

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
August 9, 2017

1. CALL TO ORDER

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

Present: Councilmembers Jim Barrow, Barbara Clark, Jerry Cummins, Dick Morgan, Steve Moss, and Mayor Allen Pomraning.

Absent: Councilmember Tom Scribner.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Deputy City Manager Byron Olson, Development Services Director Elizabeth Chamberlain, Fire Chief Bob Yancey, Finance Director Jean Teasdale, Senior Planner Jon Maland, Human Resource Director Pam Taylor, Utilities Engineer Frank Nicholson, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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

3. PRESENTATIONS

Alan Gottlieb, developer of the Walla Walla Town Center, introduced himself and provided a brief overview of the current development.

4. PUBLIC COMMENTS

Karen Fields, 834 E. Alder Street, Walla Walla, expressed concerns with video surveillance of private citizens and asked the City to consider implementing regulations similar to those imposed for burglar alarm systems.

5. CONSENT AGENDA

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

- A. Resolution No. 2017-71 approving an agreement with the Department of Corrections for fire protection services at the Washington State Penitentiary.

**WALLA WALLA CITY COUNCIL MINUTES
AUGUST 9, 2017
PAGE 2**

- B. Resolution No. 2017-72 authorizing the City Manager to execute a contract with Walla Walla Electric to install an upgraded manual fire alarm system in City Hall.

- C. Ordinance No. 2017-21 amending the 2017-2018 maintenance and operations budget to provide an interfund loan and funding for the City Hall project; and

Ordinance No. 2017-22 amending the capital improvement project budget.

- D. Resolution No. 2017-73 authorizing the City Manager to execute an agreement with Whitman College for the transfer of ownership of an existing sewer line.

There was clarification provided on Item A that this is revenue included in the budget and is only for fire protection services, not ambulance services.

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

Councilmember Barrow moved to adopt Consent Agenda Items A through D. Councilmember Moss seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

6. ACTIVE AGENDA

- A. Ordinance No. 2017-23 amending the Municipal Code to adopt regulations related to principal residence short term rentals.

City Manager Shawa reported that guidance by Council had staff splitting this issue into two separate sets of regulations. This ordinance proposes regulations for short term rentals in a principal residence.

Development Services Director Chamberlain reviewed:

- Overview of process.
- Planning Commission decision was split four to three to forward staff recommendation.
- Work Sessions held by the City Council on subject of short term rentals.
- Proposed regulations for owner-occupied short term rentals.

WALLA WALLA CITY COUNCIL MINUTES
AUGUST 9, 2017
PAGE 3

There was discussion on:

- Proposed definition of principal residence being 180 days versus the 275 days defined by the Internal Revenue Service for mortgage interest deduction.
- Inspecting for food service in an owner-occupied short term rental.
- Whether regulations would apply to a home exchange program.
- Monitoring for compliance.
- Determination of issues City is attempting to regulate.

Mayor Pomraning invited public input.

- Ben Norens, no address provided, described scenarios where their family home is vacant for periods of time and used as a short term rental.
- Diana Broze, 104 N Division, Walla Walla, spoke in support of increasing the length of time to define "principal residence" and commented on the community.
- Zach Lindahl, Local Government Affairs Coordinator, Washington Hospitality Association, indicated they support regulations to expand health and safety of guests and protection of neighborhoods.
- Jeri Andrews, 209 Fulton, Walla Walla, had comments in support of short term rentals and the positive impact on the community.
- Jim Harold, 3030 Brisbane, Walla Walla, commented his family home was built in 1898 and is operated as a short term rental to allow the home to remain in their family. Mr. Harold expressed concerns with an over-regulation of the short term rental industry.
- Dalia Corkrum, 206 Stanton, Walla Walla, asked that an economic analysis be performed and expressed concerns with short term rentals operating as a commercial business in residential zones.
- Barlow Corkrum, 206 Stanton, Walla Walla, also asked for an economic analysis and suggested that the City use the home occupation provisions in the Municipal Code to address parking. Mr. Corkrum also asked that existing short term rentals not be "grandfathered" in to any changes.
- Gina Norens, 1221 Portland, Walla Walla, commented that short term renters take much better care of the property than long term renters.
- Amy Andrews, 209 Fulton Street, Walla Walla, noted she chose a second home in Walla Walla because it is a great community, regardless of how often residents are able to stay.
- Dan Leeper, Marcus Whitman Hotel, indicated his support for having diverse choices in lodging but the playing field should be level as it relates to safety, taxes, and fees.

**WALLA WALLA CITY COUNCIL MINUTES
AUGUST 9, 2017
PAGE 4**

There was discussion on:

- Ensuring short term rentals are inspected for health and safety prior to occupation.
- Short term rentals are primarily businesses operating in residential zones.
- "Principal residence" should be defined as more than 180 days.
- Impact of short term rentals on neighborhoods and importance of having neighbors.

Councilmember Moss moved to adopt Ordinance No. 2017-23 with an amendment to define "principal residence" as where the owner resides 275 or more days in any one year. Councilmember Clark seconded the motion.

There was additional discussion on:

- The regulations in the ordinance require the payment of taxes and require one additional parking stall. Existing short term rentals are not "grandfathered" in.
- Short term rentals will be inspected prior to issuance of a license to operate.
- State legislators will be working on regulations covering short term rentals.
- Whether the City should be involved with the use of a person's private property.

Mayor Pomraning moved to amend the ordinance to provide this is a one-time license fee, including inspection and permitting. The motion died for lack of a second.

Mayor Pomraning moved to amend the ordinance to provide this is a one-time license fee and inspection that will expire at the change of ownership or five years, whichever occurs first. Councilmember Barrow seconded the motion. The motion failed with 2 yes votes by Councilmember Barrow and Mayor Pomraning, and 4 no votes.

Mayor Pomraning moved to table Ordinance No. 2017-23 until January 1, 2019. Councilmember Morgan seconded the motion. The motion failed with 2 yes votes by Councilmember Morgan and Mayor Pomraning, and 4 no votes.

**WALLA WALLA CITY COUNCIL MINUTES
AUGUST 9, 2017
PAGE 5**

The motion to adopt Ordinance No. 2017-23 with an amendment to define “principal residence” as where the owner resides 275 or more days in any one year carried with 4 yes votes and 2 no votes by Councilmember Morgan and Mayor Pomraning.

The meeting was recessed at 8:51 p.m. and reconvened at 9:00 p.m.

- B. Resolution No. 2017-74 approving the final plat for Provenance Planned Unit Development Replat Phase 2 and 3.

Senior Planner Maland reviewed the project and reported staff recommends approval.

There was discussion on how compliance is ensured for critical areas under a homeowners association.

Mayor Pomraning polled the City Council for any conflicts of interest and appearance of fairness issues.

Councilmember Morgan disclosed his property is adjacent to the development but feels he is able to remain impartial. No other conflicts of interest or appearance of fairness issues were disclosed.

There was additional discussion on the private streets and pathways in the development and the process if the owners decided to install gates.

Councilmember Cummins moved to adopt Resolution No. 2017-74. Councilmember Moss seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

- C. Ordinance No. 2017-24 amending Title 21 of the Municipal Code regarding potential landfill gas migration and development standards adjacent to landfill sites.

Senior Planner Maland reviewed the proposed zone code text amendments and reported staff recommends approval. Council asked if the City property could be developed as a solar array farm. Staff responded affirmatively.

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

**WALLA WALLA CITY COUNCIL MINUTES
AUGUST 9, 2017
PAGE 6**

**Councilmember Barrow moved to adopt Ordinance No. 2017-24.
Councilmember Morgan seconded the motion. The motion unanimously
carried with 6 yes votes and 0 no votes.**

D. Resolution No. 2017-75 authorizing a jail facilities agreement with the City of Sunnyside.

Police Chief Bieber reviewed the rationale for considering the agreement including:

- Having a second jail agreement in place for continuity of operations planning.
- Ability to move prisoners to another geographical location.
- Potential cost savings for incarceration for those serving sentences of more than seven days.

Criteria for determining whether to move prisoners to Sunnyside would include:

- Sentence is more than seven days;
- There are no additional pending charges;
- Sentence does not involve local work release; and
- There are no requirements for local program involvement.

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

**Councilmember Morgan moved to adopt Resolution No. 2017-75.
Councilmember Moss seconded the motion.**

There was discussion on:

- Using the agreement for overflow purposes only.
- Being close to family and support networks helps with rehabilitation.
- The City jail was closed to facilitate one common jail.
- City of Sunnyside has a higher level of gang activity which is not good for rehabilitation of gang members.
- Council can establish a policy for relocating prisoners.
- It is not the intent of staff to move every City prisoner from the Walla Walla County jail to the City of Sunnyside jail.
- Reporting back to the City Council on the financial impact.
- Including information in the monthly statistics provided to the City Council.
- Biggest benefit is having a secondary contract in place in case the County jail is not available.

**WALLA WALLA CITY COUNCIL MINUTES
AUGUST 9, 2017
PAGE 7**

The motion to adopt Resolution No. 2017-75 carried with 5 yes votes and 1 no vote by Councilmember Cummins.

- E. Resolution No. 2017-76 setting a public hearing for August 23 to determine whether the City will assume the rights, powers, immunities, functions, and obligations of its transportation benefit district.

Staff reported this action simply sets a public hearing date for August 23.

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

Councilmember Barrow moved to adopt Resolution No. 2017-76. Councilmember Moss seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

- F. Approval of the June 30, 2017 accounts payable register containing check numbers 194044 through 194433, 990813, 990814, and 8947 through 8964 totaling \$3,367,959.45.

Council stressed the importance of City staff shopping locally. Staff attempts to purchase supplies locally but management relies on employees to use good sense when making purchases.

Councilmember Cummins moved to approve the June 30, 2017 accounts payable register containing check numbers 194044 through 194433, 990813, 990814, and 8947 through 8964 totaling \$3,367,959.45 with the exception of the check to Allen Pomraning. Councilmember Clark seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

Councilmember Cummins moved to approve payment of the check to Allen Pomraning. Councilmember Barrow seconded the motion. The motion unanimously carried with 5 yes votes, 0 no votes, and 1 abstention by Mayor Pomraning.

7. COUNCIL MEMBER MEETING REPORTS

Councilmember Moss reported attendance at the Parks, Recreation & Urban Forestry Advisory Board meeting held August 7; and the Planning Commission meeting held August 7.

WALLA WALLA CITY COUNCIL MINUTES
AUGUST 9, 2017
PAGE 8

Councilmember Morgan reported attendance at the Crime Watch graffiti abatement on July 27; the Finance Committee meeting held August 8; and the Blue Mountain Humane Society Board meeting held August 8.

Councilmember Barrow reported attendance at the Water Partnership Board meeting held August 1; the Walla Walla River flow study committee meeting held August 3; the Legislative Committee meeting held August 7; the Finance Committee meeting held August 7; the Exit Audit conference held August 8; and a meeting with Zachary Lindahl, Washington Hospitality Association, held August 9.

Councilmember Cummins reported attendance at the Public Works Board meeting held August 4; the Finance Committee meeting held August 7; the Legislative Committee meeting held August 7; and the Exit Audit conference held August 8.

Councilmember Clark reported attendance at the Senior Center Board meeting held July 27; the Bicycle & Pedestrian Advisory Committee meeting held August 8; and a meeting with Zachary Lindahl, Washington Hospitality Association, held August 9.

Mayor Pomraning reported attendance at the National Night Out celebration held August 1; a meeting with the Port of Seattle and local community leaders regarding economic development held August 2; the Planning Commission meeting held August 3; a Good Roads Committee meeting held August 4; the Legislative Committee meeting held August 7; the Chamber of Commerce luncheon held August 8; the Exit Audit conference held August 8; and the Chamber of Commerce after hours meeting held August 8.

8. UNFINISHED AND NEW BUSINESS

The following issues were raised:

- A letter sent by the Mayor to the Department of Fish & Wildlife.
- Video surveillance regulations. No interest was expressed by a majority of Council in pursuing this issue.
- Education of property owners on the maintenance of riparian areas.
- Establishing a policy on the criteria for sending inmates to the jail in Sunnyside.

9. EXECUTIVE SESSION

Mayor Pomranning announced the City Council would be recessing to Executive Session to discuss the strategy or position to be taken by the City Council in the course of collective bargaining, professional negotiations, or grievance or mediation proceedings and to review proposals made in negotiations pursuant to RCW 42.30.140(4)(b), and to discuss litigation and potential litigation, in which the City is a party or is likely to become a party, with legal counsel representing the City pursuant to RCW 42.30.110(1)(i). The Executive Session will last no more than sixty minutes and no further business will come before the City Council in open session. The meeting was recessed at 10:03 p.m.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 10:35 p.m.