

March 17, 2015

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Ordinance - Hansen Zone Change - 2nd Reading

Mick Hansen has requested a zone change for 20.5 acres from C-2 General Commercial and Business to Light Industrial south of I-90. The land use designation for this property was changed from General Commercial to Industrial in the 2014 Comprehensive Plan amendments.

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

Respectfully submitted,

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

Gilbert Alvarado
Community Development Director

ORDINANCE NO. 2759

AN ORDINANCE AMENDING SECTION 18.09.040 OF THE MOSES LAKE
MUNICIPAL CODE

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

Section 1. That the zoning map of the City of Moses Lake shall be changed as follows:

That the following described property shall be changed from its C-2, General Commercial and Business, to L-I, Light Industrial:

Tax #9205 and

All south of Highway less road and Tax #9205 in the south half of the southwest quarter of Section 30,
Township 19 North, Range 28 East, W.M. Grant County

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 March 24, 2015.

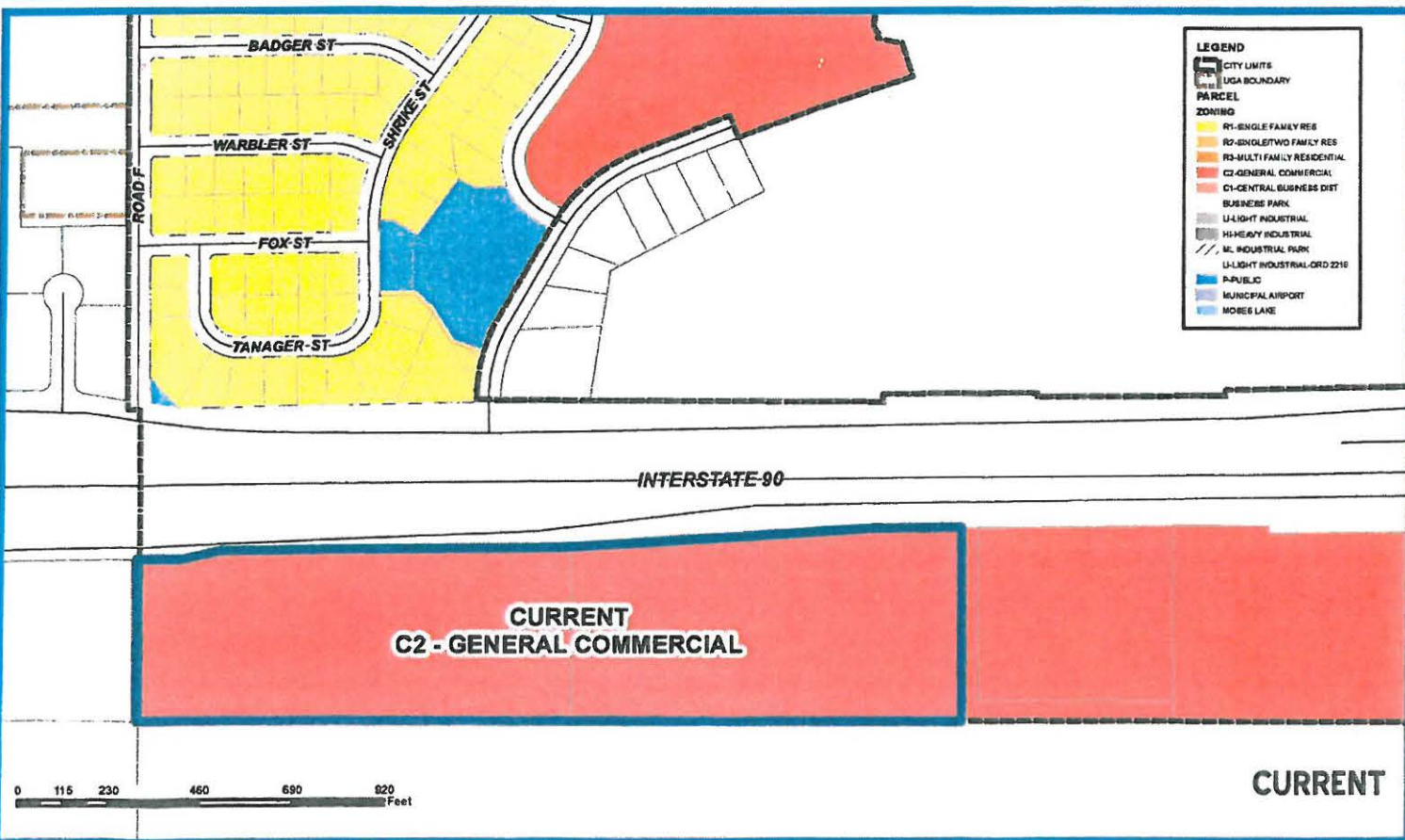
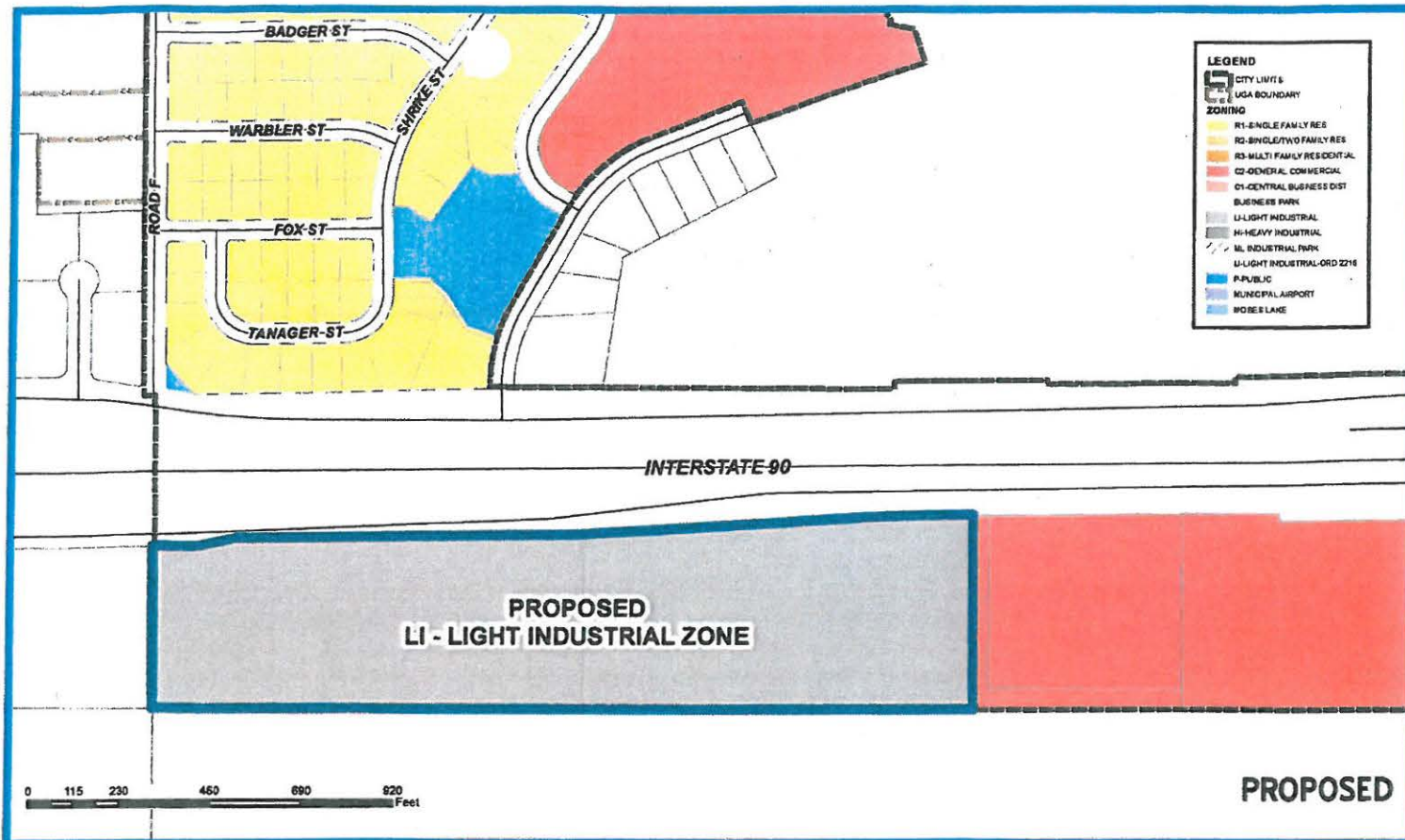
Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney



CITY OF MOSES LAKE | ZONE CHANGE

Attachment 1



March 18, 2015

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Provided is a proposed ordinance repealing the current Chapter 1.20 of the Moses Lake Municipal Code entitled "Administrative Enforcement", and adopting a new Chapter 1.20 titled "Civil Code Enforcement." This ordinance has been drafted by the City Attorney and is intended to clear up, clean up, and strengthen our civil code enforcement procedures.

Questions with regard to the proposed ordinance should be directed to the City Attorney.

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

Respectfully submitted



Joseph K. Gavinski
City Manager

JKG:jt

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOSES LAKE REPEALING THE CURRENT CHAPTER 1.20 OF THE MOSES LAKE MUNICIPAL CODE TITLED "ADMINISTRATIVE ENFORCEMENT" AND ADOPTING A NEW CHAPTER 1.20 TITLED "CIVIL CODE ENFORCEMENT"

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

Section 1. Repeal and Amendment: Moses Lake Municipal Code Chapter 1.20 titled "Administrative Enforcement" is repealed in its entirety and a new Chapter 1.20 titled "Civil Code Enforcement" is adopted as follows:

- 1.20.010 Purpose: The purpose of this chapter is to provide for and promote the health, safety, and welfare of the general public; to identify processes and methods to encourage compliance with City code, ordinances, and regulations; and, to provide opportunity for a prompt hearing, decision, and appeal as to alleged violations of the land use code and other ordinances and regulations described in this chapter.
- 1.20.020 Definitions: Except where specifically defined in this section, all words used in this chapter shall carry their customary meanings. The word "shall" is always mandatory, and the word "may" denotes a use of discretion in making a decision. The following words and phrases used in this chapter shall have the following meanings:
- A. "Abate" means to repair, replace, remove, destroy, demolish, board-up, or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner, and to such extent as the City Building Official, City Manager, or his/her designee determines is necessary in the interest of the general health, safety, and welfare of the community.
 - B. "Code Enforcement Officer" means the City Code Enforcement Officer, the Community Development Director, the City Building Official, and all other City officials designated by ordinance or by the City Manager for purposes of enforcing the regulations subject to the provisions of this chapter.
 - C. "Emergency" means a situation or civil violation which, in the opinion of the City Building Official, City Manager, or his or her designee, requires immediate action to prevent or eliminate an imminent threat to the public health, safety, or welfare of persons or property.
 - D. "Hearing Examiner" means the Moses Lake Hearing Examiner and the office thereof established pursuant to the Moses Lake Municipal Code.
 - E. "Omission" means a failure to act.
 - F. "Person" means and includes individuals, firms, partnerships, corporations, and all associations of natural persons, whether acting by themselves or by an agent or employee.
 - G. "Person responsible for violation" means either the person who caused the violation and/or the owner, lessor, tenant, or other person entitled to control, use, and/or occupy property where a civil code violation occurs.
 - H. "Nuisance" is an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:
 - 1. Unreasonably injures or endangers the comfort, repose, health or safety of others; or
 - 2. Offends public decency; or

3. Is offensive to the sense of reasonable persons; or
 4. In any way renders other persons insecure in life or use of property.
- I. "Regulation" means and includes all of the code provisions, ordinances, standards, regulations, procedures, terms and/or conditions specified under MLMC 1.20.040.
 - J. "Violation" means:
 1. An act or omission contrary to any City regulation that promotes or protects the public health, safety, or welfare or the use and development of land or water, whether or not the regulation is codified; and/or
 2. An act or omission contrary to the conditions of any permit, notice and order, or stop work or other order issued pursuant to any such regulation.
- 1.20.030 Declaration of Public Nuisance: All civil code violations are determined to be detrimental to the public health, safety, and environment, and are declared to be public nuisances. All conditions determined to be civil code violations shall be subject to and enforced pursuant to the provisions of this chapter, except where specifically excluded by law or regulation. Any person who willfully or knowingly causes, aids or abets a civil code violation pursuant to this title by any act of commission or omission shall be deemed to have committed a civil violation subject to a C-7 penalty.
- 1.20.040 Applicability: This chapter may be applied for the purposes of enforcing the following regulations
- A. MLMC Title 3, Revenue and Finance;
 - B. MLMC Title 5, Business Licenses and Regulations;
 - C. MLMC Title 6, Animals;
 - D. MLMC Title 8, Health and Safety;
 - E. MLMC Title 9, Public Peace, Morals and Welfare
 - F. MLMC Title 10, Streets, Sidewalks and Public Places;
 - G. MLMC Title 13, Water, Sewers and Public Utilities;
 - H. MLMC Title 14, Environmental Regulations;
 - I. MLMC Title 16, Buildings and Construction;
 - J. MLMC Title 17, Subdivisions;
 - K. MLMC Title 18, Zoning; and
 - L. Such other code provisions, ordinances, resolutions, or public rules that promote or protect the public health, safety, or welfare, or the use and development of land and water.
- 1.20.050 Voluntary Correction Agreement:
- A. Content. When the Code Enforcement Officer has determined that a violation has occurred or is occurring, he or she may enter into a voluntary correction agreement with the person responsible for the violation. The voluntary correction agreement is a written contract prepared

by the City and the person responsible for the violation, under which such person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

1. The name and address of the person responsible for the violation;
 2. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
 3. A description of the violation(s) and a reference to the regulation(s) which has been violated;
 4. The necessary corrective action to be taken, and the date by which the correction must be completed which shall be the shortest reasonable time period for compliance, as determined by the City;
 5. An agreement by the person responsible for the violation that the City may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement;
 6. The amount of the civil penalty that will be imposed pursuant to this section if the voluntary compliance agreement is not satisfied; and
 7. An agreement by the person responsible for the violation that if the City determines that the terms of the voluntary correction agreement are not met, the City may impose any remedy authorized by this chapter, including:
 - a. Assessment of civil penalties identified in the voluntary correction agreement;
 - b. Abatement of the violation;
 - c. Assessment of all costs and expenses incurred by the City to pursue code enforcement and to abate the violation, including legal and incidental expenses; and
 - d. Suspension, revocation, or limitation of a developmental permit.
 8. A statement that the person responsible for the violation waives the right to a hearing.
- B. Right to a Hearing Waived. In consideration of the City's agreement to enter into a voluntary correction agreement, the person responsible for the violation shall have no right to an administrative or judicial hearing, under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.
- C. Extension and Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the City if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions and the responsible person provides the request in writing clearly establishing the need for such an extension.
- D. Monetary Penalty. If the terms of the voluntary correction agreement are not met, the person responsible for the violation may be assessed a monetary penalty not to exceed one thousand dollars (\$1,000) for each violation per day or portion thereof. Civil penalties, in whole or in part, may be waived by the City Manager or his/her designee if the code violations which formed the basis for the civil violation have been corrected, and the City Manager or his/her designee finds that compelling reasons justify waiver of all or part of the outstanding civil penalties.

1.20.060 Notice of civil infraction:

- A. Issuance. When the Code Enforcement Officer has determined that a violation has occurred or is occurring, he or she may issue a notice of infraction to the person responsible for the violation.
- B. Content. The notice of infraction shall include the following information:
 - 1. A statement describing the specific civil infraction for which the notice was issued, including the date and location, as well as the accompanying statutory citation, ordinance number, or regulation;
 - 2. A statement that the notice of civil infraction represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;
 - 3. A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;
 - 4. A statement of the monetary penalty established for the civil infraction;
 - 5. A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;
 - 6. A statement that at any hearing to contest the determination, the City has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that the person may subpoena witnesses including the Code Enforcement Officer who issued the notice;
 - 7. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;
 - 8. A statement that the person named in the notice must respond as provided in this chapter within fifteen (15) days of issuance; and
 - 9. A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty.
- C. Identification and Detention of Person Receiving Notice. A person who receives a notice of civil infraction under this chapter is required to identify himself or herself to the Code Enforcement Officer by giving his or her true name, address, and date of birth. Upon request of the Officer, the person shall produce reasonable identification, including a driver's license or State identification card. The Code Enforcement Officer may cause to be detained any person who is unable or unwilling to reasonably identify himself or herself for purposes of issuing a civil infraction, for a time not longer than is reasonably necessary to identify the person.
- D. Service. The Code Enforcement Officer shall serve the notice of civil infraction upon the person responsible for the violation, either personally or by mailing a copy of the notice of civil infraction by certified or registered mail, return receipt requested, to such person at his last known address. If the person responsible for the violation cannot be personally served within Grant County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of civil infraction conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury

executed by the person completing the service, declaring the time and date of service, the manner by which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail.

- E. Filing. A notice of civil infraction shall be filed with a court having jurisdiction within days of issuance, excluding Saturdays, Sundays, and holidays.
- F. Determination Final Unless Contested. A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided in this chapter.
- G. Further Action Not Limited. Issuance or disposition of a notice of infraction shall not limit or preclude any action or proceeding pursuant to this chapter.

1.20.070 Notice of Civil Infraction - Response:

- A. Response. A person who receives a notice of infraction shall respond to such notice as provided in this section within fifteen (15) days of the date of the notice. If the response is mailed, it must be postmarked not later than midnight of the day the response is due.
- B. Uncontested Determination. If the person determined to have committed the civil infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court. A check or money order in the amount of the penalty prescribed for the civil infraction must be submitted with the response. The clerk of the court may accept cash in payment for a civil infraction. When a response that does not contest the determination is received, an appropriate order is entered into the court's records.
- C. Contested Determination. If the person determined to have committed the civil infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it to the court, either by mail or in person. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than fourteen (14) days nor more than ninety (90) days from the date of notice of the hearing, except by agreement.
- D. Failure to Respond or Appear. The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction if a person issued a notice of infraction fails to respond or appear as provided in this section.

1.20.080 Infraction - Hearings:

- A. Rules of Procedure. Procedures for the conduct of all hearings provided in this chapter are those established by the Washington State Supreme Court in the IRLJ.
- B. Counsel. A person subject to proceedings under this chapter may be represented by counsel. The attorney representing the City may appear in any proceedings under this chapter, but need not appear, notwithstanding a statute or rule of court to the contrary.
- C. Contested Determination.
 - 1. A hearing held to contest the determination that an infraction has been committed shall be without a jury.
 - 2. The court may consider the notice of infraction and any sworn statements submitted by the authorized representative who issued and served the notice in lieu of his or her personal appearance at the hearing. The person named in the notice may subpoena witnesses,

including the authorized representative who has issued and served the notice, and has the right to present evidence and examine witnesses present in court.

3. The burden of proof is on the City to establish the commission of the infraction by a preponderance of evidence.
4. After consideration of the evidence and argument, the court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. If it has been established that a civil infraction has been committed, an appropriate order shall be entered in the court's records.
5. An appeal from the court's determination or order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the superior court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.

1.20.090 Infraction - Penalties:

- A. Monetary Penalties Assessed. Unless otherwise specifically provided in connection with particular sections, chapters, or titles of the City code, violations of the City code shall be subject to a penalty of up to five thousand dollars (\$5,000.00) per offense. Each and every calendar day during any portion of which any violation of this chapter is committed, continued or permitted by any such person shall constitute a separate offense.
- B. Monetary Penalties Payable Immediately. A monetary penalty imposed by the court under this chapter is immediately payable. If the penalty is not paid, the City may proceed to collect the penalty in the same manner as other civil judgments and may notify the City Attorney of the failure to pay.
- C. Continued Duty to Correct. Payment of a monetary penalty pursuant to a notice of infraction does not relieve the person to whom the notice was issued of the duty to correct the violation.
- D. Restitution. The court may also order a person found to have committed a civil infraction to make restitution.

1.20.100 Infraction - Order, Modification, Fees:

- A. An order entered after the receipt of a response that does not contest the determination, or after it has been established at a hearing that the civil infraction was committed is civil in nature.
- B. The court may not waive, reduce, or suspend the monetary penalty prescribed for the civil infraction.
- C. Each party to a civil infraction case is responsible for costs incurred by that party.

1.20.110 Administrative Notice and Order to Correct Civil Violation:

- A. Issuance. When the Code Enforcement Officer determines that a violation has occurred or is occurring, he or she may issue an administrative notice and order to correct civil violation ("notice and order") to the person responsible for the violation.
- B. Content. The notice and order shall include the following:
 1. The name and address of the person responsible for the violation;

2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
 3. A brief description of the violation(s), including a citation of the applicable City regulation(s);
 4. The name of the citing officer;
 5. The required corrective action and a date by which the correction must be completed;
 6. A statement that the person to whom the notice and order is directed may appeal the notice and order pursuant to MLMC 1.20.120 ;
 7. A statement that if the violation is not corrected and the notice and order is not appealed, the determination is final and a monetary penalty shall be assessed in an amount per day for each violation for each day the violation continues following the date set for correction;
 8. A statement advising that, if any of the work is not commenced or completed within the time specified in the notice and order, the City may proceed to abate the violation, cause work to be done, and assess the costs and expenses of abatement incurred by the City against the person responsible for the violation, and that the City may take any other legal action.
- C. Service. The Code Enforcement Officer shall serve the notice and order upon the person responsible for the violation, either personally or by mailing a copy by certified or registered mail, return receipt requested, to such person at his or her last known address. If the person responsible for the violation cannot be personally served within Grant County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice and order conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail.
- D. Optional Recording Procedure. The City may, at its discretion, record a notice and order to correct civil violation against the subject property.
- E. Extension and Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the City if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions and the responsible person provides the request in writing clearly establishing the need for such an extension.
- F. Monetary Penalty. The assessment of a two hundred fifty dollars (\$250) per day monetary penalty shall commence with issuance of the notice and order. Civil penalties, in whole or in part, may be waived by the City Manager or his/her designee if the code violations which formed the basis for the civil violation have been corrected, and the City Manager or his/her designee finds that compelling reasons justify waiver of all or part of the outstanding civil penalties.
- G. Continued Duty to Correct. Payment of a monetary penalty pursuant to this section does not relieve the person to whom the notice and order was issued of the duty to correct the violation.
- H. Declaration of Compliance. When the violation has been corrected and the penalty paid, the Code Enforcement Officer shall issue a declaration of compliance which shall so state, and shall also indicate the date upon which the violation was fully corrected, beyond which no further penalty shall accrue. If the City previously recorded the notice and order against the subject property, then it shall also record the declaration of compliance.

1.20.120 Administrative Notice and Order - Appeal:

- A. Optional informal appeal. The property owner or violator may request an initial appeal hearing before the Community Development Director by submitting to him or her a written request within ten (10) calendar days of receipt of the Notice of Violation and Order to Correct or Cease Activity. Filing of a timely appeal shall operate to temporarily stay the enforcement action pending resolution of the appeal. The written appeal notice must contain at a minimum the following information:
 - 1. A brief statement of what is being appealed;
 - 2. A statement of the relief sought and the reasons why the city official's determination should be reversed, modified or set aside;
 - 3. The property owner's or violator's current address;
 - 4. Identification of any witness testimony, photographs, or documentary evidence to be presented; and
 - 5. A statement or verification under penalty of perjury, made by the appellant as to the truth of the matters stated in the appeal, pursuant to RCW 9A.72.085.
- B. The Community Development Director, or his designee if he is unavailable, shall conduct the initial appeal hearing within seven (7) calendar days after receipt of the written notice requesting the initial appeal hearing. The Community Development Director or designee shall apply the evidentiary standard of beyond a preponderance of the evidence and shall issue a written determination affirming, modifying, or rescinding the city official's determination. A copy of his decision shall be provided to the property owner or violator requesting the initial appeal hearing by mailing to the address provided in subsection 1(c) above.
- C. Any Notice of Violation and Order to Correct or Cease Activity issued by the city official and affirmed or modified by the Community Development Director or designee shall be appealable to the Hearing Examiner by filing a written notice of appeal with the City Clerk within fourteen (14) calendar days after the date of mailing of the Community Development Director's or designee's written decision.
- D. Appeal to Hearing Examiner.. A person to whom a notice and order is issued pursuant to this chapter who elects not to, or who fails to use the optional informal appeal process above may appeal directly to the Hearing Examiner by filing a written notice of appeal with the City Clerk within fourteen (14) calendar days from the date of service of the notice and order. The appeal must be accompanied by a filing fee in the amount established by the City's fee resolution, which is refundable if the appellant prevails on the appeal.
- E. Effect of Appeal. The timely filing of an appeal pursuant to this section shall stay the requirement for action specified in the notice and order that is the subject of the appeal. The monetary penalty for a continuing violation does not continue to accrue during the pendency of the appeal; however, the Hearing Examiner may impose a daily monetary penalty from the date of service of the notice and order if he or she finds that the appeal is frivolous or intended solely to delay compliance.
- F. Effect of Failure to Appeal. The violation shall be deemed committed, the notice and order shall become the final administrative order, and the monetary penalties assessed shall be immediately due and subject to collection if (a) no appeal is timely filed within the time limits set forth above after the notice and order was issued, or (b) an appeal was timely filed, but the appellant or his or her representative failed to appear at the hearing.

1.20.130 Administrative Notice and Order - Appeal - Hearing.

- A. Date of Hearing. Within ten (10) days of the Clerk's receipt of the appeal, the Hearing Examiner shall set a public hearing for a date within forty-five (45) days of the Clerk's receipt of the appeal, unless a longer period is agreed to between the parties.
- B. Notice of Hearing. The Clerk shall cause a notice of the appeal hearing to be posted on the property that is the subject of the notice and order, and mailed to the appellant and the complainant, if not anonymous, at least ten (10) calendar days before the hearing. The notice shall contain the following:
 - 1. The file number and a brief description of the matter being appealed;
 - 2. A statement of the scope of the appeal, including a summary of the errors alleged and the findings and/or legal conclusions disputed in the appeal;
 - 3. The date, time and place of the public hearing on the appeal;
 - 4. A statement of who may participate in the appeal; and
 - 5. A statement of how to participate in the appeal.
- C. Conduct of Hearing. The Hearing Examiner shall conduct the hearing on the appeal pursuant to Chapter 18.80 MLMC and the rules of procedure of the Hearing Examiner.

1.20.140 Administrative Notice and Order - Appeal - Decision.

- A. The Hearing Examiner shall determine whether the City has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.
- B. The Hearing Examiner shall issue an order to the person responsible for the violation which contains the following information:
 - 1. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
 - 2. The required corrective action;
 - 3. The date by which the correction must be completed;
 - 4. The monetary penalties assessed based on the provisions of this chapter;
 - 5. The date after which the City may proceed with abatement of the unlawful condition if the required correction is not completed.
- C. Assessment of Monetary Penalty. Monetary penalties assessed by the Hearing Examiner shall be in accordance with the monetary penalty schedule in MLMC 1.20.110(6).
- D. Abatement. Where action to abate the violation is required, the hearing examiner shall give substantial weight to the City's determination regarding the nature of any such action required, and whether such action has been satisfactorily performed.
- E. Notice of Decision. The hearing examiner shall mail a copy of the decision, including findings of fact, conclusions, and order, to the applicable department director within fourteen (14)

working days of the hearing. The City shall forward a copy of the decision to the appellant no later than two (2) working days after its receipt of the decision.

- F. **Judicial Review.** Judicial review of a decision by the Hearing Examiner may be sought by any person aggrieved or adversely affected by the decision, pursuant to the provisions of the Land Use Petition Act, Chapter 36.70C RCW, if applicable, or other applicable authority, if any, if the petition or complaint seeking review is filed and served on all parties within twenty-one (21) days of the date of the decision. For purposes of this section, "aggrieved or adversely affected" shall have the meaning set forth in RCW 36.70C.060(2).
- G. **Effect of Decision.** If judicial review is not obtained, the decision of the Hearing Examiner shall constitute the final decision of the City, and the failure to comply with the decision of the Hearing Examiner shall constitute a civil violation punishable by a fine of not more than five thousand dollars (\$5,000). In addition to civil penalties pursuant to this subsection, the City may pursue collection and abatement as provided in this chapter.

1.20.150 **Stop Work Orders:** Whenever a continuing violation of this chapter will materially impair the Code Enforcement Officer's ability to secure compliance with this chapter, or when the continuing violation threatens the health or safety of the public, the Code Enforcement Officer may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. Any violation of a stop work order is hereby declared to be a nuisance and the Code Enforcement Officer is authorized to enjoin or abate such nuisance by any legal or equitable means as may be available. The costs, specifically including reasonable attorney and expert witness fees, for the injunction or abatement shall be recovered by the City from the owner, tenant, occupant, manager, agent, or other responsible person in the manner provided by law.

1.20.160 **Emergency Orders:** Whenever any use or activity in violation of the Moses Lake Municipal Code immediately threatens the health and safety of the occupants of the premises or any member of the public, the Code Enforcement Officer may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the City is authorized to enjoin or abate such nuisance by any legal or equitable means as may be available. The cost of such injunction or abatement, specifically including reasonable attorney and expert witness fees, shall be recovered from the owner, tenant, occupant, manager, agent, or other person responsible in the manner provided by law.

1.20.170 **Abatement by the City:**

- A. The City may abate a condition which was caused by or continues to be a civil violation or civil infraction when:
 - 1. The terms of the voluntary correction agreement pursuant to this chapter have not been met; or
 - 2. An administrative notice and order has been issued, the period for filing an appeal with the Hearing Examiner has expired, and the required correction has not been completed; or
 - 3. An administrative notice and order has been issued, a timely appeal was filed, the appellant failed to appear at the scheduled hearing or a hearing was held as provided in this chapter and the required correction has not been completed by the date specified by an order of the Hearing Examiner; or
 - 4. The condition is subject to summary abatement as provided for in this chapter or other provisions of City or State law.

- B. **Summary Abatement.** When a violation of a regulation causes a condition, the continued existence of which constitutes an immediate and emergent threat to the public health, safety, or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement.
- C. **Authorized Action by the City.** Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City may seek judicial process as it deems necessary to effect the removal or correction of such condition.
- D. **Recovery of Costs and Expenses.** All costs incurred by the City in correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant, or other person entitled to use and/or have control of the property, and shall become due and payable to the City within 10 calendar days. Such costs may include, but are not limited to, the following expenses:
 - 1. "Legal expenses" which shall include, but are not limited to:
 - a. Personnel costs, both direct and indirect, including attorney's fees and all costs incurred by the City Attorney's office or its designee to abate nuisances and code violations;
 - b. Actual and incidental expenses and costs incurred by the City in preparing notices, contracts, court pleadings, and all other necessary documents required to abate nuisances and code violations; and
 - c. All costs associated with retention and use of expert witnesses and consultants during the course of abatement.
 - 2. "Abatement expenses" which shall include, but are not limited to:
 - a. Costs incurred by the City for preparation of notices, contracts, and related documents necessary to abate nuisances and code violations;
 - b. All costs associated with inspection of the property and monitoring of said property consistent with correction orders issued by the City's Hearing Examiner or a court of competent jurisdiction;
 - c. All costs incurred by the City for hauling, storage, disposal, or removal of vegetation, trash, debris, dangerous structures or structures unfit for human habitation, potential vermin habitat, potential fire hazards, junk vehicles, obstructions to public rights-of-way, and setback obstructions; and
 - d. All costs incurred by law enforcement or related enforcement agencies necessary to assist the City during abatement of nuisances or code violations.

1.20.180 **Additional Code Enforcement Procedures:** The provisions of this chapter are not exclusive, and may be used in addition to other code enforcement provisions authorized by the Moses Lake Municipal Code or other applicable law or regulation.

1.20.190 **Interference:** Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with a person responsible for a violation, any of whom are engaged in performing duties imposed by this chapter, shall be guilty of a civil violation punishable by a fine of up to five thousand dollars (\$5,000).

1.20.200 Collection of Monetary Penalties: The monetary penalty constitutes a personal obligation of the person to whom a notice of civil infraction or notice and order is directed. Any monetary penalty assessed must be paid to the City within ten (10) calendar days from the date of mailing of the court's decision, Hearing Examiner's decision, or a notice from the City that penalties are due. Any such monetary penalty shall further constitute a lien against the affected real property. The City attorney is authorized to take all actions available to collect the monetary penalty.

1.20.210 Lien - Authorized:

- A. The City of Moses Lake shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under this chapter, and all related costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the abatement work was performed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for State and County taxes, with which it shall be on parity.
- B. The City shall cause a claim for lien to be filed for record within ninety (90) days from the later of the date that the monetary penalty is due, or the date the work is completed or the violation abated.
- C. The claim of lien shall contain sufficient information regarding the civil violation, as determined by the City, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.
- D. Any such claim of lien shall be verified by the City, and may be amended from time to time to reflect changed conditions.

1.20.220 Right of Entry: The Code Enforcement Officer is authorized to enter upon property or premises at any reasonable time to determine whether a civil violation has occurred or is occurring, or to enforce any provision of the Moses Lake Municipal Code or any City regulation, violation of which is a civil violation under this chapter. The Code Enforcement Officer may make examinations, surveys, and studies as may be necessary in the performance of his or her duties. These may include the taking of photographs, digital images, videotapes, video images, audio recordings, samples, or other physical evidence. If the premises are occupied, the Code Enforcement Officer shall first present credentials and request entry. If an owner, occupant, or agent refuses entry, the City may seek an administrative or criminal search warrant.

1.20.230 Conflicts: In the event of a conflict between this chapter and any other provision of the Moses Lake Municipal Code or City ordinance providing for a civil penalty, the more specific provision shall apply.

1.20.240 Adoption of Certain Other Laws: To the extent that any provision of the Grant County Code, or any other law, rule or regulation referenced in the enforcement code, is necessary or convenient to establish the validity, enforceability or interpretation of the enforcement code, then such provision of the Grant County Code, or other law, rule or regulation, is hereby adopted by reference.

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 April 14, 2015.

ATTEST:

W. Robert Taylor, Finance Director

Dick Deane, Mayor

APPROVED AS TO FORM

Katherine L. Kenison, City Attorney

March 17, 2015

TO: City Manager for Council Consideration

FROM: Finance Director

SUBJECT: Ordinance - Water, Sewer, and Stormwater Rates - 1st Reading

Attached is a proposed ordinance amending Chapter 13.12, entitled Water, Sewer, and Stormwater Rates, to increase rates for service charges.

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

Respectfully submitted



W. Robert Taylor
Finance Director

WRT:jt

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 13.12 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "WATER, SEWER, AND STORMWATER RATES"

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

Section 1. Chapter 13.12 of the Moses Lake Municipal Code entitled "Water, Sewer, and Stormwater Rates" is amended as follows:

13.12.010 Residential Water Rates:

- A. The following shall be the monthly rate charge for water from the city water system from all residential living units within the corporate limits of the city and outside the corporate limits of the city after May 1, 2014 2015:

Amount Used (in cubic feet)	Water Rate
0-500	\$22.25 22.60 per month
Over 500	\$83.84 per 100 cu. ft. or portion thereof

- B. The following shall be the minimum monthly amounts charged according to each meter in service for all residential living units within the corporate limits of the city and outside the corporate limits of the city after May 1, 2014 2015:

Meter Size (in inches)	Minimum Charge per Calendar Month	Water Delivered for Minimum (in cubic feet)
3/4 or smaller	\$22.25 22.60	500
1	\$26.40 26.80	1,000
1½	\$38.85 39.40	2,500
2	\$101.10 102.40	10,000

NOTE: All minimum charges are the base rate with all consumption in excess of five hundred (500) cubic feet computed at the over five hundred (500) cubic feet rate.

- C. Unmetered residential water services within the corporate limits of the city and outside the corporate limits of the city shall be based upon the following rate schedule after May 1, 2014 2015:

Billing Cycle	Flat Rate
November through March	\$22.25 22.60 per month
April through October	\$44.50 45.20 per month

13.12.015 Dwellings With Two Living Units:

- A. The following shall be the monthly rate charged for water from the city system for a dwelling with two (2) separate living units within the corporate limits of the city and outside the corporate

limits of the city with only one (1) meter serving two (2) living units or for two (2) houses on a single lot served by one (1) meter after May 1, 2014 2015:

Amount Used (in cubic feet)	Water Rate
0-1,000	\$44.50 45.20 per month
Over 1,000	\$-.83 .84 per 100 cu. ft. or portion thereof

- B. The following shall be the minimum monthly amounts charged according to the size of each meter in service to a dwelling with two (2) separate living units with only one (1) meter to the living unit or for two (2) houses on a single lot served by one (1) meter within the corporate limits of the city and outside the corporate limits of the city after May 1, 2014 2015:

Meter Size (in inches)	Minimum Charge per Calendar Month	Water Delivered for Minimum (in cubic feet)
3/4 or smaller	\$44.50 45.20	1,000
1	\$52.80 53.60	2,000
1½	\$77.70 78.80	5,000
2	\$202.20 204.80	20,000

13.12.020 Commercial Water Rates:

- A. The following shall be the monthly rate charged for water from the city water system for commercial users and dwellings with three (3) or more living units served by one (1) meter within the corporate limits of the city and outside the corporate limits of the city after May 1, 2014 2015:

Amount Used (in cubic feet)	Water Rate
0-500	\$37.70 38.20 per month
Over 500	\$-.83 .84 per 100 cu. ft. or portion thereof

- B. The following shall be the minimum monthly amounts charged according to each meter in service for commercial users and dwellings with three (3) or more living units served by one (1) meter within the corporate limits of the city and outside the corporate limits of the city after May 1, 2014 2015:

Meter Size (in inches)	Minimum Charge per Calendar Month	Water Delivered for Minimum (in cubic feet)
3/4 or smaller	\$37.70 38.20	500
1	\$41.85 42.40	1,000
1½	\$54.30 55.00	2,500
2	\$116.55 118.00	10,000
3	\$199.55 202.00	20,000
4	\$324.05 328.00	35,000
6	\$448.55 454.00	50,000

8	\$780.55 790.00	90,000
10	\$1,278.55 1,294.00	150,000

13.12.030 Residential Sewer Rates: The following shall be the monthly rate charged customers residing within the corporate limits of the city and outside the corporate limits of the city for sewer service from the city sewer system for single-family dwellings and each unit of a duplex with separate meters: flat rate, ~~\$32.70~~ 33.15 per month after May 1, ~~2014~~ 2015.

13.12.035 Duplex Sewer Rates: The following shall be the monthly rate charged customers residing within the corporate limits of the city and outside the corporate limits of the city for sewer service from the city sewer system for duplexes with only one (1) meter serving two (2) living units or for two (2) living units on a single lot served by one (1) meter: flat rate, ~~\$65.40~~ 66.30 per month after May 1, ~~2014~~ 2015.

13.12.040 Commercial Sewer Rates:

- A. The following shall be the monthly rate charged customers residing within the corporate limits of the city and outside the corporate limits of the city for all chargeable water discharged into the city sewer system by commercial users and dwellings with three (3) or more living units served by one (1) meter after May 1, ~~2014~~ 2015:

Amount Used (in cubic feet)	Sewer Rate
0-1,000	\$34.30 34.75 per month minimum
Over 1,000	\$1.32 <u>1.34</u> per 100 cu. ft. or portion thereof

- B. For purposes of calculating sewer charges, chargeable water shall be defined as follows: Chargeable water shall be measured by the water consumed on the premises, whatever the source of such water, and the same will be metered either by a public utility meter or one installed and maintained by the property owner of the premises at the property owner's expense and approved and inspected by the city. Where the water is metered by a privately owned water meter and is used to determine sewer charges, the city shall be allowed access to the meter in order to read such meter. Where the use of water is such that a portion of all the water used does not flow into the sewer system, for whatever reason, but is lost by evaporation, irrigation, sprinkling or is used in manufacturing or in a manufactured product, or is lost for whatever reason, and the person in control provides proof of this fact and installs a meter or other measuring device approved by the city to measure the amount of water so used and so lost, or if the city is capable of determining the amount of sewage entering the city's sewer system by some other mechanical means, this water may be deducted from the actual water consumption used in calculating the sewer charge.

The sewer charges for triplexes and apartments, mobile home parks, schools, hospitals and other commercial establishments with increased usage for irrigation, only if their landscaping exceeds five thousand (5,000) square feet, shall be computed on the average consumption during the previous non-irrigation season, unless the user elects to install, at his expense, an approved measuring device to measure water not entering the sewer system. When a user has a swimming pool or cooling units discharging to the sanitary sewer, he must install an approved meter to determine the amount of water exempt from sewer charges during the irrigation season. The irrigation season shall be defined as the period in which statements are mailed for the April through November billing cycles.

- C. Sewer rates for commercial uses discharged into the sewer system may be separately determined by the City Council, based upon both volume and chemical characteristics of the

sewage. The City Council reserves the privilege to require pre-treatment of any material discharged into the sewerage system, or to prohibit discharge into the system of industrial wastes that, because of either volume or concentration, will overload existing sewerage facilities.

- D. All air-conditioning and refrigeration units that are installed, replaced or that have capacity increased after the effective date of the ordinance codified in this chapter shall be required to install recirculating units. Disposal may not be accomplished by discharging into the sanitary sewer system.

13.12.042 Stormwater Rates: The following shall be the monthly rate for stormwater fees on residential and non-residential properties.

- A. Residential properties shall be charged five dollars and ~~thirty~~ forty cents (~~\$5.30~~ 40) per each living unit.
- B. Non-residential properties shall be charged the following rates per Table 13.12:

Table 13.12.042

Category	Impervious Ground Cover (s.f)	Rate
Non-residential 1	Up to 6,000	\$5.30 <u>5.40</u>
Non-residential 2	6,001 to 15,000	\$8.95 <u>9.10</u>
Non-residential 3	15,001 to 30,000	\$13.15 <u>13.35</u>
Non-residential 4	30,001 to 60,000	\$26.25 <u>26.60</u>
Non-residential 5	60,001 to 120,000	\$52.40 <u>53.10</u>
Non-residential 6	120,001 to 240,000	\$104.85 <u>106.25</u>
Non-residential 7	More than 240,000	\$157.35 <u>159.40</u>

- C. Undeveloped property shall not be charged a stormwater fee.
- D. Non-residential property owners may submit a request for the following credits to the stormwater fees. Residential properties are not eligible for credits. The credits are not cumulative. Requests for credit shall be submitted to the Municipal Services Director on forms provided by the Municipal Services Department.
1. A credit of up to eighty percent (80%) may be approved for non-residential properties for portions of on-site stormwater discharges to privately maintained on-site treatment facilities that are in compliance with an active National Pollutant Discharge Elimination System (NPDES) permit. A copy of the NPDES permit and the associated Stormwater Pollution Prevention Plan shall be provided to the Municipal Services Director with the application for credit. No credits will be approved for stormwater discharged to facilities that are maintained and serviced by the stormwater utility.

2. A credit of up to fifty percent (50%) may be approved for non-residential property for portions of on-site stormwater discharges to privately maintained stormwater systems that meet best management practices of the most current version of the *Stormwater Management Manual for Eastern Washington*, meet all City of Moses Lake requirements, and are approved by the Municipal Services Director.
 3. A credit of up to ten percent (10%) may be approved for non-residential property for portions of on-site stormwater discharges from roofs of non-residential buildings to privately maintained stormwater facilities that utilize a permissive rainwater harvesting system that complies with the Department of Ecology's requirements and is approved by the Municipal Services Director.
- E. Approval of credit shall be indicated by a credit application that is signed by the Municipal Services Director. Approved credits are effective for the first full month's billing cycle following the date of approval. Credits may be approved for multiple billing cycles, provided that conditions of approval are continuously met by the applicant. Credits are not retroactive to current or prior billings. Credits for future billing cycles may be revoked by the Municipal Services Director if on-site conditions change; if federal, state, or local regulations change such that on-site stormwater treatment facilities are no longer current or acceptable; or if the ordinance for stormwater is revised by City Council.
- F. The above stormwater rates will become effective May 1, 2014.

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 March 24, 2015.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

March 17, 2015

TO: City Manager for Council Consideration

FROM: Finance Director

SUBJECT: Resolution - Interfund Loan

Attached is a resolution which provides for an interfund loan from the Water/Sewer Construction Fund to the General Fund. The loan is necessary in order to meet expenses of the fund.

The resolution is presented for Council consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "W. Robert Taylor".

W. Robert Taylor, CGFM
Finance Director

RESOLUTION NO. 3507

A RESOLUTION AUTHORIZING AN INTER-FUND LOAN TO THE
GENERAL FUND 000 FROM THE WATER/SEWER CONSTRUCTION
FUND 477

RECITALS:

1. The General Fund 000 will receive funds at a later date.
2. The present cash balance is not sufficient to meet the present and projected needs of the fund.

RESOLVED:

1. The Water/Sewer Construction Fund 477 shall loan \$1,000,000 to the General Fund 000.
2. The loan shall bear interest at 1% per annum on the unpaid principal.
3. The loan shall be repaid to the Water/Sewer Fund 410 per the following schedule:

<u>Date</u>	<u>Principal</u>	<u>Balance</u>
		\$1,000,000
4/1/2016	\$250,000	\$750,000
4/1/2017	\$250,000	\$500,000
4/1/2018	\$500,000	\$ -0-

Adopted by the City Council on March 24, 2015.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director



March 13, 2015

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Attached for your information, review, and possible passage is a resolution regarding the Spring Festival to be held on May 21 - 24, 2015. Also attached is a hold harmless agreement.

The resolution is presented for Council consideration. If the resolution is adopted, the City Manager should be authorized to sign the Hold Harmless Agreement on behalf of the City of Moses Lake.

Respectfully submitted



Joseph K. Gavinski
City Manager

JKG:jt

RESOLUTION NO. 3508

A RESOLUTION REGARDING THE MOSES LAKE SPRING FESTIVAL TO
BE HELD MAY 21, 22, 23, and 24, 2015

RECITALS:

1. The Moses Lake Spring Festival Committee has organized a Spring Festival for the City of Moses Lake to occur on May 21, 22, 23, and 24, 2015.
2. The City of Moses Lake endorses the Moses Lake Spring Festival concept.

RESOLVED:

1. The Moses Lake Spring Festival shall be allowed to use city property and streets for its Festival related activities; i.e. a carnival so long as it does not obstruct any right-of-way, food fair, craft show, adult beverage area, and related activities at McCosh Park, a 10K - 5K run, the use of the amphitheater during the festival, parades that would utilize city streets, and a 3 on 3 basketball tournament on Third Avenue between Division and Pioneer and a beer garden on the tennis courts at McCosh Park.
2. The City Council of the City of Moses Lake approves of street barricading for the parade and other Festival related activities as is required by the Moses Lake Spring Festival, including a sidewalk sale sponsored by the Moses Lake Business Association held in conjunction with the Moses Lake Spring Festival, to be set forth in a letter to the City Manager. Discussions with regard to street barricading should be held with the Moses Lake Police Chief or his designee so that it is understood when and where barricading is to take place. Responsibility for obtaining and setting barricades shall remain with the Moses Lake Spring Festival or Moses Lake Business Association unless otherwise agreed upon with the Moses Lake Police Chief or his designee.
3. The City shall absorb the in-kind financial expenses for police and security services, street sweeping, garbage pick-up and solid waste dumping fees. The garbage pick-up, solid waste dumping fees and the expense for street sweeping and police and security services absorbed by the City is considered an additional expense of providing City services during the period the Festival takes place.
4. If there are any special requests to supply water, it will be the decision of the Municipal Services Director as to the charges to be assessed.
5. Parking shall be prohibited along parts of the parade route, such parade to take place on May 23, 2015 for a period of time determined necessary by the Moses Lake Police Chief or his designee and the Moses Lake Spring Festival Committee. The parking prohibition is authorized by Moses Lake Municipal Code 10.12.020 and the prohibition notification shall conform to said Municipal Code provision.
6. The Moses Lake Spring Festival shall provide liability insurance in amounts and with the type of coverage requested by the City Manager with the City of Moses Lake being named as an additional insured.

7. The Moses Lake Spring Festival shall execute an indemnity/hold harmless agreement whereby the Moses Lake Spring Festival shall hold the City of Moses Lake harmless from any claims for damage and indemnify the City of Moses Lake from any liability which may arise as a result of the Moses Lake Spring Festival using any City property, public streets, or public sidewalks for any Festival related activity.

Adopted by the City Council on March 24, 2015.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

INDEMNITY AND HOLD HARMLESS AGREEMENT

Whereas, the Moses Lake Spring Festival has organized a Spring Festival for the City of Moses Lake on May 21st-May 24th, 2015.

Whereas, the Moses Lake Spring Festival has requested the assistance of the City of Moses Lake in order to make the Festival a success, and,

Whereas, the City of Moses Lake has passed a resolution endorsing a Moses Lake Spring Festival and has passed a resolution authorizing the use of City property for certain Festival related activities,

Now, Therefore, in consideration of the City of Moses Lake, a Municipal Corporation, endorsing the Moses Lake Spring Festival and authorizing the use of City property for Festival activities, Moses Lake Spring Festival hereby agrees to indemnify and hold harmless the City of Moses Lake, its officers, agents, and employees, from any liability arising out of any claim or demand due to the Festival's negligence which may arise as a result of the Moses Lake Spring Festival using any City property, public streets, or public sidewalks for any Festival related activity. The Festival, with this agreement, is not indemnifying or holding the City harmless for the City's own negligence which remains the City's sole responsibility.

Moses Lake Spring Festival does hereby agree and represent to the City of Moses Lake that the Festival Committee carries liability insurance for Festival activities during the May 21st-May 24th period for the event. The Festival Committee does hereby agree to furnish a copy of its insurance policy to the City of Moses Lake prior to May 21st, 2015.

It is agreed and understood that the conclusion of the Moses Lake Spring Festival on May 24th, 2015, that the Moses Lake Spring Festival will have no further obligation to the City of Moses Lake for indemnification.

Dated: 2/24/2015

City of Moses Lake

By _____

Joseph K. Gavinski, City Manager

Moses Lake Spring Festival

By _____

Dale Roth, President

Moses Lake
Spring Festival
Memorial Day Weekend

March 6th, 2015

City of Moses Lake
Attn: Mr. Joe Gavinski
PO Box 1579
Moses Lake, WA 98837

Re: Request for Street Closures for Moses Lake Spring Festival Events in Downtown

Dear Mr. Gavinski,

Moses Lake Spring Festival will be held May 21st-May 24th 2015 and would like permission for the following street closures for the event. An application has been submitted to Park & Recreation for use of McCosh Park & Sinkiuse Sq. for the event on 3/5/15.

1. Third Ave from Division to Pioneer Way from 6pm Thursday May 21st to 10pm Sunday May 24th
 - a. Setup for 3 on 3 basketball tournament on 3rd Ave. from Division to Pioneer Way starting Thursday with tournament held Friday and Saturday, tear down Sunday.
2. Kiddie parade –Friday May 22nd 3pm closure from Third & Ash to Dogwood, Side streets closed down Third (Beech, Cedar and Dogwood). Parade to start at 5pm and end at 6pm. Parade Permit Applications and map are enclosed.
3. Saturday May 23rd -Car Show, setup 9am, tear down by 3pm
 - a. 4th and Dogwood and Dogwood to 3rd Ave, 3rd Ave. to Gumwood St. approx.
4. Saturday May 23rd -Parade setup start 1pm, tear down 10:30pm-11pm approx..
 - a. Third Ave. from Ivy to Pioneer Way, Pioneer Way to Fifth Ave, Fifth Ave to Beech, Beech to Fourth, Fourth to Dogwood for 35th Annual Grand Moonlight Parade.
Parade Permit Applications and map are enclosed.
5. Saturday May 23rd -Third Ave. from Beech to Division and Third Ave. to Ash to 4th Ave.
 - a. Sidewalk sales and chalk on the block to be held on Third Ave. from Beech to Division 12pm-7pm.
 - b. Entertainment and announcements in Sinkiuse Sq. for Grand Moonlight Parade starting at 5pm and ending by 10:30pm approx. Possible kiddie parade 12pm-5pm(time & route to be determined)
 - c. Farmer's Market vendors, 7am-1pm.(setup 6am)-location subject to change but would be for area already requested to close.
6. May 21st 9am to Sunday May 24th 10pm-McCosh park- corner of 4th Ave. & Dogwood, near Frontier Jr. High down Dogwood by McCosh Park

Moses Lake
Spring Festival
Memorial Day Weekend

If you have additional questions please feel free to contact me at 770.1700 or the Spring Festival at 770.1630. On behalf of the Moses Lake Spring Festival Board and Committee Members, thank you for your time and consideration. We look forward to another fantastic Moses Lake Spring Festival.

Sincerely,



Jasmyne DeBeaumont
Moses Lake Spring Festival Board Secretary
director@mlbacaes.org

Moses Lake
Spring Festival
Memorial Day Weekend

March 5th, 2015

City of Moses Lake
Attn: Mr. Joe Gavinski
PO Box 1579
Moses Lake, WA 98837

Dear Mr. Gavinski,

Moses Lake Spring Festival will be held May 21st-May 24th 2015 and would like permission for the beer garden. An application has been submitted to Park & Recreation for use of McCosh Park on 3/5/15.

Beer Garden: To be held next to the Amphitheater in McCosh Park-Application has been sent to the Washington State Liquor Control Board pending approval. St. Brigid's Brewery will be serving the beer.

Hours of operation:

Thursday May 21st-4pm-9pm

Friday May 22nd- 12pm-11pm

Saturday May 23rd- 12pm-12am

Sunday May 24th - 12pm-9pm

If you have additional questions please feel free to contact me at 770.1700 or the Spring Festival at 770.1630.

On behalf of the Moses Lake Spring Festival Board and Committee Members, thank you for your consideration.

Sincerely,



Jasmyne DeBeaumont
Moses Lake Spring Festival Board Secretary
director@mlbacares.org

3/12/2015

Google Maps

Traffic, Bicycling, Terrain, Directions



Map data ©2015 Google 500 ft



March 18, 2015

Honorable Mayor and
Moses Lake City Council

Dear Council Members

As requested, provided is a resolution which repeals Resolution No. 3463 and adopts a new resolution setting forth a policy with regard to the provision of water and/or sewer utilities outside the corporate limits of the City of Moses Lake and setting forth an annexation policy for the City. The change to the resolution appears in provision #5 of the Resolved.

I have provided two versions of the resolution for the City Council. The first version exempts property which contains a county owned and operated agricultural fair as defined by RCW 36.37 from the annexation requirements in order to receive City utilities. The second version of the resolution exempts the aforementioned agricultural fairs but also exempts property owned and operated by a port district established under RCW 53.

The resolution(s) are presented to the City Council for consideration.

Respectfully submitted



Joseph K. Gavinski
City Manager

JKG:jt

RESOLUTION NO. 3509

A RESOLUTION REPEALING RESOLUTION 3463 AND ADOPTING A NEW RESOLUTION SETTING FORTH A POLICY WITH REGARD TO THE PROVISION OF WATER AND/OR SEWER UTILITIES OUTSIDE THE CORPORATE LIMITS OF THE CITY AND SETTING FORTH AN ANNEXATION POLICY FOR THE CITY OF MOSES LAKE, WASHINGTON

Recitals:

1. Previously the City Council adopted Resolution No. 3396 setting forth a policy with regard to the provision of water and/or sewer utilities outside the corporate limits of the City and setting forth an annexation policy for the City of Moses Lake, Washington.
2. That policy is now repealed by this resolution which adopts a new resolution setting forth a policy with regard to the provision of water and/or sewer utilities outside the corporate limits of the City and setting forth an annexation policy for the City of Moses Lake, Washington.

Resolved:

1. The following definitions shall be applicable to the terms used in this resolution.

Contiguous Lands means any lands touching or abutting the corporate limits of the City and any lands within one half mile of the corporate limits of the City as measured at the point the corporate limits and the involved lands are closest together.

Non-Contiguous Lands means any lands beyond one half mile of the corporate limits of the City as measured at the point the corporate limits and the involved lands are closest together.

Provision, Delivery, or Furnishing City Water and/or Sewer Utilities means the extension of water and/or sewer mains, or tapping into an existing water and/or sewer main by a lateral to serve a customer, or the expansion of an existing water and/or sewer use, or any combination of these.

City Water means potable water delivered from the water utility system operated by the City.

City Sewer means the sanitary sewerage collection utility system operated by the City.

City Utility Service or Water and/or Sewer Utilities means City water and/or City sewer.

Adjacent Lands means any lands located immediately adjacent to a city water and/or city sewer main within the city's Urban Growth Area (UGA) and which lands are contiguous lands as defined herein.

2. Requests for Extensions: The Moses Lake City Council shall review all requests for the provision of water and/or sewer utilities whether the request involves property which is contiguous or non-contiguous. Only the City Council can grant permission for the provision, delivery, or furnishing of water and/or sewer utilities to anyone beyond the corporate limits of the City, such permission being evidenced by a formal commitment noted in the minutes of a regular City Council meeting. All extensions of water and/or sewer utilities beyond the corporate limits of the City shall be made by the City Council within their sole and complete discretion.
3. Washington statutes and case law provide that cities are not legally required to provide water or sewer or other utility services to properties located outside the city limits, but that cities have the discretion to provide such utilities within its urban growth area as a legislative decision, on terms and conditions set forth in a contract.
4. The City is not the sole or exclusive provider of sewer or water service in any area outside of the City's corporate limits. The city shall not be considered or construed as being the sole or exclusive utility purveyor for any properties outside of the city's corporate limits or within the city's urban growth

area.

5. Delivery of City Water and/or Sewer Utilities to Contiguous Lands:

- A. The City of Moses Lake will only deliver water and/or sewer utilities to contiguous lands if the owner of those lands annexes those lands into the City, except, if the public's health, safety, and welfare is an issue, as determined by the Grant County Health District, the City may deliver City water and/or City sewer utilities subject to the same conditions applicable to the delivery of City water and/or City sewer utilities to non-contiguous lands, except that property which contains a county owned and operated agricultural fair as defined by RCW 36.37 shall not be required to annex to receive city water and/or sewer utilities. Once within the City the lands will be delivered City utilities as provided by City ordinance. If those contiguous lands are not annexed into the City, the City will deliver neither City water nor City sewer services, except as set forth in subsection b below.
- B. The City Council may permit the provision of water and/or sewer service to adjacent lands where the water and/or sewer main is adjacent to the property, the property is contiguous lands as defined in this resolution and it is impractical for the property owner to annex the owner's property into the city because of the previous subdivision of the land or other like condition. Each such request will be considered by the City Council on an individual basis and no uniform result as respects such requests is expected where each will be determined by the unique circumstance of each property seeking permission to connect to city water and/or sewer. If the City Council permits adjacent lands to connect to the city water and/or sewer system, the property owner shall first comply with the procedure for the delivery of water and/or sewer to non-contiguous lands as set forth below in Section 6.

6. Delivery of City Water and/or Sewer Utilities to Non-Contiguous Lands: The City of Moses Lake will consider the provision of water utilities and/or the provision of sewer utilities to non-contiguous lands when such water is available or when such sewerage capacity is available in the City sewerage system as determined by the City Council upon the conditions listed below:

- A. The execution of a contract document between the land owner and the City containing the essential elements of the water and/or sewer provision agreement as outlined below.
- B. The water and/or sewer system to be built and connected to the City water utility or City sewer utility will be built to City standards.
- C. The execution of necessary document(s) as determined by the City's legal department from the land owner to the City stating in essence that the land owner agrees to have non-contiguous lands annexed to the City at the City's discretion when those lands can be annexed.

Further, the document(s) will provide as a condition of receiving City water and/or City sewer that the non-contiguous lands will not be used in any manner inconsistent with the land use controls in place.

- D. The land owner will survey the non-contiguous lands to be provided City water and/or City sewer if requested to do so by City staff.
- E. The City water and/or sewer utility services provided to the non-contiguous land will not be changed as to either the scope, nature, or intensity of the use without further approval from the Moses Lake City Council as such change is considered an expansion of the commitment given unless such expansion has already been provided for in the commitment given by the Moses Lake City Council.
- F. Such other conditions as City staff may negotiate as being necessary and as approved by

the Moses Lake City Council.

- G. Failure to comply with any of the conditions of the water and/or sewer provision agreement shall terminate the delivery of water and/or sewer utility services to the non-contiguous land.
- 7. Any formal commitment given by the City Council to provide water and/or sewer utilities outside the corporate limits of the City shall remain in effect for two (2) years except there shall be no limitation for residential properties up to nine (9) lots from the date the commitment is given. Within the two (2) year commitment period, the lands involved must actually be tapped into the City's water and/or sewer utilities or the commitment given by the City Council shall be considered automatically withdrawn without further consideration by the City Council. Any documents prepared and delivered by a party pursuant to Section 6. A. and C. shall be returned to the land owner if the commitment is terminated.

Effective Date: This policy shall control all extensions of City water and sewer utilities after March 24, 2015.

Adopted by the City Council on March 24, 2015.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

RESOLUTION NO.

A RESOLUTION REPEALING RESOLUTION 3463 AND ADOPTING A NEW RESOLUTION SETTING FORTH A POLICY WITH REGARD TO THE PROVISION OF WATER AND/OR SEWER UTILITIES OUTSIDE THE CORPORATE LIMITS OF THE CITY AND SETTING FORTH AN ANNEXATION POLICY FOR THE CITY OF MOSES LAKE, WASHINGTON

Recitals:

1. Previously the City Council adopted Resolution No. 3396 setting forth a policy with regard to the provision of water and/or sewer utilities outside the corporate limits of the City and setting forth an annexation policy for the City of Moses Lake, Washington.
2. That policy is now repealed by this resolution which adopts a new resolution setting forth a policy with regard to the provision of water and/or sewer utilities outside the corporate limits of the City and setting forth an annexation policy for the City of Moses Lake, Washington.

Resolved:

1. The following definitions shall be applicable to the terms used in this resolution.

Contiguous Lands means any lands touching or abutting the corporate limits of the City and any lands within one half mile of the corporate limits of the City as measured at the point the corporate limits and the involved lands are closest together.

Non-Contiguous Lands means any lands beyond one half mile of the corporate limits of the City as measured at the point the corporate limits and the involved lands are closest together.

Provision, Delivery, or Furnishing City Water and/or Sewer Utilities means the extension of water and/or sewer mains, or tapping into an existing water and/or sewer main by a lateral to serve a customer, or the expansion of an existing water and/or sewer use, or any combination of these.

City Water means potable water delivered from the water utility system operated by the City.

City Sewer means the sanitary sewerage collection utility system operated by the City.

City Utility Service or Water and/or Sewer Utilities means City water and/or City sewer.

Adjacent Lands means any lands located immediately adjacent to a city water and/or city sewer main within the city's Urban Growth Area (UGA) and which lands are contiguous lands as defined herein.

2. Requests for Extensions: The Moses Lake City Council shall review all requests for the provision of water and/or sewer utilities whether the request involves property which is contiguous or non-contiguous. Only the City Council can grant permission for the provision, delivery, or furnishing of water and/or sewer utilities to anyone beyond the corporate limits of the City, such permission being evidenced by a formal commitment noted in the minutes of a regular City Council meeting. All extensions of water and/or sewer utilities beyond the corporate limits of the City shall be made by the City Council within their sole and complete discretion.
3. Washington statutes and case law provide that cities are not legally required to provide water or sewer or other utility services to properties located outside the city limits, but that cities have the discretion to provide such utilities within its urban growth area as a legislative decision, on terms and conditions set forth in a contract.
4. The City is not the sole or exclusive provider of sewer or water service in any area outside of the City's corporate limits. The city shall not be considered or construed as being the sole or exclusive utility purveyor for any properties outside of the city's corporate limits or within the city's urban growth

area.

5. Delivery of City Water and/or Sewer Utilities to Contiguous Lands:

- A. The City of Moses Lake will only deliver water and/or sewer utilities to contiguous lands if the owner of those lands annexes those lands into the City, except, if the public's health, safety, and welfare is an issue, as determined by the Grant County Health District, the City may deliver City water and/or City sewer utilities subject to the same conditions applicable to the delivery of City water and/or City sewer utilities to non-contiguous lands, except that property which contains a county owned and operated agricultural fair as defined by RCW 36.37 and property owned and operated by a port district established under RCW 53 shall not be required to annex to receive City water and/or sewer utilities. Once within the City the lands will be delivered City utilities as provided by City ordinance, If those contiguous lands are not annexed into the City, the City will deliver neither City water nor City sewer services, except as set forth in subsection b below.
- B. The City Council may permit the provision of water and/or sewer service to adjacent lands where the water and/or sewer main is adjacent to the property, the property is contiguous lands as defined in this resolution and it is impractical for the property owner to annex the owner's property into the city because of the previous subdivision of the land or other like condition. Each such request will be considered by the City Council on an individual basis and no uniform result as respects such requests is expected where each will be determined by the unique circumstance of each property seeking permission to connect to city water and/or sewer. If the City Council permits adjacent lands to connect to the city water and/or sewer system, the property owner shall first comply with the procedure for the delivery of water and/or sewer to non-contiguous lands as set forth below in Section 6.

6. Delivery of City Water and/or Sewer Utilities to Non-Contiguous Lands: The City of Moses Lake will consider the provision of water utilities and/or the provision of sewer utilities to non-contiguous lands when such water is available or when such sewerage capacity is available in the City sewerage system as determined by the City Council upon the conditions listed below:

- A. The execution of a contract document between the land owner and the City containing the essential elements of the water and/or sewer provision agreement as outlined below.
- B. The water and/or sewer system to be built and connected to the City water utility or City sewer utility will be built to City standards.
- C. The execution of necessary document(s) as determined by the City's legal department from the land owner to the City stating in essence that the land owner agrees to have non-contiguous lands annexed to the City at the City's discretion when those lands can be annexed.

Further, the document(s) will provide as a condition of receiving City water and/or City sewer that the non-contiguous lands will not be used in any manner inconsistent with the land use controls in place.
- D. The land owner will survey the non-contiguous lands to be provided City water and/or City sewer if requested to do so by City staff.
- E. The City water and/or sewer utility services provided to the non-contiguous land will not be changed as to either the scope, nature, or intensity of the use without further approval from the Moses Lake City Council as such change is considered an expansion of the commitment given unless such expansion has already been provided for in the commitment given by the Moses Lake City Council.

- F. Such other conditions as City staff may negotiate as being necessary and as approved by the Moses Lake City Council.
 - G. Failure to comply with any of the conditions of the water and/or sewer provision agreement shall terminate the delivery of water and/or sewer utility services to the non-contiguous land.
7. Any formal commitment given by the City Council to provide water and/or sewer utilities outside the corporate limits of the City shall remain in effect for two (2) years except there shall be no limitation for residential properties up to nine (9) lots from the date the commitment is given. Within the two (2) year commitment period, the lands involved must actually be tapped into the City's water and/or sewer utilities or the commitment given by the City Council shall be considered automatically withdrawn without further consideration by the City Council. Any documents prepared and delivered by a party pursuant to Section 6. A. and C. shall be returned to the land owner if the commitment is terminated.

Effective Date: This policy shall control all extensions of City water and sewer utilities after March 24, 2015.

Adopted by the City Council on March 24, 2015.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

March 18, 2015

TO: City Manager
For City Council Consideration

FROM: Municipal Services Director

SUBJECT: **Request to Call for Bids**
Mae Valley Sewer Improvement Project – 2015

Staff is nearing completion of the plans and specifications for the Mae Valley Sewer Improvement Project – 2015. The project includes installing 1,850 feet of 12" force main through Blue Heron Park and 1,800 of 18" gravity sewer main in Westshore Drive, decommissioning the existing Montana Sewer Lift Station, and constructing the new Blue Heron Lift Station

The estimated construction cost for the project is \$750,000. Plans and specifications will be available at the engineering office for review.

Staff requests authorization to advertise this contract for bids.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Gary Harer". The signature is written in a cursive, flowing style.

Gary Harer, PE/PLS
Municipal Services Director

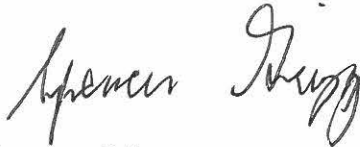
Memorandum

To: City Manager for Council Consideration
From: Parks & Recreation Director
Date: March 17, 2015
Re: Recommendation from Parks & Recreation Commission

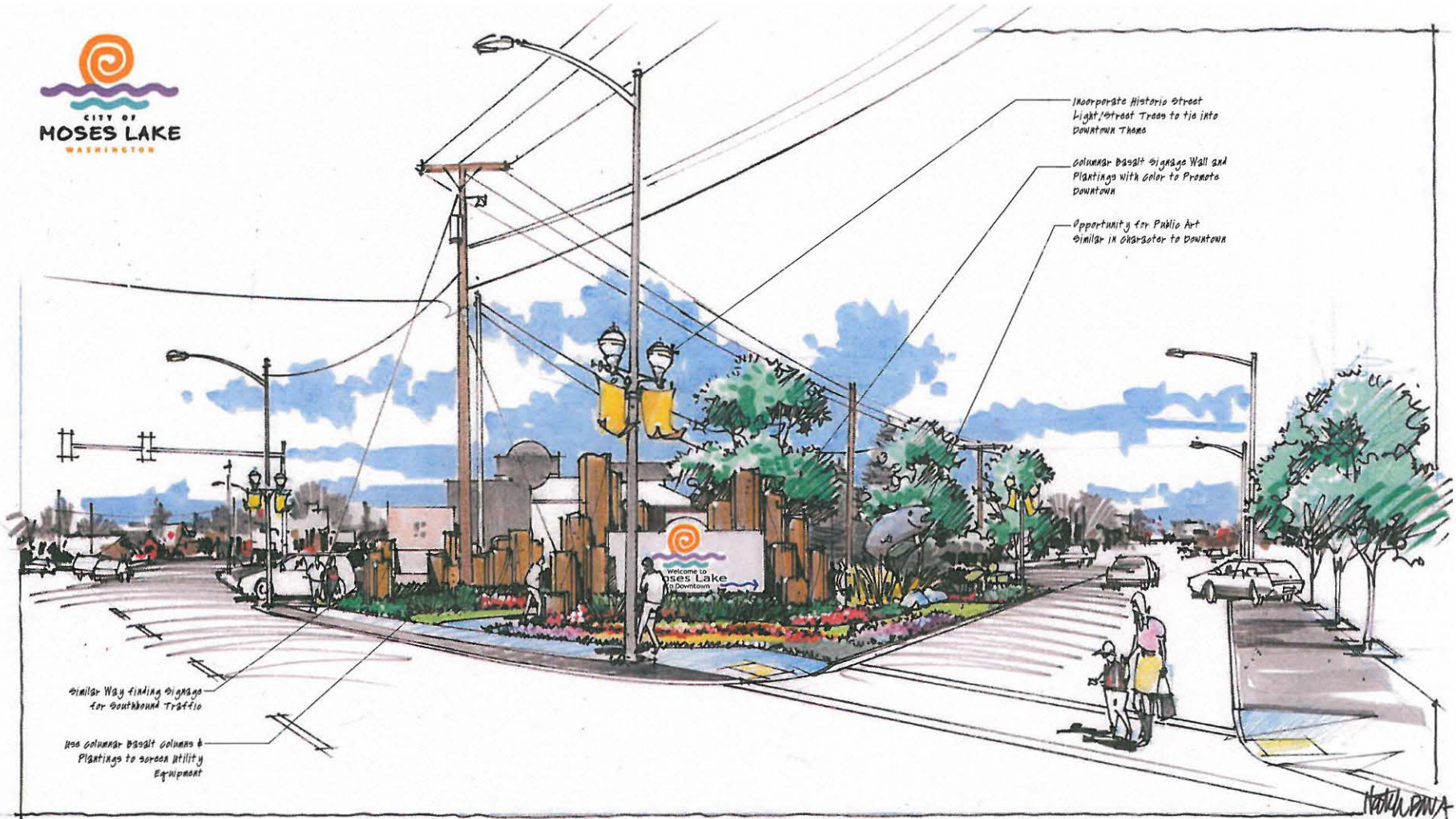
At the regular meeting of the Moses Lake Parks & Recreation Commission, Howard Skaug approached the group regarding his possible "adoption" of the landscaped triangle area where Broadway and 3rd Avenue meet. After significant discussion with Howard, the commission voted unanimously to recommend that City Council support his request.

The attached conceptual design should provide some idea of what Howard is proposing.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Spencer Grigg". The signature is fluid and cursive, with the first name "Spencer" written in a larger, more prominent script than the last name "Grigg".

Spencer Grigg
Parks & Recreation Director



Moses Lake, Washington

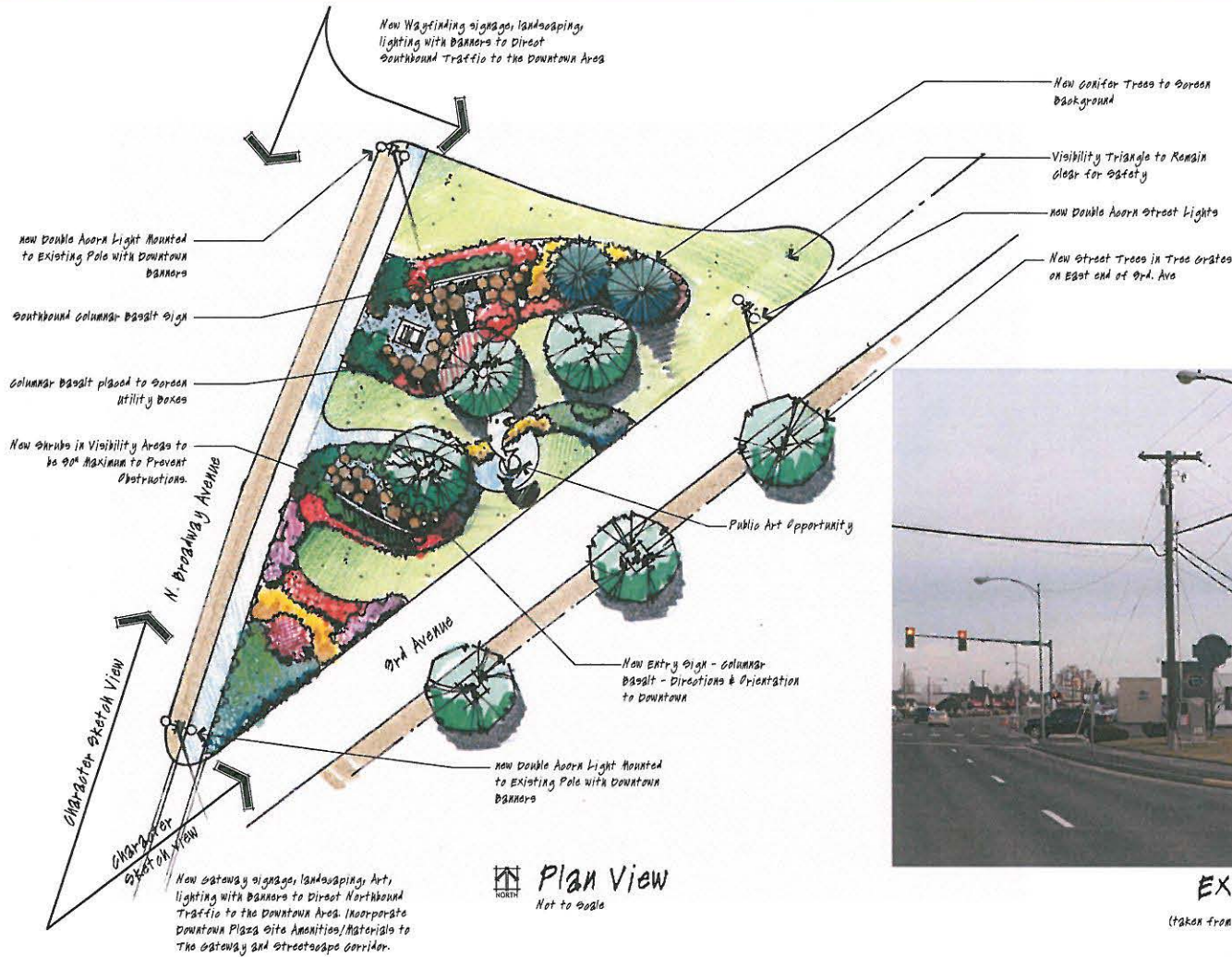
March 11, 2015

West Gateway Concept

Character Sketch

West Broadway and 3rd Avenue

B W A BERNARDO WILLS
ARCHITECTS PC



Existing Photo

(taken from Broadway/3rd Ave. Looking Northeast)

Moses Lake, Washington

March 11, 2015

West Gateway Concept

West Broadway and 3rd Avenue

Conceptual Site Plan - Existing Conditions

BWA BERNARDO WILLIS ARCHITECTS PC

March 18, 2015

TO: City Manager for Council Consideration

FROM: Community Development Director

SUBJECT: Knauf Insulation - Communication - Request for Direction

Attached is a letter from Eric Kowalewski, Knauf Insulation, requesting occupancy of the former Guardian Insulation production building located at 3741 Road N NE. The building has remained idle for a few years and is mostly complete. However, a Certificate of Occupancy has yet to be issued. Knauf Insulation has purchased Guardian Insulation, which includes the Moses Lake facility.

The former Guardian Insulation production building has been inspected by the Building Division and is roughly 95% complete. Outstanding items include some site improvements and completing the code requirements under Chapter 16.36, Fire Code. The communication received from Mr. Kowalewski is a variance request to completing the code requirements under Chapter 16.36. The Fire Marshal has provided a memo stating that a variance would need to be approved by the City Council per MLMC 16.36.015, Variance, in order to allow Knauf Insulation to move forward with occupancy prior to completion of the requirements of the Fire Code.

At this time staff would support the request given the communication between all parties in terms of what remains to be completed and a schedule for completion of those outstanding items.

The City Council may wish to consider the variance request as proposed. The Council should contemplate that the granting of the variance is in the best interest and welfare of the community and that fire protection will not be compromised.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt



March 16, 2015

City of Moses Lake
401 S. Blasam
P.O. Box 1579
Moses Lake, WA 98837

Dear Gilbert Alvarado:

On behalf of Knauf Insulation, LLC I would like to request a temporary occupancy permit for a facility in Moses Lake, Washington, located at the following address:

3741 Road N NE
Moses Lake, WA 98837

We agree to complete all necessary upgrades to the above facility by the 2nd quarter of 2015. The upgrades that will be completed include paved road, fire panel upgrades, emergency man doors, and landscaping.

As our team is anxious to move forward, we would be grateful for this to be addressed at the next City Council meeting on March 24, 2015. Please advise if any additional information is needed in order to obtain this permit.

Best regards,

A handwritten signature in black ink, appearing to read "Eric Kowalewski".

Eric Kowalewski
Vice President, Operations
Knauf Insulation, LLC

M E M O R A N D U M



To: Building Official
From: Fire Marshal
Date: 2-6-2015
Subject: Guardian Insulation Building

In regard to the subject building I have the following comments:

1. The building was not equipped with the required fire apparatus access roadways as specified at the time of construction. Fire apparatus access roadways are required around the perimeter of the structure and shall be a minimum of 20' in width and are required to be hard surfaced. This requirement was present in MLMC Chapter 16 at the time of the initial building permit issuance and was a requirement for occupancy. Any deviation from this requirement must be approved by the Moses Lake City Council through a variance as specified in MLMC Chapter 16.
2. Aerial apparatus access roadways will not be required, as they were not a code requirement at the time of the initial building permit issuance.
3. Firefighting access must be addressed. There are limited man doors installed on the east side of the structure, resulting in significant distances between openings. Firefighting access must be provided as specified in the code that was in place at the time of initial building construction.
4. The automatic fire sprinkler system / fire pumps must be service tested and reports forwarded to MLFD for review and approval.
5. The automatic fire sprinkler system requires electronic monitoring. Monitoring must be in place prior to occupancy.
6. All hydrants shall be equipped with 5" storz adapters, and shall be service tested prior to occupancy. Private hydrants shall be tested and inspected, and a report of inspection forwarded to MLFD for review and approval. Hydrant inspection forms and instruction packages are on the fire department portion of the city website.

- D. Closure of Access Roads: When approved by the Fire Chief, gates and barricades may be placed across fire apparatus access roads, provided that they can be opened by the Fire Department with the provision of an approved "key box". For gates controlled electronically, the gate shall be equipped with an approved key switch override, and a manual release mechanism shall be accessible to firefighters through a "man-gate" installed no further than fifty feet (50') from the roadway gate.
- E. Access Identification: When required by the Fire Chief, fire apparatus access roads shall be posted with signs reading "No Parking - Fire Lane". Signs shall have three inch (3") reflective red lettering on a white background. The top of the sign shall not be less than four feet (4') nor more six feet (6') from the ground. Vertical curbs shall be painted yellow or red on the top and side. Rolled curbs or surfaces without curbs shall have a yellow or red six inch (6") wide painted stripe. The paint or striping shall extend the length of the designated fire lane.
- F. Aerial Fire Apparatus Access Roads: Buildings or portions of buildings, or facilities exceeding thirty feet (30') in height above the lowest level of Fire Department access shall be provided with a roadway that complies with Section D105 of the 2009 State Fire Code as currently adopted or as amended in the future.
- G. Residential Developments: Access shall be provided to new residential developments in accordance with Sections D106 and D107 of the 2009 State Fire Code as currently adopted or as amended in the future.
- H. Commercial and Industrial Developments: Fire apparatus access for commercial and industrial developments shall comply with Section D104 of the 2009 State Fire Code as currently adopted or as amended in the future. (Ord. 2706, 3/11/14; Ord. 2559, 4/27/10; Ord. 2476, 6/23/09; Ord. 2283, 12/12/06; Ord. 2082, 7/23/02)

16.36.015 Variance: The City Council may grant variances from the standards set forth in this chapter upon the finding that the grant of a variance is in the best interest and welfare of the community and that fire protection will not be compromised. The Fire Chief shall provide a recommendation to the City Council on whether or not in his opinion fire protection would be compromised. (Ord. 2007, 2/27/01)

16.36.020 Above Ground Storage Tanks for Motor Vehicle Fuel - Dispensing Stations: Appendix II-F to the 1997 State Fire Code entitled "Aboveground Storage Tanks for Motor Vehicle Fuel - Dispensing Stations" is adopted by reference in its entirety. (Ord. 2476, 6/23/09; Ord. 2082, 7/23/02; Ord. 1544, 1992; Ord. 983, 1980; Ord. 792, 1976)

16.36.030 Key Box Required: On all new construction and in buildings retro-fitted with required automatic fire sprinkler systems, or fire alarm systems, a Fire Department approved key box is required to be installed on the exterior of the building at a location specified by the Fire Marshal. (Ord. 2082, 7/23/02)

16.36.070 Commercial Kitchen Defined: Kitchens in Occupancy Groups A, B, E, I, M, & R-1 (hotels) shall be defined as commercial kitchens. In all commercial kitchens, food processing equipment which produces grease laden vapors shall be protected by an approved hood and ventilation system that is equipped with an automatic fire suppression system which complies with U. L. Standard 300. Ventilation fans shall be connected to the fire suppression system in accordance with the fire suppression system manufactures instructions. A single residential cooking unit shall be exempt from this requirement. A facility with two (2) or more residential cooking units installed in the same room shall be inspected by the Fire Department and a determination shall be made on whether or not a fire suppression system will be required. (Ord. 2082, 7/23/02)

March 18, 2015

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Busby Preliminary Major Plat - Request for Extension

Busby International, Inc. has requested a one year extension of the preliminary plat approval for the Busby Preliminary Major Plat. The subject preliminary plat was approved April 8, 2007.

Moses Lake Municipal Code 17.12.100 gives the City Council the authority to grant a one year extension of an approved preliminary plat as follows:

- 17.12.100 Expiration of Preliminary Major Subdivision Approval:
- A. A preliminary major subdivision approval shall expire and become null and void seven (7) years after the date of final action by the City Council.
 - B. The City Council may grant one (1) extension of the preliminary subdivision approval for a period not to exceed one (1) year, provided that the applicant submits a written request for an extension at least thirty (30) calendar days before the expiration date, and the applicant has attempted in good faith to submit the final subdivision application.

The City Council may wish to consider the request and the criteria within MLMC 17.12.100 for granting an extension. The matter is presented for Council consideration. The Council should consider the request and either approve or deny the request.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt

BUSBY

INTERNATIONAL INC.

TO: City Council of Moses Lake

FROM: Busby International, Inc.

SUBJECT: One year extension for Preliminary Binding Site Plan

March 4, 2015

Our expiration on our Preliminary Binding Site Plan expires on April 8th and we are asking for a one year extension for the following reasons:

We need to obtain detailed bids from contractors in hooking up to the city's water and sewer system on Wheeler Road as indicated in preliminary comments from the Moses Lake Engineering Department.

We also need additional time for our Engineer to make up detailed site plan drawings that we need to be submitted to the city's Planning Department prior to the final approval.

We thank you for your consideration in this matter and look forward to working with the city in the future to complete the Final Binding Site Plan.

Regards,



Sid Gregory

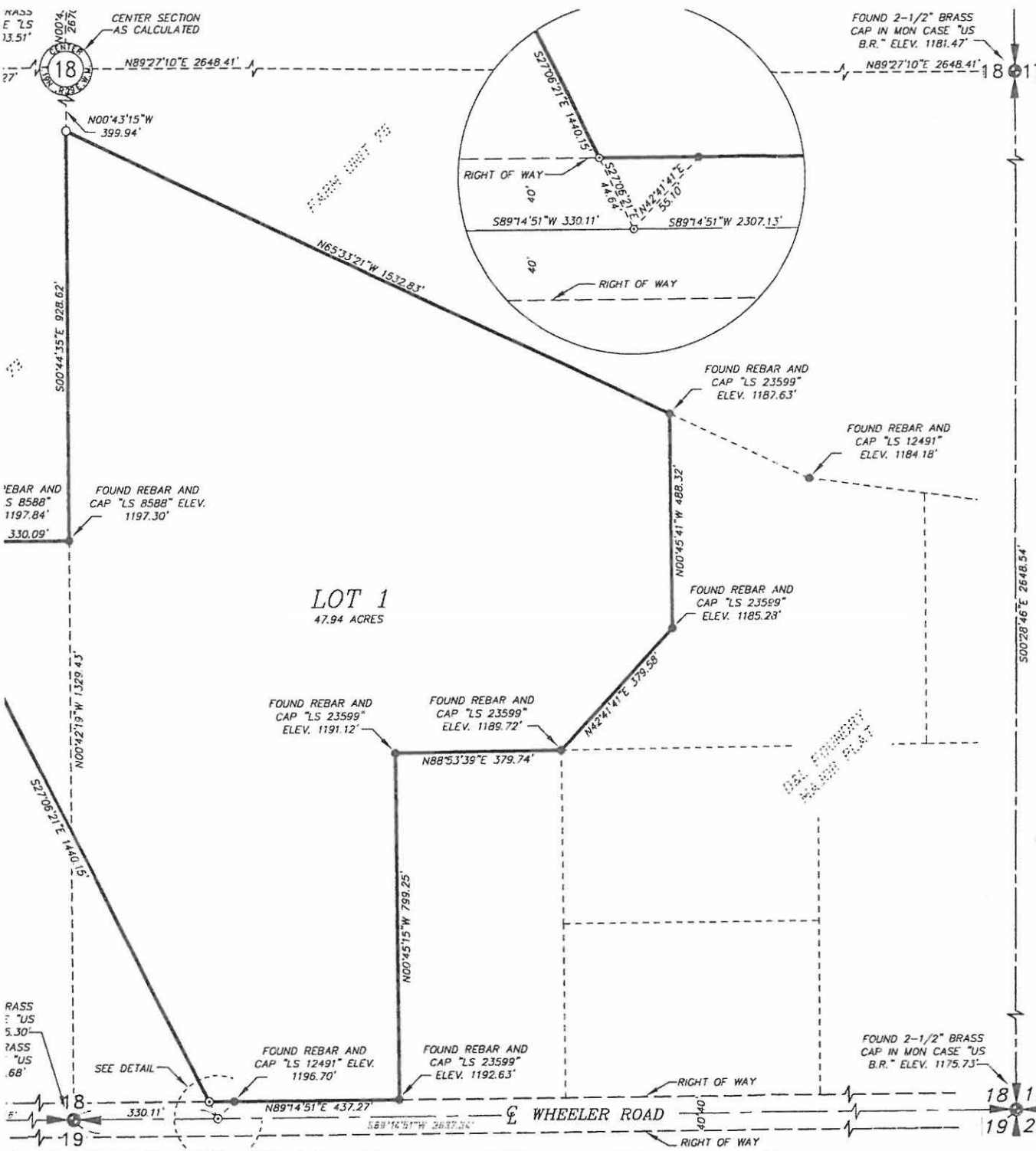
Busby International, Inc.

Chief Financial Officer and Consultant

RECEIVED
COMMUNITY DEVELOPMENT

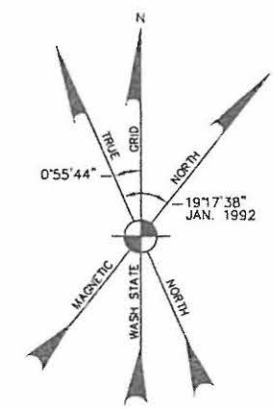
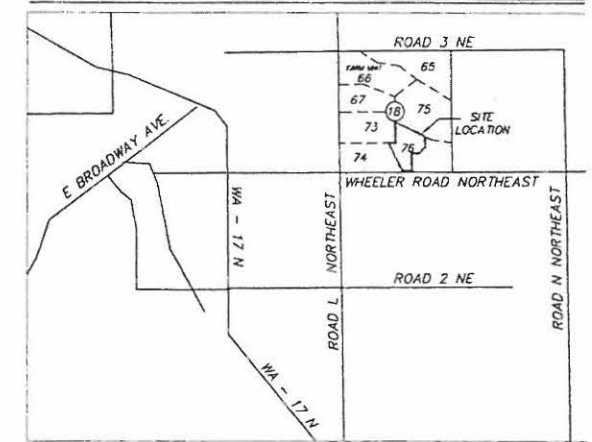
MAR 4 2015

PLANNING AND BUILDING
CITY OF MOSES LAKE



MAJOR SUBDIVISION

VICINITY MAP



EQUIPMENT & PROCEDURE

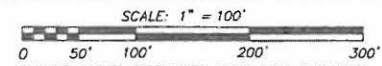
EQUIPMENT: LEICA SYSTEM 500 GPS & S GPS AND ROBOTIC TOTAL STATION
 PROCEDURES: INITIAL CONTROL ESTABLISHED GPS OBSERVATIONS, WITH A ±2CM CONVENTIONAL TRAVE PERFORMED BETWEEN THIS CORNER MONUMENTATION. PL ADJUSTMENTS WERE MADE U SQUARES ANALYSIS. PROCESSED EXCEED W.A.C. 332-130-094
 DATES OF SURVEY: INITIAL CONTROL PERFORMED

VERTICAL DATUM: A GPS DERIVED ELEVATION USING THE VERTICAL DATUM

TBM BEING A 2-1/2" U.S. BUREAU OF CORNER IN MONUMENT CASE, LOCATED CORNER OF SECTION

BASIS OF BEARINGS:

WASHINGTON STATE PLANE GRID SOUTH ZONE BASED ON STATIC OR RAPID STATIC GPS MEASUREMENTS
 ASTRONOMIC NORTH BEARS APPROXIMATELY N 00°55'44" W



THE MEASURED DISTANCES SHOWN ON THIS MAP HAVE BEEN ADJUSTED TO THE WASHINGTON STATE PLANE COORDINATE GRID. MULTIPLY THE MEASURED DISTANCES SHOWN BY A FACTOR OF 1.0000038 TO OBTAIN THE ACTUAL GROUND DISTANCE.

LEGEND

- SET REBAR AND CAP LS 23599
- FOUND MONUMENT AS NOTED
- FOUND REBAR AND CAP ACCEPTED UNLESS NOTED OTHERWISE
- ⊙ CALCULATED POINT
- () DATA PER PLAT OF XXXXX CONVERTED TO GRID DISTANCE AND SHOWN IN COMPARISON WITH DATA COMPILED FOR THIS SURVEY, OR ACCEPTED.

AUDITOR'S

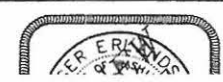
NW NW	NE NW	N
SW NW	SE NW	W
NW SW	NE SW	N
SW SW	SE SW	W

TOWNSHIP 19 N. RA GRANT CC

IN WITNESS WHEREOF, I HAVE HEREBY SET MY HAND AND SEAL OF OFFICE, AT SEASIDE, CALIFORNIA, THIS 10TH DAY OF JANUARY, 2019.

DECLARATION

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



MAJOR SUBDIVISION

A PORTION OF