

MOSES LAKE CITY COUNCIL

Todd Voth
Jason Avila
Jon Lane

Dick Deane
Mayor



Joseph K. Gavinski
City Manager

David Curnel
Karen Liebrecht
Bill Ecret

October 28, 2014

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 - None**
5. **CONSENT AGENDA**
 - A. **Approval of Minutes - October 14, 2014**
 - B. **Approval of Bills and Checks Issued**
 - C. **Accept Work - Stormwater Retrofit Project, Site A - 2014**
6. **COMMISSION APPOINTMENTS - None**
7. **CONSIDERATION OF BIDS AND QUOTES - None**
8. **PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS**
 - A. **Communications - Grant County Health District Programs Update - Ketchel**
 - B. **Communications - Moses Lake Youth Hockey Association - Howard**
9. **ORDINANCES AND RESOLUTIONS**
 - A. **Ordinance - Housekeeping Changes - 1st Readings**
 1. **MLMC Chapter 1.20 - Administrative Enforcement**
 2. **MLMC Chapter 8.08 - Garbage Collection**
 3. **MLMC Chapter 13.07 - Water Regulations**
 - B. **Ordinance - Amend 2014 Budget - 1st Reading**
 - C. **Resolutions - Nuisance Abatements**
 1. **1046 S. Division - Espinoza**
 2. **2311 S. Maiers Rd - Irreantum. LLC**
10. **REQUEST TO CALL FOR BIDS - None**
11. **REFERRALS FROM COMMISSIONS - None**

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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- 12. OTHER ITEMS FOR COUNCIL CONSIDERATION**
 - A. Platting Deemed Insufficient - 11960 Bonanza - Monument Enterprises, LLC**
- 13. NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS**
- 14. COUNCIL QUESTIONS AND COMMENTS**
- 15. CITY MANAGER REPORTS AND COMMENTS**
 - A. Weed Abatement Update**

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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MOSES LAKE CITY COUNCIL
October 14, 2014

DRAFT

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

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

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

PRESENTATION AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the September 9 and 23 meetings were presented for approval.

Approval of Claims, Prepaid Claims, Checks, and Payroll: Vouchers audited and certified by the Finance Director as required by RCW 42.24.080, and those expense reimbursement claims, certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Council for approval and is retained for public inspection at the Civic Center. As of October 14, 2014 the Council does approve for payment claims in the amount of \$1,381,521.10; prepaid claims in the amounts of \$10,569.41 and 17,600.31; claim checks in the amount of \$1,202,788.22; and payroll in the amounts of \$321,762.24, \$324,639.77, and \$3,959.46.

Sonico Preliminary Major Plat and Findings of Fact: William Perdue of Sonico has submitted an application to plat 6.23 acres into two lots. The site is located south of Randolph Road and west of Patton Blvd. The area is zoned Heavy Industrial, which corresponds with the Comprehensive Plan Land Use Designation of Industrial. The Planning Commission recommended that the preliminary plat be approved with conditions. The Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

ORDINANCES - TAXATION - 1ST READINGS/PUBLIC HEARING

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

The public hearing was opened. There were no comments.

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

The ordinance fixing the amount to be received for municipal purposes from taxations on assessed valuations on property within the City of Moses Lake, Washington for 2014 was read by title only.

The public hearing was opened.

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

Joseph K. Gavinski, City Manager, explained the process of setting the amounts to be received from property taxes.

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

The ordinance fixing the estimated amount to be received for municipal purposes from taxations on assessed valuations on property within the City of Moses Lake, Washington for 2014 was read by title only.

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

ANIMAL CONTROL

Laura Lutz provided some information on regulations that other cities have enacted to allow the keeping of chickens.

Gilbert Alvarado, Community Development Director, stated that the information was previously provided to Council concerning the keeping of chickens and that the keeping of chickens is a policy decision, not a land use decision.

There was considerable discussion by the Council on the keeping of chickens in the City and additional information was requested.

ORDINANCES AND RESOLUTIONS

ORDINANCE - SHORELINE MASTER PROGRAM - 2ND READING

An ordinance was presented which repeals the existing Shoreline Master Program and adopts the updated Shoreline Master Program.

The ordinance repealing the existing Shoreline Management Master Plan and adopting a new Shoreline Master Program was read by title only.

Gilbert Alvarado, Community Development Director, gave some background and history on the Shoreline Master Program and explained the process remaining before the new program would take effect.

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

RESOLUTION - CHECKS

A resolution was presented which names those employees authorized to sign checks on behalf of the City.

The resolution naming those employees authorized to sign checks on behalf of the City of Moses Lake was read by title only.

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

RESOLUTION - GREAT WASHINGTON SHAKEOUT

A resolution was presented which supports the City's participation in the Great Washington Shakeout "Drop Cover and Hold On" earthquake drill on October 16 at 10:16 a.m.

The resolution of intent to participate in the Great Washington Shakeout and Work Toward Becoming a Safer Community was read by title only.

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

RESOLUTION - NUISANCE ABATEMENT COSTS

A resolution was presented which affirms the Council's prior authorization to staff to collect the funds expended for the nuisance abatements at 2404 Lakeside, owned by Vona Gibson.

The resolution establishing the billing to be imposed against Vona Gibson as the owner of certain real property upon which the City caused abatement of a nuisance to be performed after a failure of the property owner to abate the same was read by title only.

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

RESOLUTION - NUISANCE ABATEMENT - 8616 JEAN - CULLINAN

A resolution was presented which provides for the abatement of nuisances at 8616 Jean, owned by Dick Cullinan.

The resolution determining that Dick Cullinan is the owner of certain real property within the City; that a nuisance requiring abatement by City forces or forces contracted by the City exists on such property; and directing the use of such forces to abate the nuisance found was read by title only.

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

There was no other testimony. The hearing was closed.

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

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION - None

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS

FIREMEN'S BREAKFAST

Matthew Borschowa, Firefighter, explained that the annual Firefighter's Breakfast, which was a joint effort of the firefighters and the Lions Club, was held on Saturday, October 11, and was attended by over 400 people including several Council members. The funds raised will go towards Operation Warm which provides coats for children.

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS

AMBULANCE REPORT

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

BUILDING ACTIVITY REPORT

The September Building Activity Report was provided.

QUARTERLY FINANCIAL REPORT

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

INVESTMENT REPORT

The City received \$18,681.39 in investment income for August 2014.

GAMBLING TAX

The City received \$69,370.69 from gambling tax for the third quarter.

SALES TAX/TRANSIENT RENTAL INCOME

The City received \$510,845.79 in sales tax and \$67,348.68 in transient rental income in September.

BUDGET - GRANT COUNTY BOARD OF EQUALIZATION DECISION - REC

Joseph K. Gavinski, City Manager, pointed out that in the past three weeks the City has been informed that the State Board of Tax Appeals has confirmed the decision of the Grant County Board of Equalization and a tax bill was sent to REC for the unremitted taxes. The Department of Revenue informed the county that the bill was premature but the county did not rescind the bill. It is the position of REC that they do not have to pay the taxes at this time because they are appealing the decision. This means that the City will not be receiving any additional funds and the City must adjust the budget.

Mr. Gavinski explained the financial situation of the City because of the loss of the revenue from REC and recommended several ways to cover the loss of funds.

Spencer Grigg, Parks and Recreation Director, provided information on the cost to operate the Larson Recreation Center, which includes the ice rink.

There was some discussion on the impacts of closing the Larson Recreation Center.

The regular meeting was recessed at 8:15 p.m. and the Council met in an executive session with the City Attorney to discuss labor relations. The executive session was adjourned at 9 p.m. and the regular meeting was reconvened.

BUDGET

Action Taken: Mr. Lane moved that the Larson Recreation Center and skating rink be closed for the 2014-15 season, seconded by Mrs. Liebrecht, and passed unanimously.

Action Taken: Mrs. Liebrecht moved that the 2014 Holiday Show be cancelled, seconded by Dr. Curnel, and passed unanimously.

The regular meeting was adjourned at 9:05 p.m.

ATTEST

Dick Deane, Mayor

W. Robert Taylor, Finance Director

DATE 10/16/14
TIME 11:51:14

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CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
DATABAR	00007974	0000071447	975.40	MAIL UTILITY BILLS
		0000071447	771.23	MAIL UTILITY BILLS
		0000071447	433.48	MAIL UTILITY BILLS
		0000071447	142.87	MAIL UTILITY BILLS
		0000071447	119.18	MAIL UTILITY BILLS
		=====		
		TOTAL:	2,442.16	
HOME DEPOT CREDIT SERVICES	00007824	0000071448	402.12	MISC SUPPLIES
		0000071448	147.08	MISC SUPPLIES
		0000071448	466.28	MISC SUPPLIES
		0000071448	39.64	MISC SUPPLIES
		0000071448	96.59	MISC SUPPLIES
		0000071448	29.21	MISC SUPPLIES
		0000071448	38.77	MISC SUPPLIES
		0000071448	74.32	MISC SUPPLIES
		0000071448	37.68	MISC SUPPLIES
		0000071448	5.61	MISC SUPPLIES
		=====		
		TOTAL:	1,337.30	
PUD OF GRANT COUNTY	00001501	0000071450	1,381.10	ELEC SERVICE/ST LIGHTS
		0000071450	35,075.75	ELEC SERVICE/ST LIGHTS
		=====		
		TOTAL:	36,456.85	
UNITED PARCEL SERVICE	00005456	0000071449	26.40	SHIPPING CHARGES
		0000071449	45.20	SHIPPING CHARGES
		0000071449	25.55	SHIPPING CHARGES
		0000071449	6.68	SHIPPING CHARGES

DATE 10/16/14
TIME 11:51:14

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CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000071449	11.82	SHIPPING CHARGES
		TOTAL:	115.65	
		REPORT TOTAL:	40,351.96	

CITY OF MOSES LAKE
 TABULATION OF CLAIMS TO BE APPROVED
 COUNCIL MEETING OF 10/28/2014

TOTALS BY FUND

FUND NO	FUND NAME	AMOUNT
000	GENERAL FUND	2,034.13
103	GRANTS AND DONATIONS	466.28
116	STREET	35,075.75
410	WATER/SEWER	1,894.68
490	SANITATION	433.48
493	STORM WATER	142.87
498	AMBULANCE FUND	119.18
528	BUILD MAINTENANCE	185.59
	TOTAL	40,351.96

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

CLAIMS APPROVAL

WE, THE UNDERSIGNED COUNCILMEN OF THE CITY OF MOSES LAKE, WASHINGTON, DO HEREBY CERTIFY THAT THE MERCHANDISE
 OR SERVICES SPECIFIED HAVE BEEN RECEIVED AND THAT ABOVE CLAIMS ARE APPROVED, AS NOTED, FOR PAYMENT
 IN THE AMOUNT OF \$40,351.96 THIS 28TH DAY OF OCTOBER, 2014

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COUNCIL MEMBER COUNCIL MEMBER

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COUNCIL MEMBER FINANCE DIRECTOR

DATE 10/22/14
TIME 13:48:39

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CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
UMPQUA BANK	00007077			
		0000071546	230.54	REGIS/T & S
		0000071546	210.00	REGIS/T & S
		0000071446	304.27	MISC SUPPLIES/TRAVEL
		0000071446	125.00	MISC SUPPLIES/TRAVEL
		0000071446	615.39	MISC SUPPLIES/TRAVEL
		0000071438	261.61	RODRIGUEZ TRAVEL
		0000071437	157.35	ALVARADO-TRAVEL
		0000071445	220.86	SUPPLIES/TRAVEL/PROF SERVICES
		0000071439	12.94	TRAVEL EXP & SUPPLIES
		0000071517	214.29	MISC SUPPLIES/TRAVEL
		0000071445	100.00	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	67.09	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	1,218.14	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	260.00	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	200.00	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	80.00	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	429.53	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	244.71	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	10.00	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	21.10	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	51.01	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	115.47	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	290.56	SUPPLIES/TRAVEL/PROF SERVICES

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CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
UMPQUA BANK	00007077			
		0000071445	20.05	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	6.16	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	334.42	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	43.24	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	21.73	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	129.21	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	110.70	SUPPLIES/TRAVEL/PROF SERVICES
		0000071528	196.12	MISCELLANEOUS
		0000071528	942.37	MISCELLANEOUS
		0000071528	153.25	MISCELLANEOUS
		0000071528	314.00	MISCELLANEOUS
		0000071553	39.79	MISC SUPPLIES/POSTAGE
		0000071553	279.32	MISC SUPPLIES/POSTAGE
		0000071528	3,009.20	MISCELLANEOUS
		0000071528	303.64	MISCELLANEOUS
		0000071445	119.98	SUPPLIES/TRAVEL/PROF SERVICES
		0000071445	479.79	SUPPLIES/TRAVEL/PROF SERVICES
		0000071517	17.09	MISC SUPPLIES/TRAVEL
		0000071517	369.00	MISC SUPPLIES/TRAVEL
		0000071517	88.45	MISC SUPPLIES/TRAVEL
		0000071517	144.50	MISC SUPPLIES/TRAVEL
		0000071517	14.95	MISC SUPPLIES/TRAVEL
		0000071517	174.00	MISC SUPPLIES/TRAVEL
		0000071517	51.12	MISC SUPPLIES/TRAVEL

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CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000071439	14.72	TRAVEL EXP & SUPPLIES
		0000071446	340.32	MISC SUPPLIES/TRAVEL
		0000071446	3,669.00	MISC SUPPLIES/TRAVEL
		0000071517	66.53	MISC SUPPLIES/TRAVEL
		0000071445	122.37	SUPPLIES/TRAVEL/PROF SERVICES
		0000071517	58.30	MISC SUPPLIES/TRAVEL
		=====		
		TOTAL:	17,073.18	
		=====		
		REPORT TOTAL:	17,073.18	

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

TOTALS BY FUND

FUND NO	FUND NAME	AMOUNT
000	GENERAL FUND	8,030.22
103	GRANTS AND DONATIONS	3,912.61
116	STREET	386.09
410	WATER/SEWER	473.02
493	STORM WATER	14.72
517	CENTRAL SERVICES	4,009.32
519	EQUIPMENT RENTAL	247.20
	TOTAL	17,073.18

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

CLAIMS APPROVAL

WE, THE UNDERSIGNED COUNCILMEN OF THE CITY OF MOSES LAKE, WASHINGTON, DO HEREBY CERTIFY THAT THE MERCHANDISE
OR SERVICES SPECIFIED HAVE BEEN RECEIVED AND THAT ABOVE CLAIMS ARE APPROVED, AS NOTED, FOR PAYMENT
IN THE AMOUNT OF \$17,073.18 THIS 28TH DAY OF OCTOBER, 2014

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COUNCIL MEMBER COUNCIL MEMBER

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COUNCIL MEMBER FINANCE DIRECTOR

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
=====				
A & H PRINTERS	00000001			
		0000071527	183.43	PRINTING
		=====		
		TOTAL:	183.43	
AMADO BECERRA	00007217			
		0000071522	249.00	BOOK & BRUCH PUMPKINS
		=====		
		TOTAL:	249.00	
AMERIGAS	00007048			
		0000071470	64.69	PROPANE
		=====		
		TOTAL:	64.69	
AMSAN GENERAL SUPPLY	00003053			
		0000071468	1,770.73	CLEANING/PAPER SUPPLIES
		=====		
		TOTAL:	1,770.73	
BADGER METERS INC	00000151			
		0000071471	20,693.88	NEW METERS, SUPPLIES
		=====		
		TOTAL:	20,693.88	
BASIN BARK	00006621			
		0000071480	647.40	FABRIC ROLLS
		=====		
		TOTAL:	647.40	
BASIN SEPTIC SERVICES	00000166			
		0000071521	469.37	SEPTIC SERVICE
		=====		
		TOTAL:	469.37	
BATTERY SYSTEMS	00004673			
		0000071474	18.12	BATTERIES
		=====		
		TOTAL:	18.12	
BEAU MONTGOMERY	00006568			
		0000071526	20.00	TRAVEL
		=====		
		TOTAL:	20.00	
BECKER ARENA PRODUCTS INC	00005770			
		0000071485	2,258.38	MISC SUPPLIES
		=====		
		TOTAL:	2,258.38	
BLUMENTHAL UNIFORM CO INC	00000133			
		0000071525	243.75	UNIFORMS
		0000071458	475.45	BADGES, UNIFORM PANTS
		=====		
		TOTAL:	719.20	
BOUND TREE MEDICAL LLC	00006022			
		0000071455	1,582.51	AMBULANCE SUPPLIES

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CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount	Purpose of Purchase
		=====	
		TOTAL: 1,582.51	
BUD CLARY FORD	00006454	0000071475 58.57	SEAT HANDLE
		=====	
		TOTAL: 58.57	
BUD CLARY TOYOTA CHEVROLET	00000150	0000071477 1,094.86	SL N MOTORS, BOLT, MOUNT
		=====	
		TOTAL: 1,094.86	
BULLOCK TRANE	00005678	0000071473 237.61	BLOWER ASSEMBLY
		=====	
		TOTAL: 237.61	
BURKE MARKETING & PROMOTION	00005798	0000071476 1,600.00	OCT 2014 AGENCY RETAINER
		=====	
		TOTAL: 1,600.00	
BUSINESS INTERIORS & EQUIPMENT	00003619	0000071472 134.88	REVERSABLE RETURN
		=====	
		TOTAL: 134.88	
CASCADE ANALYTICAL INC	00005014	0000071491 403.92	SAMPLE TESTING
		0000071491 1,079.56	SAMPLE TESTING
		=====	
		TOTAL: 1,483.48	
CASCADE DIESEL INC	00003551	0000071486 396.46	CHECK STEERING PROBLEM
		=====	
		TOTAL: 396.46	
CASCADE FIRE CORPORATION	00003644	0000071453 156.60	BUNKER BOOTS
		0000071479 230.71	VALVE KIT
		=====	
		TOTAL: 387.31	
CASCADE MARINA	00004590	0000071478 106.83	REMOVE BUOY
		=====	
		TOTAL: 106.83	
CASCADE NATURAL GAS CORP	00000203	0000071467 55.34	LRC/SNS GAS USAGE
		0000071467 90.26	LRC/SNS GAS USAGE
		0000071532 192.69	NAT GAS SERVICE

DATE 10/24/14
TIME 10:26:53

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CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000071532	64.65	NAT GAS SERVICE
		TOTAL:	402.94	
CASCADE RECREATION INC	00004394	0000071242	481.77	LITTLE TIKES SUPPORTS
		TOTAL:	481.77	
CENTRAL COLUMBIA BASIN	00004099	0000071487	1,040.00	A.S. VOLLEYBALL COACHING FEES
		TOTAL:	1,040.00	
CENTRAL MACHINERY SALES INC	00002779	0000071488	336.11	GUTTER BROOMS
		TOTAL:	336.11	
CENTRAL MANUFACTURING INC	00005478	0000071483	843.03	MATERIAL
		TOTAL:	843.03	
CENTRAL WASHINGTON ASPHALT	00003510	0000071482	266.82	MATERIAL
		TOTAL:	266.82	
CENTURYLINK	00001502	0000071550	42.26	TELEPHONE SERVICE
		0000071551	95.39	TELEPHONE SERVICE
		0000071551	443.43	TELEPHONE SERVICE
		0000071551	175.50	TELEPHONE SERVICE
		0000071550	261.88	TELEPHONE SERVICE
		0000071551	121.05	TELEPHONE SERVICE
		0000071551	44.47	TELEPHONE SERVICE
		0000071550	42.26	TELEPHONE SERVICE
		0000071550	2,793.37	TELEPHONE SERVICE
		0000071550	174.57	TELEPHONE SERVICE
		TOTAL:	4,194.18	
CHASE PAYMENTECH-EFT	00004046			

DATE 10/24/14
TIME 10:26:53

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CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount		Purpose of Purchase
=====				
		0000071536	1,088.93	CREDIT CARD FEES
		0000071536	861.00	CREDIT CARD FEES
		0000071536	483.94	CREDIT CARD FEES
		0000071536	159.49	CREDIT CARD FEES
		0000071536	133.05	CREDIT CARD FEES
		=====		
		TOTAL:	2,726.41	
CITY OF MOSES LAKE	00008107			
		0000071540	4.30	EXCISE TAX
		0000071540	68.45	EXCISE TAX
		0000071540	12.51	EXCISE TAX
		0000071540	12.96	EXCISE TAX
		0000071540	18.96	EXCISE TAX
		0000071540	82.81	EXCISE TAX
		0000071540	21.51	EXCISE TAX
		0000071540	10.87	EXCISE TAX
		0000071540	10.38	EXCISE TAX
		=====		
		TOTAL:	242.75	
	00008201			
		0000071552	1,051.85	WATER SERVICE
		=====		
		TOTAL:	1,051.85	
	00008107			
		0000071540	1.36	EXCISE TAX
		0000071540	50.17	EXCISE TAX
		0000071540	14.96	EXCISE TAX
		0000071540	23.93	EXCISE TAX
		0000071540	16.85	EXCISE TAX
		0000071540	1.06	EXCISE TAX
		=====		
		TOTAL:	108.33	

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CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
CITY OF MOSES LAKE	00008201	0000071552	486.23	WATER SERVICE
		TOTAL:	486.23	
	00008107	0000071540	26.27	EXCISE TAX
		0000071540	17.49	EXCISE TAX
		TOTAL:	43.76	
	00008201	0000071552	525.06	WATER SERVICE
		TOTAL:	525.06	
	00008107	0000071540	30,895.88	EXCISE TAX
		0000071540	7,493.02	EXCISE TAX
		0000071540	2,605.73	EXCISE TAX
		TOTAL:	40,994.63	
	00008106	0000071549	2,858.10	RETAIN FINAL POW STEEL WTRMN
		TOTAL:	2,858.10	
	00008107	0000071540	14,486.08	EXCISE TAX
		0000071540	1.64	EXCISE TAX
		0000071540	1,038.07	EXCISE TAX
		0000071540	21.13	EXCISE TAX
		0000071540	1,277.77	EXCISE TAX
		0000071540	50.82	EXCISE TAX
		0000071540	74.64	EXCISE TAX
		TOTAL:	16,950.15	
	00008201	0000071552	224.73	WATER SERVICE
		TOTAL:	224.73	
CIVIL AIR PATROL MAGAZINE	00007582	0000071519	195.00	ADVERTISING

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CITY OF MOSES LAKE
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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount	Purpose of Purchase
		=====	
		TOTAL: 195.00	
COLUMBIA RIVER MACHINERY	00007768	0000071505 970.00	CRANE INSPECTIONS
		=====	
		TOTAL: 970.00	
COMMERCIAL TIRE	00005968	0000071489 554.54	NEW TIRES
		0000071489 618.64	NEW TIRES
		0000071489 730.21	NEW TIRES
		=====	
		TOTAL: 1,903.39	
CONSOLIDATED ELECTRIC DIST	00000819	0000071490 9.37	ELECTRICAL SUPPLIES
		0000071490 140.64	ELECTRICAL SUPPLIES
		0000071490 76.50	ELECTRICAL SUPPLIES
		=====	
		TOTAL: 226.51	
D & L SUPPLY COMPANY INC	00006974	0000071495 117.33	REPLACEMENT COVERS, RING
		0000071495 564.65	REPLACEMENT COVERS, RING
		=====	
		TOTAL: 681.98	
DELL MARKETING	00007869	0000071463 456.36	TONER
		=====	
		TOTAL: 456.36	
DEPT OF HEALTH	00005763	0000071492 1,326.00	SANITARY SURVEY
		=====	
		TOTAL: 1,326.00	
DEPT OF LABOR & INDUSTRIES	00005832	0000071494 69.10	RENEWAL/WHEEL CHAIR LIFT
		=====	
		TOTAL: 69.10	
DEPT OF TRANSPORTATION	00005746	0000071544 3,749.96	CAMERAS E BRDWAY & STRATFORD
		=====	
		TOTAL: 3,749.96	
E F RECOVERY	00007244	0000071547 4,407.50	AMBULANCE BILLING
		0000071547 88.69	AMBULANCE BILLING

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount	Purpose of Purchase
=====			
		TOTAL: 4,496.19	
EASTERN CASCADE DIST	00006909	0000071524 36.50	DRINKING WATER
=====			
		TOTAL: 36.50	
FABER INDUSTRIAL SUPPLY	00000501	0000071443 5.46	MISC SUPPLIES
		0000071497 128.86	MISC SUPPLIES
		0000071497 141.36	MISC SUPPLIES
=====			
		TOTAL: 275.68	
FASTENAL COMPANY	00007372	0000071496 395.04	MISC SUPPLIES
		0000071496 5.78	MISC SUPPLIES
		0000071496 36.50	MISC SUPPLIES
=====			
		TOTAL: 437.32	
FERRELLGAS	00002207	0000071452 1,088.12	PROPANE
		0000071464 12.95	PROPANE
		0000071464 67.90	PROPANE
=====			
		TOTAL: 1,168.97	
FOOD SERVICES OF AMERICA	00007168	0000071426 138.82	LRC RESALE
=====			
		TOTAL: 138.82	
GARRY OTTMAR	00004434	0000071510 56.25	MISC DUMPING
=====			
		TOTAL: 56.25	
GRAINGER PARTS OPERATIONS	00002755	0000071498 78.23	MISC SUPPLIES
		0000071498 86.75	MISC SUPPLIES
		0000071498 131.83	MISC SUPPLIES
		0000071498 294.71	MISC SUPPLIES
=====			
		TOTAL: 591.52	
GRANT COUNTY AUDITOR	00000604		

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000071435	17.00	COPY FEES
		TOTAL:	17.00	
GRAY CPA CONSULTING PC	00005206	0000071099	4,034.00	SETUP,CONSULTING/GASB SOFTWARE
		TOTAL:	4,034.00	
HACH COMPANY	00000712	0000071499	386.41	OPTICAL SWITCH, SUPPLIES
		TOTAL:	386.41	
HELENA CHEMICAL COMPANY	00006809	0000071493	6,968.98	MISC CHEMICALS/FERTILIZER
		TOTAL:	6,968.98	
HOCHSTATTER ELECTRIC	00000705	0000071518	631.22	WALK IN FREEZER REPAIRS
		TOTAL:	631.22	
ICMA RETIREMENT CORP	00006087	0000071462	850.00	ANNUAL FEE/TRUST AGREEMENT
		TOTAL:	850.00	
JERRYS AUTO SUPPLY	00005835	0000071451	81.95	STIHL MOTOMIX
		0000071500	2.29	MISC SUPPLIES
		0000071500	84.83	MISC SUPPLIES
		TOTAL:	169.07	
MAYFIELD FITNESS	00007251	0000071529	606.48	PREVENT MAINT/EXER EQUIP
		TOTAL:	606.48	
MCMaster CARR SUPPLY COMPANY	00005385	0000071501	853.19	COATED WIRE ROPE
		TOTAL:	853.19	
MOSES LAKE AUTO WRECKING	00002994	0000071469	48.56	DASH BEZEL
		TOTAL:	48.56	
MOSES LAKE CHEER BOOSTER CLUB	00004037	0000071542	1,282.35	CHEER CAMP INSTRUCTION
		TOTAL:	1,282.35	
MOSES LAKE STEEL SUPPLY	00001268	0000071520	44.78	MISC SUPPLIES

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CITY OF MOSES LAKE
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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount		Purpose of Purchase
MOSES LAKE STEEL SUPPLY	00001268	0000071457	25.69	PUMP TEST KIT REPAIRS
		0000071502	46.83	MISC SUPPLIES
		0000071502	26.04	MISC SUPPLIES
		=====		
		TOTAL:	143.34	
NORTH CENTRAL LABORATORIES	00005653	0000071503	989.03	LAB SUPPLIES
		=====		
		TOTAL:	989.03	
NORTH COAST ELECTRIC COMPANY	00005380	0000071508	169.40	FUSES
		=====		
		TOTAL:	169.40	
NORTHSTAR CHEMICAL INC	00006113	0000071509	2,640.36	SODIUM HYPO
		=====		
		TOTAL:	2,640.36	
NORTHWEST HOSE & FITTINGS	00001302	0000071507	9.26	BOLTS
		=====		
		TOTAL:	9.26	
OGDEN MURPHY WALLACE INC	00006727	0000071541	231.57	PROF SERVICE-AT & T CLAIM
		=====		
		TOTAL:	231.57	
PERFECTION TIRE & AUTOMOTIVE	00004609	0000071504	216.46	NEW TIRES
		=====		
		TOTAL:	216.46	
POW CONTRACTING	00005344	0000071548	58,450.49	FINAL PE STEEL WTRMN REPLMNT
		=====		
		TOTAL:	58,450.49	
PUMPTECH INC	00007639	0000071511	806.02	MECHANICAL SEAL
		=====		
		TOTAL:	806.02	
RAINBOW FLYING SERVICE	00003974	0000071512	400.00	LAWN CARE SERVICE
		=====		
		TOTAL:	400.00	
REDFLEX TRAFFIC SYSTEMS	00004837	0000071460	27,024.77	PROF SERVICE-RED LIGHT TICKETS
		=====		
		TOTAL:	27,024.77	
RICHARD PEARCE	00006577			

CITY OF MOSES LAKE
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NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
=====				
		0000071545	96.00	REIMB MILEAGE/CONF
		=====		
		TOTAL:	96.00	
ROYAL ORGANIC PRODUCTS	00007187	0000071539	3,899.85	TIPPING FEES
		=====		
		TOTAL:	3,899.85	
SAFETY KLEEN CORP	00004265	0000071514	474.57	ANTIFREEZE
		=====		
		TOTAL:	474.57	
SHERWIN-WILLIAMS	00006229	0000071442	218.86	MISC SUPPLIES
		=====		
		TOTAL:	218.86	
SHIRTBUILDERS INC	00004022	0000071466	533.61	LRC RESALE
		0000071454	677.25	T-SHIRTS
		0000071454	677.24	T-SHIRTS
		=====		
		TOTAL:	1,888.10	
SOILTEST FARM CONSULTANTS	00001871	0000070968	552.00	SOIL TEST BIOSOLIDS PROJ 2014
		=====		
		TOTAL:	552.00	
SPECTRUM COMMUNICATIONS	00002691	0000071513	396.38	REPAIR RADIOS
		=====		
		TOTAL:	396.38	
STRYKER MEDICAL	00006455	0000071456	676.02	BATTERY PACKS
		=====		
		TOTAL:	676.02	
T O ENGINEERS	00005176	0000071465	5,135.93	PROFESS SERV AIRPRT PAVING 14
		0000071465	270.31	PROFESS SERV AIRPRT PAVING 14
		=====		
		TOTAL:	5,406.24	
TALX UC EXPRESS	00000062	0000071531	375.00	UI CLAIMS MGMT SERVICE
		=====		
		TOTAL:	375.00	
TARGET MEDIA NORTHWEST	00007815	0000071321	385.20	AD FOR AUCTION ITEMS
		=====		
		TOTAL:	385.20	

CITY OF MOSES LAKE
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NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
=====				
THOMSON REUTERS - WEST	00004968			
		0000071530	959.12	LEGAL BOOKS
		=====		
		TOTAL:	959.12	
TOTAL FILTRATION SERVICES INC	00006702			
		0000071359	466.34	AUTO ROLL SYN TACK
		=====		
		TOTAL:	466.34	
TYE SHEATS	00003713			
		0000071374	65.45	MEALS/FUEL
		=====		
		TOTAL:	65.45	
UMPQUA BANK	00006670			
		0000071538	451.69	BANKING SERVICE FEES
		=====		
		TOTAL:	451.69	
UMPQUA BANK/MERCHANT-EFT	00005882			
		0000071533	342.07	CREDIT CARD FEES
		0000071533	210.02	CREDIT CARD FEES
		0000071533	64.91	CREDIT CARD FEES
		0000071533	143.62	CREDIT CARD FEES
		0000071533	56.53	CREDIT CARD FEES
		0000071533	22.88	CREDIT CARD FEES
		0000071533	16.92	CREDIT CARD FEES
		0000071533	10.00	CREDIT CARD FEES
		0000071533	18.08	CREDIT CARD FEES
		0000071533	14.29	CREDIT CARD FEES
		0000071533	8.03	CREDIT CARD FEES
		0000071533	2.65	CREDIT CARD FEES
		0000071533	2.21	CREDIT CARD FEES
		=====		
		TOTAL:	912.21	
UTIL UNDRGRND LOCATION CENTER	00004598			
		0000071433	61.49	UNDERGROUND LOCATES-SEPT
		0000071433	61.49	UNDERGROUND LOCATES-SEPT

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CITY OF MOSES LAKE
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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000071433	61.49	UNDERGROUND LOCATES-SEPT
		TOTAL:	184.47	
VERIZON WIRELESS	00002107	0000071461	177.12	MONTHLY USAGE
		TOTAL:	177.12	
WA ST CRIMINAL JUSTICE TRNG	00003831	0000071523	35.00	REGISTRATION
		TOTAL:	35.00	
WEAVER EXTERMINATING SERVICE	00004290	0000071516	69.06	RODENT CONTROL
		TOTAL:	69.06	
WESTERN EQUIPMENT DIST INC	00004582	0000071481	196.54	IRRIGATION SUPPLIES
		TOTAL:	196.54	
WOODARD AUTO & TRUCK	00005559	0000071515	1,165.15	REPLACE RADIATOR ASSEMBLY
		TOTAL:	1,165.15	
XPRESS BILL PAY - EFT	00006421	0000071535	557.95	CREDIT CARD FEES
		0000071535	441.16	CREDIT CARD FEES
		0000071535	247.96	CREDIT CARD FEES
		0000071535	81.72	CREDIT CARD FEES
		0000071535	68.17	CREDIT CARD FEES
		TOTAL:	1,396.96	
		REPORT TOTAL:	252,108.40	

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 10/28/2014

TOTALS BY FUND

FUND NO	FUND NAME	AMOUNT
000	GENERAL FUND	54,779.28
102	TOURISM	1,600.00
103	GRANTS AND DONATIONS	375.23
116	STREET	1,121.29
410	WATER/SEWER	76,947.65
477	WATER SEWER CONSTRUCTION	65,058.55
490	SANITATION	19,125.86
493	STORM WATER	1,917.78
495	AIRPORT	5,946.71
498	AMBULANCE FUND	9,629.12
501	UNEMPL COMP INS	375.00
517	CENTRAL SERVICES	3,375.19
519	EQUIPMENT RENTAL	8,089.82
528	BUILD MAINTENANCE	3,766.92
	TOTAL	252,108.40

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

*
*
*
*
* 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 \$252,108.40 THIS 28TH DAY OF OCTOBER, 2014
*
*
*
*
* COUNCIL MEMBER COUNCIL MEMBER
*
*
*
*
* COUNCIL MEMBER FINANCE DIRECTOR
*

October 22, 2014

TO: City Manager
For City Council Consideration

FROM: Municipal Services Director

SUBJECT: **Accept Work**
Stormwater Retrofit Project, Site A – 2014

Hurst Construction has completed the Stormwater Retrofit Project, Site A – 2014. The work includes construction of a bio-filtration swale, installation of stormwater pipe in East Broadway and Third Avenue, abandonment of existing non-conforming drywells, and reconstruction of an existing stormwater outfall structure on Sage Road.

The final construction cost for the project is \$317,245 as compared with the total bid amount of \$296,209. The additional cost is due to change orders necessary to reconstruct an existing sewer service, install control density fill, and revise existing utilities; and quantity overages.

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

Respectfully Submitted,



Gary Harer, PE/PLS
Municipal Services Director

GRANT COUNTY

County Courthouse
P.O. Box 37
Ephrata, WA 98823
(509) 754-6060



HEALTH DISTRICT

1038 W. Ivy Avenue
Moses Lake, WA 98837
(509) 766-7960

October 9, 2014

To: City of Moses Lake

From: Pattie Anderson
Administrative Services Manager

RE: City Council Meeting

Jefferson Ketchel, Administrator of Grant County Health District, would like to update the Council on public health programs and activities occurring in Moses Lake and throughout Grant County. He would like to attend the October 28 meeting.

Oct 16, 2014

Ty Howard. Moses Lake Youth Hockey Association requests to be placed on the agenda for the next city council meeting on Oct 28, 2014.

Regards



Ty Howard

1032 S Skyline Dr

Moses Lake WA 98837

(206) 450-6677

October 17, 2014

TO: City Manager for Council Consideration
FROM: Finance Director
SUBJECT: Ordinances - Housekeeping Changes - 1st Readings

Attached are ordinances amending Chapters 1.20, Administrative Enforcement, 8.08, Garbage Collection, and 13.07, Water Regulations, of the Moses Lake Municipal Code. The amendments deal with housekeeping changes to the different chapters.

The proposed ordinances are presented to you for consideration. The ordinances must be considered separately. This is the first reading of the ordinances.

Respectfully submitted



W. Robert Taylor
Finance Director

WRT;jt

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 1.20 OF THE MOSES LAKE MUNICIPAL
CODE ENTITLED "ADMINISTRATIVE ENFORCEMENT"

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

Section 1. Chapter 1.20 of the Moses Lake Municipal Code entitled "Administrative Enforcement" is amended as follows:

1.20.020 Duties of Officials:

- A. The Code Enforcement Officer, Community Development Director, Community Service Officer, Finance Director, Municipal Services Director, Police Chief, Utility Service Supervisor ~~Utility Account Technician~~ or other designated city official, or that official's designee or any other person designated by the City Manager, orally or in writing, to engage in administrative enforcement is responsible for the administration, interpretation and enforcement of any provision so delegated to that position.
- B. General Duty: None of the provisions of this Title are intended to create a cause of action or provide the basis for a claim against the city, its officials, or employees for the performance or failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

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 November 11, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 8.08 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "GARBAGE COLLECTION"

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

Section 1. Chapter 8.08 of the Moses Lake Municipal Code entitled "Garbage Collection" is amended as follows:

8.08.010 Applicability: This chapter shall apply to all territory embraced within the corporate limits of the City and the area of police jurisdiction thereof.

8.08.020 Intent: The maintenance of health and sanitation require, and it is the intention of this chapter to make, the collection, removal, and disposal of garbage, refuse and dead animals within the City compulsory. However, collection service is not required when written notice has been given the City requesting a cessation of service where a building, whether commercial or residential, is vacant or if a building is used for storage or similar type use and has no living quarters, no office facilities, per se, or if the business occupying the building is closed for business and no garbage, rubbish, refuse, solid waste, or other waste material is produced.

8.08.030 Definitions: The following words and phrases shall apply in this chapter:

1. "Agricultural Waste" means all solid waste generated by the growing, washing, or preparation for marketing of agricultural products, without cooking, blanching, or other processing.
2. "Ashes" means solid waste products of coal, wood, or other fuels used for heating and cooking, from all public and private establishments and from all residences.
3. "Can" means a receptacle between fifteen (15) and thirty-two (32) gallon capacity which is designed for garbage collection. It shall be strong, not easily corrodible, rodent-proof, insect proof and shall have two handles attached for easy handling. It shall also be tapered from top to bottom so that contents naturally empty when inverted. There shall be an additional charge for any cans collected.
4. "Cart" means a ninety-six (96) gallon or less receptacle furnished by the City to be used for disposal of garbage that is designed for handling by an automated collection vehicle. Said carts shall be the only residential receptacles collected during weekly pickup without there being a charge for additional service.
5. "Collector of Refuse" means the individual, firm, association, copartnership, corporation, or any other entity whatsoever, including the City of Moses Lake which collects the garbage, rubbish, refuse, solid waste, or other waste material in the City of Moses Lake under any arrangement whatsoever.
6. "Combustible Rubbish" or "Burnable Material" means, in general, the organic component of refuse, paper, rags, cartons, boxes, wood excelsior, furniture, bedding, rubber, plastics, leather, tree branches, lawn trimmings, and the like.
7. "Commercial Refuse" means all solid wastes which originate in businesses, office buildings, stores, markets, theaters, and other buildings. The point at which any of the refuse becomes solid waste and is the responsibility of the City garbage contractor shall be determined by the Utility Service Supervisor ~~Utility Account Technician~~ of the City.

8. "Compactor" means a container with a device which compresses the loaded material.
9. "Compactor Collection Truck" means an enclosed vehicle provided with special mechanical devices for loading the refuse into the main compartment of the body, for compressing the loaded materials, and for distributing the refuse within the body.
10. "Construction and Demolition Wastes" means building materials and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements, and other structures.
11. "Containers" means small receptacles (one- to ten-cubic yard capacity) that can be emptied by compactor collection trucks on site.
12. "Disposal Site" means the location where any treatment, utilization processing or deposition of solid waste occurs.
13. "Drop Box Site" means a loading site where small loads of solid waste are dumped into a large container for transport to a processing and/or disposal site.
14. "Functional Standards" means the criteria for solid waste handling expressed in terms of expected performance.
15. "Garbage" means all putrescible material including all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food; swill and carcasses of dead animals, except sewage, sewage sludge and human body wastes.
16. "Groundwater" means water in the ground that is in the zone of saturation.
17. "Hazardous Wastes" means dangerous wastes requiring special handling including, but is not limited to, explosives, pathological wastes, radioactive materials and chemicals.
18. "Industrial Solid Waste" means all solid wastes which result from industrial processes and manufacturing operations such as factories, processing plants, repair and cleaning establishments, refineries and rendering plants.
19. "Institutional Solid Waste" means solid waste generated by hospitals, nursing homes, schools, prisons, reformatories, or other buildings housing an organization having social, educational, or religious purpose.
20. "Jurisdictional Health Department" means Grant County Health District.
21. "Landfill" means the solid waste disposal process using land for the final disposal site.
22. "Noncombustible Rubbish" means material that is unburnable at ordinary incinerator temperatures (one thousand three hundred to two thousand degrees Fahrenheit). For the most part, it is the inorganic component of refuse, such as tin cans, heavy metal, mineral matter, glass, crockery, dust, metal furniture, ashes, and the like.
23. "Offal" means intestine and discarded parts from the slaughter of animals.
24. "On-Site Disposal" includes all means of disposal or, more usually, volume reduction, of refuse on premises before collection. Examples are garbage grinding, burning or incineration, burial, compaction or slurring at homes and commercial establishments.
25. "Open Burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel which is not approved in regulations.

26. "Open Dumping" means the depositing of solid wastes into a body or stream of water, or onto the surface of the ground without compacting the wastes and covering with suitable material to a suitable depth that would prevent vector nuisance and pollution problems.
27. "Pathogen" means any infective agent capable of producing disease; it may be a virus, rickettsia, bacteria, protozoan, etc.
28. "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
29. "Pollution" means the presence in the environment or portion of the environment of contaminating substances, materials, forms of animals or plant life in sufficient quantities and of such characteristics and duration, as is or is likely to be, injurious to humans, to other plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.
30. "Processing of Waste" means the operation of solid waste which converts a waste into something useful, leaving the term "handling" to describe what is done to prepare it for disposal.
31. "Pull-on Container" means a detachable container system in which a large container (around twenty to fifty cubic yards) is pulled onto service vehicle mechanically and carried to disposal site for emptying.
32. "Putrescible" means capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances from odors, gases, etc. Kitchen wastes, offal, and dead animals are examples of putrescible components of solid waste.
33. "Refuse" means "Solid Waste" as defined in subsection 41 of this section.
34. "Refuse Fill" means "Landfill" as defined in subsection 21 of this section.
35. "Rendering" means a process of salvaging fats and oils, animal feed and other products from animal waste by cooking. Dead animals, fish and wastes from slaughter houses and butcher shops are commonly used.
36. "Rubbish" means all discarded nonputrescible solid waste except ashes, including paper, cardboard, tin cans, wood, glass, bedding, yard clippings, etc.
37. "Salvage" means reclaimable solid waste such as paper, metal, bottles, or other objects saved for the purpose of sale or other use not prohibited by law, rule, or regulation.
38. "Sanitary Landfill" means a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.
39. "Scavenging" means the uncontrolled picking of materials.
40. "Solid Waste" means all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, demolition and construction wastes abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other discarded material. The point at which any of the above becomes solid waste and is the responsibility of the Ceity garbage contractor shall be determined by the Utility Service Supervisor ~~Utility Account Technician~~ of the Ceity.

41. "Solid Waste Disposal" means final disposition of solid waste by acceptable means.
42. "Solid Waste Handling" means the storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes.
43. "Special Wastes" means wastes difficult or unusual in the characteristics of quantities or composition to handle.
44. "Street Refuse" means material picked up by manual and mechanical sweeping of streets and sidewalks, litter from public litter receptacles, and dirt removed from catch basins.
45. "Surface Water" means a body of water whose top surface is exposed to the atmosphere including a flowing body as well as a pond or lake.
46. "Swill" means the semiliquid animal or vegetable waste of kitchens, market or stores.
47. "Transfer Station" means a loading site where solid waste is transferred from one vehicle to another for transfer to a final disposal site.
48. "Trash" means "Rubbish", as defined in subsection 36 of this section.
49. "Unsanitary Condition" means any situation which negatively effects the health and general welfare of humans or is of such a character so as to be likely to be injurious to humans, plant or animal life, or property, or which unreasonably interferes with the enjoyment of life or property.
50. "Utility Service Supervisor ~~Utility Account Technician~~" means the Ceity official or employee of the Ceity delegated and authorized to administer this chapter.
51. "Vacant" means not lived in or occupied.
52. "Vector" (of disease) means a living insect or other arthropod, or animal (not human), which transmits infectious diseases from one person or animal to another.
53. "Waste" means useless, unused, unwanted, or discarded materials. Waste includes solids, liquids, and gases. The gases are principally industrial fumes and smoke; the liquids consist mainly of sewage and the fluid part of industrial wastes, the solids are classed as refuse or solid wastes.

8.08.040 City Sanitary Division:

- A. For the purpose of carrying into effect the provisions and aims of this chapter, there is created and established a division to be known as the Ceity sanitary division.
- B. The City Manager is empowered and authorized and may appoint a suitable and qualified person as Utility Service Supervisor ~~Utility Account Technician~~ and this person shall have full charge and control of all the work provided for and contemplated under this chapter and as may be provided for by rules and regulations subsequently adopted. The Utility Service Supervisor ~~Utility Account Technician~~ shall also have charge of all collections and the enforcement of all charges for services rendered. In the absence of the appointment of a Utility Service Supervisor ~~Utility Account Technician~~, the City Manager may designate an individual employed by the Ceity or a Ceity department to perform the functions of a Utility Service Supervisor ~~Utility Account Technician~~.

8.08.050 Sanitation Fund: There is created and established a special fund known and designated as the Sanitation Fund, into which all sums collected under this chapter shall be deposited and kept by the Treasurer of the City and from which all expenses of the administration and operation of this chapter shall be paid.

8.08.055 Collection - Contract:

- A. The City Council may authorize the entering into of a contract with a contractor or contractors for the collection, removal, and disposal of all garbage, rubbish, refuse, solid waste, or other waste material; provided, however, that the City Council may, at its option, authorize the City of Moses Lake to handle the collection, removal, and disposal of garbage, rubbish, refuse, solid waste, and other waste material by the City of Moses Lake.
- B. The contractor shall be a person who, in the minds of the City Council, is responsible and qualified to perform the duties required under a contract for solid waste collection. Such contract shall be made at least every ten (10) years or more frequently if desired. The contractor may be required, at the discretion of the City, to furnish a corporate surety bond to the City in a sum set under the contract, conditioned upon the faithful performance of his contract and in compliance with all ordinances of the City and all rules, regulations, laws, and statutes relating to his business including the provisions of this chapter and in addition provide for payment to all laborers, mechanics, and subcontractors and materialmen, and all persons who shall supply such contractor with provisions and supplies for carrying on such work.
- C. Any contract with the contractor may be terminated by the City at any time for cause, or for failure to comply with the terms of the contract with the City or the provisions of this chapter and reasonable regulations imposed pursuant thereto. In any conflicts between this ordinance and the contract, the contract shall prevail.

8.08.060 Container Regulations:

- A. It shall be the duty of every person in possession, charge or in control of any dwelling, flat, roominghouse, apartment house, or eating place or in possession, charge, or control of any shop, place of business, or manufacturing establishment at all times, to keep or cause to be kept, portable containers, carts, or garbage cans of approved size, type, and construction, and to deposit or cause to be deposited the refuse therein.
- B. Refuse or garbage containers shall not be filled with liquid or semi-liquid wastes. Such containers, carts, and cans shall be kept in a sanitary condition with the outside thereof clean and free from accumulative grease and decomposing material. Putrescible waste shall be placed in sealed bags prior to being placed in a cart, container, or can.
- C. For residential service every cart on the day designated for collection, shall be placed within five feet (5') of the traveled right-of-way and at least five feet (5') from any obstruction with the front facing the street or alley. Where alley access is available, meaning that the alley has sufficient height and width clearances for the collector of refuse's equipment to negotiate the alley without interference, all containers shall be placed at the alley line. Where no alley access is available, all containers shall be placed at the curb line on the day designated for collection and on all other days shall be removed from street view. For commercial service, accounts shall have their containers placed on a solid surface in a location accessible to the collector of garbage and refuse without its having to move the container up grades. Safety and maneuverability of the collector of refuse's vehicles shall be prime considerations, but not the only considerations, in determining accessibility. The Utility Service Supervisor ~~Utility Account Technician~~, after consulting with the property owner if required, shall be the determiner of accessibility after conferring with the collector of garbage and refuse. If there is a dispute between the Utility Service Supervisor ~~Utility Account Technician~~ and the collector of garbage and refuse as to accessibility, the City Manager shall make the determination as to whether

a location is accessible. The decision of the City Manager shall be final. Provided there is access to the container, the collector of garbage and refuse shall pick up all commercial accounts where the container is located whether the location is on private or publicly owned property.

- D. Each container, cart, or can shall be kept clean inside and out so that no odor nuisance shall exist. It shall be the responsibility of the person using any container, cart, or can to keep them clean unless this responsibility is altered by contract between the Ceity and the collector of garbage and refuse. In such a situation, the contract shall control. The area around the containers shall be kept in a neat and sanitary condition. The Utility Service Supervisor ~~Utility Account Technician~~ may place tags on garbage containers found to be in violation of this subsection and notify the property owner when the areas around the container are not being kept in a neat and sanitary condition. All tags and notifications shall be dated and signed by the Utility Service Supervisor ~~Utility Account Technician~~. Two (2) or more violations of this provision of this section shall subject the person responsible to the penalties described in Chapter 1.08 of this code.
- E. Those containers or cans found to be defective or illegal (defective bottoms, crushed so that lids will not fit, fifty-five (55) gallon barrels, waste baskets, paper drums, etc.) or any other containers that are found to be illegal shall be subject to impounding and/or disposal. If a container received two (2) violations within a thirty (30) day period, the Utility Service Supervisor ~~Utility Account Technician~~ of the Ceity may authorize its destruction or impoundment.

The container or can shall be stored by the Ceity not to exceed ten (10) days. If after ten (10) days the owner has not claimed and agreed to repair the illegal container or can, it will be disposed of by the Ceity. The impoundment of an illegal container shall not relieve the owner from compliance with regulations in this chapter.
- F. No garbage or refuse cart, can, or container shall contain earth, rocks, or heavy refuse. Any cart, can or container requiring a person to lift it shall not exceed fifty (50) pounds in total weight of container and refuse.
- G. Customers must restrain vicious dogs beyond reach of the garbage containers, carts, or cans and prevent any interference with the pickup person on this account.
- H. Large, suitable containers for collection of garbage and refuse may, with the approval of the Utility Service Supervisor ~~Utility Account Technician~~, be used in the business and commercial zones. Such containers shall be supplied by the collector of garbage and refuse if the collector of garbage and refuse is so required by his contract with the Ceity, however, that does not preclude any person from owning their own container(s) if they so desire.
- I. Compactors for industrial and commercial users shall be designed to be compatible with local sanitation transportation equipment. The Utility Service Supervisor ~~Utility Account Technician~~ shall approve all compactors used for commercial or industrial uses.
- J. All carts, cans, containers, or compactors, shall comply with the Consumer Products Safety Commission laws and regulations. It shall be the responsibility of the account holder assigned any container, or compactor to load it so that it can be legally hauled on public highways by the contractor of garbage and refuse. Containers shall not be loaded heavier than five hundred (500) pounds gross per cubic yard of capacity and in no event more than two thousand (2,000) pounds.
- K. It shall be the duty of every person in possession, charge, or control of any dead animal or upon whose premises the same may be located, to forthwith cause the same to be removed and disposed of.

- L. No person shall place their garbage, rubbish, refuse, solid waste, or other waste material in the container or garbage can of another.
- M. Containers designated for residential use may not be used for any commercial purpose except as may be allowed by this chapter.
- N. It shall be the responsibility of each account holder or customer to manage the carts under their custody and control. The repair or replacement of all carts damaged, destroyed, stolen, or lost as a result of the negligence of the account holder or customer shall be billed to the account holder or customer.

8.08.070 Unlawful Disposal - Permits - Compost:

- A. It is unlawful for any person to burn, dump, collect, remove, or in any other manner, dispose of garbage, rubbish, refuse, solid waste, other waste material, or swill upon any streets, alleys, public place or private property within the Ceity otherwise than as provided in this chapter.
- B. No person shall maintain on his premises in any residential zone in the Ceity any receptacle for outdoor burning of waste paper, boxes, rubbish, paper, or cardboard. Persons in any zone may burn brush, leaves, grass, wood, limbs, weeds, or other vegetable type matter in the open or in a receptacle so long as an open burning permit is obtained from the Moses Lake Fire Department and all other local, state and federal laws are observed. In commercial and industrial zones incinerators may be constructed in accordance with standards set by the Building Official as administered under controls of the State Building Code.
- C. No compost pile shall be kept or maintained unless sufficient appropriate material or substance, approved by the Utility Service Supervisor ~~Utility Account Technician~~, is used to prevent the presence of flies, insects, bugs, rodents, or other pests or menaces to public health and welfare.

8.08.080 Collection Frequency: The collector of garbage and refuse shall collect, remove, and dispose of all garbage and refuse in the residential sections of the Ceity at least once each week, and in the business and commercial zones of the Ceity as required.

8.08.085 Ownership of Collected Waste: The collector of garbage and refuse shall have title to all garbage, rubbish, refuse, solid waste, and other waste material after the material has been collected by the collector of garbage and refuse.

8.08.090 Separation of Garbage: The Ceity reserves the right to and may have the option to require the separation of paper or swill or other component parts of refuse, and may require the deposit thereof in separate cans or receptacles and may prescribe the method of disposal thereof.

8.08.100 Impermissible Actions: It is unlawful for any person, firm, or corporation to deposit, throw, or place swill or other refuse matter in a lane, alley, street, or other public place, or to deposit, throw, or place any swill upon any property, regardless of ownership, unless the swill is enclosed in vessels or tanks of type approved by the Utility Service Supervisor ~~Utility Account Technician~~, and which are perfectly watertight and have tightly fitting covers, which covers shall not be removed, except when absolutely necessary for the depositing and removal of swill. Such vessels or tanks shall be kept in the rear of the premises or in the basement, or other place authorized by the Utility Service Supervisor ~~Utility Account Technician~~, so as to be readily accessible for collection and shall not be kept upon the street, alley, or sidewalk or public place. All such tanks or vessels shall be promptly delivered to the collector when called for and shall be returned by him without unnecessary delay, and no person, except for the purpose of collection under license, shall in any manner interfere with the vessels or tanks or with contents thereof. Swill, offal, and other liquid or semi-liquid waste may not be placed in dumpsters or containers handled by the collector of refuse without permission of the collector of garbage and the Utility Service Supervisor ~~Utility~~

Account Technician.

- 8.08.108 Hazardous Waste: Hazardous waste shall not be the responsibility of the collector of garbage and refuse and shall be disposed of in accordance with all local, state, and federal law directly by the person producing such waste. Whether waste is considered hazardous waste is the decision of the Utility Service Supervisor ~~Utility Account Technician~~ and his decision is final.
- 8.08.110 Disposal of Garbage and Other Refuse: All disposal of refuse shall be by sanitary fill method or methods specifically approved by the state Department of Health; provided, that the method or methods shall include the maximum practicable rodent, insect, and nuisance control at the place of disposal; and, provided further, that animal offal and carcasses of dead animals shall be buried or cremated as directed by the Utility Service Supervisor ~~Utility Account Technician~~ or shall be rendered at forty (40) pounds per square inch steam pressure or higher, or heated by equivalent cooking.
- 8.08.133 Billing - Service Charges:
- A. The City shall perform all billing of customers, the collection of charges, service initiation, changes in service and service deletions and will pay the contractor in accordance with his contract. The City may withhold payment to the contractor of any bills disputed by a customer for any reason until the dispute is resolved.
 - B. Charges for refuse collection and disposal may be billed in conjunction and simultaneously with statements issued by the City for water and sewer service, if any, unless the owner of the real estate wishes the garbage separated. If the owner of the real estate wishes the garbage bill separated, the owner of the real estate first must execute a form provided for by the City of Moses Lake indicating his desires. The form shall contain, at a minimum, the owner of the real estate's name and address, the address to which he wishes the bill sent, and a statement that if the person at the address to which the bill is sent moves and leaves an unpaid balance, the owner of the real estate recognizes his responsibility for the bill. If garbage charges become delinquent they may be transferred to and added to the water account at the same property, if a water account exists. However, the form of billing shall be at the City's discretion. If charges for refuse collection and disposal are billed in conjunction and simultaneous with statements issued by the City for water and sewer charges, all payments received from a customer shall be credited first to past due garbage charges, then the remainder, if there be any, first to past due sewer charges then to past due water charges. Payments on current accounts shall be credited first to garbage charges then the remainder, if there be any, to sewer charges then to water charges.
 - C. The billing for garbage service shall be made in the name of the owner of the real estate served or a tenant at the direction of the owner of the real estate. If the owner of the real estate wishes the bill sent to another address, the owner of the real estate first must execute a waiver form provided for by the City of Moses Lake. The form shall contain, at a minimum, the owner of the real estate's name and address, the address to which he wishes the bill sent, and a statement that if the person at the address to which the bill is sent moves and leaves an unpaid balance, the owner of the real estate recognizes his responsibility for the bill.
 - D. The charges or accounts shall be paid at the Civic Center ~~city hall~~ thirty (30) days after the date of billing, and if not paid, shall become delinquent on the thirty-first (31st) day after the date of billing. Service may be suspended for nonpayment of such accounts. Such suspension shall not relieve the person owing such account from the duty of complying with the provisions of this chapter. Such suspension shall render the premises where such service is suspended, subject to condemnation for sanitary reasons.
 - E. Upon failure to pay the charges for garbage collection and disposal, the amount thereof shall become a lien against the real estate as provided for by law.

- F. New garbage accounts, changes of occupant, and changes in garbage service shall be submitted on forms prescribed by the Ceity's Finance Department.
- G. The service charge to establish a new garbage account or to change the occupant shall be the same as 13.12.085, Subsection C. Only one service charge shall be imposed if the account includes joint charging for water, sewer, garbage service, or any combination thereof.
- H. A delinquent service charge shall apply to each garbage account to be the same as 13.12.085, Subsection B. Only one delinquent service charge shall be imposed if the account includes joint charging for water, sewer, garbage service, or any combination thereof.
- I. Property served by more than one account must keep all accounts current. Any charges for garbage service which are billed on accounts separate from the water account may be transferred to the water account at the same property if the garbage account becomes delinquent.

8.08.135 Utility Tax Passthrough:

- A. Section 3.30.050 provides in part for the collection of a utility tax upon every person, including the Ceity, who engages in or carries on the business of selling or furnishing sanitation or garbage facilities and/or service for domestic or industrial use. As a result of the operation of the Ceity sanitary division, the Ceity is subject to the utility tax imposed by Section 3.30.050.
- B. The Ceity is authorized to collect the percentage of gross income portion of the utility tax imposed by Section 3.30.050 from the users of the Ceity's sanitary services by including on each user's billing the sum the Ceity would be liable to pay as a utility tax on that basis.

8.08.140 Fee Schedule: Commencing with billing dates after April 1, 1993, except as otherwise provided, services and charges for garbage collection shall be as follows (The garbage service description in effect at the time the garbage bill is prepared shall be printed on the utility bill for each account with garbage service.):

- A. Residential Rates: Regular service at the curb or alley for collection of one ninety-six (96) gallon or less cart once per week shall be as set forth on Schedule A adopted in conjunction with this ordinance and attached hereto. Rates shall be prorated for service of less than one (1) month with charges being assessed on a per day basis. Additional items shall be collected for the fee as set forth in Schedule A adopted in conjunction with this ordinance. The charge as set forth in Schedule A per bag, bundle, or box shall be paid in cash in advance at the Moses Lake Finance Department with the purchase of a coupon which will be attachable and attached to the extra item. Service fees for duplexes shall be in accordance with the service fees as shown on Schedule A adopted in conjunction with this ordinance which will be found on file in the office of the Finance Director. Service fees for condominiums shall be the same as the rate for regular residential service and shall be effective with billing dates after April 1, 1993 or as in the future revised by indexing. Residential rates may apply to mobile home parks and planned unit developments (PUDs).
- B. Commercial Rates: Service fees for, including but not limited to apartments, motels, planned unit developments, and mobile home parks shall be in accordance with the service fees as shown in Schedule A adopted in conjunction with this ordinance which will be found on file in the Office of the Finance Director, except as modified by 8.08.140 A. Rates shall be prorated for service of less than one (1) month with charges being assessed on a per day basis.
- C. Additional or Special Services: Additional or special services desired by residential or commercial customers shall be arranged with the garbage contractor and paid to the Ceity at the rates for special garbage service in accordance with Schedule A adopted in conjunction with this ordinance which will be found on file in the Office of the Finance Director.

- D. Drop Boxes and Compactor Rates: If drop box and compactor rates, other than 1 x month or 1 x month together with extra pickup rates, are used; the rates are for an annual basis not to be adjusted seasonally. Compensation for unused pickups, if any, are included in a reduced rate. Extra pickups when applicable may be used with any service rate. Contractor will be paid a minimum of one (1) time per month service for drop boxes and compactors which shall include one (1) pickup per month then the contractor shall be paid for additional actual pickups.

The garbage contractor shall submit all charges for special garbage service and all drop box and compactor pickups on forms prescribed by the City's Finance Department.

8.08.150 Administration:

- A. If a home occupation is carried on in a residential zone as allowed by the Community Development Director or other similar position or designee under the Moses Lake Municipal Code, the resident shall pay only for residential service so long as there is never more than one (1) cart per week put out for collection. In the event a dispute arises over whether a home occupation should be required to pay residential or commercial rates, the Utility Service Supervisor ~~Utility Account Technician~~ shall make the determination as to what service is being used or should be used and therefor what service is to be charged. The decision of the Utility Service Supervisor ~~Utility Account Technician~~ shall be final.
- B. If a commercial building with a single entrance, exclusive of fire exits, has multiple tenants, the owner of the real estate shall have the option of paying for service for all the tenants or the owner of the real estate upon notifying the City of Moses Lake on a form provided by the City can require the tenants to pay for individual services. The form shall provide that in the event the tenant fails to pay for the service rendered, the owner of the real estate shall assume responsibility for the debt and agree to pay the same.
- C. If two (2) or more types of service are available to a garbage account, both which adequately and satisfactorily serve the account, the owner of the real estate or the party receiving the service, depending upon the circumstances, shall have the option of selecting the service he wishes to receive so long as no unsanitary condition is created as a result of the service selection of the owner of the real estate or the party receiving the service. If a dispute arises between the owner of the real estate or the party receiving the service and the collector of refuse concerning the type of collection service an account should be receiving, the Utility Service Supervisor ~~Utility Account Technician~~ shall make the determination as to what type of service is to be charged. The decision of the Utility Service Supervisor ~~Utility Account Technician~~ is final.
- D. The type of service to be utilized by commercial accounts and the attendant fee shall be agreed upon by the owner of the real estate served or the party receiving the service, depending upon the circumstances. If a dispute arises between the owner of the real estate or the party receiving the service and the collector of refuse concerning the type of collection service an account should be receiving, the Utility Service Supervisor ~~Utility Account Technician~~ shall make the determination as to what type of service is to be charged. The decision of the Utility Service Supervisor ~~Utility Account Technician~~ shall be final.
- E. The monthly rates established in Schedule A are all inclusive and intended as annual rates for residents and businesses desiring long term service of at least one (1) year. Residents or businesses wanting temporary service will be required to pay individual charges for container delivery, dumping, and pickup per Schedule A.
- F. The City shall have the power, from time to time, by resolution or after City Council consideration by motion duly made and passed, to set forth and determine additional rules and regulations and other matters as may be necessary in the discretion of the City Council for the proper execution of this chapter.

8.08.160 Violation Enforcement: The Utility Service Supervisor ~~Utility Account Technician~~ shall enforce this chapter and enforce its provisions using the provisions of Chapter 1.20 of this Code.

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

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 13.07 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "WATER REGULATIONS"

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

Section 1. Chapter 13.07 of the Moses Lake Municipal Code entitled "Water Regulations" is amended as follows:

13.07.010 Water Rationing:

- A. Purpose: Water rationing may be necessary when the Municipal Services Director determines that the Ceity water system is insufficient to meet the forecasted demand for any water distribution zone of the Ceity water system.
- B. Notice to Begin Water Rationing: The Municipal Services Director will place a notice in the local newspaper and provide a public announcement to the radio stations that are in the area. The notice will state the restrictions for individuals or organizations for irrigating and washing vehicles. Water rationing will be effective immediately upon publication and broadcast.
- C. Restrictions: Addresses with odd numbers shall be allowed to irrigate and wash vehicles on odd-number calendar days. Addresses with even numbers will be allowed to irrigate and wash vehicles on even-numbered calendar days. Properties with irrigation meters that are two inches (2") and larger will be restricted to irrigate from midnight to 8:00 a.m. or on a schedule approved by the Municipal Services Director.
- D. Notice to End Water Rationing: The Municipal Services Director will place a notice in the local newspaper and provide a public announcement to the radio stations that are in the area that states water rationing is no longer required.

13.07.020 Connection to City Water System:

- A. Purpose: The requirement to connect to the Ceity water system is to reduce the need for Group A and B water systems; and to reduce well bore holes, which are potential contamination sources.
- B. New Buildings: All newly constructed buildings that will have human occupancy, as defined in the building code, shall be connected to the Ceity water system.
- C. Existing Buildings: Owners of all existing buildings that have human occupancy, as defined by the building code, that are within two hundred feet (200') of the Ceity water system shall be required to connect to the Ceity water system within six (6) months of Ceity notification; provided that, single and duplex residences will not be required to connect if the cost of making the connection exceeds nine thousand dollars (\$9,000). All connections shall be at the owner's expense.
- D. Private Water Systems: Properties that are connected to a private water system that is approved by the Department of Health are exempt from MLMC Chapter 13.07.

13.07.040 Water Service Turn On and Off: Water services shall not be turned on until all system development charges, tapping fees, reimbursement, and other fees due to the Ceity have been paid in full; any necessary extraterritorial agreements have been signed; and all zoning and building codes are met. The Ceity may turn off water services that do not conform with any of the aforementioned requirements.

13.07.060 Water Use:

- A. Wasting water as a result of leaking pipes and using water for purposes other than what would be normally used to service the property is prohibited. The prohibition on wasting water shall be enforced by the Utility Service Supervisor ~~Utility Account Technician~~ pursuant to Chapter 1.20.
- B. No connection will be made to allow supplying water from one property to another property.

13.07.070 Water Service Connection:

- A. All water service connections shall be metered. All irrigation meters serving the planter areas within Ceity right-of-way shall be connected to the Ceity water system. Each lot or tax parcel shall be served individually from the Ceity water system. All buildings shall be separately connected to the Ceity water system; except
 1. Separate buildings that are under single ownership and are on one lot, or within a binding site plan, or planned unit development may be served by a master meter serving the property.
 2. Buildings within a binding site plan or a planned development district where private water mains are approved, or a commercial or industrial development where private mains are approved may connect the service lines to the private water main. The meters shall be on the private property at locations approved by the Municipal Services Director.
- B. The property owner is responsible to supply and install the service line, saddle, setter, tile, ring, lid, and all fittings for connecting to the water main per Community Street and Utility Standards. It shall be the responsibility of the property owner to schedule the actual tap to the water main and the installation of the meter with the Water Division.
- C. Should water consumption exceed the rated capacity of the water meter, the Ceity may replace the meter with a larger meter. Costs assessed shall be as listed in Moses Lake Municipal Code Chapter 3.58.
- D. Meters larger than two inches (2") shall be purchased and installed by owner, consistent with the Community Street and Utility Standards.
- E. The charges listed in Moses Lake Municipal Code Chapter 3.58 shall be made on newly constructed water mains for water purity samples, filling and flushing mains, and connecting to existing mains.
- F. The charges listed in Moses Lake Municipal Code Chapter 3.58 for a water service connection, shall be paid in full before a connection is made to the Ceity-owned meter.

13.07.090 Insufficient Water Supply: The Ceity reserves the right at any time, without notice, to shut off the water supply for repairs, extension, nonpayment of rate, or for any other reason; and the Ceity shall not be responsible for any damage such as bursting of boilers supplied by direct pressure, the breaking of new pipes or fixtures, any damage to property caused by fire on account of insufficient water supply or pressure, or for any other damage resulting from the shutting off of water or from the insufficiency of the supply of water or pressure.

13.07.110 Liability for Expense or Damage:

- A. Damage resulting from an accident, from unauthorized use, or from improper use of the Ceity water facilities shall become an obligation against the agency or person causing such damage.

- B. Additionally, any person violating any of the provisions of this chapter shall become liable to the Ceity for all expense, loss, or damage occasioned to the Ceity by reason of such violation. The Ceity shall be compensated for such loss within thirty (30) days of notification to the violator of the costs. If not satisfied by that time, the costs shall be filed as a lien against the property.

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

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

October 21, 2014

TO: City Manager for Council Consideration

FROM: Finance Director

SUBJECT: Ordinance - Amend 2014 Budget - 1st Reading

Attached is an ordinance which amends the 2014 budget.

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

Respectfully submitted

A handwritten signature in blue ink, appearing to read "W. Robert Taylor", is written over the printed name.

W. Robert Taylor, CGFM
Finance Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2014 BUDGET
FOR THE CITY OF MOSES LAKE, WASHINGTON

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

SECTION 1. GENERAL FUND 000:

Revenue:

Additions:

1. \$ 145,000 to Building permits
2. \$ 105,000 to Plan Check services
3. \$ 1,995,600 to Beginning Fund Balance

Deductions:

1. \$2,500,000 to Property Taxes

Expenditures:

Additions:

Miscellaneous Services:

1. \$ 2,500 to Transfers Out to 103/grants
2. \$ 103,200 to Ending Fund Balance

Deductions:

Miscellaneous Services:

1. \$ 360,000 to Transfers to 116/ Streets
2. \$ 100 to Interest

Expenditure Budget	Additions	Deductions	Amended Budget
\$20,835,500	\$ 105,700	\$ 360,100	\$ 20,581,100

SECTION 2. TOURISM ACTIVITIES FUND 102:

Revenue:

Deductions

1. \$ 33,100 to Beginning Fund Balance

Expenditures:

Deductions:

1. \$ 33,100 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 553,900	\$	\$ 33,100	\$ 520,800

SECTION 3. GRANTS AND DONATIONS FUND 103:

Revenue:

Additions:

1. \$ 28,800 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 28,800 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 274,000	\$ 28,800	\$ -0-	\$ 302,800

SECTION 4. PATHS & TRAILS FUND 114:

Revenue:

Additions:

1. \$ 49,000 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 49,000 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 371,300	\$ 49,000	\$ -0-	\$ 420,300

SECTION 5. STREET FUND 116:

Revenue:

Additions:

1. \$ 104,300 to Beginning Fund Balance
2. \$ 360,000 to State Entitlements, Impact

Deductions:

1. \$ 360,000 to Trans-In from General Fund

Expenditures:

Additions:

1. \$ 104,300 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 1,978,400	\$ 104,300	\$ -0-	\$ 2,082,700

SECTION 6. STREET REPAIR AND RECONSTRUCTION FUND 119:

Revenue:

Additions:

1. \$ 57,000 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 57,000 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 862,700	\$ 57,000	\$ -0-	\$ 919,700

SECTION 7. EQUIPMENT LEASES FUND 275:

Revenue:

Deductions:

1. \$ 300 to Beginning Fund Balance

Expenditures:

Deductions:

1. \$ 300 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 21,300	\$ -0-	\$ 300	\$ 21,000

SECTION 8. PARK AND RECREATION IMPROVEMENT FUND 314:

Revenue:

Additions:

1. \$ 78,000 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 78,000 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 300,900	\$ 78,000	\$ -0-	\$ 378,900

SECTION 9. PARK MITIGATION CAPITAL PROJECT 315:

Revenue:

Deductions:

1. \$ 57,500 to Beginning Fund Balance

Expenditure::

Deductions:

1. \$ 57,500 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 300,900	\$ -0-	\$ 57,500	\$ 243,400

SECTION 10. WATER/SEWER FUND 410:

Revenue:

Additions:

1. \$ 233,400 to Interfund Loan Repayment
2. \$ 2,400 to Transfer in for Interfund Interest

Deductions:

1. \$ 552,500 to Beginning Fund Balance

Expenditures:

Deductions:

Water Billing

1. \$ 316,700 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 13,216,200	\$ -0-	\$ 316,700	\$ 12,899,500

SECTION 11. WATER RIGHTS 471:

Revenue:

Additions:

1. \$ 48,800 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 48,800 to End Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 1,032,600	\$ 48,800	\$ -0-	\$ 1,081,400

SECTION 12. WATER/SEWER CONSTRUCTION ACCOUNT 477:

Revenue:

Deductions:

1. \$ 83,000 to Beginning Fund Balance

Expenditures:

Deductions:

1. \$ 83,000 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 6,708,000	\$ -0-	\$ 83,000	\$ 6,625,000

SECTION 13. SANITATION FUND 490:

Revenue:

Additions:

1. \$ 51,500 to Interfund Loan
2. \$ 26,400 to Interfund Loan Interest
3. \$ 81,800 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 100,000 to Interfund Debt Payment
2. \$ 1,000 to Interfund Debt Interest

Deductions:

1. \$ 260,700 to End Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$2,917,700	\$ 101,000	\$ 260,700	\$ 2,758,000

SECTION 14. STORM WATER FUND 493:

Revenue:

Additions:

1. \$ 89,000 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 89,000 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 1,467,100	\$ 89,000	\$ -0-	\$ 1,556,100

SECTION 15. AIRPORT FUND 495:

Revenue:

Additions:

1. \$ 7,700 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 1,600 to Insurance
2. \$ 6,100 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 422,200	\$ 7,700	\$ -0-	\$ 429,900

SECTION 16. AMBULANCE SERVICE FUND 498:

Revenue:

Additions:

1. \$ 275,800 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 133,400 to Interfund Debt Payment
2. \$ 1,400 to Interfund Interest
3. \$ 141,000 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 2,789,500	\$ 275,800	\$ -0-	\$ 3,065,300

SECTION 17. AMBULANCE DEBT SERVICE FUND 499:

This is an unbudgeted debt service account and is included as an estimation for reference only.

Revenues:

Deductions:

1. \$ 1,900 to Beginning Fund Balance

Expenditures:

Deductions:

1. \$ 1,900 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 1,900	\$ -0-	\$1,900	\$ -0-

SECTION 18. UNEMPLOYMENT COMPENSATION FUND 501:

Revenue:

Additions:

1. \$ 47,300 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 47,300 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 154,500	\$ 47,300	\$ -0-	\$ 201,800

SECTION 19. SELF-INSURANCE FUND 503:

Revenue:

Additions:

1. \$ 300 to Transfer from Airport Fund
2. \$ 53,500 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 53,200 to Ending Fund balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 1,186,200	\$ 53,200	\$ -0-	\$ 1,239,400

SECTION 20. CENTRAL SERVICES FUND 517:

Revenue:

Additions:

1. \$ 67,000 to Beginning Fund Balance

Deductions:

1. \$ 12,000 to Capital Lease General Fund

Expenditures:

Additions:

1. \$ 55,000 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 620,600	\$ 55,000	\$ -0-	\$ 675,600

SECTION 21. EQUIPMENT RENTAL FUND 519:

Revenue:

Additions:

1. \$ 71,000 to Beginning Fund Balance
2. \$ 125,000 to Capital Lease Proceeds
3. \$ 500 to From 495 Airport fund

Expenditures:

Additions:

1. \$ 274,300 to Ending Fund Balance

Deductions:

1. \$ 10,600 to Interest on Interfund Debt
2. \$ 67,200 to Interfund Debt Payment

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 2,910,900	\$ 274,300	\$ 77,800	\$ 3,107,400

SECTION 22. BUILDING MAINTENANCE FUND 528:

Revenue:

Additions:

1. \$ 47,300 to Beginning Fund Balance
2. \$ 8,500 to Capital Lease Proceeds

Expenditures:

Additions:

1. \$ 55,800 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$2,802,800	\$ 55,800	\$-0-	\$ 2,858,600

SECTION 23. FIREMANS PENSION FUND 611:

Revenue:

Additions:

1. \$ 101,900 to Beginning Fund Balance

Expenditures:

Additions:

1. \$ 101,900 to Ending Fund Balance

Expenditure Budget	Additions	Deductions	Amended Budget
\$ 328,700	\$ 101,900	\$ -0-	\$ 430,600

SECTION 24. All Ending Fund Balances which are included in the preceding budgets which require appropriation by the City Council are appropriated to specific expenditure categories by the City Council as set forth in this ordinance. As Ending Fund Balances are appropriated for expenditures they are shown as both additions and deductions to the respective budgets. However, in this ordinance they may be shown as a net change to the Ending Fund Balance.

SECTION 25. This ordinance shall take effect and be in force five (5) days after its passage and publication as provided by law.

Adopted by the City Council and signed by its Mayor on _____.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kennison, City Attorney

October 22, 2014

TO: City Manager for Council Consideration

FROM: Community Development Director

SUBJECT: Resolutions - Nuisance Abatements - Espinoza and Irreantum, LLC

Attached are resolutions providing for the abatement of nuisances at 1046 S Division, owned by Carlos Espinoza, and 2311 S. Maier Road, owned by Irreantum, LLC. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the properties contain a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolutions should be adopted allowing the City to remove the public nuisance.

The resolutions are attached for Council consideration. The resolutions must be considered separately.

Respectfully submitted

A handwritten signature in dark ink, appearing to read "Gilbert Alvarado", written in a cursive style.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3479

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. The records of Grant County show the owner of the subject property to be Carlos Chavez Espinoza, 1306 ½ McKinley Avenue, Yakima, WA 98902.
2. Notice. On September 18, 2014, 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 October 16, 2014, the Code Enforcement Officer caused to be delivered to Carlos Chavez Espinoza a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of October 28, 2014. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
 - 3.1 A violation of MLMC 8.14.030 M & U:
 - M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
 - 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 October 28, 2014 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 September 18, 2014 from the Code Enforcement Officer addressed to Carlos Chavez Espinoza, 1306 ½ McKinley Avenue, Yakima, WA 98902

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

EXHIBIT #4: Letter dated October 16, 2014 from the Code Enforcement Officer to Carlos Chavez, Espinoza advising the property owner of the hearing regarding abatement of property, scheduled for October 28, 2014..

Resolved:

1. A public nuisance in violation of MLMC 8.14.030 exists on the subject property at 1046 S. Division, Moses Lake, Washington. Carlos Chavez Espinoza, 1306 ½ McKinley Avenue, Yakima, WA 98902 is 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 in excess of 12" in height
 - 2.2. existence of Kochia, a noxious weed on the property
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.
4. Carlos Chavez 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 removal of weeds from the property
 - 4.2 spay and then remove Kochia from property
5. City staff shall provide a status report to City Council on the progress of the record contract owner and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property

to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.

6. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on October 28, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

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

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

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

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

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



CITY OF MOSES LAKE

NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Carlos Chavez Espinoza
1306 1/2 McKinley Ave
Yakima, Wa. 98902

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Codes 8.14.030U and 8.14.030M5

Street Address of Violation:

1046 S Division St, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

See Assessors Log 110268000

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

Action Necessary to Correct Violation:

Weeds must be removed from the property. Kochia, must be sprayed and then removed from the property as per city code.

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, September, 28, 2014

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

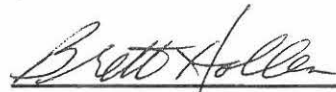
Exhibit 2
Page 1 of 2

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 Thursday, September 18, 2014



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





09/04/2014 08:17



October, 16, 2014

Carlos Chavez Espinoza
1306 1/2 McKinley Ave
Yakima, Wa. 98902

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 Chavez 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: See Assessors Log.

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

On Thursday, September 18, 2014 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 October 16, 2014, 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, October 28, 2014 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At that hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

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

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

Sincerely,

Rick Rodriguez
Code Enforcement Officer

cc: City Manager
City Attorney
Community Development Director

Exhibit 4

RESOLUTION NO. 3480

A RESOLUTION DETERMINING THAT IRREANTUM, LLC 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 2311 S. Maiers Road, Moses Lake, Washington (Parcel E, Desertpoint Major Plat, Lot 1, Block 1, Commercial Binding Site Plan 1st Amendment), Parcel #091356233, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030. The records of Grant County show the owner of the subject property to be Irreantum, LLC, P. O. Box 497, Walla Walla, WA 993620.
2. Notice. On September 25, 2014, 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 October 16, 2014, the Code Enforcement Officer caused to be delivered to Irreantum, LLC a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of October 28, 2014. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
 - 3.1. A violation of MLMC 8.14.030 U: Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 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 October 28, 2014 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 July September 25, 2014 from the Code Enforcement Officer addressed to Irreantum, LLC, P. O. Box 497, Walla Walla, WA 99362.

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 2311 S. Maiers Road, Moses Lake, WA 98837.

EXHIBIT #4: Letter dated October 16, 2014, from the Code Enforcement Officer to Irreantum, LLC advising the property owner of the hearing regarding abatement of property, scheduled for October 28, 2014.

Resolved:

1. A public nuisance in violation of MLMC 8.13.030 U exists on the subject property at 2311 S. Maiers Road, Moses Lake, Washington. Irreantum, LLC, P. O. Box 497, Walla Walla, WA 98837 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. weeds 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. Irreantum, LLC, 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 must be cut down
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 October 28, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

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

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

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

- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 - 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
 - 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.
- V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.
- W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
- X. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- Y. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section 8.14.010 (F), whose retail cost new would exceed one hundred dollars, without a special permit from the building official; provided, that nothing herein shall:
 - 1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion.
 - 2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.
 - 3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- Z. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof.
- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- BB. The keeping, permitting or harboring of any fowl, pigeons, rabbits, hooved 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: Irreantum LLC
PO BOX 497
Walla Walla, WA. 99362

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

2311 S Maiers Rd, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

PARCEL E DESERTPOINT MAJOR PLAT LOT 1 BLOCK 1 CBSP 1ST AMENDMENT 091356233

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

Action Necessary to Correct Violation:

Cut weeds down to measure less than twelve (12) inches in height.

Time by Which Violation is to be Corrected or Activity Ceased

The City is requiring these corrections listed on this Notice and Order be accomplished by
Sunday, October, 05, 2014

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 Thursday, September 25, 2014



Rick Rodriguez
Code Enforcement Officer
City of Moses Lake
509-764-3753





Exhibit 3
Page 2 of 5









October, 16, 2014
Irreantum LLC
PO BOX 497
Walla Walla, WA. 99362

Re: Hearing to Permit City Abatement of Nuisance

Property located at: 2311 S Maiers Rd, Parcel 091356233, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Irreantum LLC

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: PARCEL E DESERTPOINT MAJOR PLAT LOT 1 BLOCK 1 CBSP 1ST AMENDMENT.

This property is located at: 2311 S Maiers Rd, Parcel 091356233, Moses Lake, WA 98837

On Thursday, September 25, 2014 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 October 16, 2014, 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, October 28, 2014 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At that hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

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

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

Sincerely,



Rick Rodriguez

Code Enforcement Officer

cc: City Manager
City Attorney
Community Development Director

Exhibit 4

October 22, 2014

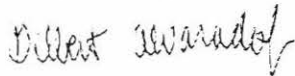
TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Platting Deemed Insufficient - 11960 Bonanza

Monument Enterprises, LLC submitted a building permit application for the Lot 1, Block 2, Moses Lake Industrial Park, located at 11960 Bonanza Street, which is a legally platted parcel. At the time the property was platted, the development did not require municipal improvements that are now required with current plats. Municipal improvements could include the extension or provision of City water, sewer, storm sewer, curb, sidewalks, street or other provisions. Since the legally platted parcel does not meet our current municipal improvements standards, it falls under the provisions of MLMC 16.02.110, Platting Deemed Insufficient.

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

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

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt



Monument Enterprises LLC
153 Young Rd NE
Moses Lake WA 98837

October 13, 2014

Billie Jo Muñoz
Moses Lake Community Development Department
P.O. Box 1579
321 S. Balsam St.
Moses Lake, WA 98837

To the City of Moses Lake Community Development Department:

I am writing this letter as a request to build a building on an insufficiently platted parcel number 120683012, located within the Moses Lake Business Park. The physical address of the parcel is 11960 Bonanza Street NE, Moses Lake, WA 98837.

The land is currently under the owner name Monument Enterprises LLC and is currently being used as open storage. The proposed plan is to build a 4250 square feet building of warehouse and office space.

Thank you for your time and consideration of this request.

Sincerely,



Jason McGowan
Monument Enterprises LLC

RECEIVED

OCT 14 2014

COMMUNITY DEVELOPMENT
PLANNING & BUILDING
CITY OF MOSES LAKE

TWP 151
R2E 28E

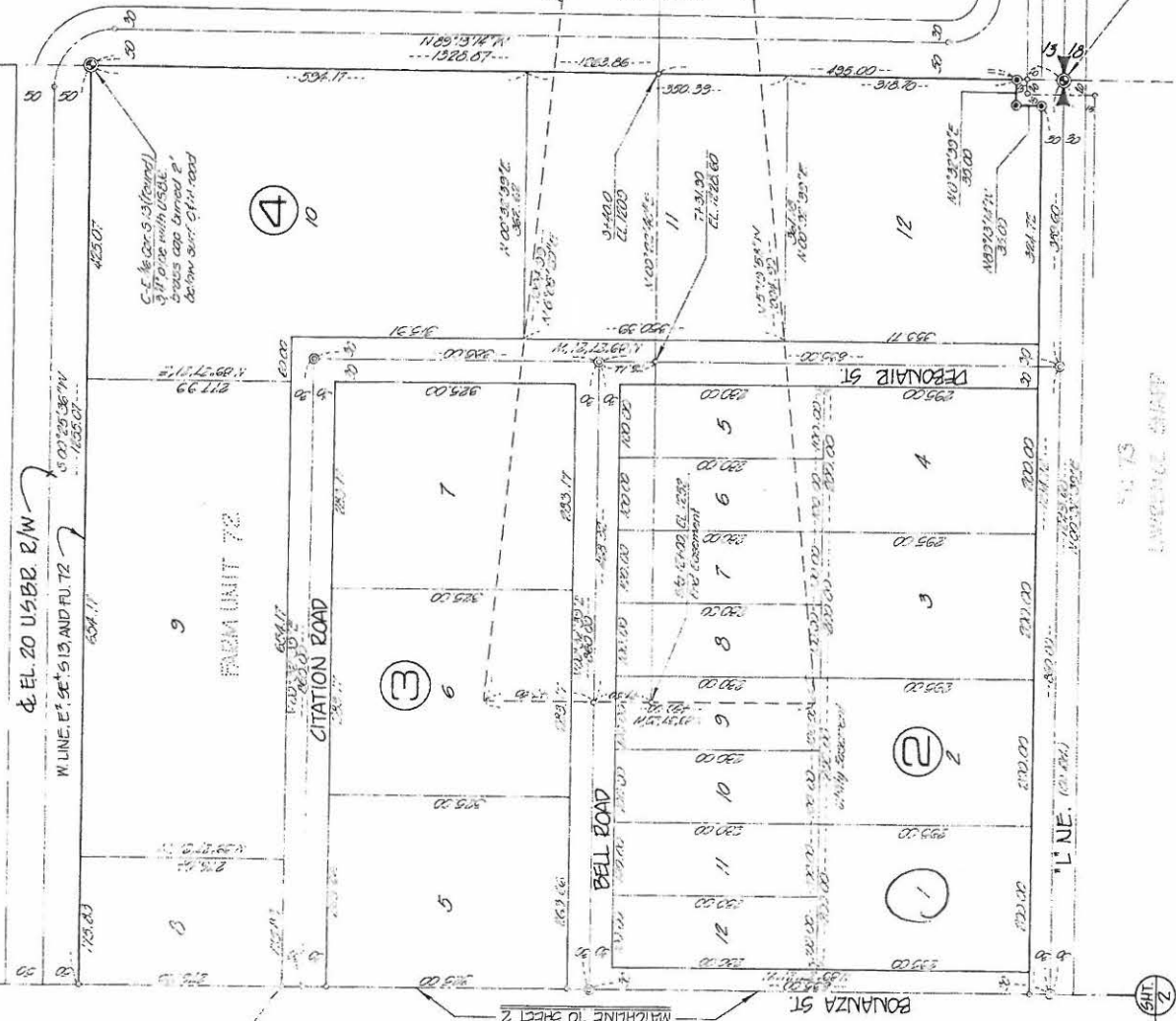


USBR. GRID
BASE REG. = 50 LINE SEC. 13, T10N, R. 28EWM.

641.0

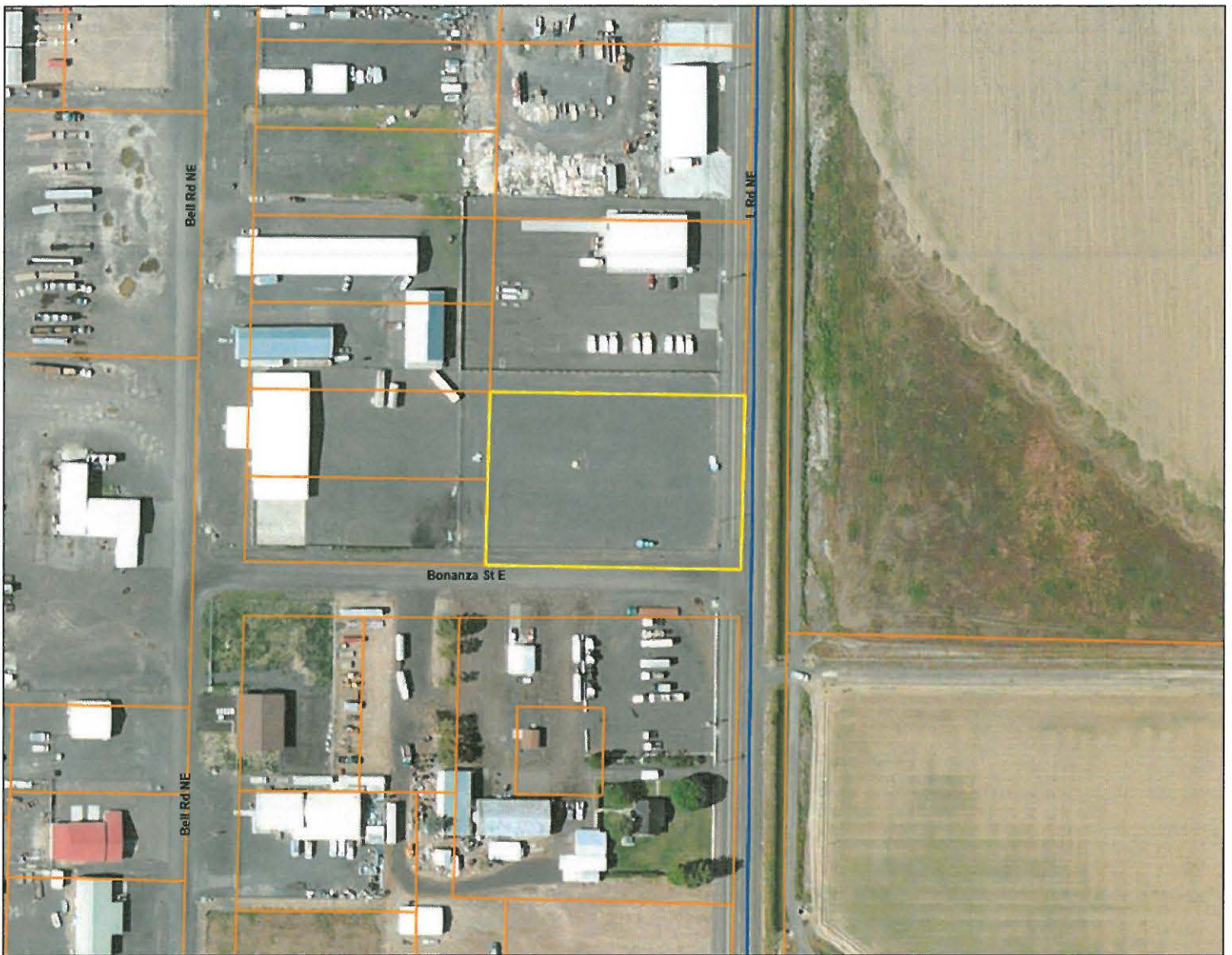
4 EL. 20 USBR R/W

W. LINE, E. 1/2 SEC. 13 AND FULL T2



357.74

RECORDING CERTIFICATE

**Parcels**

Parcel 120683012
Owner Monument Enterprises LLC
Address 3292 NE RD L