

ORDINANCE NO. 1472

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, relating to the monthly and seasonal monthly moorage rates for general berths, and dry shed storage at the Des Moines Marina, amending DMMC 15.04.480, establishing a uniform rate structure for Marina charges and fees effective February 1, 2010 and a formula to determine future rates in order to successfully maintain and operate the Des Moines Marina and implement the Marina Master Plan.

WHEREAS, in 2007 the Des Moines City Council adopted the recommendations of a Marina Moorage Rate Study performed by BST Associates to be phased in over a three year period ending in 2009 to set the Marina Moorage rates, and

WHEREAS, in September of 2009, Marina staff requested that BST Associates update the Moorage Rate Comparison Table from the original 2007 rate study, and

WHEREAS, the Des Moines City Council finds that establishing a uniform moorage rate structure facilitates equitable recovery of costs of operating and maintaining the Des Moines Marina, and

WHEREAS, the Des Moines City Council finds that costs of operating the Des Moines Marina are related to the Consumer Price Index, U.S. City Average, All Urban Consumers, Seattle-Tacoma-Bremerton, Washington Area, and that the interests of Des Moines' residents and Marina tenants will be best served by a rate structure that is related to the Consumer Price Index, and

WHEREAS, the Des Moines City Council believes that the successful execution of the Marina Master Plan which was unanimously adopted by Resolution No. 906 on June 8, 2001, and subsequently amended by Resolution No. 1039 on May 10, 2007, depends on a stable and predictable rate structure, and

WHEREAS, the Des Moines City Council further finds that it should reserve the right to modify moorage rates by resolution if fiscal and economic conditions require it to do so; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 15.04.480 and section 6(B) of Ordinance No. 466 as amended by section 1 of Ordinance No. 812 as amended by section 1 of Ordinance No. 1172 as amended by section 1 of Ordinance No. 1250 as amended by section 1 of Ordinance No. 1294 as amended by section 1 of Ordinance No. 1318 are each amended to read as follows:

15.04.480 Marina charges and fees.

(1) Monthly moorage rates and seasonal monthly moorage rates for the 20 and 24 foot slips, both open and covered, shall be established on the basis of the lineal footage of the berth, whether the berth is open or covered. Overhang shall be prorated and any portion of a foot shall be considered a full foot. Dry shed storage rates shall be set in a standard monthly amount. Rates for all other goods and services shall be established by executive order of the City Manager and published at the office of the Marina. Charges

for continuing services and moorage fees are payable in advance and due on or before the tenth day of each month.

(2) Seasonal moorage rates for 20-foot and 24-foot slips at the Des Moines Marina will apply for new tenants signing moorage agreements after March 31st of any year and shall continue through October 31st of that year, at which time the rates shall revert to the regular posted rate and remain at that rate as long as the tenant retains their moorage.

(3) The baseline for rates for general moorage berths, seasonal rates in the 20 and 24 foot slips, and dry shed storage shall be as reflected on Appendix "A", which is incorporated herein by this reference. The baseline rates contained in Appendix "A" shall take effect February 1, 2010.

(4) Persons using the Marina facilities shall pay in full all applicable state and federal taxes imposed by statute including the State Leasehold Excise Tax (chapter 82.29A RCW) as adopted by the City in Ordinance No. 387, passed by the City Council April 15, 1976, and codified in chapter 3.28 DMMC as presently constituted or as may be subsequently amended.

(5) Persons using the Marina facilities shall pay for all electricity and other utilities or services which shall be furnished to his berth at the established rates provided by the applicable schedule of rates posted by the City.

(6) Formula to establish future rates. The baseline for rates for general moorage and seasonal moorage in the 20 and 24 foot slips and dry shed storage shall be the rates contained in Appendix A of this ordinance. These rates will be used to calculate total moorage due as set forth in Marina Rules 6.0, 6.2 and 6.3 on February 1, 2010. On the first day of February of each succeeding year, rates for general moorage berths, and dry shed storage shall be established by application of the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, Washington Area, for the preceding twelve (12) month period ending August 31st, published by the U.S. Department of Labor, Bureau of Labor Statistics (hereinafter, "CPI"). Rates to be effective on February 1, 2011 shall be established by multiplying the baseline rates contained in this ordinance by the CPI percentage published for the period ending August 31, 2010, and adding the results to the baseline rate. In no event shall the amount added to the baseline rates be less than zero (0). Rates effective on the first day of February of each succeeding year shall be established by applying the CPI in a like manner to the rates of the previous year.

Sec. 2 Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 3 Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 3rd day of December, 2009 and signed in authentication thereof this 3rd day of December, 2009.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: December 11, 2009

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1472, Adopted December 3, 2009.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to the monthly and seasonal monthly moorage rates for general berths and dry shed storage at the Des Moines Marina, amends DMMC 15.04.480, establishes a uniform rate structure for Marina charges and fees effective February 1, 2010 and a formula to determine future rates in order to successfully maintain and operate the Des Moines Marina and implement the Marina Master Plan.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul CMC
City Clerk

Published: December 11, 2009

Appendix "A"

Ordinance No. 1472

Effective February 1, 2010, the following baseline rates, exclusive of any applicable tax, shall be charged for facilities and services at the Des Moines Marina:

A. General Moorage Rates

Per lineal foot per month. Total monthly moorage charges are calculated by the method described in Rule No. 6.2 and Rule No. 8.0 found in the City of Des Moines Marina - Rules & Regulations handbook.

SLIP SIZE	OPEN	COVERED
20 Foot	\$5.70	\$7.09
24 Foot	\$6.39	\$8.13
28 Foot	\$6.63	\$8.78
32 Foot	\$7.24	\$9.38
36 Foot	\$7.68	\$10.68
40 Foot	\$8.20	\$11.33
50 Foot	\$9.26	\$13.29
54 Foot	\$9.26	N/A
62 Foot	\$9.55	N/A

B. Seasonal Moorage Rates

Per lineal foot per month. Total monthly moorage charges are calculated by the method described in Rule No. 6.2 and Rule No. 8.0 found in the City of Des Moines Marina - Rules & Regulations handbook.

SLIP SIZE	OPEN	COVERED
20 Foot	\$6.84	\$8.51
24 Foot	\$7.67	\$9.76

C. Overhang shall be pro-rated. Any portion of a foot shall be considered a full foot.

D. Dry Shed Storage baseline rates shall be \$163.34 per month, as of February 1, 2010.

E. Rates for all other goods and services shall be as established by executive order of the City Manager and published at the office of the Des Moines Marina.