



**CITY OF ILWACO
CITY COUNCIL MEETING
Monday, July 12, 2010**

A. Call to Order

Mayor Cassinelli called the meeting to order at 6:07 p.m.

B. Flag Salute

The Pledge of Allegiance was recited.

C. Roll Call

Present: Councilmembers Jensen, Chin, Marshall, Greene and Forner, Mayor Cassinelli.

D. Approval of Agenda

ACTION: Motion to approve the agenda (Greene/Forner) 5 Ayes 0 Nays 0 Abstain.

E. Approval of Amended Consent Agenda

ACTION: Motion to approve the consent agenda with an amendment to the July 2, 2010, Special Meeting Minutes for Mayor Pro Tem signature, as mayor was not present (Greene/Marshall) 5 Ayes 0 Nays 0 Abstain. Councilmember Jensen's vote was excluded from minutes for July 2, 2010, Special Meeting Minutes, as he was not in attendance.

F. Reports

1. Staff Reports

- a. Police Chief Flint Wright presented a written report for June 2010.
- b. City Planner Skip Urling will be meeting Jim Neva at the Port of Ilwaco to address development regulations concerning parking at the port.
- c. Deputy City Clerk PJ Kezele presented a written collections report dated July 8, 2010.

2. Council Reports

- a. Councilmember Chin requested donations toward the purchase of pedestrian flags she had produced for Surf Pines residents to cross First Avenue. The poles with cans have not been completed yet, so the flags were given directly to the residents. Flags were \$12 per flag. Cans will also be placed at the library and at the hospital. New flags will be created, as needed. Donations were received from several councilmembers.
- b. Councilmember Marshall reported the Water/Sewer Committee met on July 12, 2010, to look at data regarding wastewater loading, which has increased over the last seven to eight years and how that might impact plant capacity and affect revenue. This data will be used toward developing a sewer concentration ordinance.

- c. Councilmember Greene reported the Finance Committee met on July 12, 2010. He stated the books are balanced, and the department heads are working on their 2011 budgets. A biennial budget was discussed with the City Treasurer based on a state auditor's recommendation. He thanked the Fire Department volunteer participation for the Fourth of July fireworks.
- d. Councilmember Forner reported a citizen helped with chest compressions during a heart attack during the fireworks ceremony, which greatly helped the Fire Department.

3. Mayor's Report

Mayor Cassinelli spoke about the success of the fireworks and his participation in the parade in Ocean Park. He also attended an Emergency Management meeting, a Pacific County Transit meeting and a Visitor's Bureau meeting during the past week. He met with Coast Guard staff to explain how the city is organized and operates. He met with the Water/Sewer Committee and Finance Committee on July 12, 2010. He also commented on the Beach Clean-Up effort on July 5, 2010. He reminded everyone that two volunteers are still needed to serve on the Library Board.

G. Comments of Citizens and Guests present

1. Doris Parks of Sehalee spoke about establishing a wildlife preserve for the bears, and her opposition to the ordinance prohibited feeding bears.
2. Gail Moore of Oban Vista RV Park read a prepared statement regarding water and sewer service and provided copies to the mayor and City Council. She also presented a check to the deputy city clerk for \$633.37.
3. Barbara Christian of Cooks Hill spoke in opposition to the water/sewer rates.

H. Public Hearing

1. Ordinance regulating and licensing adult entertainment and sexually-oriented business uses in the city.

The mayor opened the public hearing at 6:32 p.m. There were no public or written comments. The Public Hearing was closed at 6:33 p.m.

I. Business

1. Ordinance regulating and licensing adult entertainment and sexually-oriented business uses in the city and resolution establishing fee structure.

Councilmember Greene asked about which portions apply to Title 15 and which portions apply to Title 5. City Planner Skip Urling identified the portions that would be included in Title 15, but also indicated that a codifier would be better able to address the question. Councilmember Marshall asked about parcels where the adult businesses would be allowed, which is M-1, excluding buffers. He expressed that he felt the maps would make it difficult for staff to determine where the business uses would be allowed. Greene asked about Section 5 regarding locations and uses not compatible with the businesses. Jensen also commented on the readability of the map. He suggested removing not needed zones and vegetation, and possibly using a line drawing. Chin also made suggestions to help improve the map. Forner asked about using legal descriptions. A general discussion of the map ensued.

ACTION: Motion to approve an ordinance of the City of Ilwaco, Washington, establishing land use development regulations and business licensing requirements for adult entertainment and sexually-oriented business uses in the City of Ilwaco, adding a new chapter to Title 15, and a new chapter to Title 5 of the Ilwaco Municipal Code, subject to the following modification to the materials as presented, that a blow-out map be provided for the area that is allowed, as has been discussed (Marshall/Forner). Greene asked that “030” on Page 9, Section 8, Item B, be stricken. Greene questioned Page 11, Section 10, “Persons Not Licensable” does not list crimes that make a person ineligible and requested that the content be added. Greene stated Page 14, Section C, 2C, refers to subsection A1, which does not exist. Greene also reiterated that his biggest issue is the lack of definitions that would make an owner or entertainer ineligible for a license due to criminal convictions. He also pointed out other issues with redundancy and inconsistencies in language. Jim Berglund, Vandalia, citizen, commented that he thought a license should not be granted if someone has any police record. Councilmember Marshall commented that a lot of work has gone into crafting the ordinance so that it would not be so onerous so that it would be thrown out in court. A general discussion of a list of crimes that would make an owner or entertainer ineligible for a license ensued. There was a discussion regarding passing another moratorium, due to the extent of changes needed to the language and a list of crimes be added to the definitions.

ACTION: Motion to amend the motion to include the suggested changes per the discussion and to add to the list of definitions those crimes that would prohibit a manager or entertainer’s license to be issued per Section 10 Subsection C, as crafted by the city attorney (Greene/Chin). A roll call vote was taken. 5 Ayes 0 Nays 0 Abstain. Amendment passed. A roll call vote was taken to pass the motion as amended (Greene/Marshall) 5 Ayes 0 Nays 0 Abstain.

ACTION: Motion to approve a resolution of the City of Ilwaco, Washington, establishing a fee structure per Title 5 of the City of Ilwaco Municipal Code and establishing an effective date for the sexually-oriented businesses (Greene/Marshall). Councilmember Greene pointed out that the resolution mirrors the fee structure for Long Beach, so this fee structure would be consistent throughout the peninsula. Greene pointed out an inconsistency in the numbering that needed to be corrected. City Clerk PJ Kezele also suggested striking “written comments” from the resolution. Councilmember Jensen asked about whether fees would help recover costs. A discussion of background checks ensued. **A roll call vote was taken. 5 Ayes 0 Nays 0 Abstain. The resolution was passed with corrections.**

J. Discussion

1. Ordinance establishing a procedure for adjusting water bills resulting from metered water leaks.

Councilmember Marshall restated the purpose of the resolution. Chin stated that Skip Rand has suggested monthly billing would help keep down opportunity for abuse and thought the policy was a good idea. Jensen questioned the frequency of relief. He also questioned a sentence about where the leak was located. Greene also questioned the

private water system language. A general discussion regarding the location of the leak to qualify ensued, such as plumbing fixture leaks, and the frequency of relief. Greene pointed out the potential for the relief to pressure the budget even further. Marshall pointed out the city would not have budgeted for the revenue for large leaks, so the relief would not necessarily impact the budget per se. **ACTION: Councilmember Marshall will continue to work on the language and bring the item forward for discussion again.**

K. Future Discussion: Pending

1. Insurance coverage: Properties not listed on original bid.
2. Sale of Steed house.
3. Stormwater Utility Ordinance.
4. Council Committee Membership

L. Executive Session

None.

M. Adjournment

ACTION: Motion to adjourn the meeting (Greene/Marshall). Mayor Cassinelli adjourned the meeting at 7:40 p.m.

Mike Cassinelli, Mayor

PJ Kezele, Deputy City Clerk