

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
June 23, 2021

1. CALL TO ORDER

Mayor Scribner called the meeting to order at 6:30 p.m.

Present: Councilmembers Yazmin Bahena, Riley Clubb, Myron Huie, Ted Koehler, Steve Moss, Susan Nakonieczny, and Mayor Tom Scribner.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Deputy City Manager Elizabeth Chamberlain, Development Services Director Preston Frederickson, Finance Director Jean Teasdale, Public Works Director Ki Bealey, Parks & Recreation Director Andy Coleman, Fire Chief Bob Yancey, Deputy Fire Chief John Knowles, Fleet Services Manager Matt Edwards, Senior Planner Jon Maland, City Engineer Neal Chavre, Planner Melissa Shumake, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENTS

Jack Jackson, Whitman College Professor, asked for legal clarification on the constitutional issues related to public employee tattoos.

Tim Kaufman Osborne, retired Whitman College Professor, had comments on public employee tattoos and why he believes the City Attorney erred in his public legal presentation on the issue.

Barbara Clark, retired lawyer, suggested the City needs a clear tattoo policy for its employees and asked the City Council to request the City Attorney respond to questions raised in a letter dated October 22, 2020, and make those responses publicly available; and to direct the City Attorney to draft a tattoo policy that is constitutionally valid and place that policy on the July 14 City Council active agenda for consideration.

Mayor Scribner commented that the City Attorney has extensively researched and advised the City Council that a tattoo policy would not

WALLA WALLA CITY COUNCIL MINUTES
JUNE 23, 2021
PAGE 2

be constitutionally valid. The City Council is comfortable that existing policies are sufficient. This is a difference in opinion among attorneys. No member of the Council expressed any interest in having the City Attorney draft or consider a tattoo policy. Ms. Clark asked for the City Attorney's legal opinion to be made public. Council indicated this opinion is an attorney-client work product and exempt from disclosure.

4. CONSENT AGENDA

Staff introduced the Consent Agenda, Items A through F, as follows:

- A. Ordinance No. 2021-13 amending the 2021-2022 biennial maintenance and operations budget; and Ordinance No. 2021-14 amending the capital improvement program budget.
- B. Resolution No. 2021-90 awarding the bid for the water distribution shop structural retrofit project to KC Industries in the amount of \$193,152.42.
- C. Resolution No. 2021-91 declaring items surplus and authorizing their disposal.
- D. Resolution No. 2021-92 increases the contract amount with Ironsides Grinding by \$50,000 for green waste grinding services.
- E. Ordinance No. 2021-15 replacing Ordinances 2016-31 and 2017-14 relating to the trespass of persons from City property.
- F. Resolution No. 2021-93 authorizing the City Manager to apply for and accept Public Works Trust Fund loans for water and wastewater projects.

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

There were brief reports and discussion on Items A, B, C, and D.

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

5. ACTIVE AGENDA

- A. Public hearing and Ordinance No. 2021-16 approving the Berney Drive and Pleasant Street annexation of 17.35 acres.

Staff reviewed the annexation process; proposed boundaries, including public right-of-way; and the comment letters in opposition to the annexation.

Mayor Scribner declared the public hearing open.

Joe Fondahn expressed concerns with a development in this area and lack of adequate infrastructure to support a sizable development.

Katherine Messinger, Gladys Street, asked whether the impact on schools and public services has been studied in relation to annexing the area. Ms. Messinger also expressed concerns with the noticing of this public hearing.

Robert Bonds expressed concerns with a development in this area and lack of adequate infrastructure to support a sizable development.

Terry Willsey spoke in opposition to the annexation due to anticipated congestion and speeding traffic in the area.

Spencer Betts had concerns with a change in the rural ambiance of the area and the age of the bridges within the annexation boundaries.

Cat Roberts spoke in opposition to the annexation and any new development.

Mary Besbris expressed concerns with an increase in traffic in the area due to a high-density development.

Greg Fazzari suggested the City should work to ensure any future development fits in with the existing neighborhood.

Travis Watts, Tri-Watts Properties, owner/developer of the property petitioning to be annexed. There is only about 7.8 acres remaining after the public right-of-way and critical areas is removed from the developable area. The area has been within the City's Urban Growth

WALLA WALLA CITY COUNCIL MINUTES
JUNE 23, 2021
PAGE 4

Area since 1996 and is bordered by eighteen residential homes. The City of Walla Walla has a severe shortage of homes available for sale. The City's zoning requirements require a minimum density of four lots per acre so the development would be approximately twenty-five homes to meet the minimum standards.

Emilio Luna asked for an opportunity to see plans for the future development.

Robert Bond asked who owns the other ten acres and their plans.

R.L McFarland expressed concerns with the City's noticing requirements to impacted properties and suggested asking developers to do more than just what is required.

There being no further public comments, the hearing was closed.

There was discussion on:

- Difference between annexations and developments, calculating basic density, and whether the City can require improvements that are not directly related to a specific development.
- Structural integrity of the bridges in the area proposed for annexation.
- Notification requirements for annexations.
- Animal keeping and alignment with the County regulations. Animals being kept in the proposed annexation areas will be grandfathered in.
- Impact of outside utility agreements and the ability for property owners with an outside utility agreement to protest an annexation but cannot remove the property from the annexation petition.
- Expanding the notification area for better communication.
- The development process and looking at the level of impact to the area.
- The proposed development is large enough that a traffic impact study will be required, along with the critical areas bordering Yellowhawk Creek.
- Feasibility of having a development agreement concurrent with the annexation. Staff indicated that due to the small size of the acreage, this is not a preferred method. The same things required in a development agreement are those issues that will be covered in the development process.

**WALLA WALLA CITY COUNCIL MINUTES
JUNE 23, 2021
PAGE 5**

**Councilmember Moss moved to adopt Ordinance No. 2021-16.
Councilmember Bahena seconded the motion. The motion carried with 5
yes votes and 2 no votes by Councilmember Huie and Mayor Scribner.**

- B. Public hearing and Ordinance No. 2021-17 approving the Artesia Avenue annexation of 2.58 acres.

Staff outlined the area proposed for annexation.

Mayor Scribner declared the public hearing open. There being no public testimony, the hearing was closed.

There was clarification on the boundaries of the proposed annexation.

**Councilmember Moss moved to adopt Ordinance No. 2021-17.
Councilmember Clubb seconded the motion. The motion unanimously
carried with 7 yes votes and 0 no votes.**

- C. Public hearing and Ordinance No. 2021-18 approving the 505 Hatch Street annexation of 1.1 acres.

Staff reviewed the boundaries for the area proposed for annexation.

Mayor Scribner declared the public hearing open. There being no public testimony, the hearing was closed.

There was clarification on the boundaries of the City's urban growth area in this vicinity.

**Councilmember Moss moved to adopt Ordinance No. 2021-18.
Councilmember Huie seconded the motion. The motion unanimously
carried with 7 yes votes and 0 no votes.**

- D. Public hearing and adoption of Interim Zoning Ordinance No. 2021-19 amending the definitions of distilleries to be based solely on volume produced and amends the use tables.

Staff reported this ordinance makes a change to remove the "product of origin" definition so craft distilleries will only be restricted by production volume. This will allow craft distilleries to expand the types of alcohol produced.

**WALLA WALLA CITY COUNCIL MINUTES
JUNE 23, 2021
PAGE 6**

Mayor Scribner declared the public hearing open. There being no public testimony, the hearing was closed.

Councilmember Clubb moved to adopt Ordinance No. 2021-19. Councilmember Nakonieczny seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- E. Resolution No. 2021-94 approving the proposed Downtown Walla Walla Historic District National Register nomination to the Washington State Advisory Council on Historic Preservation and authorizes the Mayor to sign the Certified Local Government National Register nomination evaluation report form.

Staff reported that this nomination has been worked on since 2019 and will create a historic district of the downtown area. This will allow owners of historic buildings undergoing rehabilitation within the district to apply for tax credits. Deputy City Manager Chamberlain acknowledged the work by Planner Shumake in procuring grants and obtaining this designation for the downtown district.

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

Council commended the work of Planner Shumake.

Councilmember Koehler moved to adopt Resolution No. 2021-94. Councilmember Nakonieczny seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

The meeting was recessed at 8:43 p.m. for a break. The meeting reconvened at 8:51 p.m.

- F. Resolution No. 2021-95 approving a shoreline substantial development permit for the Wilbur Avenue bridge repair project located on North Wilbur at Mill Creek. (SHR-21-0001).

Staff described the project and the reason why a shoreline development permit is necessary. The Planning Commission held a hearing with no public testimony and recommends approval.

**WALLA WALLA CITY COUNCIL MINUTES
JUNE 23, 2021
PAGE 7**

Mayor Scribner polled the City Council for any conflicts of interest, ex-parte contacts, or appearance of fairness issues. Councilmembers had no conflicts of interest, ex-parte contacts, or appearance of fairness issues to declare.

Councilmember Nakonieczny moved to adopt Resolution No. 2021-95. Councilmember Clubb seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

G. American Rescue Plan Act (ARPA) funding overview and authorization including:

1. Resolution No. 2021-96 authorizing the purchase of a new model fire engine-apparatus from Pierce Manufacturing and dealer Hughes Fire Equipment, and all required National Fire Protection Association equipment not to exceed a total purchasing cost of \$685,000; and
2. Resolution No. 2021-63 authorizing improvements at the Mill Creek Sportsplex (including pickle ball courts).

Staff reported the City will receive a total of \$9,974,623 in federal ARPA funds in 2021 and 2022. There are limitations on how these funds may be used. Staff is proposing \$2,810,425 to address lost revenue; \$2,522,430 in response to the public health emergency (\$1,000,000 for three vacant police officer positions and one parking enforcement officer; \$572,430 for fire equipment; \$350,000 for repair of Senior Center parking lot; and \$700,000 for the Mill Creek channel improvements); and in response to the negative economic impact \$3,042,000 (Heritage Park rebuild \$1,600,000; 1st & Main Plaza \$500,000; and Sportsplex improvements \$942,000 of which \$200,000 is a match for funds from the Pickle Ball Association).

Resolution No. 2021-96 will authorize the purchase of a new fire engine-apparatus. Half the cost will be covered by ARPA funds with the balance being paid from a loan from the equipment replacement fund.

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

Councilmember Huie moved to adopt Resolution No. 2021-96. Councilmember Nakonieczny seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

**WALLA WALLA CITY COUNCIL MINUTES
JUNE 23, 2021
PAGE 8**

Resolution No. 2021-63 authorizing improvements at the Mill Creek Sportsplex including the construction of pickle ball courts.

Staff reported they have worked with the Walla Walla Pickle Ball Association and determined the Mill Creek Sportsplex is the best site and will offer more benefits than just new pickle ball courts.

Mayor Scribner invited public input.

Nancy Kress, President of the Walla Walla Pickle Ball Association, thanked the Council and staff for their support and willingness to continue to work towards the development of additional courts. Ms. Kress outlined the benefits of having lighted courts and suggested the addition of sunshades.

Dave Gibson spoke in support of this compromise to construct the courts at the Sportsplex rather than Howard Tietan Park and public/private partnerships.

There were comments on the benefits of adding pickle ball courts to the Sportsplex and the master planning efforts that will allow the improvements to move forward.

Councilmember Nakonieczny moved to adopt Resolution No. 2021-63. Councilmember Huie seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Moss moved to approve the American Rescue Plan Act funding proposal of \$5,544,430 as outlined by staff. Councilmember Koehler seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Moss moved to extend the meeting time past 9:30 p.m. Councilmember Koehler seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- H. Approval of payment of the May 2021 accounts payable register containing check numbers 14124-14220, 14222-14426, and 181-203 totaling \$4,286,314.91.

Councilmember Moss moved to approve payment of the May 2021 accounts payable register containing check numbers 14124-14220, 14222-14426, and 181-203 totaling \$4,286,314.91 except for the checks to Blue Mountain Action Council. Councilmember Bahena seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Moss moved to approve payment of the checks to the Blue Mountain Action Council. Councilmember Bahena seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Koehler.

- I. Approval of minutes of the Work Session held June 7, 2021.

Councilmember Moss moved to approve the minutes of the Work Session held June 7, 2021. Councilmember Koehler seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Nakonieczny.

6. COUNCIL MEMBER MEETING REPORTS

Councilmember Moss reported attendance at meetings to prepare for the Chief's Advisory Committee town hall meeting; two Valley Transit Board meetings; the agenda setting meeting; the Work Session; the Finance Committee meeting; and tour of The Lodge Apartments.

Councilmember Huie reported attendance at the fourth of July planning meeting; a presentation before the Rotary International Club; the Jim Bock radio show; the Good Roads Committee meeting; the Work Session; and tour of The Lodge Apartments.

Councilmember Bahena reported attendance at the Work Session.

Councilmember Nakonieczny reported attendance at a meeting with City Manager Shawa; the Downtown Walla Walla Foundation Board meeting; the Good Road Committee meeting; the Valley Transit Board meeting; the Work Session; and tour of The Lodge Apartments.

Councilmember Clubb reported attendance at a Finance Committee meeting; the Visit Walla Walla Board meeting; the Blue Mountain Action Council Board meeting; the Work Session; and tour of The Lodge Apartments.

WALLA WALLA CITY COUNCIL MINUTES
JUNE 23, 2021
PAGE 10

Councilmember Koehler reported attendance at the Sherwood Trust Empathy and Equity training; the Water & Wastewater Advisory Committee meeting; two Valley Transit Board meeting; the Work Session; the special meeting; and tour of The Lodge Apartments.

Mayor Scribner reported attendance at the Blue Zones walkabout; the Finance Committee meeting; the Sherwood Trust Empathy and Equity training; a meeting with Public Works Director Bealey; the agenda setting meeting; the Library Board meeting; the Work Session; and tour of The Lodge Apartments.

7. UNFINISHED AND NEW BUSINESS

Reminders were provided regarding the Chief's Advisory Committee Virtual Town Hall meeting on June 30 at 6:30 p.m.; and the block party at Eastgate Lions Park on June 24.

8. EXECUTIVE SESSION

Mayor Scribner announced the City Council would be recessing to Executive Session to discuss with legal counsel litigation or potential litigation to which the City is a party or is likely to become a party pursuant to RCW 42.30.110(1)(i). The Executive Session will last no more than one hour, and no further business will come before Council in open session.

The meeting was recessed at 9:41 p.m.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 10:20 p.m.