



City Council Meeting Schedule July 2018

July 3, 2018
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING - Canceled

July 10, 2018
Tuesday, 6:30 p.m.

SPECIAL COUNCIL MEETING

WORKSHOP MEETING - *To commence immediately following adjournment of Special Meeting*

1. CHIP Volunteers Update
2. 4th of July Update
3. Toyota Center Capital Update

July 17, 2018
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

July 24, 2018
Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Code Enforcement Update
2. ASR Update
3. Southridge Regional Stormwater Facility

July 31, 2018
Tuesday, 6:30 p.m.

NO MEETING

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 2018
Updated 7/3/18

Council Workshop Coversheet



Agenda Item Number	1.	Meeting Date	07/24/2018
Agenda Item Type	Presentation		
Subject	Code Enforcement Update		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Attorney		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

In 2016, significant changes were made to the way the City of Kennewick was handling general public nuisances and substandard, unfit, and vacant structures. The code amendments to KMC 9.44 and 9.48 did away with the Kennewick Improvement Board and instituted an administrative process that authorized City Staff to issue determinations that a code violation had occurred after following the administrative process adopted in each chapter. If the determination wasn't challenged and the property did not become compliant within a set period of time, the case would be sent to the City Attorney to pursue judicial abatement.

This workshop item will provide an update on the success of this process throughout 2017 and 2018. Overall, the administrative processes adopted in KMC 9.48 and 9.44 have been very effective in obtaining voluntary compliance and, in those cases where voluntary compliance was not achieved, the City has obtained compliance through the court system.

Through

Jessica Foltz
Jul 18, 16:25:25 GMT-0700 2018

Attachments: Presentation

Dept Head Approval

Lisa Beaton
Jul 18, 16:28:25 GMT-0700 2018

City Mgr Approval

Marie Mosley
Jul 19, 14:24:20 GMT-0700 2018

Code Enforcement Update

Kennewick City Council Workshop
July 24, 2018



Discussion Points

- Department Structure.
- Case Load:
 - Substandard/Unfit/Vacant Land.
 - General Nuisance.
- Summary of Administrative Process.
- Summary of Court Process.
- Court Cases.
- Changes in Washington State Property Laws.
- Success Stories.
- Planning for the Future.



Department Structure

- Two Code Enforcement Officers with nearly 30 years of experience combined:
 - Patsy Osborn – 14 Years.
 - Jeani Ginder – 15 Years.
- Office Specialist that also supports other teams and workload:
 - Luis Medina.
 - Building background, does some low risk inspections, prepares all documents for Substandard Hearings.



Case Load

- 2017 Cases – 643 Total:
 - General Nuisance – 600.
 - Substandard/Unfit/Vacant – 43.
- 2018 – 347 Total YTD (as of July 15):
 - General Nuisance – 328.
 - Substandard/Unfit/Vacant – 19.
- Most Common Cases:
 - General Nuisance – junk, debris, weeds, inoperable vehicles, occupied RV's.
 - Substandard/Unfit/Vacant – boarded up windows and doors not to code, siding falling off, unpermitted work, dilapidated housing.



Administrative Process

NUISANCE

- Citizen complaint received.
- Inspection by Code Enforcement Officer.
- Compliance Warning Notice Sent:
 - 45 days.
- Notice and Order Issued:
 - 15 days.
- Case referred to City Attorney.
- City Attorney Letter Sent:
 - 15 days.

SUBSTANDARD/UNFIT/VACANT

- Citizen complaint received.
- Inspection by Building Official or designee.
- Complaint/Hearing Notification posted/mailed:
 - Hearing date between 10 and 30 days from service date.
- Hearing.
- Hearing Determination Order mailed within 10 days of hearing.
- Case referred to City Attorney.
- City Attorney Letter Sent:
 - 15 days.



Court Process

- Complaint and Summons served on Defendant(s) and filed with the Court:
 - Complaint requests Declaratory and Injunctive relief as well as a Warrant of Abatement.
 - Personal service or publication required.
 - Defendant(s) have 20 days from service to appear and/or file Answer.
- Motion for Default if no Answer filed:
 - If a party has appeared, entitled to five business days' notice.
- Summary Judgment:
 - If Default denied or Answer filed.
 - Alleges no question of material fact.
 - Defendant entitled to 28 days' notice.
- Discovery and Trial:
 - If Summary Judgment denied.



Court Cases

Seven lawsuits have been filed on Code Enforcement cases in Benton County Superior Court

- *2104 North Rhode Island Court:*
 - Nuisance – wood trusses and other debris on lot.
 - Property cleaned up by owner after lawsuit filed.
 - City obtained default judgment for court costs and attorney's fees in the amount of \$478.50.
- *604 South Edison Street:*
 - Nuisance – hundreds of mattresses and appliances littering the lot.
 - Property owner evicted tenants after lawsuit was filed and subsequently cleaned up the property voluntarily.
 - Stipulated order dismissing lawsuit filed after property in compliance and owner paid court costs and attorney's fees to the City in the amount of \$594.00.
- *109 East 13th Avenue:*
 - Nuisance – junk and debris littering the property.
 - Property abated in May after City was granted a Warrant.
 - Judgment entered against the Defendants in the amount of \$11,958.50. Judgment attached to property as a lien, \$2,000 of which is a priority lien pursuant to RCW 35A.21.405.



Court Cases

- *132 E. 4th Avenue #B:*
 - Nuisance – junk and debris on lot.
 - Property owner evicted tenant after lawsuit was filed and subsequently cleaned up the property.
 - Stipulated order dismissing lawsuit filed with condition that owner pay court costs and attorney's fees to the City in the amount of \$517.00.
- *111 East 1st Avenue:*
 - Nuisance – junk and debris littering the property.
 - City prevailed on Summary Judgment and Warrant was issued.
 - Property will be abated in the near future.
- *118 East 1st Avenue:*
 - Nuisance – junk and debris littering property.
 - Waiting on service of Summons and Complaint.
- *507 East 9th Place:*
 - Nuisance – junk and debris littering property.
 - Waiting on service of Summons and Complaint.



Changes in WA State Property Law

This law has posed the single largest challenge for Cities, Code Enforcement Departments, Banks and Mortgage Servicers over the last several years.

- *Jordan v. Nationstar* is a 2016 Washington Supreme Court case that states that financial institutions cannot access homes that are mid-foreclosure without first going through the foreclosure process in court.
 - Ties the hands of all involved.
 - Foreclosure can take three months or three years, and in the meantime, the property sits abandoned and becomes a nuisance.
 - Finger pointing on who is responsible for code violations.
 - Challenges we face are not unique to Code Enforcement teams around the country, but how much impact we can have to get compliance is unique to Washington and is very limited.



Changes in WA State Property Law

Now there is hope . . .

- HB 2057 – Went into Effect June 7, 2018. It's called the “Zombie Homes” Law.
 - Outlines a process for cities and mortgage servicers to work together to address zombie homes.
 - City Attorney working on our affidavit to be used where a mortgage servicer initiates the process with the City. City has 15 days to respond.
 - Solution for properties that are: 1) abandoned; 2) mid-foreclosure; and 3) nuisance.
 - Better contact list for improved communication around bank-owned properties.
 - HB 2057 also offers a bank-owned solution whereby bank has 15 days to respond.
 - City can abate nuisance under existing authority and recover through an unlimited first priority lien.



Success Stories – General Nuisance

- 109 E 13th

Before



After



KENNEWICK
WASHINGTON

Success Stories – General Nuisance

- 604 S Edison St

Before



After



KENNEWICK
WASHINGTON

Success Stories - Substandard

- 5403 S Olympia St

Before



After



KENNEWICK
WASHINGTON

Success Stories - Substandard

- 624 N Williams St

Before



After



KENNEWICK
WASHINGTON

Planning for the Future

- Superior Court Judges are becoming familiar with nuisance abatement cases and seem to be receptive to our efforts to address blighted properties.
- Would be beneficial to do a best practice study of fines/fee structures as compared to other cities and jurisdictions.
- Stop Work Orders that are enforceable and give the Building Official authority to pursue unpermitted work.
- Navigating through the Zombie Homes law, including the City coming up with an affidavit to utilize.
- Ensuring lien filings and accounts receivables are timely and accurate.



Questions?



KENNEWICK
WASHINGTON

Council Workshop Coversheet



Agenda Item Number	2.	Meeting Date	07/24/2018
Agenda Item Type	Presentation		
Subject	Aquifer Storage and Recovery (ASR) Project		
Ordinance/Reso #		Contract #	
Project #	P-1132	Permit #	
Department	Public Works		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

Public Works staff is presenting an informational update on the Aquifer Storage and Recovery (ASR) Project located in the Southridge area. The project provides storage of domestic water in a deep water aquifer which is injected during the winter months for extraction during peak demands. The project is in final permitting and partially funded by the Department of Ecology who has been a partner in the project.

Through

Dept Head Approval

City Mgr Approval

Bruce Mills
Jul 12, 11:07:18 GMT-0700 2018

Marie Mosley
Jul 19, 14:27:40 GMT-0700 2018

Attachments: Presentation

Aquifer Storage and Recovery Update

Council Workshop

July 24, 2018
John Cowling, PE
Utility Services Manager



KENNEWICK
WASHINGTON

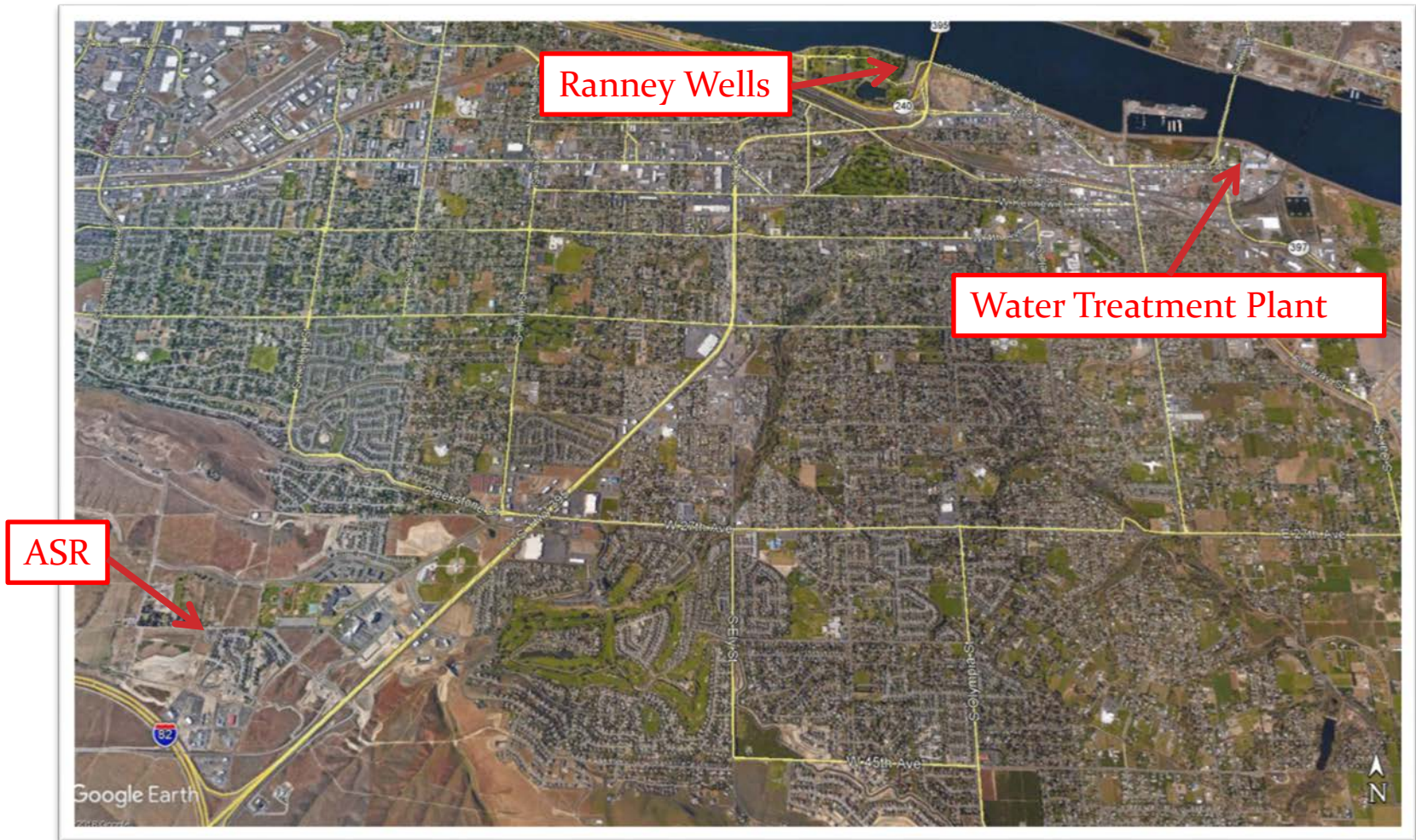
Aquifer Storage and Recovery (ASR) Reservoir

- Background

- *The City has been developing an ASR program since 2009 to meet growing domestic water storage and capacity demands.*
- *Program consists of recharging treated water in a deep basalt aquifer during the winter and spring months and recovering the stored water during higher-demand summer months.*
- *Water is collected from the City Ranney Wells and Water Treatment Plant, treated, pumped up 4 zones then injected 1,200' deep into the aquifer. Stored water is then withdrawn from the aquifer, re-treated and put into beneficial use.*
- *Department of Ecology partnered in funding the ASR as a pilot project for future expansion of the ASR program in WA State.*



Aquifer Storage and Recovery (ASR) Reservoir



Aquifer Storage and Recovery (ASR) Reservoir

- Status

- *The City is currently underway with the 5th cycle of ASR pilot tests, first one completed in 2014.*
- *In 2018, the aquifer was injected with 233 million gallons(MG) of treated domestic water of which 5% is required to remain to recharge the aquifer. Withdrawal began June 4th.*
- *Final reservoir permit has been applied for through the Department of Ecology.*
- *City requested a future storage capacity of 475 MG in the ASR for future growth needs.*
- *Final Reservoir permit to be issued by the end of 2018.*



Questions?



Council Workshop Coversheet



Agenda Item Number	3.	Meeting Date	07/24/2018
Agenda Item Type	Presentation		
Subject	Southridge Regional Stormwater Ponds		
Ordinance/Reso #		Contract #	
Project #	P-1817	Permit #	
Department	Public Works		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

Public Works staff is presenting information about developing a plan for regional stormwater pond solutions in the Southridge/UGA area, including design and construction of a pond. This work is funded with a proviso grant though the Washington State Department of Ecology.

Through

Dept Head Approval

City Mgr Approval

Bruce Mills
Jul 13, 07:11:44 GMT-0700 2018

Marie Mosley
Jul 19, 14:31:23 GMT-0700 2018

Attachments: Presentation

Southridge Regional Stormwater Pond Update

City Council Workshop Presentation

July 24, 2018

Bruce Mills, P.E.

Deputy Public Works Director



Ecology Grant

We received a **\$1.78M** Proviso Grant from Ecology to:

- Design & Construct a **west side decant facility** for vector and street sweepings storage and treatment
- Design & Construct a **regional stormwater pond** in the Southridge/UGA area
- All funds must be expended by June 30, 2019



Regional Stormwater Pond

Needed due to poor soils in Southridge area – basalt does not infiltrate!

Stormwater infiltration failures at Sagecrest Elementary School, several nearby developments

Developers very interested in collaborating



New Design Standards

Due to numerous stormwater facility failures, we updated our standards to include:

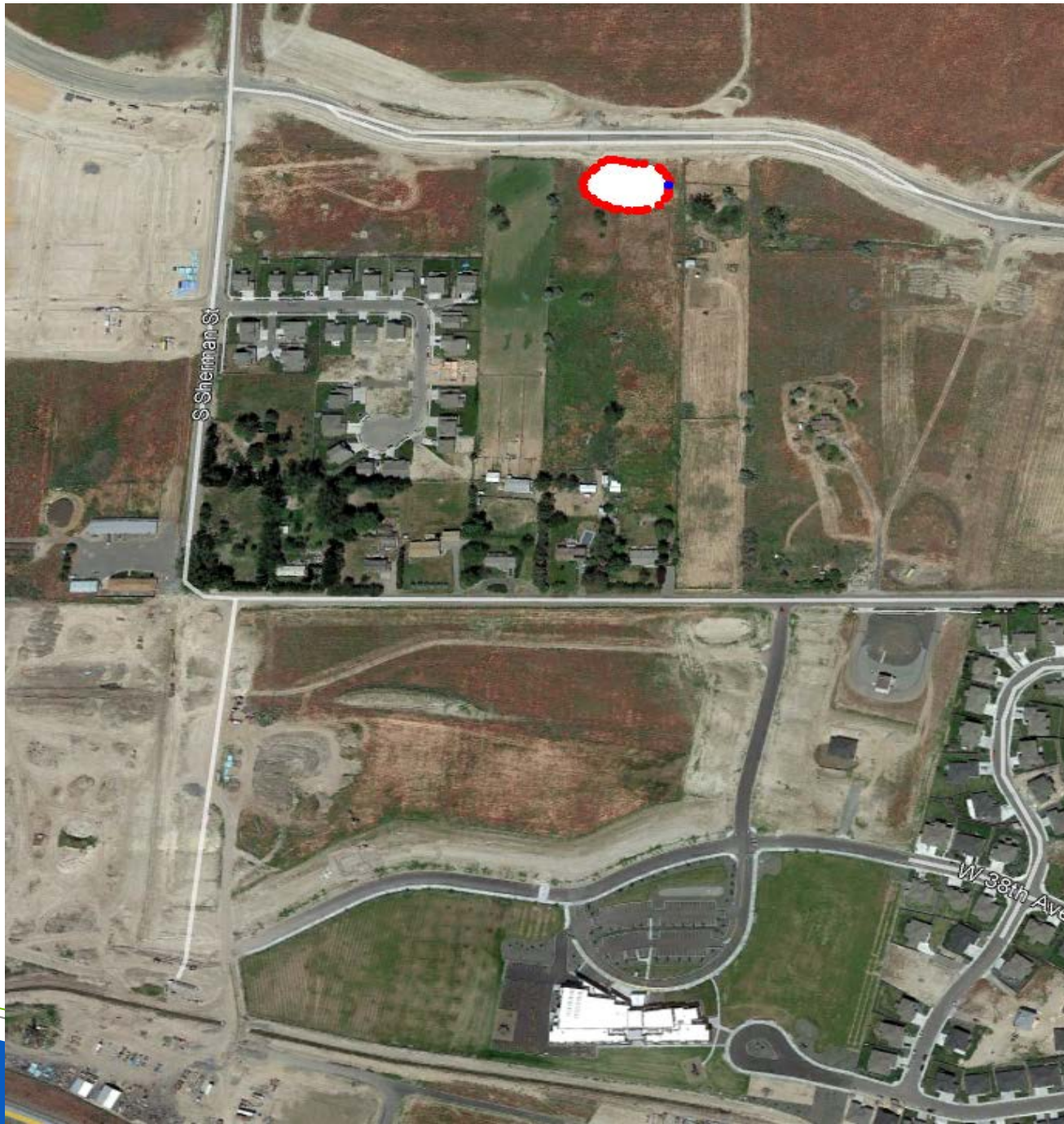
- Removal of infiltration facilities from under pavement
- Pre-testing of infiltration rates of soils – in location of facility
- Emphasis on ponds



Study Area



Current Developer Shared Pond Effort



Possible Regional SW Pond Location



Next Steps – Regional Stormwater Pond

1. Consultant agreement approved by Council on July 10th.
Major tasks:
 - a. Study each basin and determine best sites for ponds
 - b. Design a regional pond for one basin west of Sherman
2. Working on MOU with Developer of Apple Valley
3. Construct pond before June 30, 2019 grant deadline



Questions?





City Council Meeting Schedule August 2018

August 7, 2018
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING - Canceled

CITY/NATIONAL NIGHT OUT - Southridge Sports &
Events Complex, 2901 Southridge Blvd, 5:00 p.m.-
7:30 p.m.

August 14, 2018
Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Arts Commission Update
2. Area-Wide Rezone for Agriculture Zoning District
3. Sit-Lie Law Update

August 21, 2018
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

August 28, 2018
Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Wellness and Workplace Safety Update
2. Citizen Budget Survey Update
3. Committee Update

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August 2018
Updated 7/20/18