

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
October 22, 2014

1. CALL TO ORDER

Mayor Cummins called the meeting to order at 7:00 p.m.

Present: Councilmembers Jim Barrow, Barbara Clark, Mary Lou Jenkins, Dick Morgan, Chris Plucker, Allen Pomraning, and Mayor Jerry Cummins.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Assistant City Attorney Preston Frederickson, Public Works Director Ki Bealey, Fire Chief Bob Yancey, Utilities Engineer Frank Nicholson, and City Clerk Kammy Hill.

Walla Walla Joint Community Development Agency staff: Jon Maland, Principal Planner.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Councilmember Plucker led the pledge of allegiance followed by a moment of silence.

3. PRESENTATIONS

Mayor Cummins presented City Manager Shawa with his five-year service pin and commended him on his services.

Fire Chief Yancey introduced and provided brief background information on the newest fire department employees: Firefighter Ben Wolfram; Firefighter Landon Roberts; and Firefighter/Paramedic Greg Peasley. Fire Chief Yancey also introduced temporary firefighter Hayden Linklater. Badges were presented and pinned by the respective family members.

4. PUBLIC COMMENTS

No one in the audience chose to address the City Council at this time.

WALLA WALLA CITY COUNCIL MINUTES
OCTOBER 22, 2014
PAGE 2

5. CONSENT AGENDA

City Clerk Hill introduced the Consent Agenda, Items A through F, as follows:

- A. Washington State Liquor Control Board: Application to change corporate officers/stockholders for Shiki Hibachi Sushi, 216 E. Main Street.
- B. Washington State Liquor Control Board: Application to change the address for Leeveloolee Cellars, 127 E. Main Street.
- C. Washington State Liquor Control Board: Application to change the address for Mansion Creek Cellars, 1491 W. Rose Street.
- D. Resolution No. 2014-97 authorizing the City Manager to purchase one wheel loader for the landfill from Sonsray Machinery in the amount of \$211,757.
- E. Resolution No. 2014-98 authorizing the purchase of large water meters from Ferguson Waterworks for \$51,945.65.
- F. Approval of minutes of the special meeting held September 29, 2014.

Mayor Cummins invited public input. No one in the audience chose to address the City Council on any of these items.

Councilmember Plucker moved to adopt Consent Agenda Items A through F. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

6. ACTIVE AGENDA

- A. Resolution No. 2014-99 sponsoring the Walla Walla Valley Metropolitan Planning Organization's request to join the Association of Washington Cities employee benefit trust, and taking other action in connection therewith.

City Manager Shawa reported the City is a charter member of the Walla Walla Valley Metropolitan Planning Organization (MPO). The MPO has

**WALLA WALLA CITY COUNCIL MINUTES
OCTOBER 22, 2014
PAGE 3**

two employees that currently have health insurance coverage under the umbrella of the Walla Walla Joint Community Development Agency (JCDA). With the termination of the JCDA on December 31, the two MPO employees will lose their health insurance coverage. The City has been requested to sponsor the MPO for employee health insurance coverage through the Association of Washington Cities. The Association of Washington Cities has assured staff there is no financial impact or liability associated with the City's sponsorship. Staff recommends approval.

Mayor Cummins invited public input. No one in the audience chose to address the City Council on this item.

There was brief discussion regarding the transition of the MPO to a "stand-alone" agency and insurance coverage for the MPO Director.

Councilmember Pomraning moved to adopt Resolution No. 2014-99. Councilmember Barrow seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- B. Resolution No. 2014-100 ratifying a change order to the contract for maintenance of the City's hydroelectric generator and taking such further action needed therewith.

City Manager Shawa reported the City Council awarded a contract for maintenance of the hydroelectric generator to K&N Electric Motors. After the generator was taken apart for maintenance, it was discovered that the generator required substantial repair rather than just routine maintenance. If the generator had remained in service much longer, it is likely it would have had a catastrophic failure. Replacement costs are estimated at \$500,000. Staff recommends approval.

There was brief discussion on the revenue of \$600,000 annually generated by hydropower; how the hydropower generator works; and average lifespan of a hydropower generator.

Mayor Cummins invited public input. No one in the audience chose to address the City Council on this item.

Councilmember Barrow moved to adopt Resolution No. 2014-100. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

WALLA WALLA CITY COUNCIL MINUTES
OCTOBER 22, 2014
PAGE 4

- C. Resolution No. 2014-101 determining that the City of Walla Walla will modify and accept a proposed annexation of approximately 17 acres generally located north of Middle Waitsburg Road and east of Lower Waitsburg Road and determining other matters related thereto. (McDonald annexation)

City Attorney Donaldson reported the City had received a petition to annex approximately 15.7 acres. Staff recommends a modification to include an adjacent parcel of approximately 1.1 acres that has a signed outside utilities agreement on file.

Assistant City Attorney Frederickson described the general location and annexation area. There was brief discussion regarding contact with the owner of the property with the outside utility agreement.

There was discussion on:

- Improvements at the Clinton Street crossing at Highway 12. Staff explained if there are impacts as a result of a development, then the cost would be borne by the developer.
- The annexation process is separate from a development proposal. Notice regarding a proposed development will go to surrounding property owners as required by City code.
- Water and sewer utilities are located nearby. The developer will bear the cost to extend utilities to the site. The developer will also be responsible for ensuring adequate fire flow.

Mayor Cummins invited public input.

Will McDonald, 1059 Whispering Pines, Whitefish, Montana, reported this property has been in his family for years and they now have plans to develop it. They are working with the City to address the potential impacts of this proposed development.

Paul Tompkins, Surveyor, indicated an application has been submitted for a preliminary plat. The appropriate studies will occur as part of the development process. Council asked how many buildable lots were proposed. Mr. McDonald responded that the preliminary plat is for 49 single-family lots.

**WALLA WALLA CITY COUNCIL MINUTES
OCTOBER 22, 2014
PAGE 5**

Richard McFarland, 3731 Middle Waitsburg Road, Walla Walla, asked the City to perform its due diligence on the proposed development in light of the existing traffic concerns in the area.

Councilmember Barrow moved to adopt Resolution No. 2014-101. Councilmember Plucker seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- D. Public hearing and Ordinance No. 2014-29 adopting amendments to Title 20 of the Municipal Code regarding zoning and land use matters to address Initiative 502 (marijuana) and related regulatory matters.

City Attorney Donaldson provided a brief review of the history of the interim zoning provisions and the necessary amendment to prohibit outdoor growing operations.

Principal Planner Maland reported the Planning Commission noticed and held a public hearing on August 4. The Planning Commission recommends approval with consideration of an increase in the buffer zones around elementary and secondary schools, playgrounds, recreation center facility, child care center, public parks, public transit center and any game arcade.

There was discussion on:

- Tenor of the comments at the Planning Commission. A court reporter was hired for this meeting and a complete transcription has been provided for review. There were approximately twelve people that testified with general comments regarding impact to the community.
- The City does not have any applications pending or under review or consideration, so there are no vested applications.
- The Liquor Control Board further refined their regulations but there are no required changes to the proposed zoning ordinance including to buffer areas, as a result of the changed regulations.

Mayor Cummins declared the public hearing open at 8:00 p.m.

Jeffrey Hott, 1848 Rustic Place, Walla Walla, commented he represents two retail applicants that have secured approval through the Washington State Liquor Control Board and requested the City Council's approval of

**WALLA WALLA CITY COUNCIL MINUTES
OCTOBER 22, 2014
PAGE 6**

the permanent zoning regulations. Mr. Hott reported they are working to secure leases. These businesses will bring in jobs and contribute to the local economy unlike black market sellers.

Bill Szuch, 1685 Ruth, Walla Walla, asked if the ordinance addresses all forms of marijuana production and why collective gardens are defined but not addressed in the zoning provisions.

Mr. Fry, 692 Hobson Street, Walla Walla, commented on the medical uses of marijuana and felt that people should be allowed to purchase it legally.

Ashley Mason, 401 N. 4th Avenue, Walla Walla, requested the City Council approve the zoning ordinance.

There being no further comments, Mayor Cummins declared the public hearing closed at 8:07 p.m.

City Attorney Donaldson reported the proposed zoning regulations would allow medical marijuana production, processing, and sale if licensed by the State. This would require the State legislature to change State law to legally license medical marijuana businesses. These provisions would also apply to licensing collective medical marijuana gardens.

Councilmembers expressed their personal opinions on whether the City should regulate or ban recreational marijuana businesses within the City limits

Councilmember Pomraning moved to adopt Ordinance No. 2014-29. Councilmember Clark seconded the motion. The motion carried with 4 yes votes and 3 no votes by Councilmembers Barrow, Plucker and Mayor Cummins.

- E. Public hearing and first reading of Ordinance No. 2014-30 granting to Cascade Natural Gas Corporation, a Washington Corporation, its successors and assigns, a nonexclusive right and franchise for a period of twenty (20) years to construct, maintain and operate in, on and under the present and future streets, alleys, bridges, highways and public rights of way in the City of Walla Walla, a gas system, mains, service pipes and other necessary equipment for the purpose of supplying, distributing and selling gas to the City of Walla

**WALLA WALLA CITY COUNCIL MINUTES
OCTOBER 22, 2014
PAGE 7**

Walla, the inhabitants thereof, and others, and for the distribution of gas for fuel, power, heating and other purposes, subject to the terms and conditions specified in the Ordinance; and repealing Ordinance No. 94-33 passed and approved November 16, 1994.

City Attorney Donaldson reported this is the public hearing and first reading of the renewal franchise with Cascade Natural Gas. Council has been provided with a copy of the proposed ordinance that redlines the changes from the existing franchise.

Assistant City Attorney Frederickson reviewed the proposed changes. These changes reflect similar amendments made to the Pacific Power franchise and more closely aligns the use of the public right of way among franchisees.

Mayor Cummins declared the public hearing open. There being no comments from the public, Mayor Cummins declared the hearing closed.

Councilmember Pomraning moved for first reading of Ordinance No. 2014-30. Councilmember Plucker seconded the motion. Ordinance No. 2014-30 was introduced for first reading.

- F. Approval of the September 30, 2014 accounts payable register containing check numbers 181397 through 181673, 990641 through 990644, and 8314 through 8341 totaling \$2,940,048.04.

Councilmember Plucker moved to approve payment of the September 30, 2014 accounts payable register containing check numbers 181397 through 181673, 990641 through 990644, and 8314 through 8341 totaling \$2,940,048.04 with the exception of the checks to Blue Mountain Action Council and Walla Walla School District. Councilmember Barrow seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Barrow moved to approve payment of the checks for Blue Mountain Action Council and Walla Walla School District. Councilmember Clark seconded the motion. The motion unanimously carried with 5 yes votes, 0 no votes, and 2 abstentions by Councilmembers Jenkins and Plucker.

7. COUNCIL MEMBER MEETING REPORTS

Councilmember Morgan reported meetings with a citizen concerning the Columbia IRRP project on October 11 and October 13; the Work Session held October 13; the YWCA "Walk a Mile in Her Shoes" program held October 15; the Valley Transit Board meeting held October 16; the Valley Transit exit audit meeting held October 17; the Columbia IRRP ribbon-cutting ceremony held October 17; the Blue Mountain Humane Society Furrball fundraiser held October 18; the Finance Committee meeting held October 20; the Our Kids Our Business luncheon held October 21; and the Finance Committee meeting held October 21.

Councilmember Jenkins reported attendance at the Work Session held October 13; the Solid Waste Advisory Committee meeting held October 15; and the Whitman College Women's Leadership luncheon held October 22.

Councilmember Barrow reported attendance at the Finance Committee meetings held October 20 and October 21.

Councilmember Plucker reported attendance at the Work Session held October 13; the agenda preparation meeting held October 15; the Valley Transit Board meeting held October 16; the Joint Community Development Agency Board meeting held October 20; and the Finance Committee meeting held October 21.

Councilmember Clark reported attendance at the Georgetown University energy prize planning committee meeting held October 9; the Work Session held October 13; the Bicycle & Pedestrian Advisory Committee meeting held October 14; the LEOFF 1 Disability Board meeting held October 14; the YWCA "Walk a Mile in Her Shoes" program held October 15; and the Columbia IRRP ribbon-cutting ceremony held October 17.

Councilmember Pomraning reported attendance at the Work Session held October 13; the Metropolitan Planning Organization transition subcommittee meeting held October 15; the Good Roads Committee meeting held October 15; and the Columbia IRRP ribbon-cutting ceremony held October 17.

**WALLA WALLA CITY COUNCIL MINUTES
OCTOBER 22, 2014
PAGE 9**

Mayor Cummins reported attendance at the Work Session held October 13; the LEOFF 1 Disability Board meeting held October 14; the Lodging Tax Advisory Committee meeting held October 15; the Valley Transit Board meeting held October 16; the Valley Transit exit audit meeting held October 17; the Columbia IRRP ribbon-cutting ceremony on Clay Street held October 17; and the Emergency Management Board meeting held October 21.

8. UNFINISHED AND NEW BUSINESS

Council asked for an update on the removal/preservation of the brick building at the water treatment plant. Staff reported the building cannot be relocated without significant cost. A private citizen may be willing to assist. The current location of the building impedes the water treatment plant upgrade. The City is engaged in trying to preserve the building but must also be responsible with its resources.

City Manager Shawa expressed his appreciation for the presentation of his 5-year service pin. Council commended him for his service as City Manager.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 9:05 p.m.