

CITY OF McCLEARY
March 22, 2006
Public Hearing – Moratorium on Sexually Oriented Business
Applications- 6:00 PM
Regular Council Meeting

The meeting was called to order at 6:00 PM. Mayor Bentley called for a moment of silence in honor of Mathew Walrod, Elma High School graduate, who died in military service to his country.

Roll Call: Mayor Wally Bentley
Councilwoman Lake
Councilmen Vessey, Vatne, Hays and Boling

Staff Present: Attorney Glenn, Administrator Davolio, Police Chief Crumb, Building Inspector Schlenker, and Cole Elliott of Parametrix

The Public Hearing on a Moratorium on Accepting Applications for Sexually Oriented Businesses was called to order. Administrator Davolio explained the background of Ordinance 732, passed on February 8, 2006. He read the thirteen findings in Section 1 of the ordinance. He explained that the City cannot prohibit sexually oriented businesses. The City has the right to regulate where these businesses are allowed to locate through zoning regulations and how businesses operate through licensing. The City can consider the impact adult businesses would have on the surrounding area. Rather than spend the time and money on researching the issues, he pointed out that the City may use the studies done by other communities in their decision making process—and said those studies will be on file in City Hall for examination. Several residents asked questions and were supportive of the City's efforts to address the matter. The hearing was closed.

It was moved by Councilman Boling, seconded by Councilman Vatne, to approve the minutes as distributed. Carried.

It was moved by Councilman Vessey, seconded by Councilman Boling, to ratify Ordinance No. 732. Carried.

Under public comment:

- 1) Teri Franklin said she did not see why the City was still considering extension of water and sewer utilities to areas outside the City limits, since the issue was put to rest at the August 10, 2005, meeting at the McCleary School. It was pointed out by several people that having listened to the tape of that meeting, the Council did not make a decision regarding utility extension. The Council accepted the Planning Commission report and voted not to annex the Brogan/Anenson property in question at that meeting.
- 2) In answer to a question from Tim Hamilton, attorney Glenn said the City has the right to accept, modify or reject the recommendations from the Hearing Examiner after his report is issued. Mr. Hamilton also was told that the written information he provided to the Hearing Examiner by mail after the hearing, was returned to Administrator Davolio. The Hearing Examiner could not accept further information or comments from the public once the hearing was completed.
- 3) Janis Moore gave the Council copies of a wetlands map she had prepared. She said she would like to see the City move ahead on the issue of extension, only after the update of the Comprehensive Water Plan is complete.

It was moved by Councilman Vessey, seconded by Councilman Boling,

to grant a fireworks sale permit for the Bear Festival. Carried.

Mayor Bentley declared March 20-26, 2006, as Retired Teachers' Week.

Administrator Davolio reported on the following:

- 1) Now that the ADA assessment on city buildings is in, he is looking into some improvements that can be made in the near future, such as: wheel chair ramps, new locks and handles replacement in City Hall, and a new recording system to be shared by Council and Court.
- 2) He is looking for more efficient equipment for reading meters.
- 3) They are reinvestigating the question of correcting problems at the storage shed, since there is now a problem with mold. He said that perhaps it will need to be demolished.
- 4) Considering the power outages this winter due to high winds, he said he felt that we should pursue a mutual aid agreement with Grays Harbor PUD.
- 5) Richard Sepler will be resigning as McCleary's Hearing Examiner. A new candidate will be sought.

Police Chief Crumb and Building Inspector Schlenker gave oral reports.

The Planning Commission will be holding a Public Hearing on April 5 at 6:00 PM for the purpose of considering a new Highway/Commercial Zone.

There was a further discussion of the issue of extension of water and sewer lines outside city limits. Administrator Davolio pointed out that a) the issue of utilities extension is a separate issue from annexation, b) updating of the Comprehensive Water Plan is still underway, and c) any decision on the issue is premature. He said he plans to bring in parts of the water plan, as they are completed, for Council consideration. Sewer capacity is not a concern. Water is certainly a consideration, i.e., water rights, storage capacity and location of a new water source. Teri Franklin, Tim Hamilton and Ann Hartman expressed concerns about the city's sole source aquifer, and the amount of water available to current residents in the area in question. Administrator Davolio said the City's major responsibility is to our current water and sewer customers, not the developers. He agrees that citizens around McCleary consider themselves "McCleary residents," but City government must first and foremost think of those residents actually residing within its corporate limits. Too many septic tanks located over our current aquifer would not be desirable.

It was moved by Councilman Boling, seconded by Councilman Hays, to authorize the Mayor to sign a contract with Bruce's Cleaning Service. Carried.

Spring Clean-Up will be held on April 15.

It was moved by Councilman Boling, seconded by Councilwoman Lake, to authorize the Mayor to sign an EMS grant agreement for \$3,000.00 for new pagers for the Fire Department. Carried.

Ordinance No. 733, entitled AN ORDINANCE RELATING TO DEFRAUDING OF PUBLIC UTILITIES; ADDING A NEW SECTION TO CHAPTER 9.38 & CHAPTER 13.24 OF THE MUNICIPAL CODE, was introduced. It was moved by Councilwoman Lake, seconded by Councilman Boling, that the ordinance be read by first and last lines only. Carried. It was moved by Councilman Vessey, seconded by Councilman Vatne, that the ordinance be adopted. Carried. All members voted in the

affirmative.

Resolution No. 514 entitled, A RESOLUTION CONFIRMING FINAL COMPLETION OF THE UPDATE/EXPANSION PROJECT FOR THE McCLEARY WASTEWATER TREATMENT PLANT UNDER CERTAIN CONDITIONS & DIRECTING FURTHER ACTION was introduced. It was moved by Councilman Vessey, seconded by Councilman Boling, that the resolution be adopted. Carried.

It was moved by Councilman Vessey, seconded by Councilman Vatne, that the vouchers be approved as audited. Carried.

Councilwoman Lake said that if we are going to work with local county residents, perhaps we should invite County officials to a meeting.

Elsie Franklin said she was very impressed with the tour of the new WWTP.

The meeting was adjourned.