



City Council Meeting Schedule June 2017

June 6, 2017
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING

June 13, 2017
Tuesday, 6:30 p.m. WORKSHOP MEETING
1. Golf Course Update
2. Committee Updates

June 20, 2017
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING

June 27, 2017
Tuesday, 6:30 p.m. WORKSHOP MEETING
1. Code Enforcement Update
2. Legislative Priorities
3. Civic Campus Update

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio Taped

June 2017
Updated 6/22/17

Council Workshop Coversheet



Agenda Item Number	1.	Meeting Date	06/27/2017
Agenda Item Type	Presentation		
Subject	Code Enforcement Update		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Finance		

Info Only	☒
Policy Review	☒
Policy DevMnt	☐
Other	☐

Summary

Staff will provide an update on our Code Enforcement program. Significant changes were made in 2016 and this presentation will provide an overview on the success of the changes implemented and current status of the program.

Information will also be presented on some additional code revisions needed that were identified post process-review implementation.

Through

Evelyn Lusignan
Jun 21, 16:19:49 GMT-0700 2017

Dept Head Approval

Dan Legard
Jun 22, 07:19:28 GMT-0700 2017

City Mgr Approval

Marie Mosley
Jun 22, 09:28:00 GMT-0700 2017

Attachments:

Presentation - Code Enforcement
ORD 5701-Redline
ORD 5700-Redline

CITY OF KENNEWICK
ORDINANCE NO. 5700

AN ORDINANCE RELATING TO REGULATING UNFIT AND
SUBSTANDARD STRUCTURES AND AMENDING SECTIONS 9.44.090
AND 9.44.110 OF THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 9.44.090 of the Kennewick Municipal Code be, and the same hereby is,
amended to read as follows:

9.44.090: Appeals:

(1) An appeal of the Director's order shall be filed within 30 days from the date of service. An appeal shall not be considered filed unless accompanied with the appropriate appeal fee and a complete appeal submittal.

(2) The submittal for an appeal to the Hearing Examiner shall include:

- (a) The case number designated by the City and the name of the parties in interest and owner of the property subject to the order;
- (b) The name and signature of each petitioner or their authorized representative and a statement showing that each petitioner has standing to file an appeal. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative;
- (c) The specific decision and specific portions of the decision or determination being appealed, and the specific reasons why each aspect is in error as a matter of fact or law;
- (d) Evidence that specific issues raised on appeal were raised during the hearing on the complaint or were timely submitted while the record was open; and
- (e) The appeal fee of \$250.00.

(3) Any individual, on the basis of indigent status as defined herein, may seek a waiver of the appeal fee per the following conditions:

- (a) The application for such waiver may be made in writing or orally, accompanied by the mandatory financial statement form whereby the applicant attests to his or her financial status.
- (b) Applications for waiver of appeal fees shall be considered in a timely manner by the Director, the applicant shall provide the Director with a self-addressed stamped envelope for timely return of a copy of the decision regarding waiver of the fee.
- (c) An individual will be determined to be indigent, within the meaning of this section, if such person, on the basis of the information presented in the financial statement, establishes that:
 - (i) He or she is currently receiving assistance under a needs-based, means-tested assistance program such as the following: Federal Temporary Assistance for Needy Families (TANF), State provided general assistance for unemployable individuals, Federal Supplemental Security Income, Federal poverty related veteran's benefits, or Food Stamp Program; or

- (ii) His or her household income is at or below 125% of the federal poverty guideline; or
- (iii) His or her household income is above 125% of the federal poverty guideline and the applicant has recurring basic living expenses (as defined in RCW 10.101.010(4)(d) that render him or her without the financial ability to pay the appeal fee; or
- (iv) Other compelling circumstances exist that demonstrate an applicant's inability to pay the appeal fee.

~~(43)~~ All complete appeals submitted and allowed pursuant to Chapter 9.44 shall be scheduled for review at a public hearing before the Hearing Examiner so as to allow ten (10) or more days' notice to the appellant and all interested parties and to permit final decision by the Hearing Examiner within sixty (60) days after the filing of the appeal. Further extensions may be permitted upon mutual agreement of the petitioner, other parties in interest or owners, and the department; provided no extension shall be granted which would prevent the Hearing Examiner from issuing a decision within sixty (60) days of the date of submission of appeal.

~~(54)~~ Notice of the appeal hearing shall be mailed first-class, postage prepaid, to the petitioner(s), all other parties in interest, owner, and complainant, if requested by the complainant in writing at the time of submission of the original complaint.

- (a) Failure of a person entitled to receive notice does not affect the jurisdiction of the Hearing Examiner to hear the appeal when scheduled and render a decision, if the notice was properly mailed.
- (b) A person is deemed to have received notice if the person appears at the hearing, or submits written comments on the merits of the application, or if the person fails to object to the lack of notice promptly after the person obtains actual knowledge of the hearing date.
- (c) If required notice is not given and actual notice is not received, the Hearing Examiner may reschedule the hearing or keep the record open on the matter to receive additional evidence from the aggrieved party or parties who did not receive notice.

~~(65)~~ The filing of the appeal submittal shall stay the order of the Director, except insofar as temporary measures of an emergent nature are required, such as securing the building to minimize any imminent danger to the public health or safety.

~~(76)~~ The format of the public hearing shall be organized so that the testimony and written evidence may be presented quickly and efficiently. All reasonably probative evidence is admissible by the Hearing Examiner. The Hearing Examiner may exclude all evidence that is irrelevant, immaterial or unduly repetitious. The judicial rules of evidence are not strictly applied, but may be used by the Hearing Examiner for guidance. The Hearing Examiner shall accord such weight to the evidence as he/she deems appropriate. The Hearing Examiner may take official notice of judicially cognizable facts; federal, state and local laws, ordinances or regulations; the City's Comprehensive Plan and other adopted plans or policies of the City; and general, technical and scientific facts within the Hearing Examiner's specialized knowledge; so long as any noticed facts are included in the record and referenced or are apparent in the Hearing Examiner's final decision.

~~(87)~~ The decision of the Hearing Examiner shall be in writing, include findings and conclusions based on the record to support the decision, and shall bear the same legal consequences as the order issued by the Director. The Hearing Examiner shall render a final decision within ten (10) business days following the conclusion of all testimony and hearings,

unless a longer time period is mutually agreed to in writing by the applicant and the Hearing Examiner; provided, the decision of the Hearing Examiner shall be issued within sixty (60) days from the date of filing of the appeal. A copy of the Hearing Examiner's decision shall be filed with the Benton County Auditor.

(98) The The Hearing Examiner may affirm, modify, reverse, or return with directions, the Director's appealed order in the event he or she finds an error of law or the record is not supported by substantiated evidence. If the Hearing Examiner's decision is not timely and correctly appealed pursuant to Section 9.44.090(9), the Hearing Examiner's decision shall be a final order.

(109) Any person affected by an order issued by the Hearing Examiner may, within 30 days after the date of service of the Hearing Examiner's order, appeal the Hearing Examiner's order to Benton County Superior Court or may petition the Superior Court for an injunction or other appropriate order restraining the Director from carrying out the provisions of the Hearing Examiner's order. Pursuant to RCW 35.80.030, in all such proceedings the court may affirm, reverse, or modify the order and the review shall be de novo. (Ord. 5700 Sec. 1, 2017: Ord. 5658 Sec. 10, 2016: Ord. 5512 Sec. 7, 2013)

Section 2. Section 9.44.110 of the Kennewick Municipal Code be, and the same hereby is, amended to read as follows:

9.44.110: Costs:

(1) The costs of abatement, repair, alteration or improvement, or vacating and closing, or removal or demolition, when borne by the City, shall be assessed against the real property upon which such costs were incurred unless paid. The Director shall forward such costs to the City Treasurer, who shall certify them to the County Treasurer for assessment on the tax rolls. The assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes pursuant to RCW 35.80.030(h).

(2) Bids for demolition shall be let only to a licensed contractor. The contract documents shall provide that the value of the materials and other salvage of the property shall be credited against the costs of the demolition. The contract documents may require bidders to estimate the salvage value of the property and, by claiming the salvage, reduce the amount of his bid accordingly. The contract price fixed by acceptance of such a bid shall not be adjusted to reflect the actual salvage value. Such bids may be let prior to the time for compliance or appeal, but shall not be binding or accepted until the order for demolition is final. The Director shall have the authority to sign the contract on behalf of the City.

(3) There shall be charged against the owner and assessed against the property of any boarded-up building an annual inspection fee of \$250.00. Such fee shall be payable at the time the building becomes a boarded-up building. The Director shall order a refund of the proportional amount not due if the building is reoccupied or demolished. Subsequent annual fees shall be payable on or before the preceding annual fee has been exhausted.

(4) Actual costs and expenses will be assessed in accord with the provisions of this Section.

(5) In addition to actual abatement costs, the following administrative fee shall be assessed and collected in the same manner:

(a) Where abatement is accomplished by voluntary agreement, the Director shall charge at least \$50.00 per month per acre or fractions thereof.

- (b) Where abatement has not been accomplished by the owner prior to a hearing before the Director:
 - (i) Substandard building \$500.00;
 - (ii) Unfit building \$1,000.00;
 - (iii) Vacant Structures and Land \$500.00.
- (c) Where abatement is accomplished following breach of an agreement or understanding between a property owner and Director:
 - (i) Substandard building \$1,000.00;
 - (ii) Unfit building \$1,500.00;
 - (iii) Vacant Structures and Land \$1,000.00.
- (d) Where the abatement is accomplished by the City following hearing or default of the property owner:
 - (i) Substandard building \$2,000.00;
 - (ii) Unfit building \$3,000.00;
 - (iii) Vacant Structures and Land \$2,000.00.
- (6) For repeat violations, costs shall be doubled.
- (7) The Director or their designee are hereby authorized to utilize all means permitted

by law to collect unpaid administrative fees and abatement costs including, but not limited to the use of a collection agency to recover said fees and costs. In addition to the enforcement measures authorized by Chapter 9.44 and Chapter 9.48 KMC, the City Attorney is hereby authorized to pursue all other means permitted by law to enforce compliance with Chapter 9.44 and Chapter 9.48 KMC, including injunctive or other civil relief in Superior Court. (Ord. 5700 Sec. 2, 2017; Ord. 5658 Sec. 12, 2016; Ord. 5606 Sec. 3, 2015; Ord. 5512 Sec. 9, 2013; Ord. 5322 Sec. 35, 2010; Ord. 3830 Sec. 2, 1998; Ord. 3753 Sec. 2 (part), 1997; Ord. 3589 Sec. 2 (part), 1996; Ord. 3062 Sec. 1 (part), 1987)

Section 3. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this ____ day of _____, 2017, and signed in authentication of its passage this ____ day of _____, 2017.

Attest:

STEVE C. YOUNG, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5700 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this ____ day of
_____, 2017.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION_____

CITY OF KENNEWICK
ORDINANCE NO. 5701

AN ORDINANCE RELATING TO NUISANCES AND AMENDING SECTION
9.48.040 OF THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 9.48.040 of the Kennewick Municipal Code be, and the same hereby is,
amended to read as follows:

9.48.040: Abatement - Failure – Civil Penalties:

(1) Civil penalties for code violations shall be imposed for remedial purposes for
violations identified in a notice and order, pursuant to the following schedule:

- (a) Notice and Orders – basic initial penalty: \$500.00
 - (i) Second violation: \$1,000.00
 - (ii) Each subsequent violation (two or more): \$1,500.00

(b) Breach of Voluntary Correction Agreement penalty: \$1,000.00

~~(c)~~ Civil penalties shall be paid within 15 days of service of the notice and order if
not appealed. Payment of the civil penalties assess under this chapter does not
relieve a person found to be responsible for a code violation of his or her duty to
correct the violation and/or to pay any and all civil penalties or other cost
assessments issued pursuant to this chapter.

(2) The City may use the services of a collection agency in order to collect any civil
penalties, fees, costs and/or interest owing under this chapter. (Ord. 5701, Sec. 1, 2017: Ord.
5659 Sec. 5, 2016: Ord. 3060 Sec. 2 (part), 1987: Ord. 2089 Sec. 2 (part), 1977)

Section 2. This ordinance shall be in full force and effect five days from and after its passage,
approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this
_____ day of _____, 2017, and signed in authentication of its passage this _____ day
of _____, 2017.

Attest:

STEVE C. YOUNG, Mayor

TERRI L. WRIGHT, City Clerk

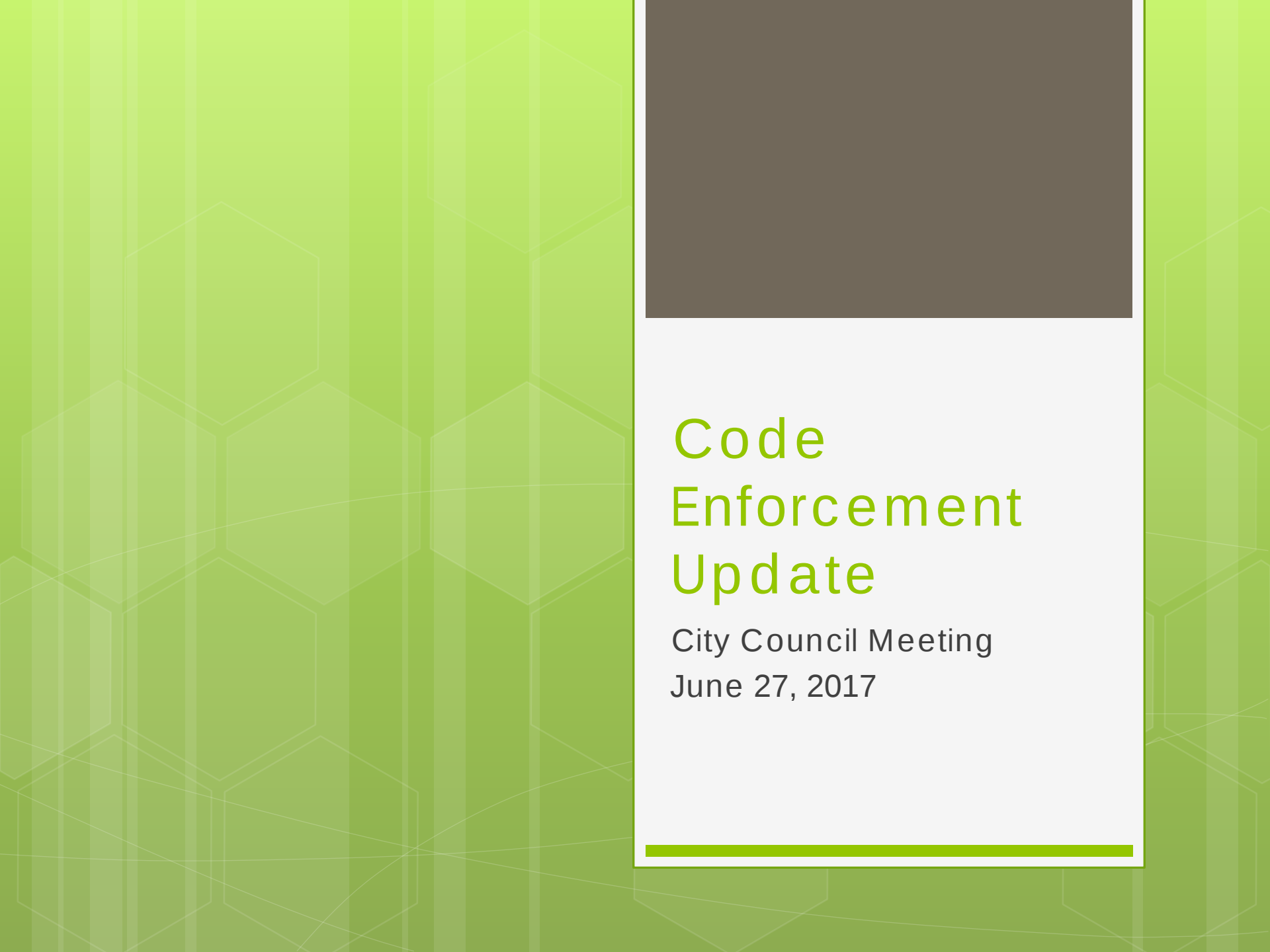
ORDINANCE NO. 5701 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this _____ day of
_____, 2017.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION_____



Code Enforcement Update

City Council Meeting
June 27, 2017

Agenda

- Background
- Statistics
- General Nuisance Highlights
- Substandard/Vacant Lot/Unfit Building Highlights
- Successes
- Challenges
- Code Change Recommendations

Background

- Process review started in 2015
- Significant changes to KMC 9.44 and 9.48 made in June 2016
- Redesigned web pages to be informative and take complaints online
- Implemented new software to track cases
- Some violations became infraction based
- Increased accountability and ownership on citizens when filing a complaint
- Substandard/Unfit Buildings given higher priority along with a hearing process with the Building Official

Statistics

- 830 Cases 2016
- 265 Cases YTD 2017
- 1 Significant Abatement Completed
- 35 Substandard Cases
- 30 Cases referred to City Attorney
- 38 Infractions Issues
 - 24 2016
 - 14 2017 YTD

General Nuisance Highlights

- Authority through KMC 9.48
 - Garbage Only Complaint – Infraction
 - 20 Day Compliance Period (9.04)
 - Weeds Only Complaint – Infraction
 - 20 Day Compliance Period
 - General Nuisance – All Other (Junk, Debris, Appliances, Signs, Vehicle Issues, RVs on Yard, Living in RVs, etc.)
 - 45 Day Compliance Period
 - Marijuana Nuisance addressed in 9.48
 - 10 Day Compliance Period

General Nuisance Highlights

- Boarded Up Building Inspections
- Expert Review Process for more complicated cases
- Appeals Process through Hearing Examiner
- Notification Process
 - Compliance Warning Letter
 - Notice & Order
 - Fine imposed at this level.
 - Voluntary Compliance Agreements (VCA) offered
 - City Attorney Letter
 - Civil Penalties

Fire Hazard Concerns

- Education process with the community.



Substandard/Vacant/Unfit Building Highlights

- Authority through KMC 9.44
- KMC Addresses three Compliance Areas
 - Substandard Buildings
 - Vacant Lots
 - Unfit Buildings
- Building Official (or designee) determines violation and conducts hearings
- Administrative fees apply to cases
- Priority lien status filing through County (Lis Pendens)

Substandard/Vacant/Unfit Building Highlights

- Appeals Process through Hearing Examiner
- Cases referred to City Attorney if remain out of compliance
- Properties identified without appropriate permits for work being done
 - Utilizing stop work orders

Examples of Substandard/Unfit Bldgs



Successes

- Efficiency in processes, allowing for high priority cases to be focused on
- High compliance level
- User friendly and informative website with complaint filing online
- Residential and Commercial Clean-Up
- Boarded Up Buildings – Proactive on notices
- Enhanced relationships with community partners (KID, County, Weed Control Board)
- Processes in place that will allow the City to pursue Abatement if needed
- Notification letters are on a template for efficiency



Challenges

- Foreclosures
 - Non priority lien status
- WA Supreme Court law changing possession rights
- Educating citizens of the new processes
- Deceased owners

Code Revisions Discussion

- Breach of Voluntary Correction Agreement (VCA) Administrative Penalty of \$1,000 added in KMC 9.48.
 - Intent is to deter non-compliance
- Violation of Vacant Land Standards - Administrative Fee Added KMC 9.44
 - Not included in original code changes. Will mirror Substandard Admin fees.
- Due Process Indigency Waivers for Appeals to the Hearing Examiner KMC 9.44

Council Workshop Coversheet



Agenda Item Number	2.	Meeting Date	06/27/2017
Agenda Item Type	Presentation		
Subject	2018 Legislative Strategy		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Manager		

Info Only	☒
Policy Review	☒
Policy DevMnt	☐
Other	☐

Summary

It is time to begin work on our 2018 legislative strategy so that we can be prepared over the summer to strategically implement our strategy. During the workshop, we will discuss our legislative priorities, proactive approach to the 2018 legislative session, tracking and monitoring our legislative agenda and how to best coordinate our efforts and resources.

Through

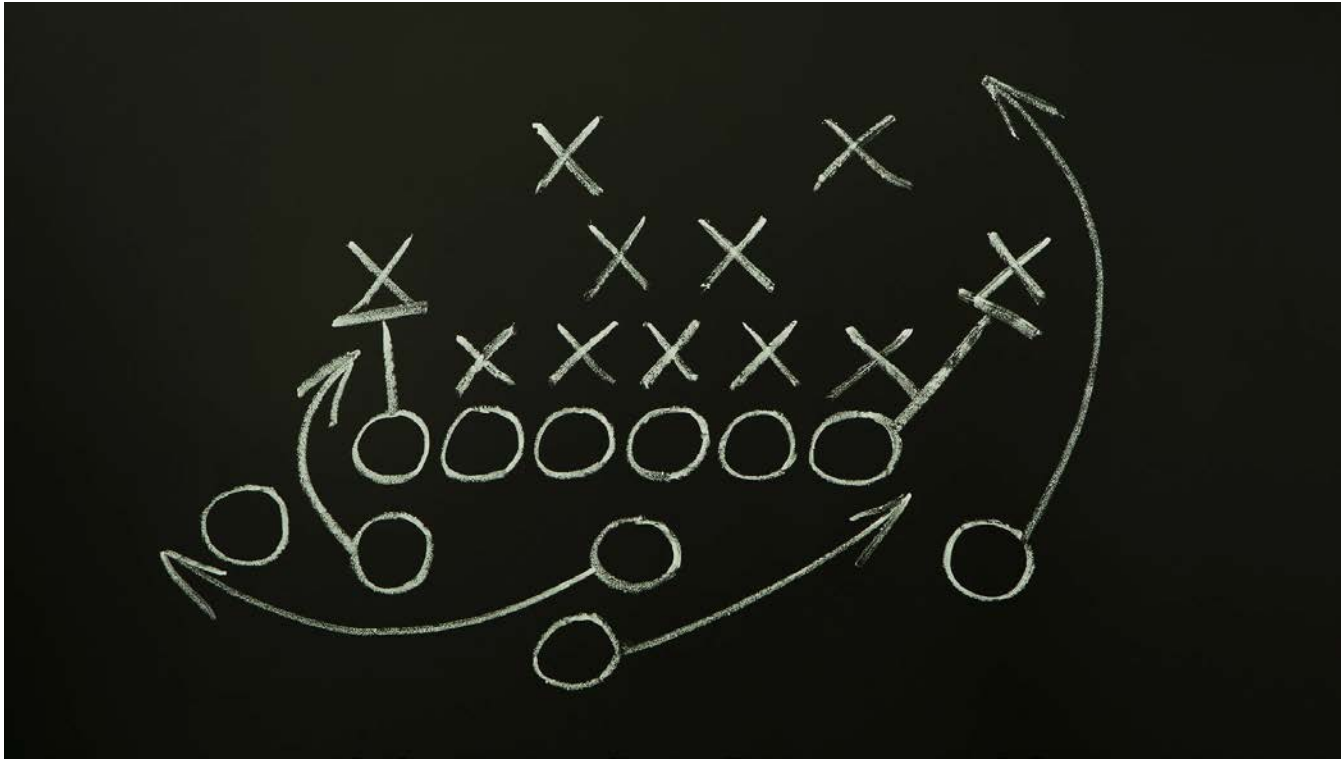
Emily Estes-Cross
Jun 21, 10:40:57 GMT-0700 2017

Attachments: Presentation - 2018 Legislative Priorities

Dept Head Approval

City Mgr Approval

Marie Mosley
Jun 21, 13:34:23 GMT-0700 2017

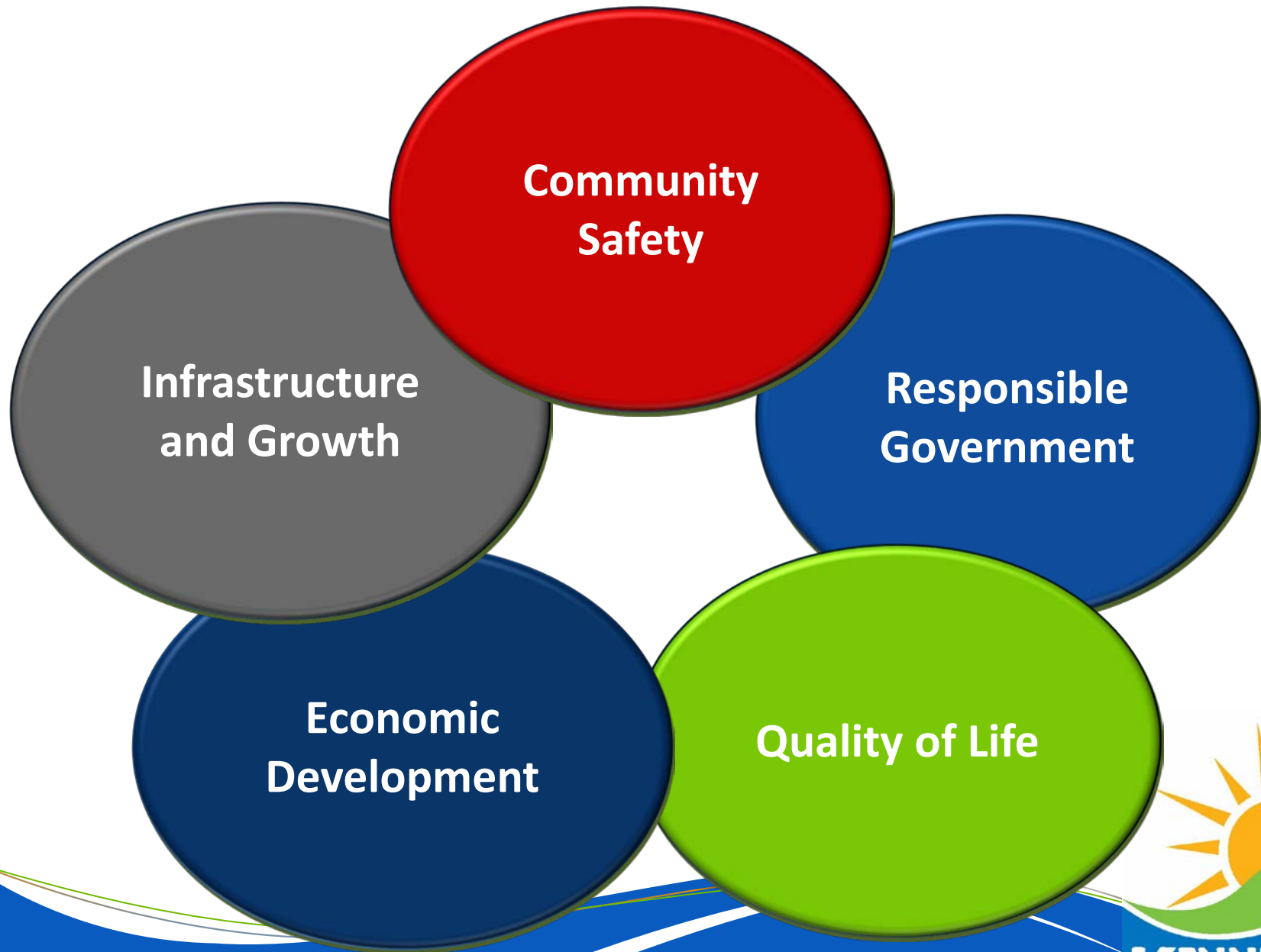


Legislative Priorities

June 27, 2017



Council Priorities



Community Safety

Continue to Ensure the Safety of our Community by Maintaining Current Service Levels & Partnerships

- Marijuana Legislation
- Fire District Ambulance Utility
- WASPC & State Fire Chiefs Legislative Agendas



Economic Development

Support Existing Businesses and the Creation of Sustainable Family Wage Jobs

- Building Business Ecosystems Act
- Main Street Program
- Culinary School Funding
- Growth Management Act
- Economic Development Incentives



Infrastructure & Growth

Maintain Existing Infrastructure and Build New Infrastructure to Support Economic Development & Expansion

- Infrastructure Financing Opportunities
- GMA Buildable Lands
- Public Works Trust Fund
- Transportation Projects
- 5G



Quality of Life

Maintain Parks, Provide for Diverse Recreation Programs and a Well Planned Community

- Grant & Loan Funding Opportunities
- Homelessness & Human Services



KENNEWICK
WASHINGTON

Responsible Government

***Provide Exceptional Public Service, Transparency
and a Sustainable Future***

- Preserve Existing State Shared Revenues
- Strengthen Public Records Act
- Revenue Flexibility & Fiscal Sustainability
- Unfunded/Underfunded Mandates
- Partnerships with TCLC, AWC, Professional Organizations & Community Partners



Strategies

- Prepared Talking Points & Handouts
- Proactive Outreach
- Reactive Readiness
- Coordination of Efforts & Resources

ACTION PLAN			
WHO	WHAT	WHEN	HOW

Questions?



Council Workshop Coversheet



Agenda Item Number	3.	Meeting Date	06/27/2017
Agenda Item Type	Presentation		
Subject	Civic Campus Update		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Employee & Community Relations		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

Staff will provide Council with an update on projects in the Civic Campus area.

Through

Terry Walsh
Jun 22, 15:48:48 GMT-0700 2017

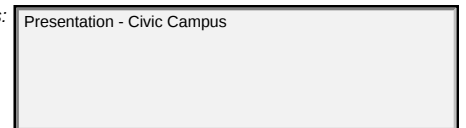
Dept Head Approval

Terry Walsh
Jun 22, 15:48:50 GMT-0700 2017

City Mgr Approval

Marie Mosley
Jun 22, 16:41:16 GMT-0700 2017

Attachments: Presentation - Civic Campus





Civic Campus Update Council Workshop June 27, 2017



Lighting Project

- Lights poles in west parking lot replaced
- Lighting upgrades in east parking lot
- Light replacements and upgrades in the front of city hall



Security Upgrades



- Reviewed Council priority of Workplace safety
 - Security cameras placed at City Hall
 - Police Department camera replacement inside and out (All access controllers and card readers)
 - Proxy card readers upgraded at KPD and City Hall (All access controllers and card readers)
 - Proxy card readers installed at Frost Facility (Hardware, access controllers and card readers)
 - Security Badge requirements at all city facilities



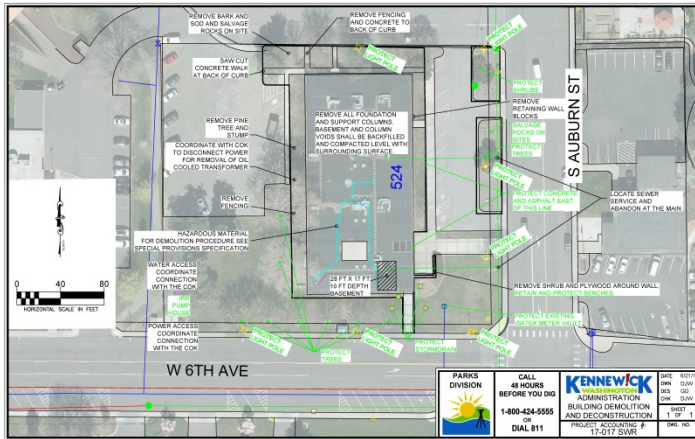
Frontage improvements

- Steps redone in the front of city hall
- Railing painted
- Flowers planted out front
- City sign painted “red”
- Summer banners installed



Kennewick School District Bldg.

- Asbestos mitigation complete
- Several moving parts with bid on demolition of building
- Bid out at the end of last week
- Working with Public Works on Well and long term water
- Site restoration following demo



Pathway and Parking

- Pathway complete
- Landscaping in process
- Handicap parking striping complete



Old Recreation Building

- Flooded during recent winter weather
- Reviewing surplus and/or demolition



Dayton Building

- Building and parking lot sold to the Kennewick School District
- School district in process of drafting MOU between City and School for continuation of Wiggles and Giggles program.



Volunteer Services and Other Projects

- Skate park
- Landscaping and window cleaning at Senior Center
- Bathroom repainting at Keewaydin
- Pool area – Benches and table replacement project underway
- Senior center lighting: Retrofit existing poles with new fixtures



Questions?





City Council Meeting Schedule July 2017

July 4, 2017

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING - ***CANCELLED - 4TH OF JULY HOLIDAY***

July 11, 2017

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Storm Water Rate Study
2. Inland Sea Port Update
3. Upcoming Events Update

July 18, 2017

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

July 25, 2017

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Development Update
2. Public Records Policy
3. NPDES Permit/Delegation of Authority

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio Taped

July 2017
Updated 6/22/17