

**WALLA WALLA CITY COUNCIL**  
**Regular Meeting Minutes**  
**July 10, 2019**

**1. CALL TO ORDER**

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

Present: Councilmembers Riley Clubb, Jerry Cummins, Myron Huie, Steve Moss, Tom Scribner, and Mayor Barbara Clark.

Absent: Councilmember Yazmin Bahena.

City staff in attendance: Deputy City Manager Byron Olson, City Attorney Tim Donaldson, Development Services Director Elizabeth Chamberlain, Public Works Director Ki Bealey, Fire Chief Bob Yancey, Police Chief Scott Bieber, Parks & Recreation Director Andy Coleman, Fleet Services Manager Matt Edwards, Senior Planner Jon Maland, and City Clerk Kammy Hill.

**2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

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

**3. PUBLIC COMMENTS**

Chris Capps, Meal Time Market, reported that he rents the commercial kitchen at the Fat Duck Inn. He would like to hold a special event on the patio but because the Inn has permits as both a bed and breakfast and a short-term rental, the Code does not allow special events in a short-term rental, although they are allowed at a bed and breakfast. Mr. Capps felt this inconsistency should be addressed.

Dorothy Knudson remarked on the need and goals for affordable workforce housing and asked if the City could legally reject an annexation petition if it doesn't further the City's goals.

RL McFarland commented on the remodel of the Council dais and suggested the City prepare a timeline of the meetings and decisions that resulted in the Comprehensive Plan and Zone Code amendments regarding residential zones.

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Ted Koehler mentioned that many members of the public have questions on the new ward election system and suggested the City develop a graphic demonstration of the elections system for the voters.

Bruce Henricks asked the City to address over hanging tree limbs that are obstructing both vehicle and pedestrian travel.

**4. CONSENT AGENDA**

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

- A. Resolution No. 2019-85 authorizing the purchase of a cemetery utility vehicle through Clark Equipment Company, Bobcat of Pasco, in an amount not to exceed \$66,000.
- B. Resolution No. 2019-86 approving a service contract with David Mumm for communication print services from July through December 2019, for \$17,501.20.
- C. Resolution No. 2019-87 authorizing the purchase of sixty-five rear-load refuse containers from Wastequip, LLC, for \$71,026.60.
- D. Resolution No. 2019-88 awarding the bid for the 2019 sewer main replacement project to Harry Johnson Plumbing and Excavation in the amount of \$646,231.60.
- E. Approval of minutes of the regular meeting held June 24, 2019.

Council asked for the removal of Item A from the Consent Agenda for separate consideration; and requested a brief staff report on Item D. Staff outlined the project to replace sewer lines within three alleys. The three bids were all very close in price.

Council inquired about the life span for the refuse containers. Staff reported these dumpsters have an average lifespan of thirteen to fourteen years before they are recycled.

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

**Councilmember Cummins moved to adopt Consent Agenda Items B through E. Councilmember Moss seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.**

**5. ACTIVE AGENDA**

- A. Resolution No. 2019-85 authorizing the purchase of a cemetery utility vehicle through Clark Equipment Company, Bobcat of Pasco, in an amount not to exceed \$66,000.

Fleet Services Manager Edwards described the versatility and use of this replacement equipment for the cemetery. There was discussion on the cost of the equipment; whether there is a less expensive alternative and if all the optional components are necessary; maintenance costs on the existing equipment; and that this is a funded, scheduled replacement.

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

**Councilmember Cummins moved to adopt Resolution No. 2019-85. Councilmember Clubb seconded the motion. The motion carried with 5 yes votes and 1 no vote by Councilmember Scribner.**

- A. Resolution No. 2019-89 approving a shoreline substantial development permit for directional drilling under the Mill Creek channel for an eight-inch diameter natural gas pipeline and associated work for the removal of the existing natural gas pipeline.

Mayor Clark announced this is a quasi-judicial closed record issue and polled the City Council for any conflicts of interest, appearance of fairness, or ex-parte contacts. No member of Council reported a conflict of interest, appearance of fairness, or ex-parte contact.

Senior Planner Maland reviewed the project to remove the natural gas pipeline that is attached to the bridge over Mill Creek at 9<sup>th</sup> Avenue. They are proposing to directional drill a new pipeline under the channel.

There was discussion on the improved safety by not having the pipeline attached to the bridge and the additional Federal and State requirements for the permit.

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**Councilmember Cummins moved to adopt Resolution No. 2019-89. Councilmember Huie seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.**

B. Approval of minutes of the special meeting held June 14, 2019.

**Councilmember Moss moved to approve the minutes of the special meeting held June 14, 2019. Councilmember Huie seconded the motion. The motion unanimously carried with 4 yes votes, 0 no votes, and 2 abstentions by Councilmembers Clubb and Scribner.**

C. Approval of the June 30, 2019 accounts payable register containing check numbers 202925 through 203343, 990936 through 990945, and 9491 through 9511 totaling \$6,029,667.05.

**Councilmember Cummins moved to approve the June 30, 2019 accounts payable register containing check numbers 202925 through 203343, 990936 through 990945, and 9491 through 9511 totaling \$6,029,667.05, except for the checks to Jerry Cummins, Myron Huie, and the Alliance for the Homeless. Councilmember Moss seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.**

**Councilmember Clubb moved to approve payment of the checks to Jerry Cummins and Myron Huie. Councilmember Moss seconded the motion. The motion unanimously carried with 4 yes votes, 0 no votes, and 2 abstentions by Councilmembers Cummins and Huie.**

**Councilmember Cummins moved to approve payment of the check to the Alliance for the Homeless. Councilmember Moss seconded the motion. The motion unanimously carried with 5 yes votes, 0 no votes and 1 abstention by Mayor Clark.**

D. Report on fireworks activity and enforcement efforts.

Staff reviewed the firework-related fires and calls. Staff believes the current ordinance restricting the types of fireworks is essentially unenforceable and recommends making the provisions the same as the County and College Place or implementing a complete ban. Firework-related question(s) will be included as part of this year's citizen survey to determine how the residents feel about fireworks.

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Mayor Clark invited public input.

Diane Reed commented that the fourth of July celebrations are like living in a war zone and asked if there is any City-liability as a result of allowing fireworks and not being able to enforce the restrictions.

Jordan Michaels asked if the firework-related fires were on the property of the person discharging the fireworks.

Donna Murray reported that fireworks began on June 25 and have run through July 9. Sixteen days is excessive but also understands the obstacles with enforcement. Ms. Murray questioned what age children can purchase and discharge fireworks without adult supervision.

John Christy felt that fireworks are an act of terrorism against animals and people that have been in war zones. Mr. Christy asked what the City Council can do to make the firework-related laws enforceable.

Staff responded to the questions raised by the public. There were comments by Council on the difficulty in getting people to comply with the laws. The main difference as a result of the more-restrictive regulations enacted in 2003 is that the discharge of fireworks is more focused to just the fourth of July.

**6. COUNCIL MEMBER MEETING REPORTS**

Councilmember Moss reported attendance at the Work Session held July 8.

Councilmember Huie reported attendance at the Association of Washington Cities annual conference from June 25 to June 28; a meeting with two State legislators held June 27 at the conference; the Work Session held July 8; the Fort Walla Walla Board meeting held July 9; and the Council Committee on Committees meeting held July 10.

Councilmember Cummins reported attendance at a meeting regarding REET 2 legislation held June 26 at the Association of Washington Cities conference and distributed copies of a report by Mara Machulsky, lobbyist. Councilmember Cummins also reported attendance at a meeting held June 28 with Fire Department representatives and Sweets

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baseball management regarding neighborhood firework notifications; and the Work Session held July 8.

Councilmember Clubb reported attendance at the Association of Washington Cities annual conference on June 25 through June 27; the Planning Commission meeting held July 1; the Work Session held July 8; the Fire Pension Board meeting held July 9; the LEOFF 1 Disability Board meeting held July 9; the Council on Housing Community Land Trust Committee meeting held July 9; and the Council Committee on Committees meeting held July 10.

Councilmember Scribner reported attendance at the Water Partnership Board special meeting held June 27; the regular Water Partnership Board meeting held July 2; the Arts Commission meeting held July 3; the agenda preparation meeting held July 3; the Work Session held July 8; the Bicycle & Pedestrian Advisory Committee meeting held July 9; a meeting held July 10 with representatives of the AAUW regarding a council candidate forum; and the Public Library Board meeting held July 10.

Mayor Clark reported attendance at an ad hoc committee meeting regarding strengthening neighborhoods held June 28; the agenda preparation meeting held July 3; the July 4 celebration in Pioneer Park; a meeting held July 8 regarding formation of an outdoor recreation hub; the Work Session held July 8; the Fire Pension Board meeting held July 9; and the LEOFF 1 Disability Board meeting held July 9.

**7. UNFINISHED AND NEW BUSINESS**

**Councilmember Huie moved to make the following appointments:**

- **Linda Scott to the Arts Commission for a term expiring December 31, 2019;**
- **Donald Holguin to the Bicycle & Pedestrian Advisory Committee for a term expiring December 31, 2021;**
- **Tyler Anderson and Jonelle McCoy to the Historic Preservation Commission for terms expiring June 30, 2022;**
- **Jill Zagelow to the Housing Authority for a term expiring June 30, 2024;**
- **Emilio Luna III to the Infrastructure Improvement Committee for a term expiring December 31, 2019;**

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- **Rebecca Heisman and Fred Miller for terms expiring June 30, 2020, and Elissa Brown for a term expiring June 30, 2022 to the Sustainability Committee; and**
- **William Allen to the Water & Wastewater Advisory Committee for a term expiring June 30, 2021.**

**Councilmember Clubb seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.**

There was discussion on the differences in the Municipal Code on short-term rental permits versus bed and breakfast permits regarding the ability to hold special events. It was the consensus of Council to schedule the issue of short-term rentals and regulations for a future Work Session.

There were comments on the development of a visual graphic to depict the voting changes for the change to ward elections. Staff reported that the contract with Commitment to Community requires them to hold two separate voter education efforts.

The issue of low-hanging tree branches within the right-of-way will be looked at by the Parks and Recreation Department.

There were remarks on the recommendations of the affordable housing task force to allow for more diversity in housing. The City is not required by law to accept all annexation petitions.

## **8. EXECUTIVE SESSION**

Mayor Clark announced that the City Council would be recessing to Executive Session:

- To consider the price at which real estate will be offered for sale or lease pursuant to RCW 42.30.110(1)(c); and
- To discuss with legal counsel, litigation or potential litigation involving the City pursuant to RCW 42.30.110(1)(i).

The Executive Session will last no more than two hours and no further business will come before Council in open session. The meeting was recessed at 9:07 p.m.

## **9. ADJOURNMENT**

**There being no further business, the meeting adjourned at 9:53 p.m.**