

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
February 22, 2023

1. CALL TO ORDER

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

Present: Councilmembers Brian Casey, Rick Eskil, Ted Koehler, Steve Moss, Susan Nakonieczny, Gustavo Reyna, and Mayor Tom Scribner.

Absent: None.

City staff in attendance: City Manager Elizabeth Chamberlain, City Attorney Tim Donaldson, Public Works Director Ki Bealey, Fire Chief Bob Yancey, Deputy Chief Eric Wood, Captain Fred Hector, Environmental Engineer Leah Rohan, and City Clerk Lisa Neissl.

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS

4. PUBLIC COMMENTS

Vicky McClellan and Pamela Culbreth spoke about concerns they have with the application for the cell tower at Blue Mt. Community Church and she stated that she thinks the corporate entity was not given the same scrutiny that a homeowner is given.

Mayor Scribner informed the audience that if they wanted follow up regarding public comments they make at the meeting, they could place their name and contact information on a sheet provided on the table near the podium.

5. CONSENT AGENDA

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

- A. Resolution 2023-016: Sets April 12, 2023 as the date to consider the 10% annexation petition for the Narum and Burseth properties.
- B. Resolution 2023-017: Sets April 12, 2023 as the date to consider the 10% annexation petition for property located at 1167 Woodlawn Street.

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- C. Resolution 2023-018: Authorizes the City Manager to execute an agreement with Ecology to accept the stormwater capacity grant in the total amount of \$132,500.
- D. Resolution 2023-019: Authorizing the City Manager to Execute an Emergency Medical Services Agreement with Walla Walla County for the EMS Levy Funds.
- E. Accepts resignation of Linc Nesheim from the Bicycle and Pedestrian Advisory Committee.

Mayor Scribner asked if any Councilmember wanted to remove any item from the consent agenda. After brief discussion, no one did.

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

After brief discussion,

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

6. ACTIVE AGENDA

- A. Resolution 2023-020: Awards the bid for the Landfill Roadway and Compost Pad Improvements Project to Nelson Construction Corp. in the amount of \$1,689,185.97.

Staff reported on the project which is part of the capital facilities improvement plan for the landfill.

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

There was discussion on:

- This being in the master plan.
- Inclusion in the biennial budget.

Councilmember Reyna moved to adopt Resolution No. 2023-020. Councilmember Koehler seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- B. Resolution 2023-021: Authorize the acceptance of grant funding from the Walla Walla County Department of Community Health to support and

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expand the Community Paramedic Program in the amount of \$200,000.

Staff reported on the grant award, the current program, and how the department plans to make use of the funds.

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

There was discussion on:

- Other programs in the 9-county cohort (Greater Health Now grant funding)
- Support from County to expand into other areas such as College Place and Columbia County.

Councilmember Koehler moved to adopt Resolution No. 2023-021. Councilmember Reyna seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

C. Resolution 2023-022: Authorizing the City Manager to Execute an Intergovernmental agreement with Walla Walla County and the Cities of College Place, Waitsburg and Prescott for a cooperative review and update of the Countywide Planning Policies.

Staff reported on this initiative that has been in development for quite some time. The costs associated with the agreement were explained as well as the importance of this process to update the county-wide planning policy that is the framework for Walla Walla City Urban Growth Area development.

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

There was discussion on:

- Affordable housing.
- Need for the use of the same terminology to be on the same page.
- Joint involvement, including costs, with the partner agencies.
- Who will have oversight of the contract. (Walla Walla County)

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Councilmember Koehler moved to adopt Resolution No. 2023-022. Councilmember Moss seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

D. Public Hearing on a Proposed Interim Zoning Ordinance and/or Moratorium related to Wireless Communications Facilities.

Staff offered to answer questions on the Ordinance regarding the presentation at the work session yesterday, and Mayor Scribner provided an overview of the issue. City Attorney Donaldson noted that Federal law prevents local authorities from implementing a moratorium.

Mayor Scribner opened the public hearing at 7:02 p.m.

The following people presented testimony against having these wireless cell towers in residential neighborhoods, expressing concerns over a variety of issues such as: potential for collapse, adverse health effects, diminished aesthetics of the neighborhood, property rights, decreased property values. Several also noted the lack of need for additional service in the area, and that these large companies should be held to the same standards for property improvements as private homeowners are held to.

- Pamela Culbreth
- Barbara Knudson
- Dr. Zana Carver
- Tom (no last name provided)
- Jane Smith
- Ray Culbreth
- Karen Primore
- Glynis McClellan
- Mary Gibson
- Douglas DeMers
- Vicky McClellan

Representatives of AT&T addressed the Council next:

Lauren Paolini offered to answer questions and noted that a revised application was submitted to the Development Services Department yesterday.

Meridee Pabst of Busch Law Firm spoke about the significant gap test that is language in the proposed interim ordinance. She spoke about that test

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and advancements made since that time and other issues to be considered such as the materially inhibit test.

Kim Allen representing Verizon spoke against the interim zoning ordinance, referencing regulations in Federal Law.

Sandra Cannon, who sits on the nationwide standard setting committee for cell phones, said she appreciates the situation the council is in. She stated the issue in coverage is the move to 5G services which has a shorter send capacity, so needs more cell towers.

Mayor Scribner closed the public hearing at 7:48 p.m.

City Attorney Donaldson provided information regarding some of the issues discussed during the public hearing.

Ms. Chamberlain spoke about the process of applications for conditional use permits and how the public can be notified of those hearings.

There was discussion on:

- Difference between materially inhibit test and significant gap test.
- The decision regarding this ordinance has no control over the current tower application. That is a matter for the Hearings Examiner at the hearing for that application.
- What could happen if no action was taken tonight.
- Time to review, get further analysis, and understanding powers we do have.
- Unintended consequences.

Councilmember Moss moved to defer consideration until a proposed finalized interim zoning ordinance can be shared at a work session, publicized, and put on an active agenda.

Councilmember Reyna seconded the motion.

Councilmember Nakonieczny made a motion to amend the motion to include a timeframe of March 6th for the work session discussion and March 8th for the active agenda.

Councilmember Eskil seconded the amendment to the motion. The motion to amend to include the specific timeframe of March 6th and 8th carried unanimously with 7 yes votes and 0 no votes.

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The amended motion carried unanimously with 7 yes votes and 0 no votes.

E. Discussion on correspondence received related to the Open Public Meetings Act.

Mayor Scribner provided history of this matter including emails received accusing Council of violating the Open Public Meetings Act along with a proposed Resolution including multiple stipulations regarding the OPMA leading to this agenda item.

Mayor Scribner invited public input.

Barbara Clark commented on the Resolution that “we” have asked you to adopt, like a New Years Resolution in the form of a pledge that from now on they will do their deliberations and make their decisions in open public meetings. She stated that the resolution they propose contains elements that are essential to changing their behavior patterns. She then reviewed those requirements. She quoted parts of the Act and said she hopes they will do the right thing so we can put all of this behind us.

Pamela Culbreth commented about being informed about the public being informed about the cell tower application, claiming she was not informed.

Sherilynn Jacobsen stated her comments are intended to be an addendum to Mrs. Clarks. She said she hopes the matter will be quickly resolved and further infractions avoided. She stated that they are required their due diligence to adhere to the requirements that all cities are held to.

Shannon Cannon spoke about public openness and the legal requirements and noted numerous editorials in the Union Bulletin and strongly recommended that the Council sign on to the recommended resolution.

Mayor Scribner spoke about several options that are available to the council.

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Various Council Members provided their personal opinions on the matter and spoke about the events at that meeting and since. Councilmember Eskil stating his belief that the Act was violated.

There was discussion on having in-person training on the Open Public Meetings Act.

Councilmember Moss moved to direct staff to arrange for in person OPMA training at a City Council Workshop no later than the end of the second quarter of 2023; and such in-person training be provided to each subsequent new Council. Councilmember Eskil seconded the motion with an accepted friendly amendment that the trainer be from the Attorney Generals Office.

There was discussion regarding if Council or Staff should determine who is the best person to provide the training.

Councilmember Moss withdrew his motion.

Councilmember Koehler made a motion to ask staff to formulate a training plan for the Council that incorporates training existing Councilmembers alongside new Councilmembers as they are brought on board on the Open Public Meetings Act and other topics pertinent and germane to being a councilmember, not only new, but an existing councilmember in a timeframe and consistent manner so that training and information is consistent and carried from council to council and not a variation in information.

Councilmember Moss seconded the motion.

After additional discussion.

Councilmember Eskil requested that the public be allowed to make comment.

Barbara Clark stated that the proposal was a good step in the second part of making the change. But if there are members of the council who after making a decision in a private discussion, followed through on that decision and acted in a way that was consistent with the decision that was announced. If there are people who think they did not violate the Open Public Meetings Act and therefore are unwilling to state that they violated it and intend not to do it anymore, she said

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she believes it is really important to understand that she believes that a judge has to instruct this council on what the Open Public Meetings Act means.

After additional comments by Councilmembers including Councilmember Koehler noting that he scored the candidates that he watched the videos of and ranked them based on how much he wanted to talk to them in the future before that meeting, he did not do it in the meeting. He stated he didn't vote in the closed meeting and would not have made a motion to vote on candidate number four in the open meeting after that and subsequently if he had voted. He reiterated that he did not vote in the closed meeting, he did not see a vote in the closed meeting, there was no consensus during the closed meeting. It was just an assumption of the mayor that we were at a point where there was no longer a need for discussion and we could move to a public meeting and someone, if they chose, could make a motion. After which there was additional discussion regarding the differences of opinion and the threat of a lawsuit.

Councilmember Moss called for the question.

The motion carried unanimously with 7 yes votes and 0 no votes.

F. Approves January 2023 Accounts Payable Register - #21358-21507; 21509-21604; 21606-21684; 21728-21770; and #491-505 totaling \$7,281,589.56.

Councilmember Moss moved to approve payment of the January 31, 2023 check register containing check numbers 21358 through 21507; 21509 through 21604; 21606 through 21684; 21728 through 21770; 491 through 505 totaling \$7,281,589.56, except for the checks to Blue Mountain Action Council. Councilmember Koehler 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 totaling \$18,698.38. Councilmember Reyna seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Koehler.

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7. COUNCIL MEMBER MEETING REPORTS

Councilmember Moss reported attendance at the following:

The work session, agenda setting, Valley Transit, and a meeting with Blue Zones Staff.

Councilmember Casey reported attendance at the following:

The work session, water/wastewater advisory committee, Good Roads.

Councilmember Reyna reported attendance at the following:

The work session, Downtown Walla Walla Foundation, Blue Mountain Action Council.

Councilmember Nakonieczny reported attendance at the following:

The work session, Valley Transit, Good Roads, and a meeting with the West Ward Constituents.

Councilmember Eskil reported attendance at the following:

The work session, Valley Transit, Blue Mountain Humane Society, Visit Walla Walla, LEOFF, and the Legislative Committee

Councilmember Koehler reported attendance at the following:

The work session.

Mayor Scribner reported attendance at the following:

The work session agenda setting finance committee.
Library Board LEOFF Bicycle and Pedestrian Advisory committee

8. UNFINISHED AND NEW BUSINESS

There was discussion regarding the need for restoration of order and discipline with councilmembers proposing ordinances.

Ms. Chamberlain provided an update on the Legislative Committee.

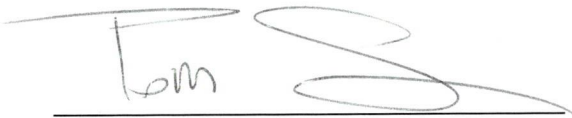
Barbara Clark interrupted to make additional comments regarding her accusation of an OPMA violation, and again asked for them to acknowledge they did it.

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9. MEETING ENDS

There being no further business, the meeting ended at 9:30 p.m.

Approved:

A handwritten signature in black ink, appearing to read "Tom", written over a horizontal line.

Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Lisa Neissl", written over a horizontal line.
City Clerk