CITY OF SHELTON, WASHINGTON - CITY COMMISSION
Business Meeting Minutes – February 19, 2013
Shelton Civic Center - 6:00 p.m.

Presiding: Mayor Cronce, Commissioner Olsen and Commissioner Pannell
Staff Present: Dave O’Leary, Vicki Look, Cathy Beierle, Mike Michael and Lesleann Kangas

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

Mayor Cronce announced a change to the agenda. An Ordinance concerning temporary moratorium on adult oriented businesses will be added as Item #2 under New Business.

Commission Reports

One or more Commissioners will attend the following activities this week:
• Shelton Mason County Chamber of Commerce Meeting
• Criminal Justice Meeting
• MACECOM Meeting
• Mason County Forest Festival Royalty Crowning

Public Comment - None

Consent Agenda
1. Vouchers numbered 80344 through 80441 in the amount of $278,651.94
2. Payroll Warrants numbered 68598 through 68782 in the amount of $633,279.99
3. Commission Meeting Minutes from:
   • Business Meeting of February 4, 2013
   • Study Session of February 11, 2013

Commissioner Olsen moved to approve the consent agenda as presented; Commissioner Pannell seconded the motion. A vote was taken and the motion passed.

Old Business - None

New Business
1. Mountain View Pressure Zone Design – City Engineer Michael reported that a new pressure zone in the north portion of the City’s service area is needed to provide effective service to that area. This concept was further refined through modeling efforts performed in conjunction with the design of the Dayton Airport Water System Expansion Project. Through the City’s partnership with the Washington State Patrol (WSP) and Washington Department of Corrections (DOC), the City has committed to complete system improvements that will allow us to fully service the new watermain being constructed by WSP. Implementation of the Upper Mountain View Pressure Zone is the City’s mechanism to meet this partnership commitment. Originally, staff had narrowed the contract candidates down to two highly qualified teams who formed a partnership and presented the idea to staff. Since then, staff has been working with the new design team to craft a scope and budget that adequately compensates the team, provides flexibility to the City for unknown or undeterminable portions of the scope, and provide a mechanism for further refining and negotiating the scope and budget for future phases of work. This design project is being presented in three phases. Phase #1 has been fully scoped and budgeted. Phase #1 will identify the final components, general technical specifications (size, location, elevation, etc) of the components (tanks, pumps, conveyance lines) of the new pressure zone and the necessary scope to complete construction documents, with a budget of $162,013.
Phase #2 is estimated at $900,000 to $1,200,000 and there is a potential for Phase #3 at $110,000 to 140,000. Staff has negotiated a contract with Murray, Smith & Associates for this work (with Carollo Engineers as part of the team) for a not to exceed amount of $1,500,000. CE Michael requested the Commission approve the contract with Murray, Smith and Associates with Carollo Engineers supporting Phase #1, authorizing the Mayor to sign the contract and City Administrator to make any necessary budget modifications, by placing on the consent agenda for February 25, 2013.

The Commission concurred to place the contract with Murray, Smith and Associates with Carollo Engineers supporting Phase #1, authorizing the Mayor to sign and City Administrator to make any necessary budget modifications on the consent agenda for February 25, 2013.

2. Ordinance No. 1822-0213 – An Ordinance of the City of Shelton, Washington, Enacting a Temporary Moratorium on the Establishment of New Adult-Oriented Businesses, Including Espresso Stands Commonly Referred to as “Bikini Baristas” – City Administrator O’Leary reported that a business is planning on opening that will likely include scantily clad employees serving coffee to drive-thru patrons. The business has not applied for a business license yet but plan to be located in the downtown district at the corner of Fifth and Railroad. This location has been an espresso stand in the past but this new business model being contemplated would be more sexually oriented. The City does have a sexually oriented business chapter, which may or may not apply in this situation, that was adopted in 2005. This moratorium will allow time to update and gain appropriate language in the chapter and a public hearing for citizens to address the subject must be scheduled in four weeks.

Mayor Cronce said he thinks this will be a good idea to allow time for citizens to weigh in on the subject.

Commissioner Olsen said he is not a fan of moratoriums in general. It is unfair to certain businesses. He said that he wished there was another provision to not have to do a moratorium especially since no business license had been applied for yet. He said it seems that a moratorium is a way for the City to manipulate the Revised Code of Washington (RCW’s) to our benefit and their deterrent.

Mayor Cronce said this kind of situation in general has been discussed with the City Administrator. He said we are not targeting one specific thing, what we are saying is that there is not a current policy in place.

CA O’Leary said if a business license application is on file a moratorium would not do any good.

Commissioner Olsen said that on the point of not targeting a business, he believes we are targeting a business and he wondered how many other businesses are treated this way. If it is something staff does not approve of, are the moratoriums rushed through like this? It does not seem to be of full cooperation or working with businesses. He thinks moratoriums are a good way to avoid things that should have been addressed in the past.

Commissioner Pannell said that in a perfect world we should have addressed this in the past, but we didn’t so the avenue open to us is a temporary moratorium to bring the matter to the forefront and discuss it and come up with a plan. It probably does look like we are targeting a particular business but she is not sure that is what is happening.

City Administrator O’Leary said we have received legal advice on this moratorium that will give us time.

Commissioner Pannell added that this will give the Commission time to hear what the public at large has to say.

Mayor Cronce said this is a mechanism available to us allowing time for the public to weigh in on what we do.
Mayor Cronce requested a First and Final Reading of Ordinance No. 1822-0213 as follows:
An Ordinance of the City of Shelton, Washington, Enacting a Temporary Moratorium on the Establishment of New Adult-Oriented Businesses, Including Espresso Stands Commonly Referred to as “Bikini Baristas.”

This Ordinance shall be in effect immediately upon passage.

Commissioner Pannell moved to approve Ordinance No. 1822-0213, Commissioner Olsen seconded the motion. A vote was taken and the motion passed.

Administration Reports
CA O’Leary said he would be attending a Regional Managers Meeting Thursday in Longview.

Public Comment - None

Administrative Final Touches
• CE Michael – Canyon Creek Contract Amendment – OTAK, Inc.

Announcement of Next Meeting
Mayor Cronce announced the next regular Commission meeting of Monday, February 25, 2013, at 2:00 p.m.

Adjournment
As there was no further business the Commission business meeting was adjourned at 6:24 p.m.

Mayor Cronce

City Clerk Look