CITY OF SHELTON, WASHINGTON - CITY COMMISSION
Business Meeting Minutes – March 16, 2015
Shelton Civic Center - 6:00 p.m.

Presiding: Mayor Cronce, Commissioner Olsen and Commissioner Moore
Staff Present: Dave O’Leary, Steve Goins, Mike Michael, Tracy Wilson and Lesleann Kangas

Mayor Cronce called the meeting to order at 6:00 p.m.

Commission Reports

One or more Commissioners will attend the following activities this week:
- Serving Lunch Senior Center – Community Champions Week
- Shelton School District Evening Interview – Community Forum
- Shelton Mason County Chamber of Commerce Luncheon – Forterra Presentation
- Mason Transit Authority Board Meeting
- Mason County Board of Health Meeting
- Mason County Criminal Justice Board Meeting
- Emergency Food and Shelter Board Meeting

Public Comment
Mayor Cronce recognized the following who are opposed to the Bikini Barista stand on Railroad Avenue: Mr. Jonathan Hayek, Ms. Barbara Hayek, Ms. Mulla Hayek, Ms. Meaghan and Ms. Julie Stanley.

Mayor Cronce said this Commission does listen to the public about their concerns. He said the City does have a public nudity ordinance and staff will enforce the ordinance.

City Administrator O’Leary said a sexually oriented business is well defined and there is only one location in the City for that type of business. The Bikini Barista is taking the definition of sexually oriented business to the legal limit but at this time there is no evidence this is a sexually oriented business.

Mayor Cronce recessed the regular meeting and opened the Public Hearing at 6:26 p.m.

Public Hearing - Ordinance No. 1866-0315 – First Reading - An Ordinance of the City of Shelton, Washington, Amending Chapter 2.76 of the Shelton Municipal Code and Ordinance Relating to Historic Preservation – Community and Economic Development Director Goins reported that Washington Cities Insurance Authority (WCIA) performs an annual review/audit and one of WCIA recommendations for code and policy changes was to amend the provisions related to the Historic Preservation Board. DH Goins said two key amendments are proposed: One amendment generally affects the structure of the Historic Preservation Board by revising the number of Board members (from 12 to 7), alters the appointment terms (all to three-year terms), and softens the requirement that two Board members be professional in the field. The second key amendment establishes provisions granting the Commission authority to remove Board members. Some examples of removing members could be attendance, conflict of interest or unethical behavior.

Commissioner Olsen asked if when referring to certificate of appropriateness it only talks about historic register and if districts could be added and same rules apply. He also asked when doing a certificate of appropriateness in number one it says it is possible that a certain citizen could appeal granting of a certificate but it is not addressed in number two. He asked if a private citizen could have a say in that.

DH Goins responded that citizens have complained about the inability to appeal a building permit. The courts have been sympathetic with the appellants because they did not meet a certain time constraint to make the appeal. There is no obligation to give them notice that a permit has been issued. It makes that impossible for the appellant that there is a time line in making an appeal. The courts have stood behind that and said we cannot
make that a requirement to notice the public every time we issue a permit that is appealable. There might be some element to this to consider for a certificate of appropriateness but generally speaking that is part of the permit process.

Commissioner Moore said she would like some examples of conduct that would be unacceptable. She said maybe this should be included in all of the volunteer boards that we have.

DH Goins responded that in the Parks Advisory Board has an attendance clause.

DH Goins said he will bring this back next week with the suggested changes.

**Public Testimony**

Mayor Cronce recognized Mr. Forrest Cooper who suggested that board members address internally and have a voice in removing a member first.

Mayor Cronce recognized Mr. Gerald Cummings who spoke on the boards of volunteers. He said the removal of a board member should be up to the Commission as they are the elected officials and the citizens trust you to make decisions.

*The Commission concurred to continue the Public Hearing for Ordinance No. 1866-0315 to the meeting of March 23, 2015.*

*Mayor Cronce returned to the regular meeting and opened the Public Hearing at 6:49 p.m.*

**Public Hearing** - Ordinance No. 1867-0315 – First Reading - An Ordinance of the City of Shelton, Washington, Amending Chapters 20.52 and 20.53 of the Shelton Municipal Code, Relating to Comprehensive Plan Amendments and Rezones – Community and Economic Development Director Goins reported that this incorporates a number of changes to the current provisions. He said there have been a number of land use and court decisions added to the change and update. Staff added features that make it simpler for the applicant to understand our process. DH Goins said there are several overall changes and he has not received a single comment on the proposed changes. The amendments under consideration have been carefully considered by the City Attorney.

Commissioner Olsen asked about spot zoning, which is not allowed, and referred to 20.53.060(2) which says a property owner or authorized agent of a property owner may apply for a site-specific amendment to the comprehensive plan.

DH Goins said this applies to amendments that are a portion of land where there is not a requirement for an area to be looked at and it is specific to a project but it is consistent with the land uses around it. It is not part of an annual update initiated by the City but initiated by a private party and it is usually associated with a development activity.

DH Goins said this year we are doing a mandated update. He said it is not uncommon to reconsider a vast number of areas for different land uses to reevaluate how land use is matching up with population projections. An applicant does not have to make that request because the City is evaluating that as part of the larger process. Normally an applicant would make the request and these site specific requests are what this is discussing. It is where the applicant is asking the City to consider this and it is separate from something the City is considering as part of a larger update to achieve other objectives.

Commissioner Moore asked if this could be a tool to make a nonconforming area larger.

DH Goins responded over the course of the process you have to rectify any differences between your Comprehensive Plan and Zoning Map so that does not happen. When there is a request to rezone property and it requires a Comprehensive Plan Update, when is that rezoning process which is a Quasi-Judicial decision different than a Comprehensive Plan Update which is a legislative act and has a different set of standards? The courts have
Said there is no distinction and both are legislative acts and that is part of what needed to be cleaned up.

Commissioner Moore said her concern is negative impact on neighborhoods, residential uses.

DH Goins said if land is being considered for a rezone there would be discussion over what is appropriate considering the surrounding uses.

**Public Testimony**

Mayor Cronce recognized Ms. Marilyn Vogler who has concerns with two particular kinds of omissions in the rewrite. The first has to do with transportation concurrency as in 20.53.080 one of the items deleted was item “F” under a written statement explaining the following where applicable “F” used to read how a project will meet concurrency requirements for transportation under Chapter 17.07. A similar thing was deleted from Section 20.52.050 that used to have a section for decision and approval. Ms. Vogler said she hoped transportation to mean something more broadly interpreted as in public transit, bicycle paths, easy access to schools and as such a developer might not have control over the entire process. The developer may not have control over the entire process so a developer could include plans for streets within a site plan and not have a thing to say about whether the bicycle path would be connected to them. Shelton City Code requirement 17.07 says after the adoption of the Comprehensive Plan the City is required to insure that transpiration improvements or strategies to accommodate the impact of development are provided concurrent with the impact of development. Ms. Vogler requested not removing concurrency review from Comprehensive Plan and Rezone Amendments.

Ms. Vogler said she has a second request. There is a deletion a section in 20.52.060 having to do with plans being submitted as a basis for a permit. It says it is not clear what is meant by permit. This says if a developer submits a plan and on the basis of that plan you need to rezone properties. As it stands the developer has to adhere to the specifics of that plan. If the plan is not specifically tied to that development you would lose control over why you rezoned the property. She requested reconsidering deleting these from the statute as it stands.

DH Goins responded that the requirements for concurrency are not being diminished in this process. What we are trying to make clear is the distinction between what concurrency requirements are at a planning level when talking about a large land use decisions and a project specific level.

Mayor Cronce said there are safeguards in the existing rules and regulations that would address Ms. Vogler’s comments.

DH Goins said that concurrency is a common issue when it comes to larger projects.

*Mayor Cronce closed the Public Hearing at 7:10 p.m. and returned to the regular meeting.*

*Mayor Cronce requested a First Reading of Ordinance No. 1867-0315 as follows: Ordinance No. 1867-0315—An Ordinance of the City of Shelton, Washington, Amending Chapters 20.52 and 20.53 of the Shelton Municipal Code, Relating to Comprehensive Plan Amendments and Rezones*

*The Commission concurred to place Ordinance No. 1867-0315 on the consent agenda for March 23, 2015, for a Second Reading and adoption.*

*Mayor Cronce recessed the regular meeting and opened the Public Hearing at 7:11 p.m.*

**Public Hearing** - Ordinance No. 1868-0315 – First Reading - An Ordinance of the City of Shelton, Washington, Relating to Establishing Development Agreements Adopting New Chapter 20.55 to Title 20 of the Shelton Municipal Code — Community and Economic Development Director Goins reported the Revised Code of Washington (RCW) 36.70B.170 includes provisions that allow local governments to enter into development agreements with a person having ownership or control of real property within its jurisdiction, or for real property outside its boundaries as part of a proposed annexation. DH Goins said development project proponents value the certainty that comes with securing approvals that authorize (and bind) the project to conditions of approval as set forth in a development agreement. Additional benefits include strengthening the public planning process,
encouraging private participation and comprehensive planning, reducing the economic costs of development, and could facilitate infrastructure development. Development Agreements require adherence with existing policies and regulations, and allow project applicants to be reimbursed over time for financing public facilities. He said the regulations establishing procedures to enter into development agreements are required to be consistent with the applicable policies and goals of the city of Shelton’s comprehensive plan and all applicable development regulations adopted by the city pursuant to Chapter 36.70A RCW. DH Goins requested a First Reading of Ordinance No. 1868-0315 tonight and place it on the consent agenda for March 23, 2015, for a Second Reading and adoption.

**Public Testimony**

Mayor Cronce recognized Ms. Marilyn Vogler who referenced the reimbursement portion saying that when the process by which negotiated development agreements, that involve reimbursement of fees paid, that the process be real transparent.

DH Goins responded that there are two mechanisms in place to provide insurances referenced in 20.55.040 of the ordinance titled Approved Procedure for Development Agreements.

Commissioner Moore asked about the reimbursement over time for financing of public facilities, is this like a latecomers agreements.

DH Goins responded yes and it could be an array of different types of improvements. Example being; a developer is improving a park and dedicating to the City and would want to include in an agreement some way of being made whole for making a contribution to the City.

DH Goins said he will add financial interest to 20.55.050(B). Every development agreement shall be signed by the property owner and all other parties with a financial interest in the property that is the subject of the development agreement, prior to any public hearing held for the purpose of authorizing execution of the development agreement.

Mayor Cronce said he called DH Goins concerning this and he explained that this is setting the ground rules for the City to enter into these types of agreements.

*Mayor Cronce closed the Public Hearing at 7:19 p.m. and returned to the regular meeting.*

*Mayor Cronce requested a First Reading of Ordinance No. 1868-0315 as follows: Ordinance No. 1868-0315 – An Ordinance of the City of Shelton, Washington, Relating to Establishing Development Agreements Adopting New Chapter 20.55 to Title 20 of the Shelton Municipal Code*

*The Commission concurred to place Ordinance No. 1868-0315 on the consent agenda for March 23, 2015 for a Second Reading and adoption.*

**Consent Agenda**

1. Vouchers numbered 85352 through 85483 in the amount of $682,975.56
2. Payroll Warrants numbered 73192 through 73365 in the amount of $626,505.51
3. Commission Meeting Minutes from:
   - Study Session of February 23, 2015
4. Hotel/Motel Advisory Committee Reappointments for 2015 – Mr. Duane Wilson, Ms. Annette McGee, Sky Kim and Maria Kim terms ending December 31, 2015
5. Historic Preservation Board Reappointment – Mr. Forrest Cooper term ending December 31, 2017
6. Timberland Library Board of Trustees Reappointment – Mr. Denis Leverich term ending December 31, 2019
7. Materials Testing Services – Construction Testing Laboratories, Inc., authorize the Mayor to sign and City Administrator to make necessary budget modification

*Commissioner Olsen moved to approve the consent agenda; Commissioner Moore seconded the motion. A vote was taken and the motion passed.*
Old Business - None

New Business

1. Angleside Booster Pump Station Site Work – Kamin Excavation LLC – City Engineer Michael reported that in 2010, City staff completed an engineering analysis as part of the Comprehensive Water System Plan Update, where it was determined that about 64% of the volume within the Angleside Reservoir is designated as “dead volume” (not actively available for beneficial uses). The addition of a booster pump station within this system will increase the active storage volume to about 266,000 gallons, and will address an identified volume deficiency of about 200,000 gallons in this pressure zone. In 2011 and 2013 respectively, the City entered into agreement(s) to provide design services for the preparation of construction drawings for the Angleside Booster Pump Station project, and construction of a pre-engineered, factory built pump station. Design is complete and the pump station is scheduled for delivery construction site as early as May, 2015. In February 2015, Staff completed a standard bid process for the pump station installation and connection to the Angleside Reservoir piping, which included the following:
   1) Coordination for placing a manufactured pump station
   2) Ductile iron yard piping
   3) Check valve station and appurtenances
   4) Concrete slab for pump station
   5) HMA Paving

Five responsive bids were received, with Kamin Excavation coming in as the lowest bidder at $261,591.34. CE Michael requested the Commission award the contract for construction of the Angleside Booster Pump Station to Kamin Excavation, LLC by placing on the consent agenda for March 23, 2015, authorizing the Mayor to sign when returned from contractor.

The Commission concurred to place the award of Angleside Booster Pump Station Site Work to Kamin Excavation LLC in the amount of $261,591.34 on the consent agenda for March 23, 2015 authorizing the Mayor to sign when returned from contractor.

Administration Reports
City Administrator O’Leary said he is working on the April 3, 2015, Retreat, closing out of year-end, and performance measures.

General Public Comment – None

Administrative Final Touches
• CE Michael – Basin 3 Resolution
• DH Goins – Forterra Planning Consultant Contract

Announcement of Next Meeting
Mayor Cronce announced the next regular meeting of March 23, 2015 at 6:00 p.m. due to the Transportation Benefit District Public Hearing.

Adjournment
Mayor Cronce adjourned the meeting to at 7:27 p.m.

[Signatures]
Mayor Cronce
City Clerk Look

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