

WALLA WALLA CITY COUNCIL
Special Meeting Minutes
September 29, 2014

1. CALL TO ORDER

Mayor Cummins called the meeting to order at 5:00 p.m.

Present: Councilmembers Jim Barrow, Barbara Clark, Mary Lou Jenkins, Dick Morgan, Chris Plucker, Allen Pomraning, and Mayor Jerry Cummins. (Councilmember Plucker arrived at 5:04 p.m.)

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Deputy City Manager Tim McCarty, Parks & Recreation Director Jim Dumont, Finance Manager Jean Teasdale, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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

2. ACTIVE AGENDA

- A. Discussion and possible action on reconstruction and operation of the Pioneer Park Aviary.

Parks & Recreation Director Dumont reviewed:

- The City Council voted to close the aviary on February 12, 2014.
- The City Council put a six-month moratorium on the closure and gave the Friends of the Pioneer Park Aviary time to raise \$185,000 to construct a new net pen enclosure on February 26, 2014.
- The Friends of the Pioneer Park Aviary reported on September 10, 2014, they had \$210,000 in cash and pledges for the reconstruction.
- Benchmarks for Friends of Pioneer Park Aviary to meet for construction:

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- Provide the City with bank statements identifying funds they have in all accounts on November 7, 2014.
 - Provide the City a check in the amount of \$185,000 for capital construction on January 2, 2015.
- City construction benchmarks:
 - USKH to complete construction drawings by October 31, 2014.
 - Verify funding of \$190,000 from the City for reconstruction.
 - After receipt of \$185,000 from Friends of Pioneer Park Aviary, advertise request for bids for project.
- The City will begin discussion on an operations agreement in December, 2014 with Friends of the Pioneer Park Aviary.
- City will manage the construction project and operate the facility until construction is complete (estimated January 1, 2016). This will cost the City general fund \$55,000 or \$27,500 if split with the Friends of the Pioneer Park Aviary.
- Operation and maintenance:
 - Due to construction the City of Walla Walla will be responsible for operation and maintenance.
 - Friends of Pioneer Park Aviary will assume responsibility if benchmarks are met:
 - Letter of IRS Determination —501(c)(3) non-profit status attained by Friends of the Pioneer Park Aviary.
 - Two years of operational funding in the bank with confirmation from Friends of Pioneer Park Aviary through their bank statement. Amount to be determined based on a submitted annual budget by the Friends of Pioneer Park Aviary.
 - Once operation by the Friends has begun they will be required to maintain 2 years of funding at all times for the first 5 years of operation. Monthly fund balance bank reports for the first 5 years of operation to be submitted to the City.
 - Licensing approved by Washington Fish & Wildlife Game Farm Permit and Federal Special Purpose Game Bird Permit — City will work with Friends regarding the licensing.

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There was discussion on:

- Hiring a new aviary worker. Staff reported it is anticipated this employee would be a limited duration employee of the City until the Friends of the Pioneer Park Aviary are ready to assume operations.
- Whether the City can afford to continue to operate the aviary at an annual cost of \$55,000 while construction is ongoing.
- Scope of the construction project includes the large net pen and demolition of the smaller net pen. Estimated reconstruction does not cover any work on the rearing pens, maintenance items, or an educational kiosk. Landscape work is anticipated to be completed by staff.
- Friends of the Pioneer Park Aviary are working towards assuming operation of the aviary but are in the process of collecting the pledges for the capital reconstruction. Staff does not believe it is feasible to ask them to have another \$110,000 raised in operating expenses. Logistics of turning the operation over while under construction is too difficult. It is more realistic to negotiate an agreement and turn over operations on January 1, 2016 after the reconstruction is complete.

Mayor Cummins invited public input.

Craig Keister, 115 E. Main Street, Walla Walla, reported the Friends of the Pioneer Park Aviary had taken on the job of saving the aviary four years ago. It was anticipated this would only be a two year process while the City recovered from the recession. The community loves and supports the aviary. Mr. Keister asked the Council not to look for reasons to shut down the aviary.

Shane Laib, Chair of the Friends of the Pioneer Park Aviary, 1048 Frankland, Walla Walla, commented on the number of pledges received; introduced the current board members; and commented that the Friends of the Pioneer Park Aviary will not turn over any money to the City until there is an agreement in place for operation of the aviary.

Donna Johannessen, 1427 Boyer, Walla Walla, commented that she wrote a personal check for \$5,000 for the aviary reconstruction. The birds need competent care and asked the City Council to support the project.

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The City Council expressed their individual opinions on the operation and maintenance of the aviary if the funds are turned over for reconstruction of the net pen.

Councilmember Plucker moved to accept the Friends of the Pioneer Park Aviary \$185,000 capital contribution under the condition an agreement is reached that should two years operational funding be secured by January 1, 2016, the Friends of the Pioneer Park Aviary will enter into a lease agreement for operation and maintenance of the aviary, otherwise the City will continue to operate and maintain the aviary facility. Councilmember Barrow seconded the motion.

There was discussion on the motion and whether it is the intent of the City to operate the aviary regardless of whether the Friends of the Pioneer Park Aviary can raise the necessary operational funds. Concerns were expressed with placing operation of the aviary as a higher priority than other City services.

Councilmember Plucker moved to amend the motion to require the \$185,000 capital contribution from the Friends of the Pioneer Park Aviary be received by the City by January 2, 2015. Councilmember Barrow seconded the amendment to the motion.

Mr. Laib reported that January 2, 2015 works for the Friends of the Pioneer Park Aviary as long as an operational agreement is negotiated and in place by that date.

The amended the motion to require the \$185,000 capital contribution from the Friends of the Pioneer Park Aviary be received by the City by January 2, 2015 carried with 6 yes votes and 1 no vote by Councilmember Clark.

There was further discussion on:

- The amended main motion.
- Whether the aviary is a high enough priority for funding and increasing the Parks & Recreation Department budget for operating the aviary. Staff clarified that the current operating budget for the aviary is \$55,000. This money will need to be allocated in the budget as no funds have been included in the proposed 2015-2016 biennium budget for operation of the aviary.
- Need to move the project forward and communicate value to community.

Mayor Cummins moved to amend the motion to include in the operating agreement with Friends of the Pioneer Park Aviary that they are to secure all necessary permits required to run the aviary. Councilmember Barrow seconded the motion. The amendment unanimously carried with 7 yes votes and 0 no votes.

Councilmember Plucker moved to amend the motion to include all of the staff recommendations and benchmarks for construction and operation of the aviary. Councilmember Barrow seconded the motion. The motion carried with 5 yes votes and 2 no votes by Councilmembers Clark and Jenkins.

The motion to accept the Friends of the Pioneer Park Aviary \$185,000 capital contribution by January 2, 2015 with the condition that an agreement is reached that requires the Friends of the Pioneer Park Aviary to:

- Have their letter of IRS determination for 501(c)(3) non-profit status attained (completed);
- Confirm, through bank statements, two years of operational funding availability by January 1, 2016, in an amount to be determined based on a submitted annual budget by the Friends of Pioneer Park Aviary;
- Maintain two years of funding at all times for the first five years of operation with monthly fund balance bank reports submitted to the City for the first five years of operation;
- Obtain all permits and licenses such as the Washington Fish & Wildlife Game Farm Permit and Federal Special Purpose Game Bird Permit;

with the understanding that if the Friends of the Pioneer Park Aviary are unable to meet the above timelines and benchmarks for a lease and operation agreement, the City of Walla Walla will continue to operate and maintain the Pioneer Park Aviary carried with 5 yes votes and 2 no votes by Councilmembers Clark and Jenkins.

Council thanked the Board of the Friends of the Pioneer Park Aviary and citizens for their support.

Mr. Laib commented that the Friends of the Pioneer Park Aviary are committed to the effort in operating and maintaining the aviary.

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9. ADJOURNMENT

There being no further business, the meeting adjourned at 6:38 p.m.