S. Quincy Place, Kennewick, WA 99337.
2. Notice. On June 6, 2013, 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 August 12, 2013, the Code Enforcement Officer caused to be delivered to Robert McCourtie a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of August 27, 2013. 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 - 8.14.030 - Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
 - U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other

vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.

4. Hearing. On August 27, 2013 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.

5. Evidence:

- 5.1. The following persons testified under oath:

Rick Rodriguez, Moses Lake Code Enforcement Officer

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

EXHIBIT #1: Moses Lake Municipal Code Chapter 8.14.030

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated June 6, 2013 from the Code Enforcement Officer addressed to Robert McCourtie, 3219 S. Quincy Place, Kennewick, WA 99337

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 9859 NE Olympic Drive, Moses Lake, Washington.

EXHIBIT #4: Letter dated August 12, 2013, from the Code Enforcement Officer to Robert McCourtie advising the property owner of the hearing regarding abatement of property, scheduled for August 27, 2013.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 U exists on the subject property at 9859 NE Olympic Drive, Moses Lake, Washington. Robert McCourtie, 3219 S. Quincy Place, Kennewick, WA 99337 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. Weeds and grasses in excess of 12" in height
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.
4. Robert McCourtie, the record contract owner, has fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the

following:

- 4.1 Weeds and grasses must be cut down and/or removed from the site
5. City staff shall provide a status report to City Council on the progress of the record contract owners and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.
6. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on August 27, 2013.

Bill J. Ecret, Mayor

ATTEST:

W. Robert Taylor, Finance Director

- 8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
- A. The existence of any trash, dirt, filth, and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter.
 - B. Defective or overflowing septic or sewage systems, and the existence of any noxious, foul, or putrid liquid or substance which poses a health hazard or creates a noxious odor.
 - C. Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.
 - D. Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health as determined by the Health Officer.
 - E. All other acts, failure to act, occupations, or use of property which is determined by the Health Officer to be a menace to the health of the public.
 - F. All limbs of trees which are less than seven (7) feet above the surface of any public sidewalk, or twelve (12) feet above the surface of any street.
 - G. All buildings, other structures, or portions thereof which have been damaged by fire, decay, neglect, or have otherwise deteriorated or become dilapidated so as to endanger the safety of the public.
 - H. All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the State Fire Code.
 - I. The keeping or harboring of any dog, fowl, or other animal which by frequent or habitual howling, yelping, barking, crowing, or in the making of other noises, annoys or disturbs the public, or the habitual allowing of dogs kept at any one address to run at large in violation of Chapter 6.05 of the Moses Lake Municipal Code entitled "Animal Control".
 - J. Making or causing to be made by any means whatsoever any noise of any kind which is a violation of Chapters 8.28 of the Moses Lake Municipal Code entitled "Noise Control".
 - K. The frequent, repetitive, or continuous sound made by any secured, unsecured, or deteriorated membrane or sheet metal, being moved by the wind or other source, which unreasonably interferes with the peace, comfort and repose of adjacent property owners or possessors.
 - L. Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left, any filth, paper, cans, glass, rubbish, trash garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or public or private property of another in the city.
 - M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
 - 1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, or whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal

matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles.

2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous.
 3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises.
 4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city.
 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
 6. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles.
 7. Any trash, litter, rags, accumulations or empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.
- N. The permitting to remain outside any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, in a place accessible to children, any abandoned, unattended, or discarded ice chest, refrigerator or other airtight contained, which does not have the door, lid or other locking device removed.
- O. Any pit, hole, basin or excavation which is unguarded or dangerous to life or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances, or regulations.
- P. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trap door thereto, or without filling or capping any well.
- Q. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the city.
- R. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public.
- S. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition.
- T. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto.

- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 - 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
 - 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.
- V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.
- W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
- X. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- Y. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section 8.14.010 (F), whose retail cost new would exceed one hundred dollars, without a special permit from the building official; provided, that nothing herein shall:
 - 1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion.
 - 2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.
 - 3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- Z. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof.
- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- BB. The keeping, permitting or harboring of any fowl, pigeons, rabbits, hoofed or cloven footed animals, except for caged birds kept within a residence or business.

- CC. The depositing of any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage and the like, or storing of any material of any kind, provided that in residential zones that shall include garbage cans or refuse containers in the alleys of the city, except on garbage pickup day.
- DD. The existence of graffiti, which is defined as a defacing, damaging, or destructive inscription, figure or design painted, drawn or the like, on the exterior of any building, fence, gate, or other structures or on rocks, bridges, trees, or other real or personal property.
- EE. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising its sale on property located in any commercial or industrial zone not owned by the seller.
- FF. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.
- GG. The existence on any premise any unsecured, unused, or abandoned building or structures.
- HH. For any building the existence of any broken glass in windows or doors for more than thirty (30) days.
- II. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty (30) days.
- JJ. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or compliment the buildings exterior or remains boarded up for more than sixty (60) days.
- KK. Any boarded up building that remains boarded up for more than ninety (90) days.
- LL. Permitting any violation of RCW 59.18.510 in any rental dwelling unit.
- MM. Criminal street gangs and any pattern of criminal street gang activity are each declared to be a public nuisance in violation of this chapter and other applicable code provisions, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and State Housing Code, subject to abatement through all available means. In addition thereto and without limitation, any pattern of criminal street gang activity upon, and the presence and use of property by, a criminal street gang, with the owner's knowledge or consent, constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property.



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

TO: Robert McCourtie
3219 S. Quincy Pl
Kennewick, Wa. 99337

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

9859 NE Olympic Dr, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 1 BLK 1 Longview Tracts 2nd ADD 120460000

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

Action Necessary to Correct Violation:

Weeds and grasses must be cut down and or removed from these areas.

Time by Which Violation is to be Corrected or Activity Ceased

The City is requiring these corrections listed on this Notice and Order be accomplished by
Sunday, June, 16, 2013


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

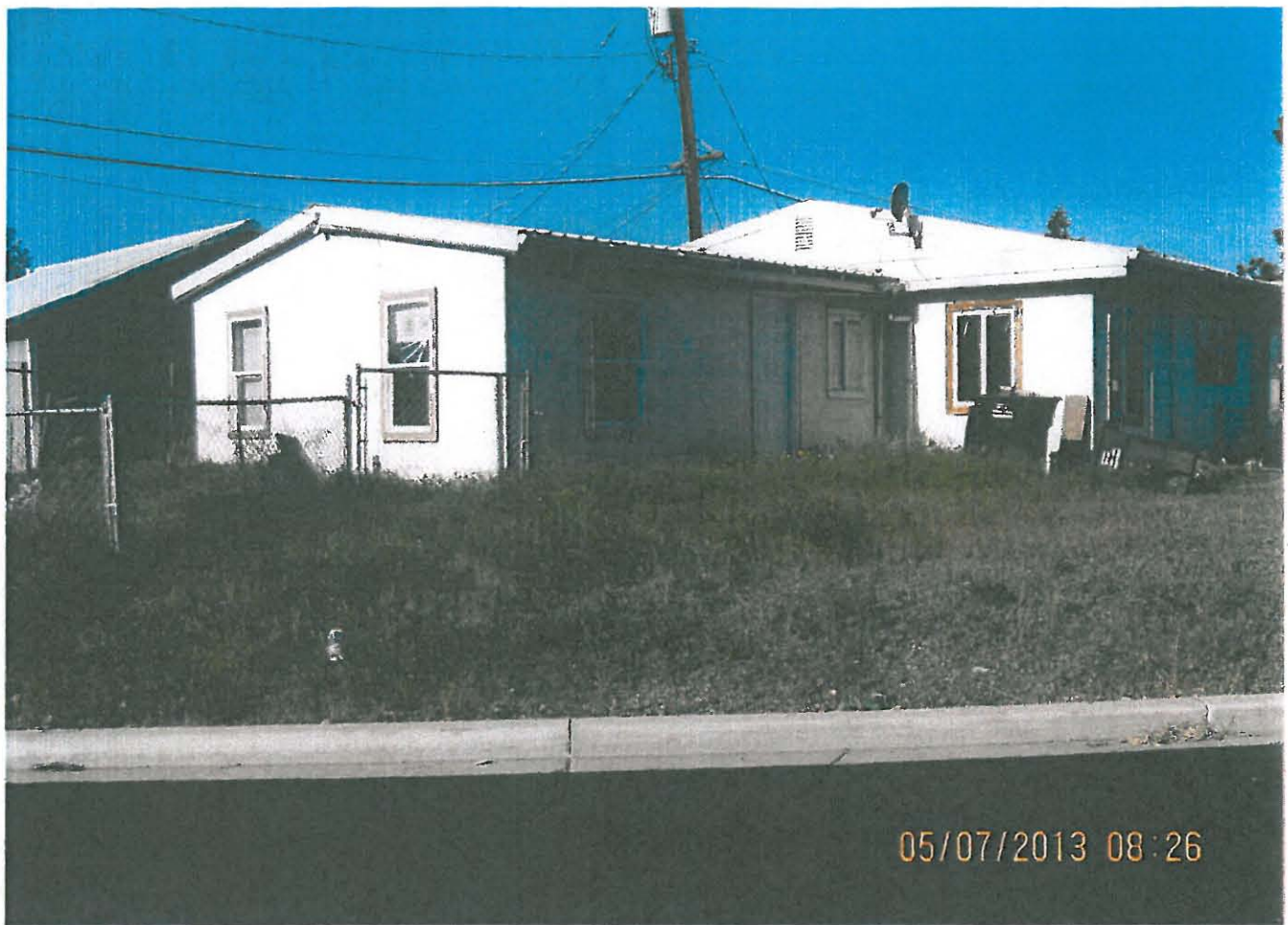
YOU MAY APPEAL THIS NOTICE AND ORDER TO THE HEARING EXAMINER WITHIN TEN (10) DAYS, PURSUANT TO SECTION 20.03.050 OF THE MOSES LAKE CITY CODE AND BY PAYMENT OF AN \$800 FEE.

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

Dated this Thursday, June 06, 2013



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





August, 12, 2013
Robert McCourtie
3219 S. Quincy Pl
Kennewick, Wa. 99337



Re: Hearing to Permit City Abatement of Nuisance

Property located at: 9859 NE Olympic Dr, Parcel 120460000, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Robert McCourtie

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 1 Longview Tracts 2nd ADD.

This property is located at: 9859 NE Olympic Dr, Parcel 120460000, Moses Lake, WA 98837

On Thursday, June 06, 2013 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of August 27, 2013, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on Tuesday, August 27, 2013 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At that hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

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

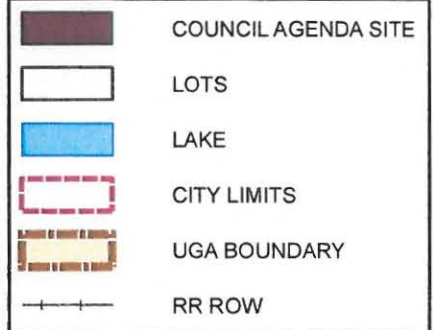
If you have any questions, you may contact the City Manager's Office at the Moses Lake Civic Center, 401 S. Balsam, Moses Lake, WA, phone 509-764-3701.

Sincerely,

Code Enforcement Officer

cc: City Manager
City Attorney
Community Development Director

Exhibit 4



CITY OF MOSES LAKE
 COMMUNITY DEVELOPMENT
 PLANNING DIVISION

Date: 8/21/2013

CMS

August 20, 2013

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

Attached is a resolution providing for the abatement of nuisances at 1046 S. Division Street, owned by Carlos Espinoza. 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

A handwritten signature in blue ink, appearing to be 'GA', is written above the printed name.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO.

A RESOLUTION DETERMINING THAT CARLOS CHAVEZ ESPINOZA 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 1046 S. Division Street (Tax #3201), Parcel #110268000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 U. The records of Grant County show the owner of the subject property to be Carlos Chavez Espinoza, 7212 Osborne Avenue, Hammond, IN 46323.
2. Notice. On May 22, 2013, 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 August 12, 2013, the Code Enforcement Officer caused to be delivered to Carlos Espinoza a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of August 27, 2013. 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 - 8.14.030 - Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
 - U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.

4. Hearing. On August 27, 2013 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
 - 5.1. The following persons testified under oath:

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

EXHIBIT #1: Moses Lake Municipal Code Chapter 8.14.030

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated May 22, 2013 from the Code Enforcement Officer addressed to Carlos Espinoza, 7212 Osborne Ave., Hammond, IN 46323

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 1046 S. Division Street, Moses Lake, Washington

EXHIBIT #4: Letter dated August 12, 2013, from the Code Enforcement Officer to Carlos Espinoza advising the property owner of the hearing regarding abatement of property, scheduled for August 27, 2013.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 exists on the subject property at 1046 S. Division Street, Moses Lake, Washington. Carlos Espinoza, 7212 Osborne Avenue, Hammond, IN 46323 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. Weeds and grasses in excess of 12" in height
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.
4. Carlos Espinoza, the record contract owner, has fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:
 - 4.1 Weeds and grasses must be cut down and/or removed from the site

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 August 27, 2013.

Bill J. Ecret, Mayor

ATTEST:

W. Robert Taylor, Finance Director

- 8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
- A. The existence of any trash, dirt, filth, and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter.
 - B. Defective or overflowing septic or sewage systems, and the existence of any noxious, foul, or putrid liquid or substance which poses a health hazard or creates a noxious odor.
 - C. Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.
 - D. Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health as determined by the Health Officer.
 - E. All other acts, failure to act, occupations, or use of property which is determined by the Health Officer to be a menace to the health of the public.
 - F. All limbs of trees which are less than seven (7) feet above the surface of any public sidewalk, or twelve (12) feet above the surface of any street.
 - G. All buildings, other structures, or portions thereof which have been damaged by fire, decay, neglect, or have otherwise deteriorated or become dilapidated so as to endanger the safety of the public.
 - H. All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the State Fire Code.
 - I. The keeping or harboring of any dog, fowl, or other animal which by frequent or habitual howling, yelping, barking, crowing, or in the making of other noises, annoys or disturbs the public, or the habitual allowing of dogs kept at any one address to run at large in violation of Chapter 6.05 of the Moses Lake Municipal Code entitled "Animal Control".
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 - L. Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left, any filth, paper, cans, glass, rubbish, trash garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or public or private property of another in the city.
 - M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
 - 1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, or whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal

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- Q. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the city.
- R. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public.
- S. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition.
- T. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto.

- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
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- W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
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- Y. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section 8.14.010 (F), whose retail cost new would exceed one hundred dollars, without a special permit from the building official; provided, that nothing herein shall:
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 2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.
 3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- Z. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof.
- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
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- CC. The depositing of any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage and the like, or storing of any material of any kind, provided that in residential zones that shall include garbage cans or refuse containers in the alleys of the city, except on garbage pickup day.
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- EE. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising its sale on property located in any commercial or industrial zone not owned by the seller.
- FF. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.
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- HH. For any building the existence of any broken glass in windows or doors for more than thirty (30) days.
- II. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty (30) days.
- JJ. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or compliment the buildings exterior or remains boarded up for more than sixty (60) days.
- KK. Any boarded up building that remains boarded up for more than ninety (90) days.
- LL. Permitting any violation of RCW 59.18.510 in any rental dwelling unit.
- MM. Criminal street gangs and any pattern of criminal street gang activity are each declared to be a public nuisance in violation of this chapter and other applicable code provisions, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and State Housing Code, subject to abatement through all available means. In addition thereto and without limitation, any pattern of criminal street gang activity upon, and the presence and use of property by, a criminal street gang, with the owner's knowledge or consent, constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property.



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

TO: Carlos Espinoza
7212 Osborne Ave
Hammond, IN. 46323

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

1046 S Division St, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

TX#3201 110268000

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

Action Necessary to Correct Violation:

Weeds and grasses must be cut down and or removed from these areas.

Time by Which Violation is to be Corrected or Activity Ceased

The City is requiring these corrections listed on this Notice and Order be accomplished by
Saturday, June, 01, 2013


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

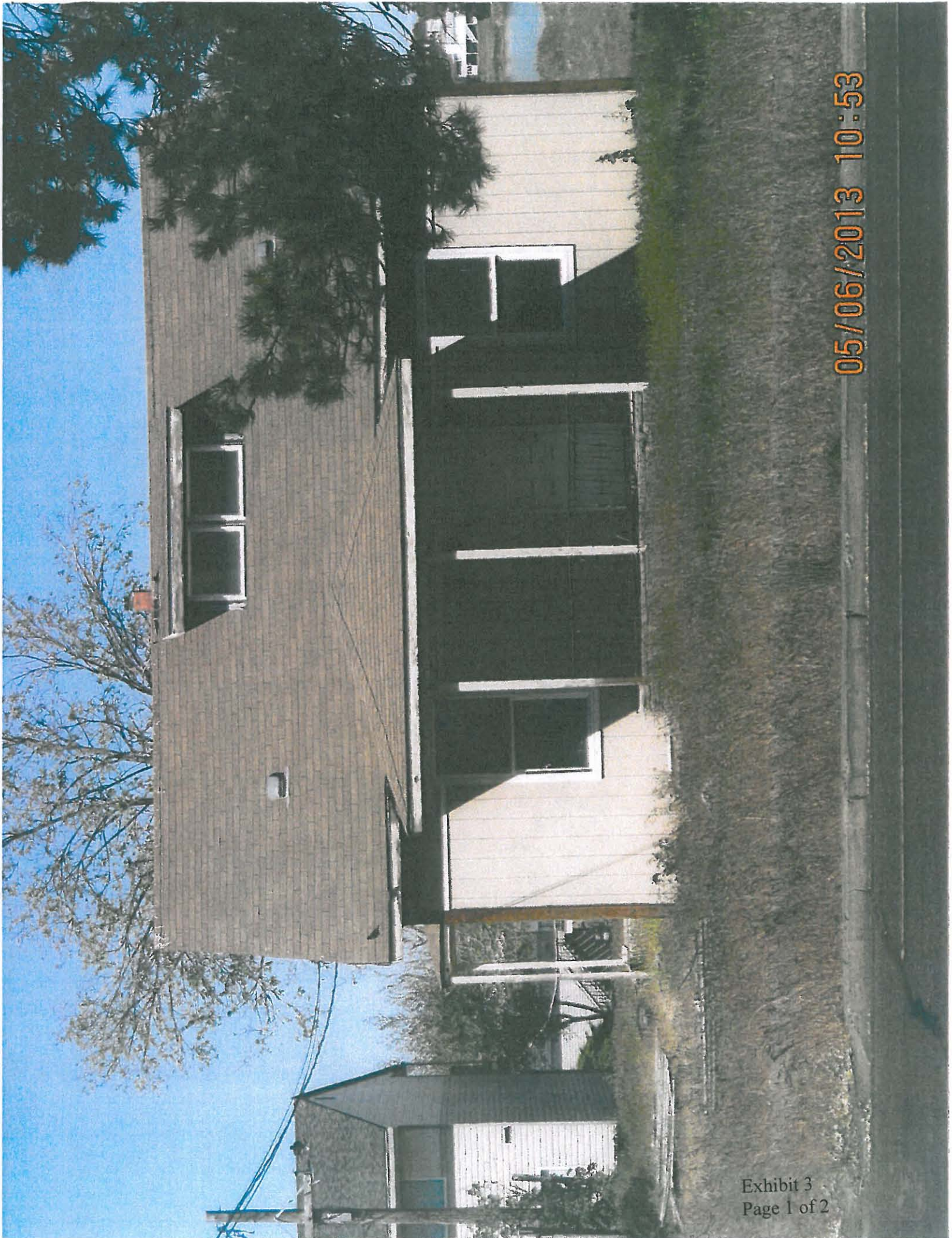
YOU MAY APPEAL THIS NOTICE AND ORDER TO THE HEARING EXAMINER WITHIN TEN (10) DAYS, PURSUANT TO SECTION 20.03.050 OF THE MOSES LAKE CITY CODE AND BY PAYMENT OF AN \$800 FEE.

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

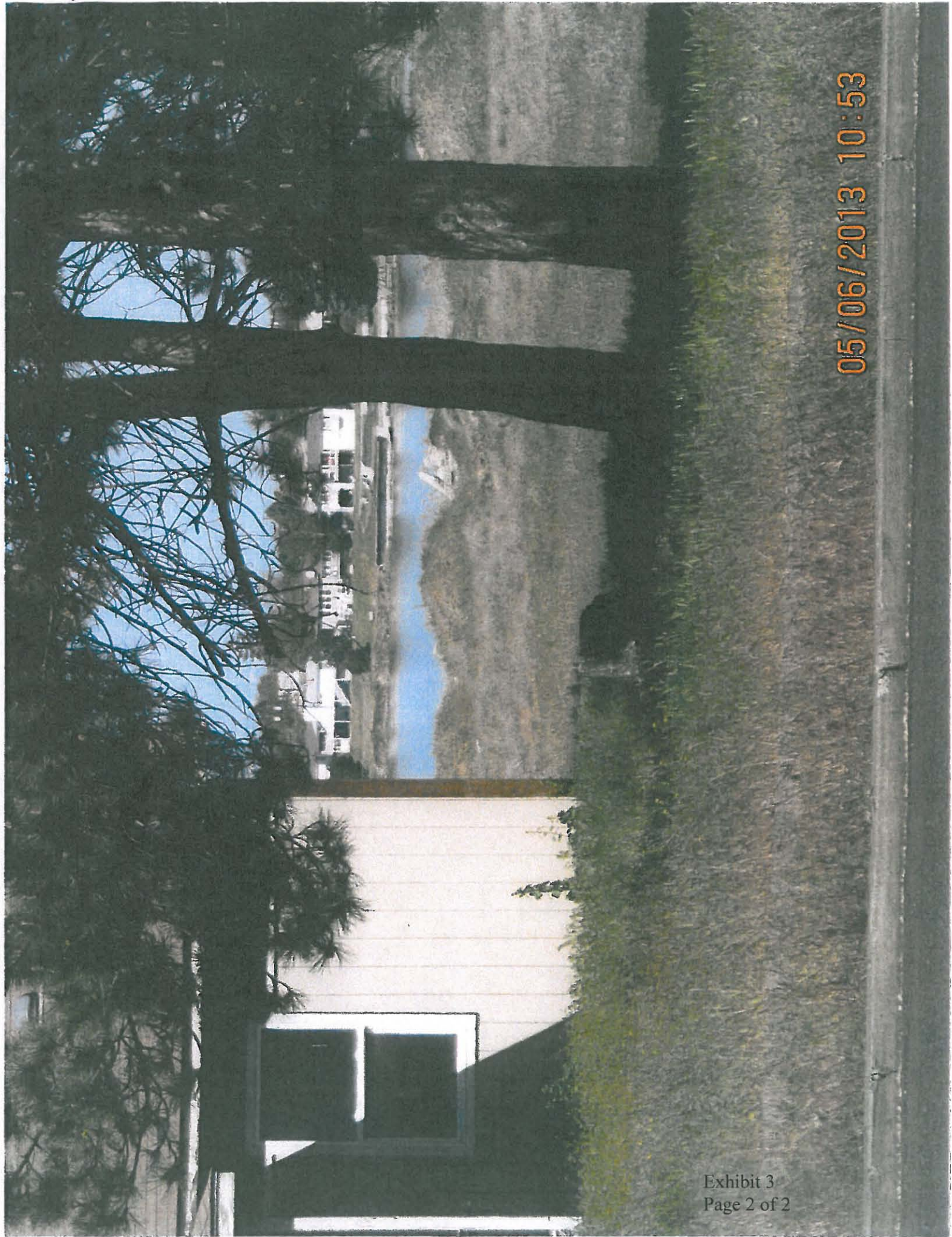
Dated this Wednesday, May 22, 2013



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



05/06/2013 10:53



05/06/2013 10:53

August, 12, 2013

Carlos Espinoza
7212 Osborne Ave
Hammond, IN. 46323



Re: Hearing to Permit City Abatement of Nuisance

Property located at: 1046 S Division St, Parcel 110268000, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Carlos Espinoza

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: TX#3201.

This property is located at: 1046 S Division St, Parcel 110268000, Moses Lake, WA 98837

On Wednesday, May 22, 2013 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of August 27, 2013, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on Tuesday, August 27, 2013 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At that hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

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

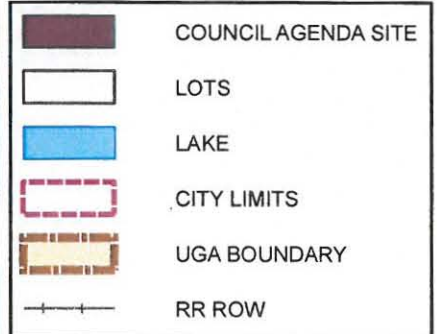
If you have any questions, you may contact the City Manager's Office at the Moses Lake Civic Center, 401 S. Balsam, Moses Lake, WA, phone 509-764-3701.

Sincerely,

Code Enforcement

cc: City Manager
City Attorney
Community Development Director

Exhibit 4



CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

Date: 8/21/2013

CMS

August 20, 2013

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

Attached is a resolution providing for the abatement of nuisances at 9972 NE Sunny Drive, owned by Roland C. & Anastacia Huff. 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

A handwritten signature in blue ink, appearing to be 'GA' with a stylized flourish.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO.

A RESOLUTION DETERMINING THAT ROLAND C. AND ANASTACIA HUFF 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 9972 NE Sunny Drive (Lot 1, Block 3, Longview Tracts), Parcel #120405000, 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 Roland C. & Anastacia Huff, 511 S. Park Road, Apt. 113, Spokane Valley, WA 99212.
2. Notice. On June 17, 2013, 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 August 12, 2013 the Code Enforcement Officer caused to be delivered to Roland Huff a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of August 12, 2013. 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 - 8.14.030 - Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
 - U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other

vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.

4. Hearing. On August 27, 2013 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.

5. Evidence:

- 5.1. The following persons testified under oath:

Rick Rodriguez, Moses Lake Code Enforcement Officer

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

EXHIBIT #1: Moses Lake Municipal Code Chapter 8.14.030

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated May 23, 2013 from the Code Enforcement Officer addressed to Roland Huff, 511 S. Park Road, Apt. 113, Spokane Valley, WA 99212

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 9972 NE Sunny Drive, Moses Lake, Washington.

EXHIBIT #4: Letter dated August 12, 2013 from the Code Enforcement Officer to Roland Huff advising the property owner of the hearing regarding abatement of property, scheduled for August 27, 2013.

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 exists on the subject property at 9972 NE Sunny Drive, Moses Lake, Washington. Roland C & Anastacia Huff, 511 S. Park Road, Apt. 113, Spokane Valley, WA 99212 are the record contract owners of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. Weeds 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. Roland C & Anastacia Huff, the record contract owners, have fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include

the following:

- 4.1 Weeds must be cut down and/or removed from the site
5. City staff shall provide a status report to City Council on the progress of the record contract owners and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.
6. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on August 27, 2013.

Bill J. Ecret, Mayor

ATTEST:

W. Robert Taylor, Finance Director

- 8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
- A. The existence of any trash, dirt, filth, and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter.
 - B. Defective or overflowing septic or sewage systems, and the existence of any noxious, foul, or putrid liquid or substance which poses a health hazard or creates a noxious odor.
 - C. Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.
 - D. Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health as determined by the Health Officer.
 - E. All other acts, failure to act, occupations, or use of property which is determined by the Health Officer to be a menace to the health of the public.
 - F. All limbs of trees which are less than seven (7) feet above the surface of any public sidewalk, or twelve (12) feet above the surface of any street.
 - G. All buildings, other structures, or portions thereof which have been damaged by fire, decay, neglect, or have otherwise deteriorated or become dilapidated so as to endanger the safety of the public.
 - H. All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the State Fire Code.
 - I. The keeping or harboring of any dog, fowl, or other animal which by frequent or habitual howling, yelping, barking, crowing, or in the making of other noises, annoys or disturbs the public, or the habitual allowing of dogs kept at any one address to run at large in violation of Chapter 6.05 of the Moses Lake Municipal Code entitled "Animal Control".
 - J. Making or causing to be made by any means whatsoever any noise of any kind which is a violation of Chapters 8.28 of the Moses Lake Municipal Code entitled "Noise Control".
 - K. The frequent, repetitive, or continuous sound made by any secured, unsecured, or deteriorated membrane or sheet metal, being moved by the wind or other source, which unreasonably interferes with the peace, comfort and repose of adjacent property owners or possessors.
 - L. Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left, any filth, paper, cans, glass, rubbish, trash garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or public or private property of another in the city.
 - M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
 - 1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, or whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal

matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles.

2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous.
 3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises.
 4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city.
 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
 6. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles.
 7. Any trash, litter, rags, accumulations or empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.
- N. The permitting to remain outside any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, in a place accessible to children, any abandoned, unattended, or discarded ice chest, refrigerator or other airtight contained, which does not have the door, lid or other locking device removed.
- O. Any pit, hole, basin or excavation which is unguarded or dangerous to life or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances, or regulations.
- P. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trap door thereto, or without filling or capping any well.
- Q. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the city.
- R. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public.
- S. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition.
- T. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto.

- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.
- V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.
- W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
- X. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- Y. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section 8.14.010 (F), whose retail cost new would exceed one hundred dollars, without a special permit from the building official; provided, that nothing herein shall:
1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion.
 2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.
 3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- Z. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof.
- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- BB. The keeping, permitting or harboring of any fowl, pigeons, rabbits, hoofed or cloven footed animals, except for caged birds kept within a residence or business.

- CC. The depositing of any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage and the like, or storing of any material of any kind, provided that in residential zones that shall include garbage cans or refuse containers in the alleys of the city, except on garbage pickup day.
- DD. The existence of graffiti, which is defined as a defacing, damaging, or destructive inscription, figure or design painted, drawn or the like, on the exterior of any building, fence, gate, or other structures or on rocks, bridges, trees, or other real or personal property.
- EE. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising its sale on property located in any commercial or industrial zone not owned by the seller.
- FF. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.
- GG. The existence on any premise any unsecured, unused, or abandoned building or structures.
- HH. For any building the existence of any broken glass in windows or doors for more than thirty (30) days.
- II. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty (30) days.
- JJ. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or compliment the buildings exterior or remains boarded up for more than sixty (60) days.
- KK. Any boarded up building that remains boarded up for more than ninety (90) days.
- LL. Permitting any violation of RCW 59.18.510 in any rental dwelling unit.
- MM. Criminal street gangs and any pattern of criminal street gang activity are each declared to be a public nuisance in violation of this chapter and other applicable code provisions, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and State Housing Code, subject to abatement through all available means. In addition thereto and without limitation, any pattern of criminal street gang activity upon, and the presence and use of property by, a criminal street gang, with the owner's knowledge or consent, constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property.



CITY OF
MOSES LAKE

CITY OF MOSES LAKE

NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Roland Huff
511 S Park Rd Apt 113
Spokane Valley, Wa. 99212-0549

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

9972 NE Sunny Dr, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 1 BLK 3 Longview Tracts 120405000

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

Action Necessary to Correct Violation:

Weeds must be cut down and or removed from the yards.

Time by Which Violation is to be Corrected or Activity Ceased

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

Thursday, June, 27, 2013

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

Exhibit 2
Page 1 of 2

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

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

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

Dated this Monday, June 17, 2013



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



August, 12, 2013

Roland Huff

511 S Park Rd Apt 113

Spokane Valley, Wa. 99212-0549



Re: Hearing to Permit City Abatement of Nuisance

Property located at: 9972 NE Sunny Dr, Parcel 120405000, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Roland Huff

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 3 Longview Tracts.

This property is located at: 9972 NE Sunny Dr, Parcel 120405000, Moses Lake, WA 98837

On Monday, June 17, 2013 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of August 27, 2013, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on Tuesday, August 27, 2013 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At that hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

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

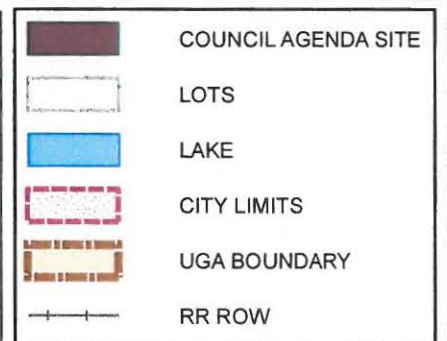
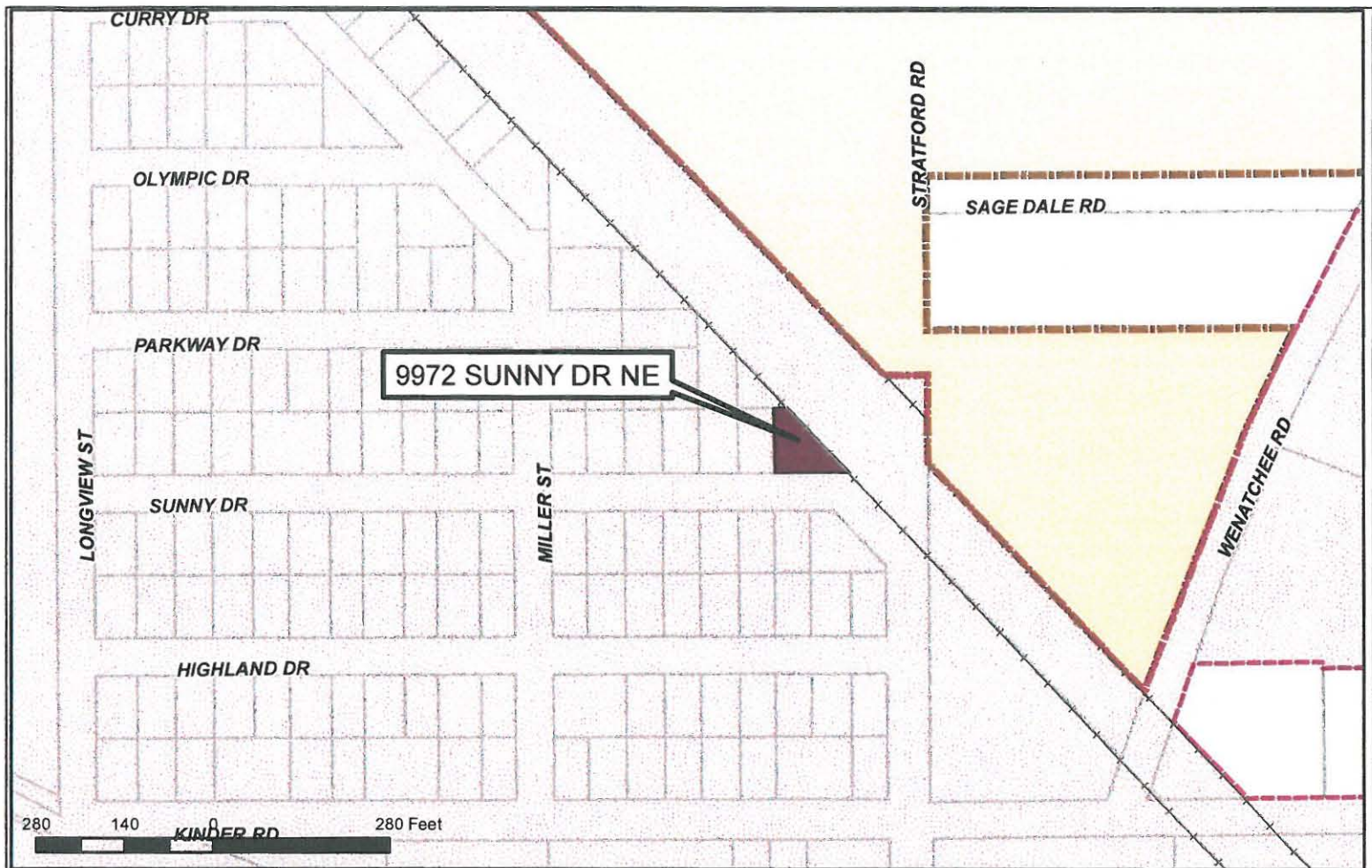
If you have any questions, you may contact the City Manager's Office at the Moses Lake Civic Center, 401 S. Balsam, Moses Lake, WA, phone 509-764-3701.

Sincerely,

Code Enforcement

cc: City Manager
City Attorney
Community Development Director

Exhibit 4



CITY OF MOSES LAKE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

Date: 8/21/2013

CMS

August 20, 2013

TO: City Manager
For City Council Consideration

FROM: Municipal Services Director

SUBJECT: **Request to Connect to City Utilities**
2215 Westshore Drive - Grant County Parcel Number 141769000

Rick Rose requests permission to connect to the City's water and sewer systems to serve his residential home located at 2215 Westshore Drive without annexing the property into the City. The city's water and sewer systems have adequate capacity. This parcel is within one-half mile of the city limits, and within the City of Moses Lake's UGA. According to Resolution No. 2513 Section 3.B., the City Council must determine that it is impractical for the property owner to annex this property before approving his request. The council may find it impractical since only one of the thirteen lots located between this property and the city limits has an extra territorial agreement.

If approved, the property owner will be required to sign an extraterritorial agreement.

This request is presented for Council consideration.

Respectfully Submitted,



Gary Harer, PE/PLS
Municipal Services Director

To: Gary Harer, Municipal Services Director, City of Moses Lake

From: Rick Rose, 2215 Westshore Drive NE Moses Lake

We are requesting permission to connect to the City sewer. Our residence is not within the corporate limits but has frontage on Westshore Drive. Our current drain field needs to be replaced however; we would like to connect to the city sewer instead. We already are on a community well and will keep that connection for our water. We are just down several houses from 2279 that has already connected to the city sewer.

Thank You,

 , 8/12/2013

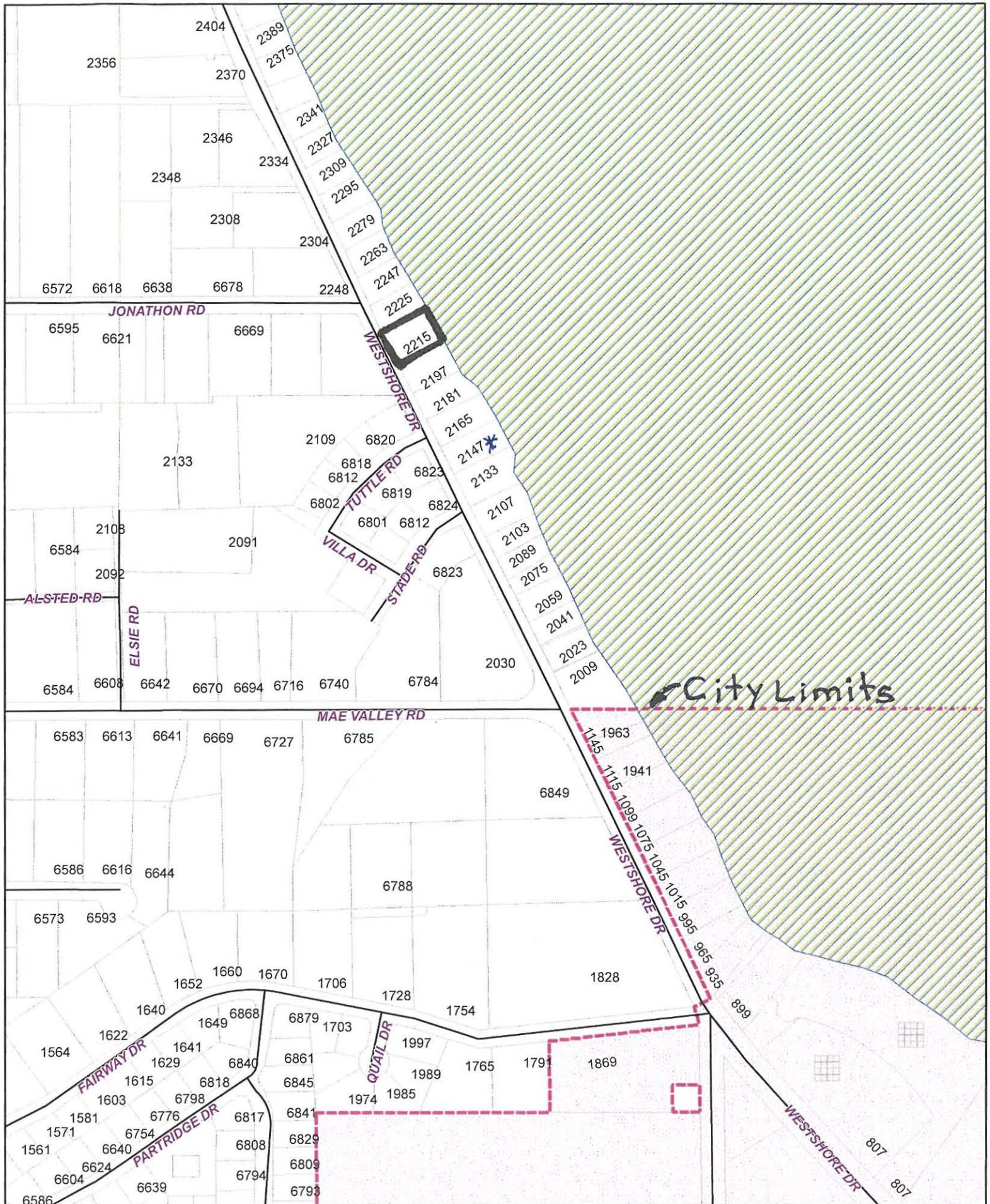
Rick Rose, (509)770-3611

rickandchrisrose@gmail.com

RECEIVED

AUG 12 2013

MUNICIPAL SERVICES DEPT.
ENGINEERING
CITY OF MOSES LAKE



CITY OF MOSES LAKE

Document Path:





August 22, 2013

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Provided is a Notice of Intention to Commence Annexation Proceedings with regard to what is commonly called the Sonico Annexation.

As the City Council is aware, Sonico, Inc. requested permission to connect to the City's water and sewer systems to serve a facility that is planned to be constructed on a 5.72 acre parcel located immediately southwest of the intersection of Patton Boulevard and Randolph Road. The parcel is within one half mile of the City's limits and within the City of Moses Lake's UGA, thereby triggering Sonico's need to annex the property into the City, as set forth in the City's policies, to receive the City's utility services.

The annexation to the City is feasible because the City has Extra Territorial Utility Extension Agreements with several properties between the property where Sonico wishes to build and the current City limits.

Of the area suggested for annexation into the City, the Extra Territorial Utility Extension Agreements with the City cover approximately 29% of the assessed value of the property. The proposed annexation consists of approximately 61.5 acres.

If, however, the City excludes those properties where the City does not have Extra Territorial Utility Extension Agreements, those Extra Territorial Utility Extension Agreements the City does have and the property where Sonico wishes to construct its facilities, represents 100% of the assessed value of the property, which consists of 52.19 acres.

If the City includes in the proposed annexation all the properties where the City holds Extra Territorial Utility Extension Agreements and the property where Sonico intends to construct its facilities, along with all other properties within the annexed area except that property owned by RS Titan-Lotus, LLC, the properties where the City holds Extra Territorial Utility Extension Agreements and the property where Sonico intends to construct its facilities represents approximately 69.6% of the assessed value of the property consisting of 56.316 acres.

The City has sufficient interest with the Extra Territorial Utility Extension Agreements in order to present a Notice of Intention to Commence Annexation Proceedings to the City Council. That requirement is that the property represent 10% of the assessed value of the annexation area. The Extra Territorial Utility Extension Agreements that the City holds exceeds that significantly.

If the City Council wishes to proceed, the first of order of business is to authorize the City Manager's execution of the Notice of Intention to Commence Annexation Proceedings and ratify the execution of the Notice. The City holds the ability to execute the Notice of Intention to Commence Annexation Proceedings through the Powers of Attorney attached to the Extra Territorial Utility Extension Agreements.

The next step would be to receipt the Notice of Intention to Commence Annexation Proceedings and either accept or reject the Notice of Intention to Commence Annexation Proceedings or set a date in the future to consider acceptance or rejection.

The final step would be for the Council to determine how to proceed with the Petition for Annexation, looking to annex only those properties represented by the Extra Territorial Utility Extension Agreements and the property where Sonico intends to construct its facilities or include in the annexation other properties which may not be included in the Petition for Annexation.

Respectfully submitted



Joseph K. Gavinski
City Manager

JKG:jt

NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

TO: The City Council of the City of Moses Lake

Comes now the City of Moses Lake holding Powers of Attorney and hereby notifies the City Council of the City of Moses Lake that it intends to commence proceedings to have the real property owned by

James L. & Virginia M. Barney, Belle Enterprises, Inc., James L. Barney, Goodwin Building Partnership, Ronald G. & Bernice H. Stump, PUD #2 of Grant County, William P. Cromer etal, RS Titan-Lotus LLC etal, Larry E. & Jan M. Hall, Family Services of Grant County, VBC Chaparral II LP, and Chaparral Housing LTD Partnership


and described below annexed to the City of Moses Lake, that the property represented by the Powers of Attorney in excess of ten percent (10%) in value according to the assessed valuation thereof, of the property for which annexation will be petitioned; and that it respectfully requests the City Council within sixty (60) days to determine whether the city accepts the proposed annexation.

Legal Description:

SEE ATTACHED

Dated: 8-21-13

By


City of Moses Lake, Joseph K. Gavinski, City Manager, Attorney in Fact for James L. & Virginia M. Barney

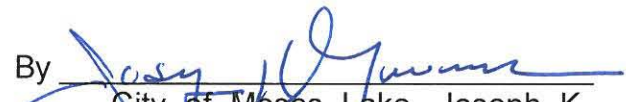
Dated: 8-21-13

By

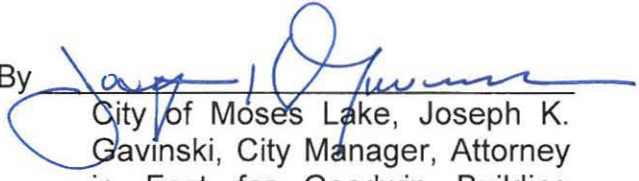

City of Moses Lake, Joseph K. Gavinski, City Manager, Attorney in Fact for Belle Enterprises, Inc.

Dated: 8-21-13

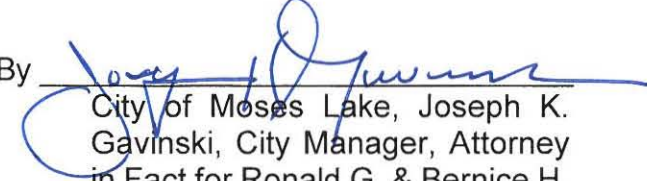
By


City of Moses Lake, Joseph K. Gavinski, City Manager, Attorney in Fact for James L. Barney


Dated: 8-21-13

By 
City of Moses Lake, Joseph K.
Gavinski, City Manager, Attorney
in Fact for Goodwin Building
Partnership

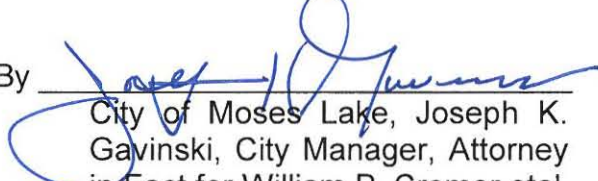
Dated: 8-21-13

By 
City of Moses Lake, Joseph K.
Gavinski, City Manager, Attorney
in Fact for Ronald G. & Bernice H.
Stump

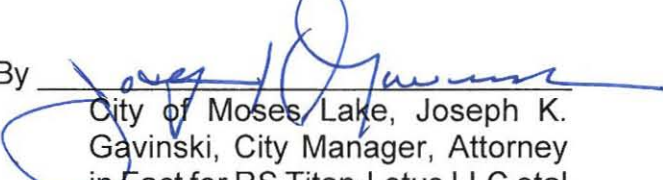
Dated: 8-21-13

By 
City of Moses Lake, Joseph K.
Gavinski, City Manager, Attorney
in Fact for PUD #2 of Grant
County

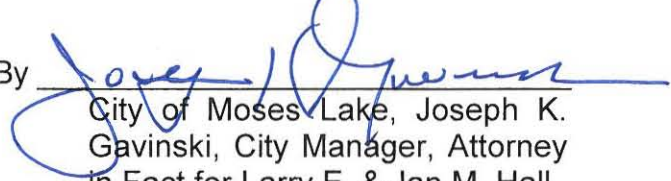
Dated: 8-21-13

By 
City of Moses Lake, Joseph K.
Gavinski, City Manager, Attorney
in Fact for William P. Cromer etal

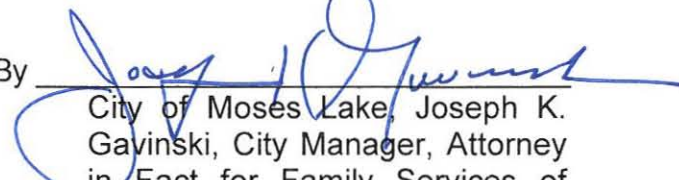
Dated: 8-21-13

By 
City of Moses Lake, Joseph K.
Gavinski, City Manager, Attorney
in Fact for RS Titan-Lotus LLC etal

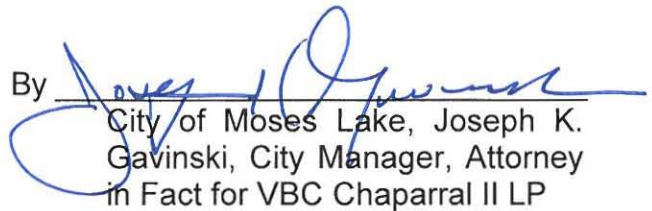
Dated: 8-21-13

By 
City of Moses Lake, Joseph K.
Gavinski, City Manager, Attorney
in Fact for Larry E. & Jan M. Hall

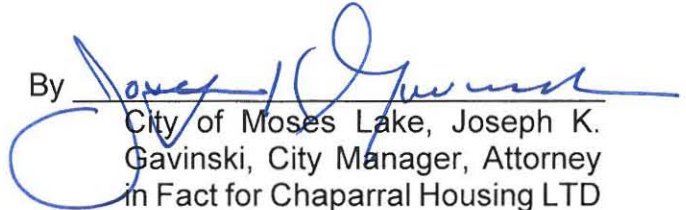
Dated: 8-21-13

By 
City of Moses Lake, Joseph K.
Gavinski, City Manager, Attorney
in Fact for Family Services of
Grant County

Dated: 8-21-13

By 
City of Moses Lake, Joseph K.
Gavinski, City Manager, Attorney
in Fact for VBC Chaparral II LP

Dated: 8-21-13

By 
City of Moses Lake, Joseph K.
Gavinski, City Manager, Attorney
in Fact for Chaparral Housing LTD
Partnership

Legal Description

Those portions of the Northwest quarter of Section 4, Township 19 North, Range 28 East, the Southeast quarter of Section 32, Township 20 North, Range 28 East and the Southwest quarter of Section 33, Township 20 North, Range 28 East, W.M., Grant County, Washington, more particularly described as follows:

Beginning at the most Westerly corner of Lot 2, ASPI Commerce Park Short Plat, recorded in Book 9, pages 41 and 42, records of Grant County, Washington; Thence along the South and East right-of-way (ROW) boundary of 22nd Avenue the following five (5) courses:

- N53°52'05"E, 362.65 feet to the point of curvature of a 369.46 foot radius curve;
- Thence along the arc of said curve to the left through a central angle of 41°05'16", a distance of 264.95 feet;
- Thence N67°40'38"W, 10.14 feet to the point of curvature of a 359.46 foot radius non-tangent curve;
- Thence along the arc of said curve to the left through a central angle of 13°46'53", a distance of 86.46 feet, whose chord bears N05°38'45"E, 86.25 feet;
- Thence N01°11'21"W, 710.55 feet;

Thence S88°48'39"W, 60.00 feet to the point of curvature of a 355.10 foot radius non-tangent curve with a starting radial bearing of N43°29'48"E, said point being on the West ROW of said 22nd Avenue, and also being the Northeasterly corner of J. Barney Industrial Plat, recorded in Book 16 of plats, pages 14 through 16, records of said Grant County; Thence along the North and East boundaries of said J. Barney Industrial Plat the following five (5) courses:

- Thence along the arc of said curve to the left through a central angle of 05°58'40", a distance of 37.05 feet;
- Thence N53°33'15"W, 99.50 feet to the point of curvature of a 455.10 foot radius curve;
- Thence along the arc of said curve to the right through a central angle of 08°26'39", a distance of 67.07 feet;
- Thence S89°06'10"W, 669.88 feet;
- Thence N00°56'55"W, 953.88 feet to the Southeast corner of a parcel of land described in Special Warranty Deed, Auditor's File Number (AFN) 1230872, records of said Grant County, and shown on Record of Survey, Book 37, page 67 and 68, records of said Grant County;

Thence along the East boundary of said parcel N00°56'55"W, 463.59 feet to the South ROW of Randolph Road (formerly Dover Street); Thence along said south right-of-way S89°07'35"W, 665.01 feet to the centerline of Patton Boulevard (formerly 5th Street); Thence continuing along said South ROW S89°12'57"W, 30.00 feet to the Northeast corner of a parcel of land described in Statutory Warranty Deed, AFN 1098148, records of said Grant County and shown on Record of Survey, Book 40, page 32, records of said Grant County; Thence continuing along said South ROW S89°12'57"W, 390.07 feet to the northwest corner of said parcel; Thence along the West boundary of said parcel S00°52'24"E, 694.41

feet to the North boundary of Jan Marie Short Plat, recorded in Book 11, pages 84 and 85, records of said Grant County; Thence along the North and West boundaries of said Jan Marie Short Plat the following five (5) courses:

- S89°03'35"W, 199.66 feet;
- Thence S00°57'58"E, 227.45 feet;
- Thence S89°02'55"W, 409.93 feet;
- Thence S12°29'54"W, 32.00 feet to the point of curvature of a 299.96 foot radius curve;
- Thence along the arc of said curve to the right through a central angle of 05°13'16", 27.33 feet to the most Northerly corner of a parcel of land described in Statutory Warranty Deed, AFN 1038370, records of said Grant County, and shown as "Parcel 1" on said Jan Marie Short Plat, and the point of continuance of said 299.96 foot radius curve;

Thence along the North, West and South boundaries of said "Parcel 1" the following five (5) courses:

- Thence along the arc of said curve to the right through a central angle of 43°38'02", 228.44 feet;
- Thence S61°21'12"W, 269.74 feet;
- Thence S30°12'16"E, 190.76 feet to the North ROW of Craig Boulevard;
- Thence N59°31'44"E along said ROW, 221.87 feet to the point of curvature of a 900.60 foot radius curve;
- Thence along the arc of said curve to the right through a central angle of 12°34'07", 197.56 feet to the Southwest corner of Lot 1, of said Jan Marie Short Plat, and the continuance of said 900.60 foot radius curve;

Thence along the South boundary of said Jan Marie Short Plat the following five (5) courses:

- Thence along the arc of said curve to the right through a central angle of 40°09'18", 631.17 feet;
- Thence S67°46'39"E, 111.12 feet;
- Thence S67°35'00"E, 114.62 feet to the point of curvature of a 123.08 foot radius curve;
- Thence along the arc of said curve to the left through a central angle of 37°14'20", 79.99 feet;
- Thence N68°33'46"E, 22.98 feet;

Thence continuing N68°33'46"E, 103.48 feet to the East ROW of Patton Boulevard, and the point of curvature of a 647.59 foot radius non-tangent curve; Thence along the arc of said curve to the left through a central angle of 04°27'56" along said East ROW, a distance of 50.47 feet, whose chord bears S20°23'37"E, 50.46 feet to the Southerly most corner of a parcel of land described in Statutory Warranty Deed, AFN 911008012; Thence along the Southeast boundary of said parcel N59°53'08"E, 135.26 feet to the Southwesterly boundary of Turnkey Road extended, as shown on Record of Survey, Book 54, Pages 62 and 63, records of said Grant County; Thence S30°29'27"E, 6.63 feet to the Westerly most corner of said Turnkey Road ROW; Thence along the North and Northeasterly ROW of said Turnkey Road the following five (5) courses:

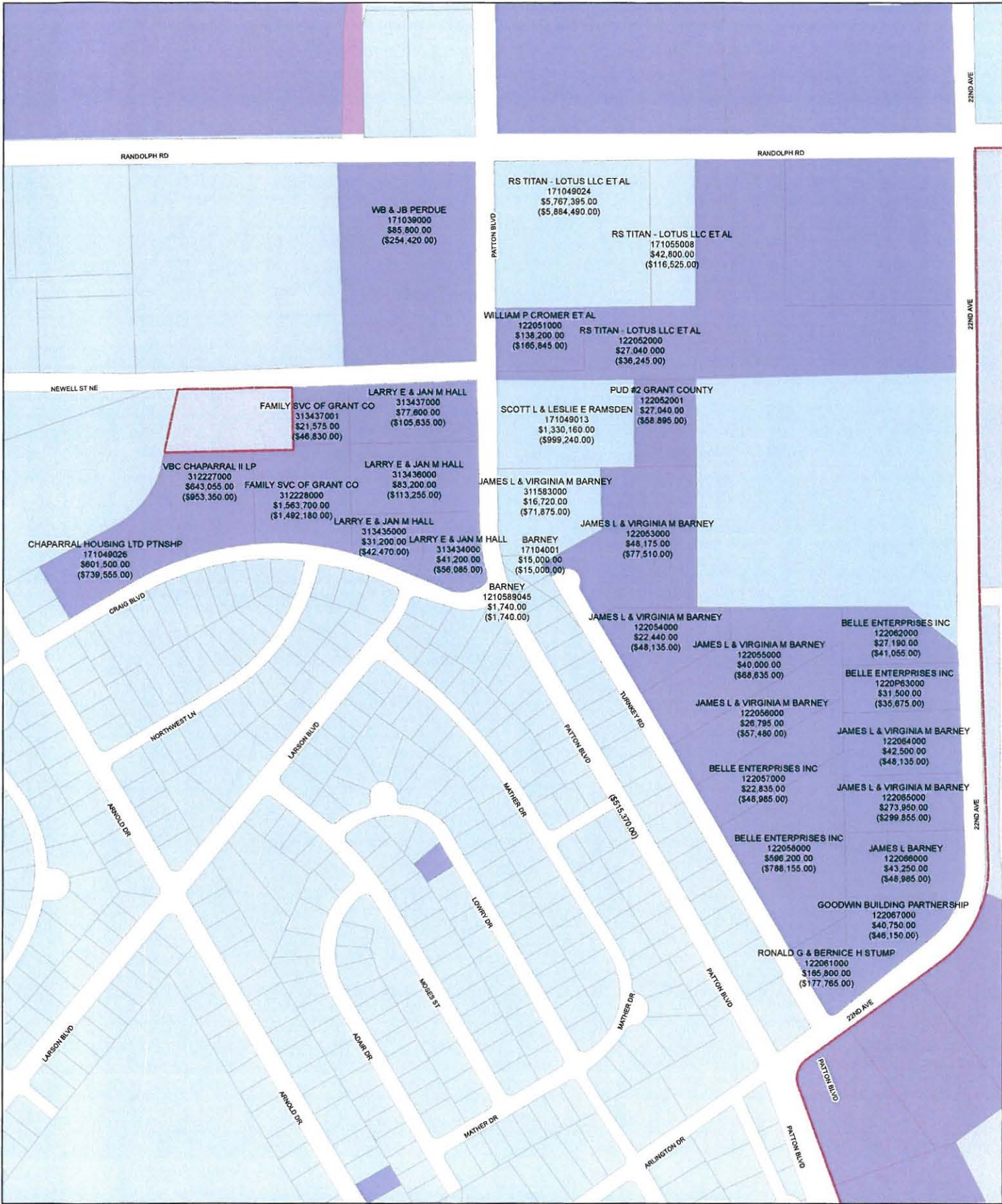
- N59°30'50"E, 40.00 feet to the point of curvature of a 40.00 foot radius curve;
- Thence along the arc of said curve to the right through a central angle of 138°23'35", 96.62 feet to the point of curvature of a 20.00 foot reverse curve;

- Thence along the arc of said curve to the left through a central angle of $47^{\circ}57'30''$, a distance of 16.74 feet;
- Thence $S30^{\circ}03'05''E$, 249.71 feet;
- Thence $S30^{\circ}29'08''E$, 1277.10 feet to the southwesterly most corner of Lot 11, of said J. Barney Industrial Plat;

Thence continuing $S30^{\circ}29'08''E$, 99.99 feet to the Southeasterly ROW of 22nd Avenue;

Thence $N53^{\circ}52'05''E$ along said Southeasterly ROW, 23.83 feet to the **Point of Beginning**.

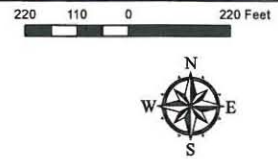
CITY OF MOSES LAKE



Legend

- EXTRA TERRITORIAL AGREEMENT
- UGA BOUNDARY
- CITY LIMITS
- LAKE

TOTAL MARKET VALUE 2013 (2014)



August 12, 2013

TO: City Manager

FROM: Assistant Finance Director



SUBJECT: Investment Report

Attached is the Investment Report for the month of July, 2013.

cc: Finance Director

Investment Report
July, 2013

Investment With	Investment Type	Amount	Interest Rate	Purchase Date	Maturity Date	Interest Earned
Investments Outstanding						
Total Outstanding:		\$0.00				
Investment Maturities						
Grant County Invest Pool	Invest Acct	9,414,248.77	2.24	07/01/13	07/31/13	17,955.50
Wa. State Invest Pool	Invest Acct	6,748,724.55	0.12	07/01/13	07/31/13	1,885.12
Total Maturities:		16,162,973.32				
Investment Purchases						
Grant County Invest Pool	Invest Acct	9,432,204.27		08/01/13	08/31/13	
Wa. State Invest Pool	Invest Acct	6,618,352.99		08/01/13	08/31/13	
Total Purchases:		16,050,557.26				
Investment Totals						
Beginning Balance *		16,162,973.32				
Total Maturities		16,162,973.32				
Total Purchases		16,050,557.26				
Ending Balance *		16,050,557.26			Monthly Interest Earned	19,840.62
* Beginning Balance = Total Outstanding +Total Maturities *Ending Balance = Beginning Balance - Total Maturities +Total Purchases						