

# MOSES LAKE CITY COUNCIL

Bill Ecret  
Dard Pearce  
at Reese - *Absent*

Jon Lane - *Absent*  
Mayor



Joseph K. Gavinski  
City Manager

David Curnel  
Karen Liebrecht  
Dick Deane

April 27, 2010

**AGENDA**  
Maxine Ivory, Executive Secretary

Council Chambers  
7:00 p.m.

## PROCLAMATION - MOSES LAKE LIONS CLUB LIONS WHITE CANE DAYS

1. Roll Call
2. Pledge of Allegiance
3. IDENTIFICATION OF CITIZENS WANTING TO DISCUSS AGENDA ITEMS  
IDENTIFICATION OF CITIZENS WANTING TO DISCUSS NON-AGENDA ITEMS
4. PRESENTATIONS AND AWARDS - None
5. CONSENT AGENDA
  - A. Approval of Minutes - April 13, 2010
  - B. Approval of Bills and Checks Issued
  - C. Resolution - Abandon Utility Easements - Pennivy Drive
  - D. Resolution - Accept Easement - Columbia Basin Railroad Company, Inc.
  - E. Resolution - Accept Easement - Beasley
  - F. Resolution - Interfund Loan to Ambulance Fund
6. COMMISSION APPOINTMENTS - None
7. CONSIDERATION OF BIDS AND QUOTES - None
8. PETITIONS, COMMUNICATION, OR PUBLIC HEARINGS - None
9. ORDINANCES AND RESOLUTIONS
  - A. Ordinance - Amend MLMC 8.26 - Fire Alarms - 2nd Reading
  - B. Ordinance - Amend MLMC 13.12 - Water Sewer Rates - 2nd Reading
  - C. Ordinance - Amend MLMC 16.36 - Fire Code - 2nd Reading
  - D. Ordinance - Amend MLMC 2.30 - Emergency Medical and Ambulance Service - 1<sup>st</sup> Reading
  - E. Ordinance - Amend MLMC 3.38 - Checks and Drafts - 1<sup>st</sup> Reading
  - F. Ordinance - Amend MLMC 19.03 - Classification and Designation of Resource Lands and Critical Areas and Regulations for the Conservation and Protection of Resource Lands and Critical Areas - 1<sup>st</sup> Reading
10. REQUEST TO CALL FOR BIDS - None
11. REFERRALS FROM COMMISSIONS - None

Finance  
Ronald Cone

Municipal Services  
Gary Harer

Police Chief  
Dean Mitchell

Parks & Recreation  
Spencer Grigg

Fire Chief  
Tom Taylor

Community Development  
Gilbert Alvarado

City Attorney  
Jim Whitaker

12. **OTHER ITEMS FOR COUNCIL CONSIDERATION**
  - A. Authorization to Execute Agreement - Chamber of Commerce
13. **NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS**
14. **COUNCIL QUESTIONS AND COMMENTS**
15. **CITY MANAGER REPORTS AND COMMENTS**
  - A. Request for Direction - Retail Study
  - B. Moses Lake Civic Center Bid Update
  - C. Staff Report
    1. Quarterly Financial Report

**EXECUTIVE SESSION - Real Estate Acquisition and Litigation Update**

Finance Ronald Cone	Municipal Services Gary Harer	Police Chief Dean Mitchell	Parks & Recreation Spencer Grigg	Fire Chief Tom Taylor	Community Development Gilbert Alvarado	City Attorney Jim Whitaker
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MOSES LAKE CITY COUNCIL  
April 27, 2010

Council Present: Bill Ecret, Dick Deane, Richard Pearce, David Curnel, and Karen Liebrecht  
Absent: Jon Lane and Brent Reese

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

PLEDGE OF ALLEGIANCE: Mrs. Liebrecht led the Council in the pledge of allegiance.

PROCLAMATION

The proclamation declaring May 7 and 8, 2010 as Lions White Cane Days in Moses Lake was read in its entirety.

PRESENTATIONS AND AWARDS - None

CONSENT AGENDA

Minutes: The minutes of the April 13, 2010 meeting were presented for approval.

Approval of Claims, Prepaid Claims, Checks, and Payroll: Vouchers audited and certified by the Finance Director as required by RCW 42.24.080, and those expense reimbursement claims, certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Council for approval and is retained for public inspection at city hall. As of April 27, 2010 the Council does approve for payment claims in the amount of \$215,347.47; prepaid claims in the amount of \$225,334.76; claim checks in the amount of \$1,291,507.19; and payroll in the amount of \$36,172.26.

Resolution - Abandon Easements - Pennivy Drive: A resolution was presented which abandons the easements located within Pennivy Drive and on the property north of Pennivy Drive east of Lakeside Drive.

Resolution - Accept Easement - Pennivy Drive: A resolution was presented which accepts an easement from the Columbia Basin Railroad Company on property located north of Pennivy Drive in order to access the Peninsula Lift Station.

Resolution - Accept Easement - Pennivy Drive: A resolution was presented which accepts an easement from Curtis Beasley to maintain, repair, and operate the city's sewer and stormwater mains located on property north of Pennivy Drive.

Resolution - Interfund Loan: A resolution was presented which provides for an interfund loan of \$150,000 from the Sanitation Fund to the Ambulance Fund.

Action Taken: Mr. Pearce moved that the Consent Agenda be approved, seconded by Dr. Curnel, and passed unanimously.

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None





PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS - None

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 8.26 - FIRE ALARMS - 2<sup>ND</sup> READING

An ordinance was presented which increases the fines levied for false fire alarms.

The ordinance amending Chapter 8.26 of the Moses Lake Municipal Code entitled "Fire Alarms" was read by title only.

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

ORDINANCE - AMEND 13.12 - WATER, SEWER, AND STORMWATER RATES - 2<sup>ND</sup> READING

An ordinance was presented which includes garbage and ambulance on the city's utility bills.

The ordinance amending Chapter 13.12 of the Moses Lake Municipal Code entitled "Water, Sewer, and Stormwater Rates" was read by title only.

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

ORDINANCE - AMEND 16.36 - FIRE CODE - 2<sup>ND</sup> READING

An ordinance was presented which amends the regulations pertaining to fire apparatus access roads.

The ordinance amending Chapter 16.36 of the Moses Lake Municipal Code entitled "Fire Code" was read by title only.

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

ORDINANCE - AMEND 2.30 - EMERGENCY MEDICAL AND AMBULANCE SERVICE - 1<sup>ST</sup> READING

An ordinance was presented which establishes that the ambulance service rates will be adjusted each year by the increase in the consumer price index.

The ordinance amending Chapter 2.30 of the Moses Lake Municipal Code entitled "Emergency Medical and Ambulance Service" was read by title only.

There was some discussion by the Council.

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



ORDINANCE - AMEND 3.38 - CHECKS AND DRAFTS - 1<sup>ST</sup> READING

An ordinance was presented which provides for a charge for returned electronic or ACH transactions.

The ordinance amending Chapter 3.38 of the Moses Lake Municipal Code entitled "Checks and Drafts" was read by title only.

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

REQUEST TO CALL FOR BIDS - NoneREFERRALS FROM COMMISSIONS - NoneOTHER ITEMS FOR COUNCIL CONSIDERATIONCHAMBER OF COMMERCE - CONTRACT

The proposed agreement between the City and the Chamber of Commerce was presented. The agreement provides that the City will pay the Chamber \$5,500 per year beginning in 2011 and also pay \$5 per piece for processing the fulfillment of tourist information requests. Authorization was requested for the City Manager to sign the agreement.

Action Taken: Mr. Pearce moved that the City Manager be authorized to sign the agreement seconded by Mrs. Liebrecht, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - NoneAGCCT MEETING

The AGCCT meeting is scheduled for Thursday, April 29, in Warden.

COUNCIL QUESTIONS AND COMMENTS - NoneCITY MANAGER REPORTS AND COMMENTSRETAIL STUDY

Joseph K. Gavinski, City Manager, stated that staff has researched the possibility of contracting for a retail study for the city and found that it will cost about \$35,000.

There was some discussion and data was requested on what type of information would be provided if this study is done.

CIVIC CENTER BID

Joseph K. Gavinski, City Manager, reported that the bids for the Civic Center Complex came in around \$7,500,000, which is lower than the architects estimate of around \$9,000,000. There has been some issues raised but those should be resolved prior to the next Council meeting.



FINANCIAL REPORT

The first quarter financial report is available on line.

The regular meeting was adjourned at 7:50 p.m. and the Council met in an executive session with the City Attorney to discuss land acquisition and pending litigation. The executive session was adjourned at 8:20 p. m. and the regular meeting was reconvened. The regular meeting was adjourned at 8:20 p.m.

ATTEST

\_\_\_\_\_  
Bill Ecret, Deputy, Mayor

\_\_\_\_\_  
Ronald R. Cone, Finance Director



# PROCLAMATION

Moses Lake Lions Club  
LIONS WHITE CANE DAYS  
May 7 - 8, 2010

- WHEREAS, Northwest Lions Foundation restores sight and hearing to individuals throughout the Pacific Northwest who can not afford the expensive medical care or special equipment they need*
- WHEREAS, on White Cane Days, Lions Clubs throughout Washington and Northern Idaho join forces to raise money for sight projects*
- WHEREAS, every penny collected goes to support the sight programs of the Northwest Lions Foundation*
- WHEREAS, in 2009, the Northwest Lions Foundation sight projects provided over \$29,000 free medical screening for children, \$30,000 in support grants, and assisted community members obtain medical treatment or equipment they could otherwise not afford.*

*NOW, THEREFORE, I, Bill Ecret, Deputy Mayor, do by the virtue of the authority vested in me, hereby proclaim the week of*

*May 7 - 8, 2010 as  
LIONS WHITE CANE DAYS  
in Moses Lake, Washington*

*AND urge all citizens to join me in recognizing the many years of dedication and commitment of the Lions Clubs in sight conservation, restoration, and research, thereby improving the quality of sight-impaired individuals in this state.*

*SIGNED AND SEALED this 27th day of  
April, 2010*

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*Bill Ecret  
Deputy Mayor*





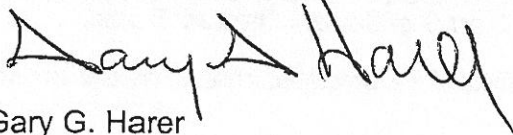
April 22, 2010

TO: City Manager for Council Consideration  
FROM: Municipal Services Director  
SUBJECT: Resolution - Abandon Easements - Pennivy Drive

Attached is a resolution which abandons the easements located within and on the property north of Pennivy Drive east of Lakeside Drive. These easements are no longer required.

The resolution abandoning the easements is presented for Council consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary G. Harer", written over a horizontal line.

Gary G. Harer  
Municipal Services Director

GGH:jt

RESOLUTION NO.

A RESOLUTION AUTHORIZING ABANDONMENT OF AN EASEMENT

RECITALS:

1. The City of Moses Lake has received a request to abandon the following described easements located in Pennivy Drive and on the property to the north of Pennivy Drive ease of Lakeside Drive.

Municipal easements in the Northeast 1/4, Northwest 1/4, Section 27, Township 19 North, Range 28 East W.M., City of Moses Lake, Grant County, Washington, described as follows are abandoned by the City of Moses Lake:

Easements recorded under Grant County Auditor File Number 249146 and 564589, and the following described easement:

Perpetual easement by virtue of a Declaration of Taking, entered in Cause No. 435, District Court of the United States for the Eastern District of Washington, Northern Division described as follows:

A strip of land 10 feet in width, being 5 feet on each side of a center line described as follows:

Beginning at the North quarter corner of Section 27, Township 19 North, Range 28, E.W.M.: thence South along the quarter line of said Section 27 a distance of 450 feet; thence South 39°43' West a distance of 250 feet; thence South 3°29' West a distance of 10.5 feet to a point on the Southerly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad right of way and the true point of beginning, Beginning again at the true point of beginning, thence South 3°29' West a distance of 120.5 feet more or less to the shore line of Moses Lake, the foregoing all contained in Tract 9 of Battery Orchard Tracts.

2. Potential users of the easement have been notified of the proposed abandonment and no comments have been received.

RESOLVED:

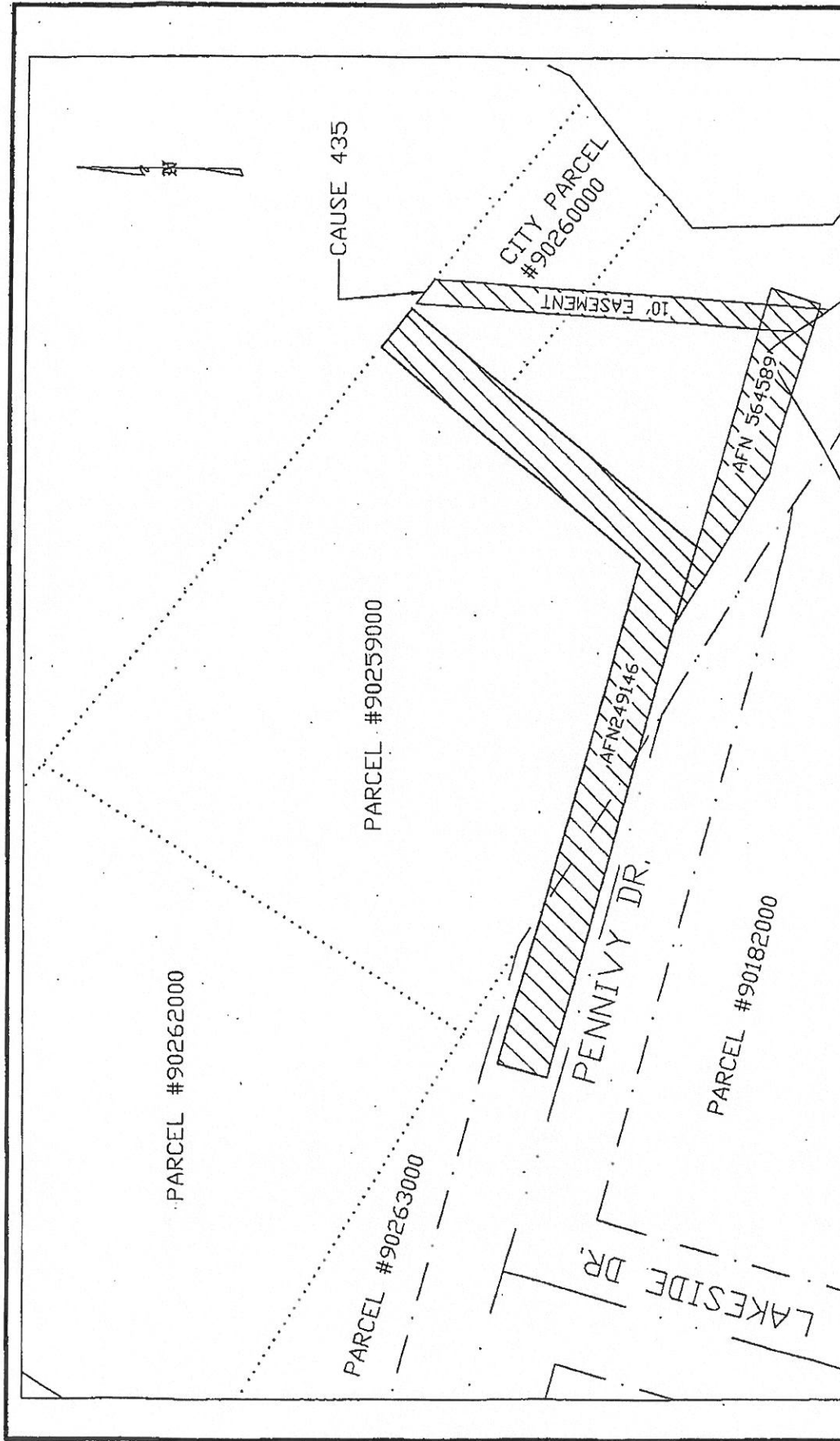
1. The City Council of the City of Moses Lake does resolve that the easements described above will be abandoned and that the City Manager is authorized to execute the necessary documents in order to accomplish that abandonment, provided any other easements are not affected by this action.

Adopted by the City Council on April 27, 2010.

ATTEST:

\_\_\_\_\_  
Jon Lane, Mayor

\_\_\_\_\_  
Ronald R. Cone, Finance Director



# EASEMENT VACATION

MUNICIPAL SERVICES DEPT. - ENGINEERING DIVISION			
CITY OF MOSES LAKE			
DRAWN	DBT	GRANT COUNTY	WASHINGTON
CHECK	GGH		
SCALE	NTS		
DATE	3/2000		



April 16<sup>th</sup>, 2010

TO: City Manager  
For City Council Consideration

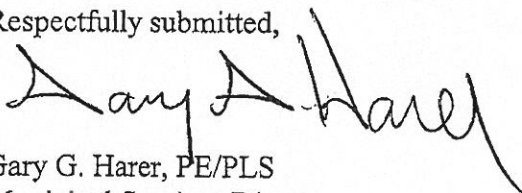
FROM: Municipal Services Director

SUBJECT: **ACCEPT EASEMENT  
COLUMBIA BASIN RAILROAD COMPANY, INC.**

The attached resolution is to accept an access easement from the Columbia Basin Railroad Company, Inc. for municipal purposes to access Peninsula Lift Station.

A copy of the resolution, easement and site map are enclosed for council consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary G. Harer", is written over the typed name.

Gary G. Harer, PE/PLS  
Municipal Services Director

encl.



## RESOLUTION NO.

### A RESOLUTION ACCEPTING EASEMENTS TO THE CITY OF MOSES LAKE FROM COLUMBIA BASIN RAILROAD COMPANY, INC.

#### Recitals:

1. Resolution No. 238 provides all grants of real estate, or any interest therein, to the City of Moses Lake, shall not be accepted until a resolution has been duly passed by the City Council.
2. Columbia Basin Railroad Company, Inc. have presented easements to the City of Moses Lake.

#### Resolved:

1. Easement for municipal purposes and uses for the following described property is to maintain, repair and operate the city's designated utility is hereby accepted by the City of Moses Lake:

**EASEMENT AREA.** The following described real property will be referred to in this Declaration as the "*Easement Area*":

Commencing at the most Westerly corner of Tract 18, Battery Orchard Tracts; thence North 32°08'44" East, 783 feet; thence South 57°51'16" East, 524 feet to the most westerly corner of an unplatted parcel, Recorded under Grant County Auditors file number 1206148; thence along the northwesterly line of said tract North 32°08'44" East, 200 feet to the Southwesterly Right-of-Way line of the Columbia Basin Railroad (formerly the Chicago, Milwaukee, St Paul and Pacific Railroad Co.) and the Point of Beginning; thence along the said railroad Right-of-Way and the northwesterly line of said parcel South 51°12'07" East, 318 feet more or less to the highwater line of Moses Lake, which point shall be designated as Point "A" for the purpose of this description; thence beginning again at the Point of Beginning; thence North 38°47'53" East, 37.6 feet more or less to a point 10 feet southwesterly of the southwesterly track; thence parallel and 10.00 feet distant from said southwesterly track South 51°12'07" East, 320 feet more or less to the highwater line of Moses Lake; thence along said highwater line South 41°45'25" West, 37.65 feet more or less to the above described Point "A". Containing 0.28 acres more or less. SITUATE IN THE COUNTY OF GRANT, STATE OF WASHINGTON.

**BACKGROUND & PURPOSE.** Grantee desires to gain access to the sewer lift station owned by Grantee and Grantor agrees to provide for access to, from, and between the lift station by perpetual easement that will run with the Easement Area land.

**DECLARATION.** Grantor declares the following:

1. **EASEMENT GRANT.** Grantor grants a perpetual *nonexclusive* easement (the "*Easement*") over and across the Easement Area for the benefit of ingress/egress only.
2. **EASEMENT SCOPE.** The Easement's scope and usage is limited to ingress and egress for the Grantee's use over and across the Easement Area.
3. **BINDING EFFECT.** This Declaration is binding on Grantor and its successors and assigns and will constitute an easement and covenants appurtenant to and running with the Easement Area land.
4. **SPECIFIC DEDICATION.** Nothing contained in this Declaration may be deemed to be a gift or dedication of any portion of the Easement Area to the general public, for the general public, yet only for Public Services access and not for any general public purpose whatsoever. Instead, it is Grantor's intention that this Declaration will be strictly limited to and for the specific purposes expressed herein.
5. **GOVERNING LAW.** This Declaration is governed by and will be constructed and enforced in accordance with the laws of Washington State.
6. **HEADINGS.** The captions and paragraphs headings used in this Declaration are inserted for convenience for reference only and are not intended to define, limit, or affect the interpretation or construction of any term or provision of this Declaration.

ACCEPTED by the City Council on April 27<sup>th</sup>, 2010.

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Jon Lane, Mayor

ATTEST:

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Ronald R. Cone, Finance Director



**RETURN TO:**

**COLUMBIA BASIN RAILROAD CO. INC.**  
**REAL ESTATE DEPARTMENT**  
111 University Parkway, Suite 200  
Yakima, Washington 98901

**DECLARATION OF EASEMENT  
(FOR INGRESS AND EGRESS)**

**Reference No(s). of related documents:**

**Grantor: COLUMBIA BASIN RAILROAD COMPANY, INC.**

**Grantee: CITY OF MOSES LAKE**

**Abbreviated Legal Description:**

**Complete legal description is on pages 1 of this document.**

**Assessor's Tax Parcel ID No(s).:**  
**110057000**

This Declaration of Easement ("*Declaration*") is made and entered into this 9<sup>TH</sup> day of April, 2010, by Grantor **COLUMBIA BASIN RAILROAD COMPANY, INC.**, a Washington corporation:

**EASEMENT AREA.** The following described real property will be referred to in this Declaration as the "*Easement Area*":

Commencing at the most Westerly corner of Tract 18, Battery Orchard Tracts; thence North 32°08'44" East, 783 feet; thence South 57°51'16" East, 524 feet to the most westerly corner of an unplatted parcel, Recorded under Grant County Auditors file number 1206148; thence along the northwesterly line of said tract North 32°08'44" East, 200 feet to the Southwesterly Right-of-Way line of the Columbia Basin Railroad (formerly the Chicago, Milwaukee, St. Paul and Pacific Railroad Co.) and the Point of Beginning; thence along the said railroad Right-of-Way and the northwesterly line of said parcel South 51°12'07" East, 318 feet more or less to the highwater line of Moses Lake, which point shall be designated as Point "A" for the purpose of this description;

thence beginning again at the Point of Beginning; thence North 38°47'53" East, 37.6 feet more or less to a point 10 feet southwesterly of the southwesterly track; thence parallel and 10.00 feet distant from said southwesterly track South 51°12'07" East, 320 feet more or less to the highwater line of Moses Lake; thence along said highwater line South 41°45'25": West, 37.65 feet more or less to the above described Point "A". Containing 0.28 acres more or less.

SITUATE IN THE COUNTY OF GRANT, STATE OF WASHINGTON.

**BACKGROUND & PURPOSE.** Grantee desires to gain access to the sewer lift station owned by Grantee and Grantor agrees to provide for access to, from, and between the lift station by perpetual easement that will run with the Easement Area land.

**DECLARATION.** Grantor declares the following:

1. **EASEMENT GRANT.** Grantor grants a perpetual *nonexclusive* easement (the "Easement") over and across the Easement Area for the benefit of ingress/egress only.
2. **EASEMENT SCOPE.** The Easement's scope and usage is limited to ingress and egress for the Grantee's use over and across the Easement Area.
3. **BINDING EFFECT.** This Declaration is binding on Grantor and its successors and assigns and will constitute an easement and covenants appurtenant to and running with the Easement Area land.
4. **SPECIFIC DEDICATION.** Nothing contained in this Declaration may be deemed to be a gift or dedication of any portion of the Easement Area to the general public, for the general public, yet only for Public Services access and not for any general public purpose whatsoever. Instead, it is Grantor's intention that this Declaration will be strictly limited to and for the specific purposes expressed herein.
5. **GOVERNING LAW.** This Declaration is governed by and will be construed and enforced in accordance with the laws of Washington State.
6. **HEADINGS.** The captions and paragraph headings used in this Declaration are inserted for convenience of reference only and are not intended to define, limit, or affect the interpretation or construction of any term or provision of this Declaration.

EXECUTED and effective as of the 9<sup>th</sup> day of April, 2010.

COLUMBIA BASIN RAILROAD COMPANY, INC.

By:   
Nicholas B. Temple, Jr., President

STATE OF WASHINGTON )  
COUNTY OF YAKIMA )

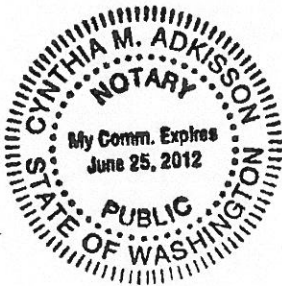
I certify that I know or have satisfactory evidence that **NICHOLAS B. TEMPLE JR.** is the person who appeared before me and said person acknowledged that said person is authorized to execute the instrument, and acknowledged as an authorized member of **COLUMBIA BASIN RAILROAD COMPANY, INC.**, a Washington corporation, it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: April 9<sup>th</sup>, 2010.

Cynthia M. Adkisson  
[PRINT NAME] Cynthia M. Adkisson

NOTARY PUBLIC for the State of Washington,  
residing at Yakima.

My appointment expires: 6/25/2012





**IRON HORSE REAL ESTATE**  
& PROPERTY MANAGEMENT

Railroad Property Management  
111 University Parkway, Suite 200 • Yakima, WA 98901  
B: [509] 966-5916 F: [509] 453-9349  
www.ihdlc.com

April 9, 2010

Gary Harer  
City of Moses Lake  
PO Box 1579  
Moses Lake, WA 98837

Re: Access Easement for City of Moses Lake  
On Railroad Right-of-Way  
Moses Lake Station

Dear Gary,

Enclosed you will find the original executed copy of the above referenced easement for the City of Moses Lake to accept and record. Once accepted and recorded it should be returned to our office as per recording procedures. If you could please forward on the recording number it would be appreciated, as opposed to waiting for the paperwork in the mail.

Should you have further questions regarding your easement with the Columbia Basin Railroad Company please contact me at the above referenced telephone number.

Sincerely,



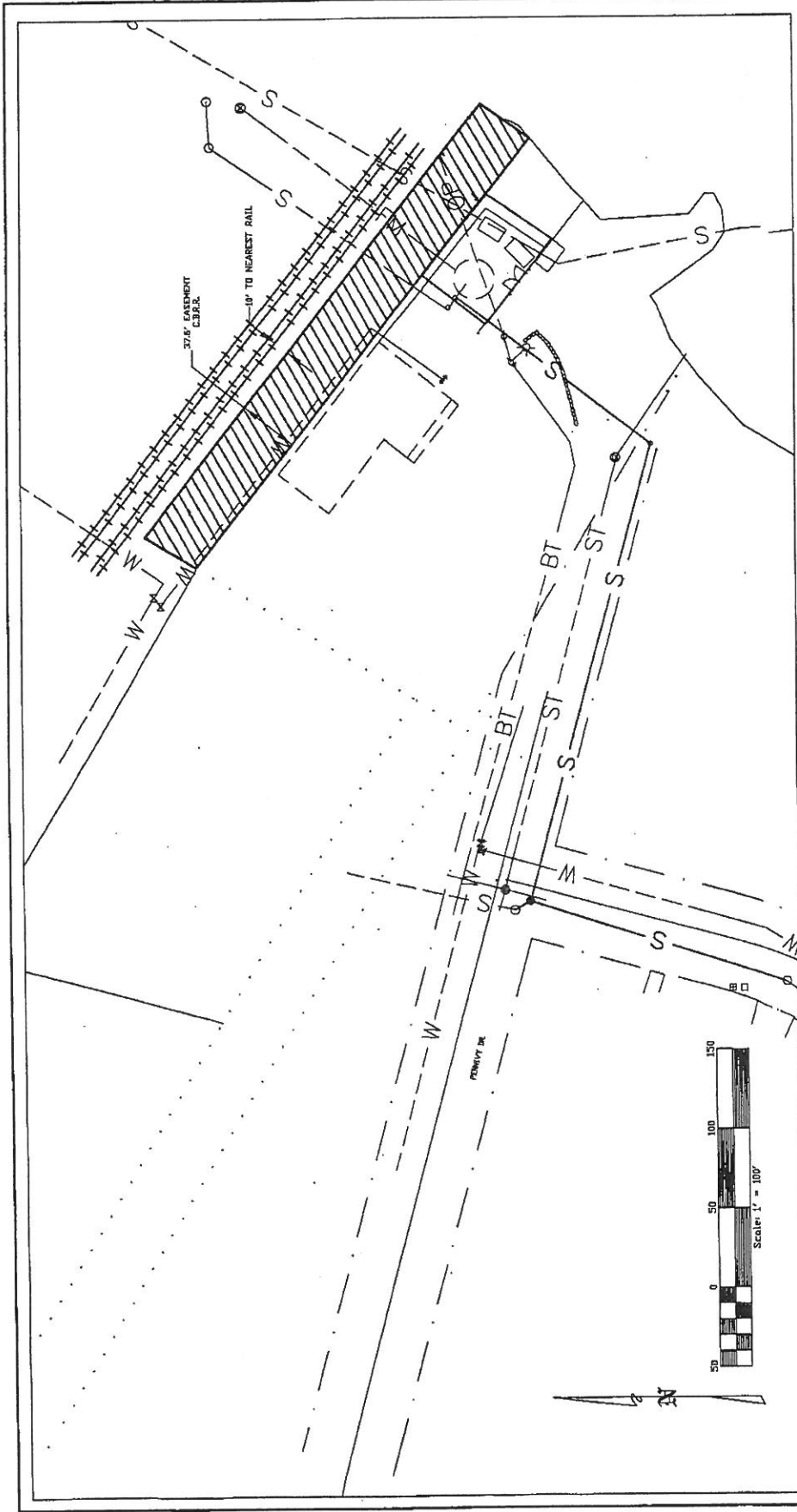
Kim Johnson Rath, Real Estate Manager/Broker  
Railroad Property Management

Enclosure

**RECEIVED**

APR 12 2010

MUNICIPAL SERVICES DEPT.  
ENGINEERING  
CITY OF MOSES LAKE



--- R/W  
 --- PROPERTY LINE  
 --- CENTER LINE  
 --- W --- WATER LINE  
 --- S --- SEWER  
 --- ST --- STORM SEWER  
 --- BT --- BURIED PHONE  
 [Hatched Box] PROPOSED ACCESS EASEMENT

# PROPOSED ACCESS EASEMENT PENINSULA LIFT STATION

MUNICIPAL SERVICES DEPT. - ENGINEERING DIVISION

CITY OF MOSES LAKE

GRANT COUNTY WASHINGTON

DRAWN  
 CHECK  
 SCALE  
 DATE

April 8, 2010

TO: City Manager  
For City Council Consideration

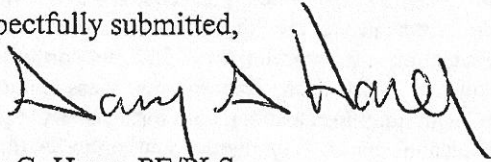
FROM: Municipal Services Director

SUBJECT: **ACCEPT EASEMENTS  
CURTIS L. AND SHARYN Y. BEASLEY**

The attached resolution is to accept an easement from Curtis L. and Sharyn Y. Beasley for municipal purposes and uses to maintain, repair and operate the city's sewer and stormwater mains.

A copy of the resolution, easements and site map are enclosed for council consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary G. Harer", written over a horizontal line.

Gary G. Harer, PE/PLS  
Municipal Services Director

encl.



## **RESOLUTION NO.**

### **A RESOLUTION ACCEPTING EASEMENTS TO THE CITY OF MOSES LAKE FROM CURTIS L. AND SHARYN Y. BEASLEY**

#### **Recitals:**

1. Resolution No. 238 provides all grants of real estate, or any interest therein, to the City of Moses Lake, shall not be accepted until a resolution has been duly passed by the City Council.
2. Curtis L. and Sharyn Y. Beasley have presented easements to the City of Moses Lake.

#### **Resolved:**

1. Easements for municipal purposes and uses for the following described property is to maintain, repair and operate the city's designated utility is hereby accepted by the City of Moses Lake:

#### **MUNICIPAL SANITARY SEWER EASEMENT**

##### **PARCEL A**

Portions of land in the northeast quarter of the northwest quarter of Section 27, Township 19 North, Range 28 East, WM., located in Moses Lake, Grant County, Washington. Described as follows:

Commencing at the intersection of the centerlines of Lakeside Drive and Pennivy Drive, as shown on the Albertus No. 2 Addition, filed in Grant County Major Plat records book 7, page 21; thence along the centerline of Pennivy Drive, South 73°57'16" East, 230.00 feet to the terminus of said centerline and the Point Of Beginning; thence along said centerline extended South 73°57'16" East, 54.09 feet; thence along a line parallel and 15.00 feet northeasterly of the right-of-way dedicated on said Albertus No. 2 Addition, South 57°51'16" East, 73 feet more or less to the highwater line of Moses Lake; beginning again at the Point Of Beginning; thence along said northeasterly right-of-way, South 57°51'16" East, 98.36 feet to the terminus of the dedicated right-of-way, thence continuing South 57°51'16" East, 26 feet more or less to the highwater line of Moses Lake.

Containing 1480 square feet more or less.

County Parcel number 90259000

#### **MUNICIPAL STORM SEWER EASEMENT**

##### **PARCEL B**

Portions of land in the northeast quarter of the northwest quarter of Section 27, Township 19 North, Range 28 East, WM., located in Moses Lake, Grant County, Washington. Described as follows:

Commencing at the intersection of the centerlines of Lakeside Drive and Pennivy Drive, as shown on the Albertus No. 2 Addition, filed in Grant County Major Plat records book 7, page 21; thence along the centerline of Pennivy Drive, South 73°57'16" East, 230 feet to its terminus; thence continuing on the extended centerline South 73°57'16" East, 54.09 feet to the Point Of Beginning; thence North 37°57'21" East, 158.69 feet to the southwesterly right-of-way of the Columbia Basin Railroad (formerly the Chicago, Milwaukee, St. Paul, and Pacific Railroad Co.); thence along said right-of-way, South 50°41'59" East, 13.98 feet to the most northerly corner of the Peninsula lift station parcel recorded under Grant County Auditors file number 249147; thence along the northwesterly line of said parcel, South 39°11'39" West, 50.00 feet to the most westerly corner of said parcel; thence along the southwesterly line of said parcel, South 50°48'21" East, 12.11 feet; thence South 37°57'21" West, 120.64 feet to the northeasterly right-of-way of said Pennivy Drive; thence along said right-of-way North 57°51'16" West, 25.13 feet; thence leaving said right-of-way North 37°57'21" East, 15.07 feet to the point of beginning.

Containing 3726 square feet more or less.

County Parcel number 90259000



## MUNICIPAL SANITARY SEWER EASEMENT

### PARCEL C

Portions of land in the northeast quarter of the northwest quarter of Section 27, Township 19 North, Range 28 East, WM., located in Moses Lake, Grant County, Washington. Described as follows:

Commencing at the intersection of the centerlines of Lakeside Drive and Poplar Lane of the Albertus Addition of Moses Lake, Washington, according to the plat thereof filed in the records of Grant County, Washington; thence North 36°43'10" East, 209.74 feet; thence North 16°02'44" East, 227.91 feet; thence South 73°57'16" East, 308.37 feet; thence North 39°11'39" East, 71.49 feet to the most westerly corner of an unplatted parcel (Peninsula Lift Station), recorded under Grant County Auditors file number 24917; thence along the southwesterly line of said parcel, South 50°48'21" East, 62.77 feet to the Point OF Beginning; thence along the centerline of this easement, lying 10 feet each side, South 3°40'32" East, 135.41 feet to its terminus. The sidelines of the described easement are to be lengthen or shortened to terminate at property lines.

Containing 1354 square feet more or less.

County Parcel number 90259000

ACCEPTED by the City Council on April 13, 2010.

---

Jon Lane, Mayor

ATTEST:

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Ronald R. Cone, Finance Director

- R/V
- PROPERTY LINE
- CENTER LINE
- WATER LINE
- SEWER
- STORM SEWER
- BURIED POWER
- BURIED PHONE
- FENCE

L	BEARING	DIST.
A1	S73°57'16"E	54.09'
A2	S57°51'16"E	73'
A3	S57°51'16"E	98.36'
A4	S57°51'16"E	26'
B1	N37°57'21"E	158.69'
B2	S50°41'59"E	13.98'
B3	S39°11'39"W	50.00'
B4	S50°48'21"E	12.11'
B5	S37°57'21"W	120.64'
B6	S57°51'16"W	25.13'
B7	N37°57'21"W	15.07'
C1	S03°40'32"E	135.41'

PROPOSED MUNICIPAL  
EASEMENTS



PARCEL A  
POB

PARCEL B  
POB

PARCEL C  
POB



MOSES LAKE

SHORELINE

SHORELINE

PROJECT: PENINSULA LIFT STATION  
DATE: 10/20/2011  
DRAWN BY: J. BROWN  
CHECKED BY: J. BROWN  
APPROVED BY: J. BROWN

SHEET 1  
OF 1  
FILE NO.

Peninsula Lift Station  
Municipal Easement

MUNICIPAL SERVICES DEPT. - ENGINEERING DIVISION  
CITY OF MOSES LAKE  
GRANT COUNTY WASHINGTON

REVISED



April 8, 2010

TO: City Manager  
For City Council Consideration

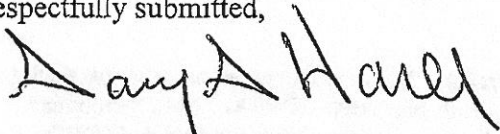
FROM: Municipal Services Director

SUBJECT: **ACCEPT EASEMENT  
CURTIS L. AND SHARYN Y. BEASLEY**

The attached resolution is to accept an access easement from Curtis L. and Sharyn Y. Beasley for municipal purposes to access Peninsula Lift Station.

A copy of the resolution, easement and site map are enclosed for council consideration.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gary G. Harer". The signature is fluid and cursive, with the first name "Gary" and last name "Harer" clearly distinguishable.

Gary G. Harer, PE/PLS  
Municipal Services Director

encl.

## RESOLUTION NO.

### A RESOLUTION ACCEPTING EASEMENTS TO THE CITY OF MOSES LAKE FROM CURTIS L. AND SHARYN Y. BEASLEY

#### Recitals:

1. Resolution No. 238 provides all grants of real estate, or any interest therein, to the City of Moses Lake, shall not be accepted until a resolution has been duly passed by the City Council.
2. Curtis L. and Sharyn Y. Beasley have presented easements to the City of Moses Lake.

#### Resolved:

1. Easements for municipal purposes and uses for the following described property is to maintain, repair and operate the city's designated utility is hereby accepted by the City of Moses Lake:

#### **Easement Area:**

Land situated in the Northeast 1/4, Northwest 1/4, Section 27, Township 19 North, Range 28 East W.M., City of Moses Lake, Grant County, Washington, described as follows:

Commencing at the most westerly corner of Tract 18, Battery Orchard Tracts, as shown on the Albertus Addition Plat, recorded in Grant County major plat records book 5, page 14; thence North 32°08'44" East, 783.00 feet, parallel to the centerline of Peninsula Drive as shown on said Albertus Addition plat; thence South 57°51'16" East, 524.00 feet to the most westerly corner of an unplatted parcel recorded under Grant County Auditor file number 1206148 and the point of beginning; thence along the northwesterly line of said parcel North 32°08'44" East, 200.00 feet to the southwesterly right-of-way line of the Columbia Basin Railroad (formerly the Chicago, Milwaukee, St. Paul and Pacific Railroad Co.); thence along said railroad right-of-way line S 51°12'07" East, 20.12 feet; thence South 32°08'44" West, 197.67 feet to the southwesterly line of said parcel; thence North 57°51'16" West, 20.00 feet along said southwesterly line to the point of beginning.

Containing 3974 square feet more or less.

Grant County parcel number 90259000

**BACKGROUND & PURPOSE.** Grantee desires to gain access to the sewer lift station owned by the Grantee.

Declaration. Grantor declares the following:

1. **EASEMENT GRANT.** Grantor grants a perpetual nonexclusive easement (the "Easement") over and across the Easement Area for the benefit of ingress/egress only.
2. **EASEMENT SCOPE.** The Easement's scope and usage is limited to ingress and egress for the Grantee's use over and across the Easement Area.
3. **BINDING EFFECT.** This Declaration is binding on Grantor and its successors and assigns and will constitute an easement and covenants appurtenant to and running with the Easement Area land.

4. **SPECIFIC DEDICATION.** Nothing contained in this Declaration may be deemed to be a gift or dedication of any portion of the Easement Area to the general public, for the general public, yet only for Public Services access and not for any general public whatsoever. Instead, it is Grantor's intention that this easement will be strictly limited to and for the specific purposes expressed herein.
5. **IMPROVEMENTS.** Grantee shall be responsible for additional expense for improvements made by the Grantor to the easement to support a city vehicle weight in excess of 8,000 pounds.
6. **MAINTENANCE.** Grantee and Grantor shall share equally the expense of maintaining the surfaces of the easement. Except damage attributed to a parties' agent, employees or assigns, then such costs shall be born entirely by that party.
7. **GOVERNING LAW.** This Declaration is governed by and will be construed and enforced in accordance with the laws of Washington State.
8. **HEADINGS.** The captions and paragraph headings used in this Declaration are inserted for convenience of reference only and are not intended to define, limit, or affect the interpretation or construction of any item term or provision of this Declaration.

ACCEPTED by the City Council on April 13, 2010.



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Jon Lane, Mayor

ATTEST:

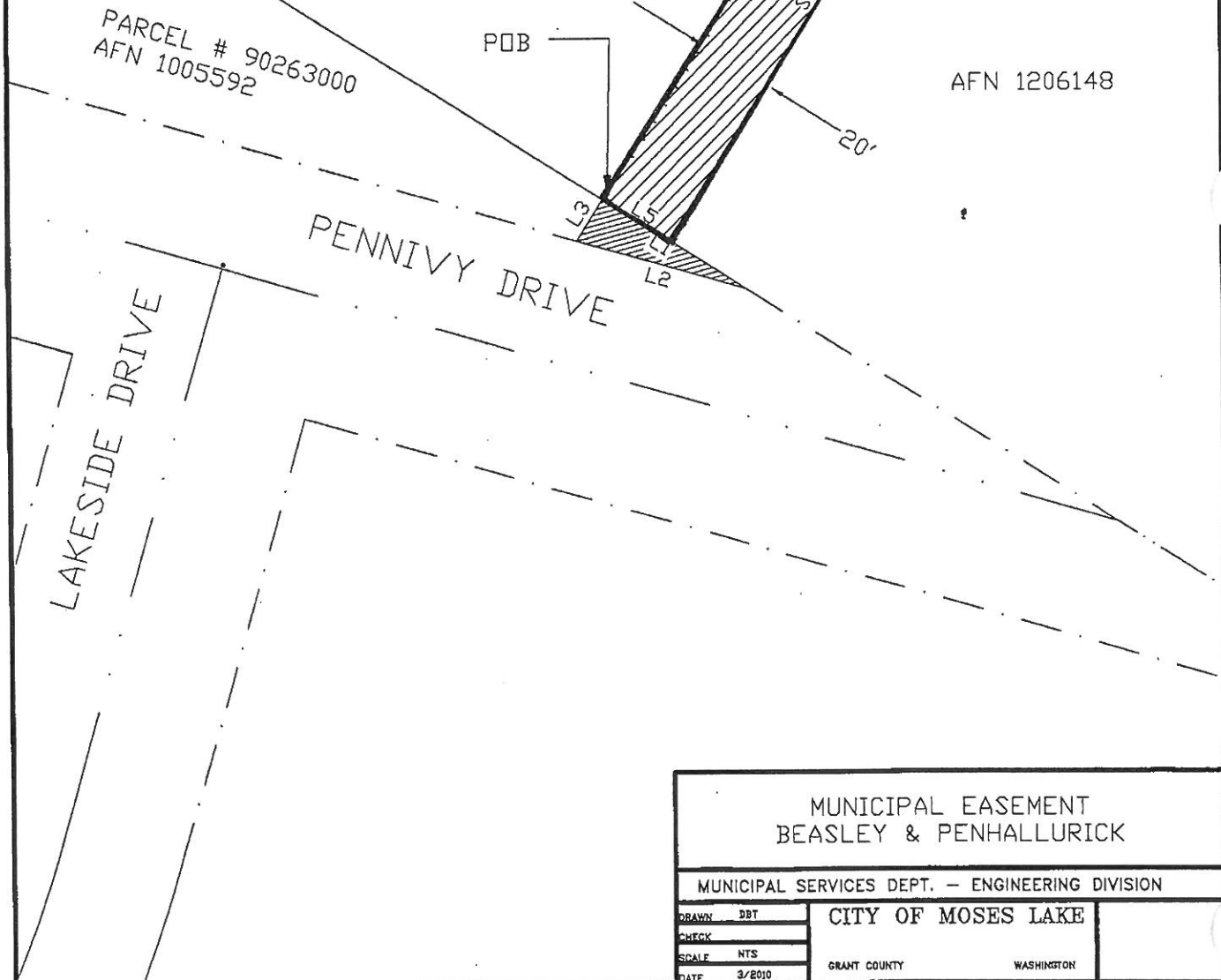
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Ronald R. Cone, Finance Director

 BEASLEY EASEMENT  
 PENHALLURICK EASEMENT

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 57°51'16" E	41.33 FT
L2	N 73°57'01" W	43.00 FT
L3	N 32°08'44" E	11.93 FT
L4	S 51°12'07" E	20.12 FT
L5	N 57°51'16" W	20.00 FT



MUNICIPAL EASEMENT  
BEASLEY & PENHALLURICK

MUNICIPAL SERVICES DEPT. — ENGINEERING DIVISION

DRAWN DBT  
 CHECK NTS  
 SCALE NTS  
 DATE 3/2010

CITY OF MOSES LAKE

GRANT COUNTY

WASHINGTON

April 21, 2010

TO: City Manager for Council Consideration

FROM: Finance Director

SUBJECT: Resolution - Interfund Loan

Attached is a resolution which provides for an inter-fund loan from the Sanitation Fund 490 to the Ambulance Fund 498.

The resolution is presented for Council consideration.

Respectfully submitted



Ronald R. Cone, CPA, CGFM  
Finance Director

RRC:jt

RESOLUTION NO.

A RESOLUTION AUTHORIZING AN INTER-FUND LOAN TO THE  
AMBULANCE FUND 498 FROM THE SANITATION FUND 490

RECITALS:

1. The Ambulance Fund 498 will receive service fee revenues 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 Sanitation Fund 490 shall loan \$150,000 to the Ambulance Fund 498.
2. The loan shall bear interest at 1% per annum on the unpaid principal.
3. The loan shall be repaid to the Sanitation Fund 490 when the service fee revenues are received to substantial fund the Ambulance Fund 498.

Adopted by the City Council on April 27, 2010.

\_\_\_\_\_  
Jon Lane, Mayor

ATTEST:

\_\_\_\_\_  
Ronald R. Cone, Finance Director





April 21, 2010

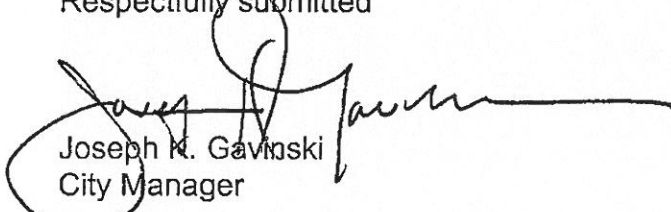
Honorable Mayor and  
Moses Lake City Council

Dear Council Members

Attached is an ordinance which amends Chapter 8.26 of the Moses Lake Municipal Code entitled "Fire Alarms" by increasing the amount of the fines levied for false alarms.

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

Respectfully submitted



Joseph M. Givinski  
City Manager

JKG:jt



ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 8.26 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "FIRE ALARMS"

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

Section 1. Chapter 8.26 of the Moses Lake Municipal Code entitled "Fire Alarms" is amended as follows:

8.26.010 Purpose: The purpose of this chapter is to attempt to reduce the number of false fire alarms that occur ~~experienced~~ in the City of Moses Lake and recover part of the cost for responding to false fire alarms.

8.26.030 Fire Department Response: For a Fire Department response to any false alarm the Fire Chief shall inform the Finance Director and the Finance Director shall charge and collect from the person having or maintaining such fire and/or automatic sprinkler alarm system on premises owned or occupied by him/her, fees as follows:

- A. For a response to premises at which no other false alarm has occurred within the preceding three (3) month period, hereinafter referred to as a "first response," no fee shall be charged, but the person having or maintaining such fire alarm system and/or automatic sprinkler alarm system shall, within three (3) working days after notice to do so, make a written report to the Fire Chief on forms prescribed by him setting forth the course of such false alarm, the corrective action taken, whether such alarm has been inspected by an authorized serviceman, and such other information as the Fire Chief may reasonably require to determine the cause of such false alarm and corrective action necessary.
- B. For a second response to a premises within three (3) months after a first response, no fee shall be charged, but a written report shall be required as for a first response and the Fire Chief shall be authorized to inspect or cause to be inspected, the alarm system and/or automatic sprinkler alarm system at such premises, prescribe necessary corrective action, and shall give notice to the person having or maintaining such alarm system of the conditions and requirements of this section.
- C. For a third response to a premises within three (3) months after such second response, and for all succeeding responses within three (3) months of the last response, a fee of five hundred dollars (\$500) ~~one hundred dollars (\$100)~~ shall be charged, and if such third false alarm or any such succeeding false alarm is as a result of failure to take necessary corrective action prescribed by the Fire Chief, the Fire Chief may order the disconnection of such alarm system and it shall be unlawful to reconnect such alarm system until such corrective action is taken; provided, that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation.
- D. For a first response caused by a failure of maintenance personnel to provide proper notification to the Moses Lake Fire Department that testing, maintenance, or service work is to be performed on a fire alarm and/or automatic sprinkler or suppression system, a fee of one hundred dollars (\$100) ~~fifty dollars (\$50)~~ shall be charged to the service company performing the work.
- E. Second, and subsequent responses caused by the failure to provide proper notification shall result in a charge of two hundred dollars (\$200) ~~one hundred dollars (\$100)~~ being assessed.

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 27, 2010.

\_\_\_\_\_  
Jon Lane, Mayor

ATTEST:

\_\_\_\_\_  
Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
James A. Whitaker, City Attorney

April 21, 2010

TO: City Manager for Council Consideration

FROM: Finance Director

SUBJECT: Ordinance - Water and Sewer Rates - 2<sup>ND</sup> Reading

Attached is a proposed ordinance amending Chapter 13.12, entitled Water, Sewer, and Stormwater Rates, which includes garbage and ambulance on the city's utility bills.

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

Respectfully submitted

A handwritten signature in black ink, appearing to read "Ronald R. Cone". The signature is fluid and cursive, with the first name "Ronald" being the most prominent.

Ronald R. Cone, CPA, CGFM  
Finance Director

RRC: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:

13.12.051 Water, Sewer, Garbage, Ambulance, and Stormwater Billing: A water, sewer, garbage, ambulance, and stormwater bill shall be mailed every month to every customer for water, sewer, garbage, ambulance, and stormwater ~~and sewer~~ service supplied during the time period shown on the bill. Each water, sewer, garbage, ambulance, and stormwater bill shall contain the following information:

- A. The charge and/or installment.
- B. The date of the bill.
- C. The bills are due within thirty (30) days from the date of the bill. Past due amounts are due immediately upon receipt of a bill.
- D. Notice if bill is based on an estimated measurement of the amount of service supplied.
- E. A telephone number to call in order to obtain information.

13.12.052 Customer Dispute:

- A. At any time before the date of termination of water service for non-payment of the amount shown on a water, sewer, garbage, ambulance, and stormwater bill, or a notice of termination, a customer may dispute the correctness of all or part of the amount shown in accordance with the provisions of this section. A customer shall not be entitled to dispute the correctness of all or part of the amount if all or part of the amount was the subject of a previous dispute under this section.
- B. The procedure for customer disputes shall be as follows:
  - 1. Before the date of termination, the customer shall notify the Finance Department in writing, that he disputes all or part of the amount shown on a water, sewer, garbage, ambulance, and stormwater bill or a notice of termination, stating as completely as possible the basis for the dispute.
  - 2. If the Finance Department determines that the present dispute is untimely or that the customer previously disputed the correctness of all or part of the amount shown, the Finance Department shall mail to the customer a notice stating that the present dispute is untimely or invalid. The city shall then proceed as if the customer had not notified the city of the present dispute.
  - 3. If the city determines that the present dispute is not untimely or invalid under this section, the city, within three (3) days after receipt of the customer's notice, shall arrange an informal meeting between the customer and the Finance Department.
  - 4. Based on the city's records, the customer's allegations and all other relevant materials available to the Finance Department, the Finance Department shall resolve the dispute, attempting to do so in a manner satisfactory to both the city and the customer.

5. Within five (5) days of completion of the meeting, the Finance Department shall mail to the customer a copy of its decision resolving the dispute.

6. The decision shall be final and binding on the customer.

C. Utilization of this dispute procedure shall not relieve a customer of his obligation to timely and completely pay all other undisputed charges and/or installments and surcharges, and the undisputed portion of the amount which is the subject of the present dispute. Notwithstanding this section, failure to timely and completely pay all such undisputed amounts shall subject the customer to termination of water service in accordance with the provisions of this ordinance.

D. Until the date of the Finance Department's decision the city shall not terminate the water service of this customer and shall not issue a notice of termination to him solely for non-payment of the disputed amount. If it is determined that the customer must pay some or all of the disputed amount, the city shall promptly mail to, or personally serve upon the customer, a notice of termination, which shall contain the following:

1. The amount to be paid.

2. The date of the notice of termination.

3. The date of termination, which shall be at least ten (10) days after the date of the notice of termination is issued.

4. Notice that unless the city receives complete payment of the past due amount shown prior to the date of termination, water service shall be terminated.

5. An informational telephone number.

#### 13.12.053 Water Service Termination Procedures:

A. The provisions of this section shall govern all terminations of water service for non-payment of city charge and/or installments and surcharges.

B. If by the payment date shown on a water, sewer, garbage, ambulance, and stormwater bill, the city has not received complete payment of the amount shown on the bill the city shall mail to, or personally serve upon, the customer a notice of termination. The notice of termination shall be sent with the current month's bill. The notice shall indicate the amount past due.

C. The notice of termination shall contain the following:

1. The amount past due and the amount of the current month's billing.

2. The date of the notice of termination.

3. The date of termination, which shall be no less than ten (10) days from the date of the notice of termination.

4. Notice that unless the city receives complete payment of the amount past due prior to the date of termination, water service shall be terminated.

5. Notice that in lieu of paying the entire amount shown, a customer, prior to the date of termination, may notify the city that he disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute.



6. Notice that seven dollars (\$7) will be assessed as a delinquent service charge if not paid and received by the Finance Department, Utilities Division, by 5 p.m. on the day prior to the date shown on the delinquent notice and that twelve dollars (\$12) will be assessed as an additional service charge if not paid by the date and time shown on the delinquent notice provided the payment is not extended as set forth in this section.
  7. An informational telephone number.
  8. Notice that thirty dollars (\$30) will be assessed as a service charge for all water turn-ons or turn-offs after 4:00 p.m. and before 8:00 a.m. and at any other time which is not a normal working day of the city, such as weekends or legal holidays.
- D. If the city receives payment of the past due amount shown on the notice of termination, such payment shall be considered a timely and complete payment for purposes of this ordinance.

13.12.054 Limitations on Termination of Water Service:

- A. The city shall terminate water service for non-payment of past due water, sewer, garbage, ambulance, and stormwater charges and/or installments and surcharges only during the hours of 9 a.m. to 3 p.m. Monday through Thursday. No terminations shall be permitted on a legal holiday or on the day before a legal holiday.
- B. In the event the city should proceed to terminate water service to any property which has failed to pay a past due amount after delivery of written notice, the employee of the city dispatched to disconnect the water service shall make a reasonable effort to inform the user that water service is being terminated. The city employee may not accept payment of the delinquent amount from the user, but the employee shall not terminate water service to the property until the user has been afforded an opportunity of not less than one (1) hour in length to reach the city hall and arrange to bring the account current.

13.12.055 Joint Charging: All charges for water, sewer, garbage, ambulance, and stormwater, and garbage payments due the city shall be billed jointly on one (1) statement. If water, sewer, garbage, ambulance, and stormwater charges are billed in conjunction and simultaneously with statements issued by the city for refuse collection and disposal, all payments received from a customer shall be credited first to past due garbage charges, then the remainder, if there be any, first to past due sewer charges, to past due water charges, and then to stormwater. Payments on current accounts shall be credited first to garbage charges, the remainder, if there be any, to sewer charges then to ambulance charges, then to water charges, then to stormwater.

13.12.056 Utility Tax Passthrough:

- A. Section 3.30.050 provides in part for the collection of a utility tax upon every person, including the city, who engages in the selling or furnishing of sewer, water, garbage, and stormwater, or a service of sewer, water, garbage, and stormwater, or the providing of facilities for sewer, water, garbage, and stormwater. As a result of the operation of its water, sewer, garbage, and stormwater systems, the City is subject to the utility tax imposed by Section 3.30.050.
- B. The city is authorized to collect the percentage of gross income portion of the utility tax imposed by Section 3.30.050 from the users of the city's water, sewer, garbage, and stormwater systems by including on the billing of each user residing within the corporate limits of the city, the sum the city would be liable to pay as a utility tax on that basis.



13.12.060 Payment of Accounts:

- A. Water, sewer, garbage, ambulance, and stormwater bills shall be the responsibility of and billed directly to the owner of the real estate, unless the owner of the real estate wishes the bill sent to another address, the same shall be due and payable within thirty (30) days of the billing date. If the owner of the real estate wishes the bill sent to another address, the owner of the real estate first must execute a form provided by the City of Moses Lake indicating his desires. The form shall contain at a minimum, the owner of the real estate's name and address, the address to which he wishes the bill sent, and a statement that if the person at the address to which the bill is sent moves and leaves an unpaid balance, the owner of the real estate recognizes his responsibility for the bill. The billing dates for utility accounts shall be as follows:

Routes 1 through 15 on the 20th of each month

Routes 16 through 29 on the 30th of each month

Routes 50 through 60, 70, and 71 on the 10th of each month

- B. The property owners of commercial accounts and governmental agencies may sign agreements requesting that their monthly statements be mailed to service addresses. The statement will contain the same information referred to in subsection A.
- C. The city reserves the right to cut off the water supply from the premises. The water supply may be cut off if either the water charge, sewer charge, garbage charge, ambulance charge, or the stormwater charge is delinquent, and should the water supply be turned off for failure to pay either the sewer charge, water charge, garbage charge, ambulance charge, or stormwater charge when due, the water supply shall not be turned on until all delinquent charges have been paid in full. A service charge shall be assessed as set forth in Subsection B of 13.12.085 and shall be added to the amount past due and will be billed on the next month's statement.
- D. The city shall have a lien against the premises for unpaid water, sewer, garbage, ambulance, and stormwater charges as provided by the laws of the state.
- E. Advance payments may be made on any ~~garbage~~, water, sewer, garbage, ambulance, or stormwater account.
- F. Water service will not be terminated if there is a past due water, sewer, garbage, ambulance, or stormwater charge of ten dollars (\$10) or less, subject to subsection G.
- G. No water, or sewer, garbage, ambulance, or stormwater bills shall be allowed to be more than sixty (60) days past due regardless of the past due amount. If a water, sewer, garbage, ambulance, or stormwater account is to become sixty (60) days past due, water service shall be terminated as provided herein before the sixtieth (60th) day ends.
- H. No garbage, water, sewer, ambulance, or stormwater account will be transferred to another person, partnership, corporation, or other entity unless the account is brought current prior to the requested transfer.
- I. Property served by more than one (1) meter must keep all accounts current in accordance with this chapter in order to avoid water service being terminated to all meters serving the property.

13.12.080 Temporarily Vacant or Unoccupied Premises:

- A. The minimum water, sewer, garbage, ambulance, and/or stormwater ~~and/or sewer~~ service shall continue until an order in writing to discontinue service has been given. The water shall not be turned on or off until a request in writing is given, on forms furnished by the city, for the turning on or off of the service.

- B. When utility services are resumed or commenced during the last fifteen (15) days of the billing cycle, sewer shall be charged for only a half of a month. Water shall be charged based on consumption and billed at the rates provided for by ordinance.

13.12.085 Service Charge:

- A. The service charge for all water turn-ons or turn-offs after 4 p.m. and before 8 a.m. and at any other time which is not a normal working day for the city shall be thirty dollars (\$30). This fee is in addition to the fee imposed by this section.
- B. A delinquent service charge of seven dollars (\$7) will be assessed on each water, sewer, ~~garbage, ambulance, or stormwater or garbage~~ account or any combination of water, sewer, ~~garbage, ambulance, or stormwater or garbage~~ service which is billed on one (1) account if not paid and received by the Finance Department, Utilities Division, by 5 p.m. on the day prior to date shown upon the delinquent notice provided no extensions are granted as set forth in Section 13.12.053. The assessment of the seven dollars (\$7) delinquent service charge shall be waived once a calendar year on each and every account. An additional delinquent service charge of twelve dollars (\$12) will be assessed on each water, sewer, ~~garbage, ambulance or stormwater, or garbage~~ account or any combination of water, sewer, ~~garbage, ambulance or stormwater, or garbage~~ service which is billed on one (1) account if not paid by the date and time shown upon the delinquent notice provided no extensions are granted as set forth in Section 13.12.053. The seven dollar (\$7) and twelve dollar (\$12) service charges are subject to the limitations of Subsections F and G of Section 13.12.060. If water service is terminated for non-payment of the account, the twelve dollar (\$12) charge shall include turning the water back on from 8 a.m. to 4 p.m. on normal city working days provided the occupant does not change. This fee is in addition to the fee imposed by Subsection C.
- C. A service fee of eight dollars (\$8) shall be added to each new water, sewer, ~~garbage, ambulance or stormwater or garbage~~ account or any combination of water, sewer, ~~garbage, ambulance or stormwater or garbage~~ service which is billed on one (1) account. A service fee of eight dollars (\$8) shall be added for each change of service to another occupant. This fee shall include one (1) water turn-on if applicable from 8 a.m. to 4 p.m. on normal city working days.

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 27, 2010.

\_\_\_\_\_  
Jon Lane, Mayor

ATTEST:

\_\_\_\_\_  
Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
James A. Whitaker, City Attorney



April 21, 2010

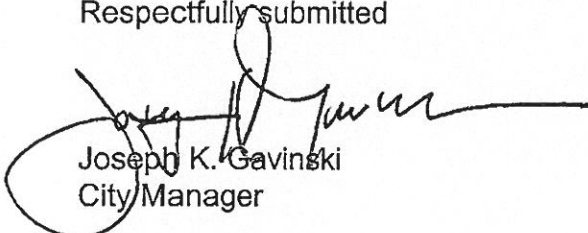
Honorable Mayor and  
Moses Lake City Council

Dear Council Members

Attached is an ordinance which amends Chapter 16.36 of the Moses Lake Municipal Code entitled "Fire Code" by amending the regulations for fire apparatus access roads.

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

Respectfully submitted



Joseph K. Gavinski  
City Manager

JKG:jt



ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 16.36 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "FIRE CODE"

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

Section 1. Chapter 16.36 of the Moses Lake Municipal Code entitled "Fire Code" is amended as follows:

16.36.010 Fire Apparatus Access Roads: In addition to the requirements set forth in Section 503 of the 2009 State Fire Code, fire apparatus access roads shall meet the following requirements: ~~Article 40, Division II, of the 1991 State Fire Code, fire apparatus access roads shall meet the following requirements:~~

- A. Surface: Fire apparatus access roads for commercial or industrial buildings or developments shall have an unobstructed width of twenty feet (20'), be designed and engineered to withstand heavy traffic loads, and be provided with an all weather driving surface. Unless otherwise approved by the Fire Chief, an all weather surface shall mean an asphaltic or Portland cement concrete hard surface or pavement which can be well maintained. Additionally, access roads serving one and two family residences may be surfaced as approved by the Fire Chief.
- B. Turning Radius:
  - 1. The turning radius for any turn around or cul-de-sac that is greater than 220 feet long, measured from the intersection of the streets to the center of the cul-de-sac, on a required fire apparatus access roadway within city street right-of-way or on private property shall not be less than forty-six feet (46'). The forty-six foot (46') radius shall be measured from the center point of the cul-de-sac or turn around and extend to the back of the curb, or on private access roads to the edge of asphalt if no curb is installed.
  - 2. The turning radius for any turn around or cul-de-sac that is equal or less than 220 feet long, measured from the intersection of the streets to the center of the cul-de-sac, on a required fire apparatus access roadway within City street right-of-way shall not be less than thirty feet (30'). The thirty foot (30') radius shall be measured from the center point of the cul-de-sac or turn around and extend to the back of the curb.
  - 3. Turn arounds or cul-de-sacs installed on required private fire apparatus access roadways shall be hard surfaced capable of withstanding heavy vehicle traffic. Alternate methods of creating private access road turn arounds may be approved by the Fire Chief. Approved temporary turn arounds may include hammerhead arrangement designs or a graveled surface ninety-two feet (92') in diameter.
- C. Grade: The gradient for a private fire apparatus access road shall not exceed fifteen percent (15%), except that fire apparatus access roads leading to buildings fully protected by automatic sprinkler systems may exceed fifteen percent (15%) when, in the opinion of the Fire Chief, fire fighting or rescue operations would not be impaired.
- 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" or lock which can be readily removed.
- 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.

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 27, 2010.

\_\_\_\_\_  
Jon Lane, Mayor

ATTEST:

\_\_\_\_\_  
Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
James A. Whitaker, City Attorney

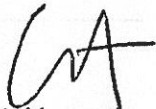
April 21, 2010

TO: City Manager for Council Consideration  
FROM: Community Development Director  
SUBJECT: Ordinance - Pennivy Street Vacation - 2<sup>nd</sup> Reading

Curtis Beasley submitted a petition to vacate that portion of Pennivy Street located east of Lakeside Drive.

The ordinance vacating a portion of Pennivy Street right-of-way is presented for Council consideration. This is the second reading of the ordinance.

Respectfully submitted



Gilbert Alvarado  
Community Development Director

GA:jt



ORDINANCE NO.

AN ORDINANCE VACATING A PORTION OF PENNIVY DRIVE

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

Section 1. The following described public right-of-way shall be vacated:

That portion of Pennivy Drive, dedicated on the Albertus No. 2 Addition, Per Grant County Plat records Book 7, Page 21, located in the NW 1/4, Section 27, Township 19 North, Range 28 East. WM, City of Moses Lake, Grant County, Washington, described as follows:

The entire right-of-way of Pennivy Drive that lies easterly of the extended east right-of way of Lakeside Drive, as shown on the Albertus No.2 Addition

Retaining a public utility easement to only repair, maintain and operate the existing buried telephone line and other existing buried public utilities, and a municipal easement to only repair, maintain and operate the existing municipal sanitary sewer, and storm sewer mains. The easements will be over the entire vacated right-of-way.

Section 2. The city shall be compensated for one half the appraised value of the vacated property. The vacation shall not become effective until the required compensation is received by the city.

Section 3. 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 27, 2010.

ATTEST:

\_\_\_\_\_  
Jon Lane, Mayor

\_\_\_\_\_  
Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

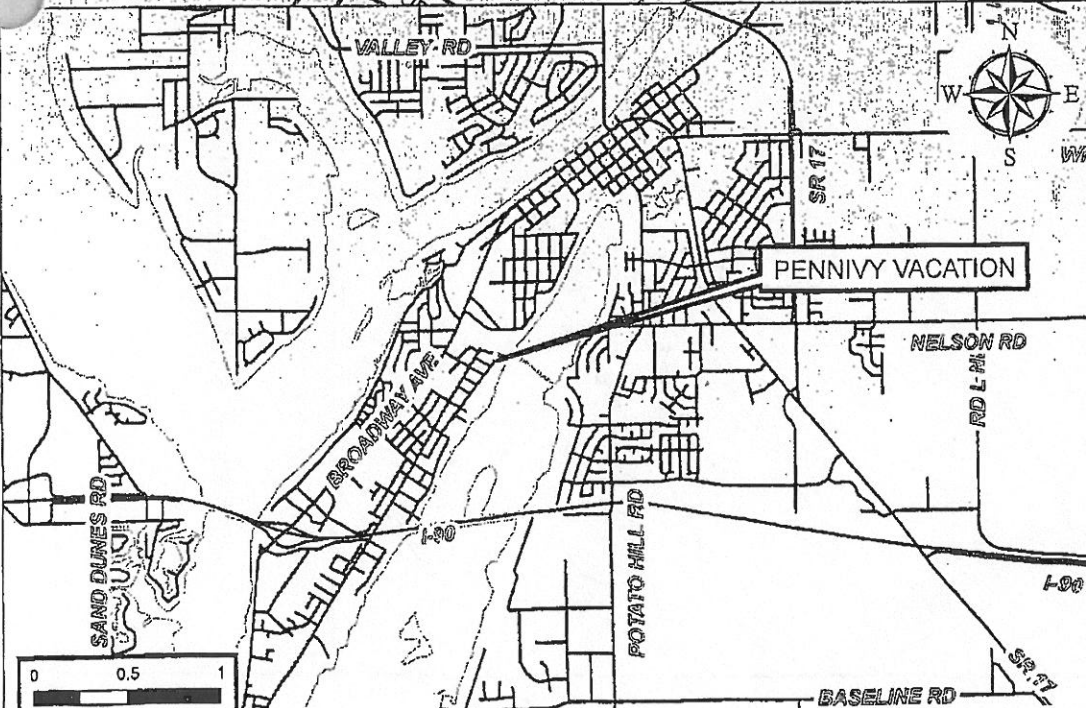
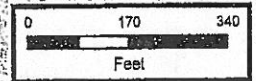
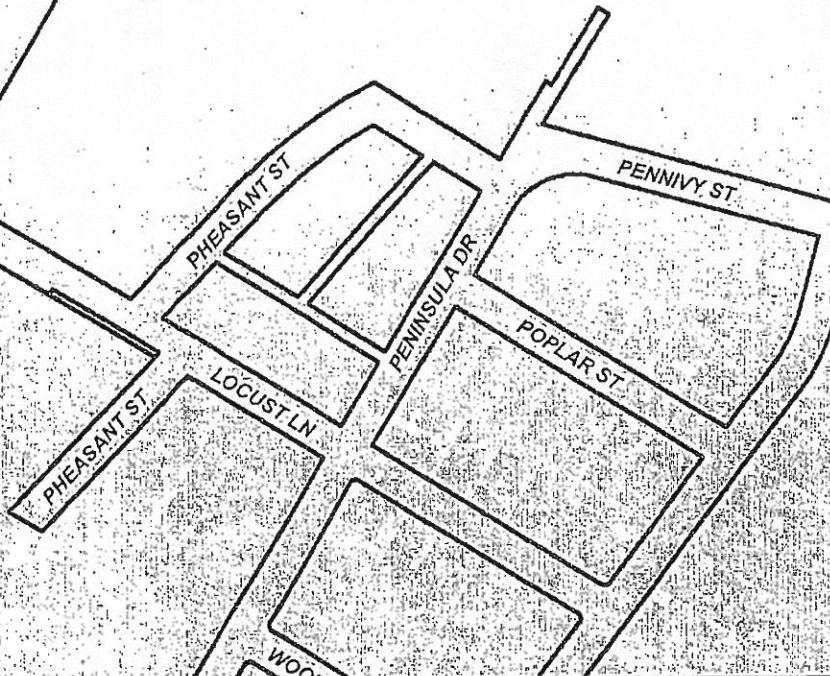
\_\_\_\_\_  
James A. Whitaker, City Attorney



BROADWAY AVE

MILWAUKEE AVE

# PENNIVY VACATION

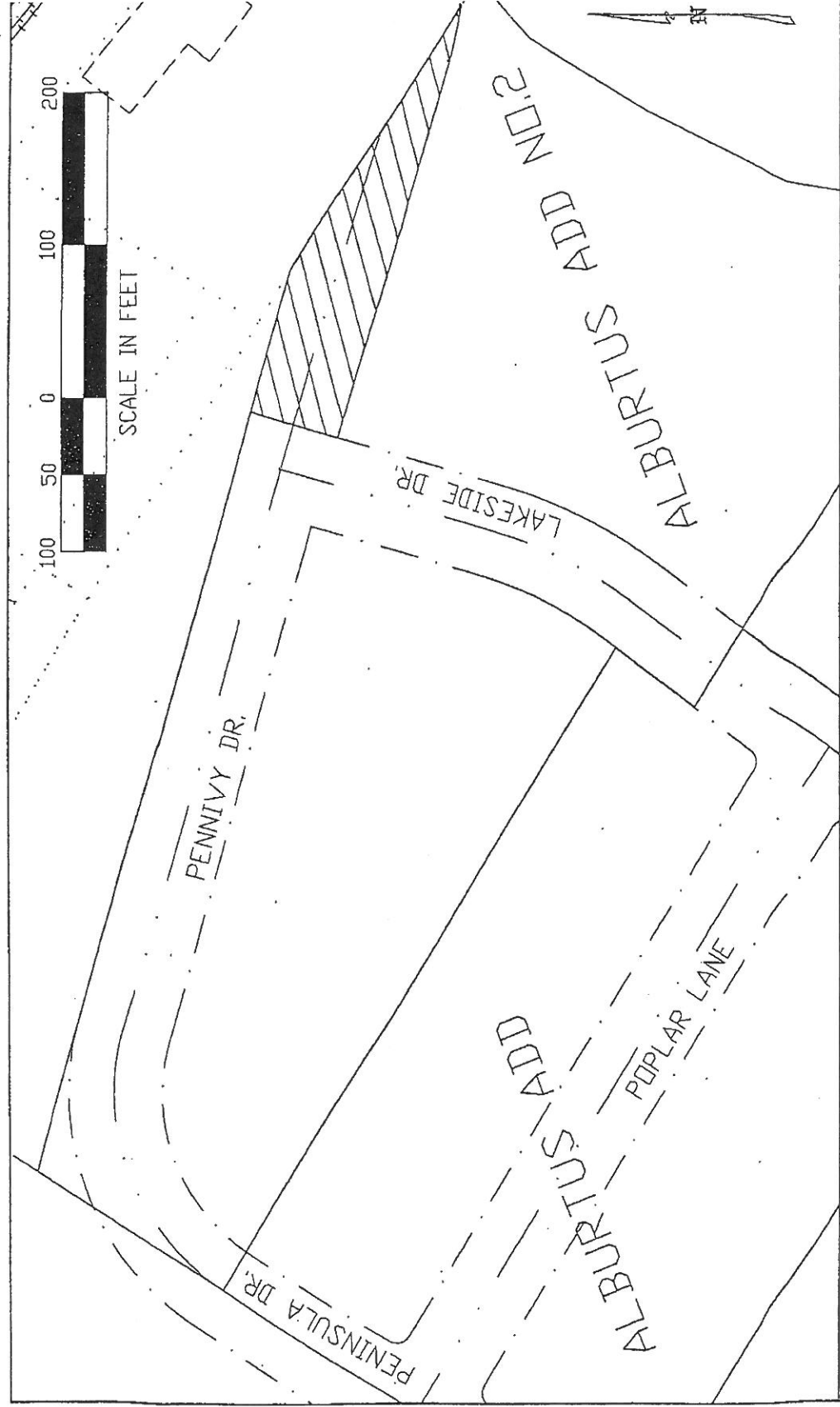


	CITY LIMITS
	UGA BOUNDARY
	STREET NAMES
	LOTS
	LAKE
	PENNIVY VACATION



CITY OF  
MOSES LAKE  
WASHINGTON

CITY OF MOSES LAKE  
COMMUNITY DEVELOPMENT  
PLANNING DIVISION

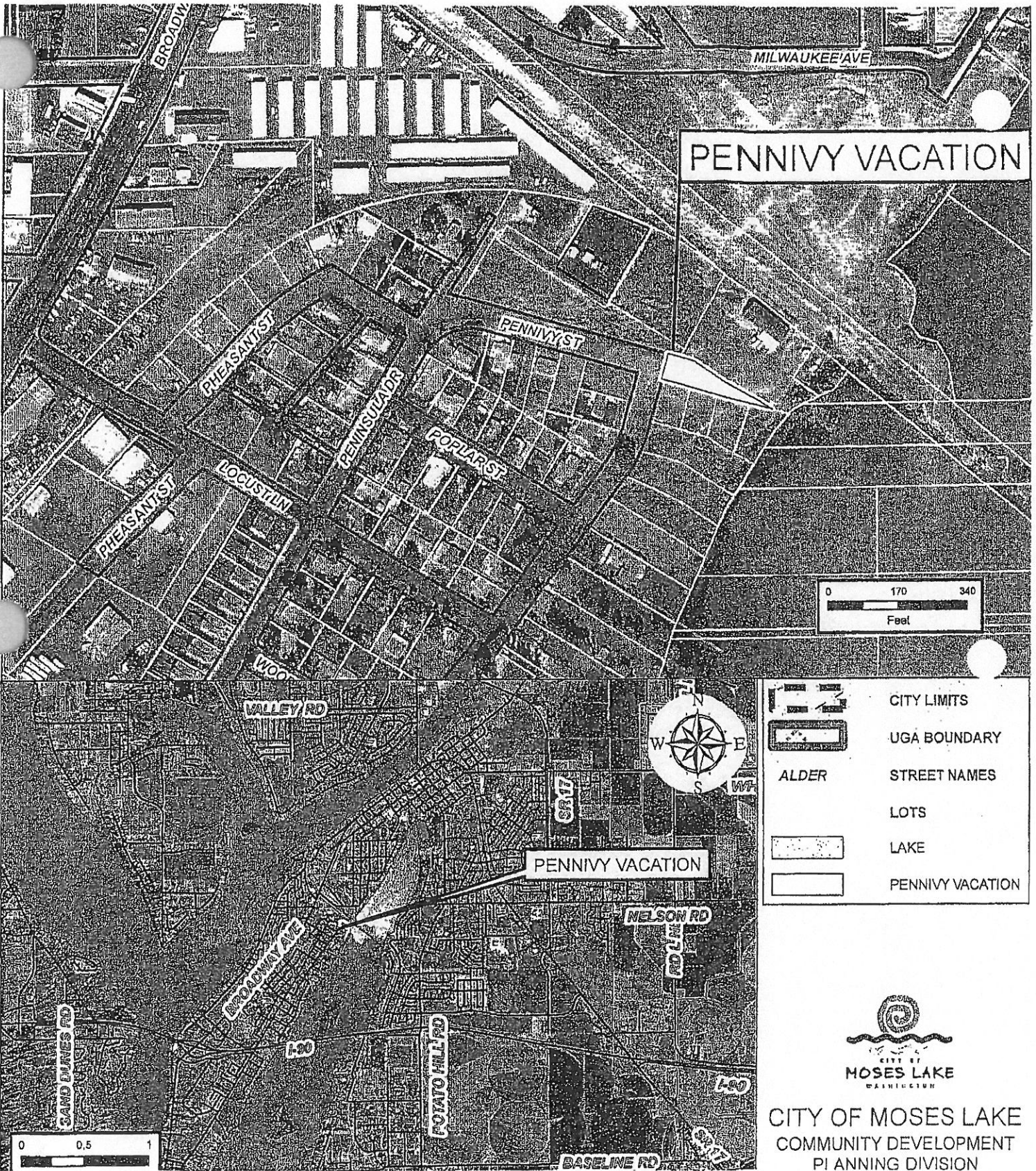


PROPOSED STREET VACATION  
PENNIVY DRIVE

DRAWN		BY	
CHECK		DATE	
SCALE		SHOWN	
MUNICIPAL SERVICES DEPT. - ENGINEERING DIVISION		CITY OF MOSES LAKE	
GRANT COUNTY		WASHINGTON	
DATE		4/8/2010	



PROPOSED STREET VACATION









**To:** City Manager for Council Consideration  
**From:** Fire Chief  
**Date:** March 30, 2010  
**Subject:** Amend Chapter 2.30 of the M.L.M.C.

At the previous meeting of the City Council, council requested that ambulance service rates be adjusted each year according to the "cost of living" or Consumer Price Index (CPI).

I have attached language similar to that used to adjust water and sewer rates.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Taylor", is written over a horizontal line.

Tom Taylor  
Fire Chief

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2.30 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "EMERGENCY MEDICAL AND AMBULANCE SERVICE"

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

Section 1. Chapter 2.30 of the Moses Lake Municipal Code entitled "Emergency Medical and Ambulance Service" is amended as follows:

2.30.050 Emergency Medical and Ambulance Service Rates:

A. The rates for emergency medical and ambulance services shall be set by City Council resolution. Rates shall be set at a level to cover the actual costs incurred by the city in operating the emergency medical and ambulance service and may be amended from time to time by the City Council by resolution. Additional service fees for professional services, medical supplies, and other items expended in the transfer or transport of the patient shall be charged at rates determined by the City Council.

B. Rate Indexing: Ambulance rates shall be revised with billing dates every year after May 1, 2011 by an amount equal to the increase in the All Urban Consumers, All West City Average, December to December, Consumer Price Index (CPI). Increases shall be rounded to the next \$.05 increment. The increases shall be computed by the Fire Department and confirmed by the City Council action considered at a regular City Council meeting at least thirty (30) days before the revised rates are to become effective.

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 May 11, 2010.

\_\_\_\_\_  
Jon Lane, Mayor

ATTEST:

\_\_\_\_\_  
Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
James A. Whitaker, City Attorney



April 15, 2010

Honorable Mayor and  
Moses Lake City Council

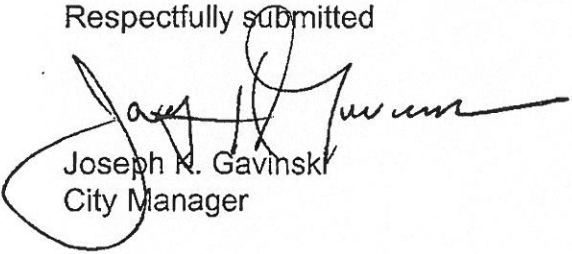
Dear Council Members

Attached is a proposed ordinance amending Chapter 3.38 of the Moses Lake Municipal Code entitled "Checks and Drafts".

With the proposed amendment to the ordinance, the City would charge a \$35 service or handling fee for not only dishonored checks or drafts but also returned ACH transactions, which are electronic fund transfers without the benefit of a written check or draft.

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

Respectfully submitted



Joseph R. Gavinski  
City Manager

JKG:jt

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 3.38 OF THE MOSES LAKE MUNICIPAL  
CODE ENTITLED "CHECKS AND DRAFTS"

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

Section 1. Chapter 3.38 of the Moses Lake Municipal Code entitled "Checks and Drafts" is amended as follows:

3.38.010 Dishonored Checks, and Drafts, and ACH Transactions: A service or handling fee of thirty-five dollars (\$35) shall be assessed against any person giving the City of Moses Lake a returned ACH transaction or what is commonly known as an "NSF" check or draft or giving the City of Moses Lake a check on or a draft on an account which is closed. An "NSF" check or draft is a check or draft dishonored by the bank upon which it is drawn because the account contains insufficient funds to cover the check or draft.

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 May 11, 2010.

\_\_\_\_\_  
Jon Lane, Mayor

ATTEST:

\_\_\_\_\_  
Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
James A. Whitaker, City Attorney



City of Moses Lake  
Law Department

**Memorandum**

**To:** City Manager for Council Consideration

**From:** City Attorney

**Date:** April 20, 2010

**Subject:** Reasonable Use Ordinance

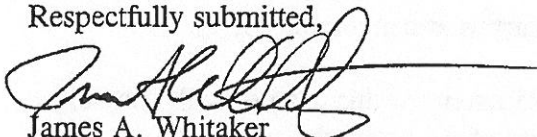
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One of the features of Growth Management is the ability of a property owner faced with regulations which render that person's land of no economic value to seek a reasonable use determination.

Attached for City Council consideration is an ordinance to create Moses Lake Municipal Code Section 19.03.200. This section allows property owners to seek a reasonable use determination for their property.

This is the first reading of the ordinance.

Respectfully submitted,



James A. Whitaker  
City Attorney

ORDINANCE NO.

AN ORDINANCE CREATING MOSES LAKE MUNICIPAL  
CODE 19.03.200

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

*Section 1.* Moses Lake Municipal Code Section 19.03.200 is created to provide:

**19.03.200 Reasonable Use Exception to Allow for Reasonable Economic Use.**

- A. If the application of this chapter will prevent any reasonable economic use of the owner's property, then the applicant may apply to the planning department for an exception from the requirements of this chapter; may be applied for in accordance with the provisions of Chapter 20.05 entitled "Application Forms."
- B. The planning director shall forward the application, along with the record submitted to the city and the director's recommendation, to the hearing examiner for decision.
- C. The hearing examiner shall grant an exception only if:
  - 1. Application of the requirements of this chapter will deny all reasonable economic use of the property; and
  - 2. There is no other reasonable economic use with less impact on the sensitive area; and
  - 3. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site, and is consistent with the general purposes of this chapter and the comprehensive plan; and
  - 4. Any alteration is the minimum necessary to allow for reasonable economic use of the property.
- D. The hearing examiner shall grant an exemption from the requirements of this chapter only to the minimum necessary extent to allow for reasonable economic use of the applicant's property.

- E. The hearing examiner shall condition any exception from the requirements of this chapter upon conditions recommended by the city and upon compliance with any mitigation plan approved by the city.

*Section 2. Effective date.* This ordinance shall be in full force and effect five days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on

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Jon Lane, Mayor

ATTEST:

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Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

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James A. Whitaker, City Attorney





April 21, 2010

Honorable Mayor and  
Moses Lake City Council

Dear Council Members

Attached is a proposed agreement between the City of Moses Lake and the Moses Lake Area Chamber of Commerce. With this agreement the City will pay to the Chamber \$5,500 per year beginning in 2011 for services to advance the general interests of the City and to promote the resources and facilities of the City so as to attract visitors and create tourist expansion. The City will also pay the Chamber \$5 per piece for processing the fulfillment of tourist information requests sent out by the Chamber specifically on behalf of the City.

If the City Council finds the agreement acceptable, authorization is requested for the City Manager to execute this agreement on behalf of the City of Moses Lake.

Respectfully submitted



Joseph K. Gavinski  
City Manager

JKG:jt

## AGREEMENT

1. Parties: This agreement is made and entered into by and between the City of Moses Lake, Grant County, Washington, a municipal corporation (City), and the Moses Lake Area Chamber of Commerce (Chamber).
2. Authority: It is recognized that one of the purposes of the Chamber is to advance the general interest of the City, the area surrounding the City, and the trade area which the City serves. Furthermore, one of the specific purposes of the Chamber is to promote the resources and facilities of the City and the surrounding area by advertising, publicizing, and otherwise distributing information for the purpose of attracting visitors and encouraging tourism.

The City is empowered in RCW 35.21.700 and 35A.11.070 as follows:

"Except as provided in RCW 67.28.180, all revenue from taxes imposed under this chapter shall be credited to a special fund in the treasury of the municipality imposing such tax and used solely for the purpose of paying all or any part of the cost of tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities. Municipalities may, under Chapter 39.34 RCW, agree to the utilization of revenue from taxes imposed under this chapter for the purposes of funding a multijurisdictional tourism-related facility."

The City is further empowered in RCW 67.28.1815 and 67.28.1816 as follows:

"All revenue from taxes imposed under this chapter shall be credited to a special fund in the treasury of the municipality imposing such tax and used solely for the purpose of paying all or any part of the cost of tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities. Municipalities may, under chapter 39.34 RCW, agree to the utilization of revenue from taxes imposed under this chapter for the purposes of funding a multi jurisdictional tourism-related facility.

(1) Lodging tax revenues under this chapter may be used, directly by local jurisdictions or indirectly through a convention and visitors bureau or destination marketing organization, for the marketing and operations of special events and festivals and to support the operations and capital expenditures of tourism-related facilities owned by nonprofit organizations described under section 501(c)(3) and section 501(c)(6) of the internal revenue code of 1986 as amended.

(2) Local jurisdictions that use the lodging tax revenues under this section must submit an annual economic impact report to the "department of community, trade, and economic development for expenditures made beginning January 1, 2008. These reports must include the expenditures by the local jurisdiction for tourism promotion purposes and what is used by a nonprofit organization exempt from taxation under 26 U.S.C. Sec. 501(c)(3) or 501(c)(6). This economic impact report, as a minimum, must include: (1) The total revenue received under this chapter for each year; (b) the list of festivals, special events, or nonprofit 501(c)(3) or 501(c)(6) organizations that received funds under this chapter; (c) the list of festivals, special events, or tourism facilities sponsored or owned by the local jurisdiction that received funds under this chapter; (d) the amount of revenue expended on each festival, special event, or tourism-related facility owned or sponsored by a nonprofit 501(c)(3) or 501(c)(6) organization or local jurisdiction; (3) the estimated number of tourists, persons traveling over fifty miles to the destination, persons remaining at the destination overnight, and lodging stays generated per festival, special event, or tourism-related facility owned or sponsored by a nonprofit 501(c)(3) or 501(c)(6) organization or local jurisdiction; and (f) any other



measurements that local government finds that demonstrate the impact of the increased tourism attributable to the festival, special event, or tourism-related facility owned or sponsored by a nonprofit 501(c)(3) or 501(c)(6) organization or local jurisdiction.

(3) The joint legislative audit and review committee must report to the legislature and the governor on the use and economic impact of lodging tax revenues by local jurisdictions since January 1, 2008, to support festivals, special events, and tourism-related facilities owned or sponsored by a nonprofit organization under section 501(c)(3) or 501(c)(6) of the internal revenue code of 1986, as mandated, or a local jurisdiction, and the economic impact generated by these festivals, events, and facilities. This report shall be due September 1, 2012.

(4) Reporting under this section must begin with calendar year 2008.

(5) This section expires June 30, 2013."

Also, the City, instead of doing work of a professional nature using its permanent staff, may contract for those professional services (RCW 35.23.352).

3. Consideration and Covenants: It is mutually agreed as follows:

- A. In consideration of the Chamber providing the necessary services for 2011 and subsequent years to advance the general interest of the City and to promote the resources and facilities of the City so as to attract visitors and encourage tourist expansion, the City shall pay to the Chamber a sum as determined by the City Council on an annual basis.
- B. In 2011 and subsequent years, unless and until changed by the City Council, the City shall pay the Chamber the sum of five thousand five hundred dollars (\$5,500) for the services previously mentioned. In years subsequent to 2011, if a change in the amount to be paid the Chamber is contemplated for the previously mentioned services, the amount will be determined by the City Council during the budgetary review process for the next fiscal year. The City shall also pay the Chamber five dollars (\$5) per piece for processing the fulfillment of tourism information requests sent out by the Chamber specifically on behalf of the City.
- C. The City shall pay the five thousand and five hundred dollars (\$5,500) for 2011 and the sums determined to be payable for years subsequent to 2011 to the Chamber before April 1 but after February 1 of the year when the services are to be rendered. The City shall pay the sum for fulfilling tourism information requests when billed.
- D. The Chamber shall submit a report to the Council by December 31<sup>st</sup> of every year this contract is in effect detailing the tourism promotion efforts accomplished by the Chamber as contemplated by the agreement and detailing the fulfillments processed for the year..
- E. This agreement shall continue on a year to year basis, but compliance with the terms of the agreement shall be reviewed periodically by the City. The agreement can be canceled by the City at the end of a calendar year if the services provided by the Chamber are not satisfactory as determined by the City Council or if the law is such or becomes such in the State of Washington to the effect that a city of the class which would include the City, is not or is no

longer empowered to expend the funds for the purposes enumerated in this agreement.

4. Entire Agreement: This writing embodies the entire agreement between the parties and shall not be modified unless put into writing.

Dated \_\_\_\_\_

Dated \_\_\_\_\_

MOSES LAKE AREA  
CHAMBER OF COMMERCE

CITY OF MOSES LAKE

By \_\_\_\_\_  
President

By \_\_\_\_\_  
Joseph K. Gavinski, City Manager

By \_\_\_\_\_  
Manager



# MOSES LAKE SPRING FESTIVAL

April 15, 2010

Mr. Joseph Gavinski  
City of Moses Lake  
PO Drawer 1579  
Moses Lake, WA 98837

Re: Moses Lake Spring Festival 2010

Dear Mr. Gavinski,

Enclosed, please find the Indemnity and Hold Harmless Agreement for the 2010 Moses Lake Spring Festival. It was my understanding that you will sign this form and a copy will be sent back to me.

I would like to take this opportunity to tell you that I pleased to have been able to attend the City Counsel meeting on April 13, 2010, and especially pleased to have met you. I appreciate your time in talking to me and answering the questions that I had.

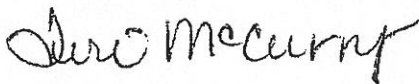
I contacted Debbie at the Chamber of Commerce and with much discussion; she had the board approve the \$2000.00 allocated to Moses Lake Spring Festival. I appreciate the guidance you gave me in this matter.

I am very excited to take on the role of President of Moses Lake Spring Festival and I am hoping to make a positive contribution to this years Spring Festival and years to come.

If there is anything I can do to improve on Moses Lake Spring Festival's involvement with the City or our performance throughout the year, please let me know as I would embrace any suggestions you may have.

I look forward to seeing you at future City Counsel meetings.

Sincerely,



Teri McCurry  
Moses Lake Spring Festival President  
509-361-9779

Moses Lake Spring Festival  
601 S. Pioneer Way Suite F Box 198  
Moses Lake, WA 98837  
(509) 361-9779  
[www.mlspringfestival.com](http://www.mlspringfestival.com)





April 15, 2010

Honorable Mayor and  
Moses Lake City Council

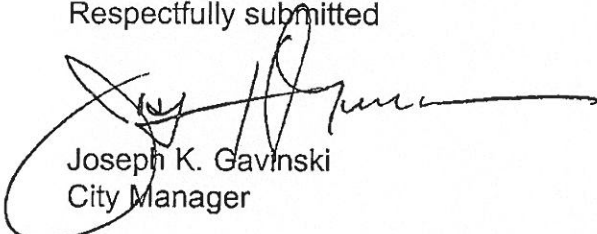
Dear Council Members

At the recent 2010 City Council/staff retreat, I mentioned the possibility of contracting for a retail study for the City of Moses Lake. I was requested to identify the costs of such a study. I have contacted Buxton which performs these studies with their program, "Community ID". I was informed that a retail study could cost somewhere between \$35,000 and \$70,000.

Very truly yours

Joseph K. Gavinski  
City Manager

JKG:jt  
Respectfully submitted



Joseph K. Gavinski  
City Manager

JKG:jt



April 22, 2010

TO: Municipal Services Director  
For Council Consideration

FROM: City Engineer *Man O'Min*

**SUBJECT: MOSES LAKE CIVIC CENTER  
CONSIDERATION OF BIDS**

On April 21<sup>st</sup> bids were opened for the Moses Lake Civic Center Project. A total of sixteen (16) bids were received with the apparent low bid being submitted by Team Construction LLC out of Vancouver, Washington.

City staff is very pleased with the bid, but another bidder has protested Team Construction's proposal due to a subcontractor not being registered to perform work in the State of Washington. Due to the time required to evaluate the protester's argument, investigate Team Construction's proposal, and properly follow the contract procedures for this situation, staff is not prepared to present this project to City Council for award at this time.

City staff will work with Miller Hull Partnership, legal counsel, Team Construction, and the protesting contractor to handle this situation in a reasonable and fair manner that is consistent with the contract documents and State bidding laws. Our intention is to be able to present this project to City Council for award at the May 11<sup>th</sup> meeting.





April 15, 2010

To: City Manager  
For Council Consideration

From: Finance Director

Subject: Council Financial Report

The Council Financial Report for the period ending March 31, 2010 has been posted, for Council and public review, on the City's web site, <http://www.ci.moses-lake.wa.us/230.html>.

Respectfully Submitted,

Ronald R. Cone, CPA, CGFM  
Finance Director



