

CITY OF PULLMAN  
COUNCIL CHAMBERS

COUNCIL MEETING  
AGENDA

OCTOBER 28, 2008  
7:30 p.m.

The Pullman City Council welcomes you to tonight's meeting. The Council appreciates and encourages public participation. For regular agenda items, an opportunity for public comment is usually provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item; therefore, the Mayor may exercise discretion in deciding when to allow public comment during the course of the proceedings and limitations will be placed on the time allowed for comments. Citizens wishing to comment on business which is not on the agenda will be provided the opportunity to do so under NEW BUSINESS. If you plan to address the Council, you will find a list of "Tips for Addressing the Council" on the public information table in the City Council Chambers. Thank you for your interest in City government.

A. Roll Call, City of Pullman

_____ Francis Benjamin	_____ Barney Waldrop
_____ Keith Bloom	_____ Nathan Weller
_____ Ann Heath	_____ Pat Wright
_____ Bill Paul	

B. Roll Call, ASWSU Executive

\_\_\_\_\_ Brandon Scheller, President  
\_\_\_\_\_ Adam Fry-Pierce, Vice President  
\_\_\_\_\_ Shawn Hoey, Director of Legislative Affairs  
\_\_\_\_\_ Erika Schoonmaker, Chief of Staff  
\_\_\_\_\_ Megan Crenshaw, Director of Campus Relations  
\_\_\_\_\_ Vhonda McElroy, Director of Finance/Grant & Research  
\_\_\_\_\_ Morgan McClincy, Director of Philanthropy & Outreach  
\_\_\_\_\_ Sarah Driscoll, Director of Academic Affairs  
\_\_\_\_\_ Ryan Jones, Director of Greek Affairs  
\_\_\_\_\_ Anthony Smith, Pro Tempore, District 6

C. Roll Call, ASWSU Senators

___Pete Semon, District 1	___Javin Bakke, District 5
___Eda Yagiz, District 1	___Christine Mars, District 7
___Molly Aigner, District 1	___Michael Gallegos, District 8
___Jake Bredstrand, District 1	___Julian Reyes, District 9
___Greg Pender, District 1	___Lacey White, District 10
___Lauren Edholm, District 2	___Hardy Awadjie, District 10
___Comeran Tileh, District 3	___Joey Nguyen, District 10
___Jessica Hart, District 4	

D. Announcements

E. Consent Agenda

The items listed under the Consent Agenda are considered to be routine in nature and will be enacted by a single motion of the Council without separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by Council action.

**Motions**

1. Dispense with the reading of the minutes of the regular meeting of October 21, 2008, and approve them as submitted.
2. A motion to refer a Claim for Damages submitted by Shanna Wallace for the sum of \$3,555 to the Washington Cities Insurance Authority (WCIA).
3. A motion to ratify Change Order No. 1 to Contract No. 07-19, Pullman City Hall Plaza Reconstruction.
4. A motion to accept as complete Contract No. 08-11, Accelerated Streets Resurfacing 2008.

**Resolution**

5. Resolution No. R-87-08 - A RESOLUTION ACCEPTING A UTILITY LINE EASEMENT FROM DUANE J. FISTER AND LYNN A. FISTER, TRUSTEES UNDER THE FISTER LIVING TRUST.

F. Regular Agenda

Discussion Items

6. International Education Week
7. WSU Capital Projects and ASWSU Recent Accomplishments
8. ASWSU Energy Savings Program
9. University District Discussion Including Discussion of Parking and Design Guideline Issues
10. Extended hours at Stubblefield's (Mike's)
11. ASWSU Students for Safety Fundraising Dinner
12. Pullman Transit
13. City of Pullman Capital Projects of Interest to Students
14. 2008 Adopted City Council Goals

G. New Business

Members of the public may bring items of new business to the attention of the Council under this agenda item. However, we strongly encourage advising the Mayor or City Supervisor of your intention prior to the meeting to ensure the item is properly an item of new business and, if not, if the matter could be addressed in some other manner.

H. Tentative Council Agenda for November 4, 2008 - Canceled

Tentative Council Agenda for Special Meeting November 5, 2008

Mayor's Budget Message

Preliminary 2009 Budget Hearings

Authorize Cost Sharing Agreement with Humane Society for Water Main Extension

Tentative Planning Commission Agenda for Special Meeting on November 19, 2008 - College Hill Association Presentation

Tentative Planning Commission Agenda for Regular Meeting on November 26, 2008 - Canceled

Tentative Board of Adjustment Agenda for November 17, 2008  
No business scheduled at this time

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF PULLMAN  
OCTOBER 21, 2008

**Roll Call**

The regular meeting of the City Council of the City of Pullman was held on October 21, 2008, at 7:30 p.m. in Council Chambers, City Hall, Pullman, Washington with the following present:

Glenn A. Johnson	Mayor
Troy Woo	Finance Director
Francis Benjamin	Councilmember
Keith Bloom	Councilmember
Ann Heath	Councilmember
Bill Paul	Councilmember
Barney Waldrop	Councilmember
Nathan Weller	Councilmember
Pat Wright	Councilmember

**Call to Order**

Mayor Johnson called the regular meeting to order at 7:30 p.m.

**Announcements**

Mayor Johnson made three announcements.

**Confirmation of  
Appointments**

Mayor Johnson announced that he had appointed John Anderson, Tom Handy, Anita Hornback, Robert McCoy, Allison Munch-Rotolo, and Matthew Root to the Certified Local Government Ad Hoc Committee. Councilmember Bloom moved, Councilmember Waldrop seconded to confirm these appointments. The motion carried unanimously.

Mayor Johnson adjourned the regular meeting at 7:31 p.m. to conduct the special meeting of the Metropolitan Park District.

Mayor Johnson reconvened the City Council meeting at 7:34 p.m.

**ORDER OF BUSINESS**

Approval of Recommendations of Consent Agenda Items

**CONSENT AGENDA**

Mayor Johnson reviewed the items on the Consent Agenda with the Council and audience. He stated that items listed on the Consent Agenda are considered to be routine in nature and will be enacted by a single motion of the Council without separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda

by Council request. Councilmember Bloom moved, Councilmember Benjamin seconded to read the items on the Consent Agenda by title only.

Motion Carried.

City Attorney McAloon read the items on the Consent Agenda by title only. Mayor Johnson asked if there were any requests for removal of items from the Consent Agenda from either the Council or audience. There were none. Councilmember Wright moved, Councilmember Waldrop seconded to adopt the Consent Agenda as presented.

Motion Carried.

### Motions

- |                                 |    |  |
|---------------------------------|----|--|
| Minutes - October 14, 2008      | 1. | The Council dispensed with the reading of the minutes of the regular meeting of October 14, 2008, and approved them as submitted.  |
| Staffing Change in Public Works | 2. | The Council authorized a change in staffing from the Waste Water Treatment Plant Digester project (Utility Fund) to Protective Inspections (General Fund) until the end of 2008. |

### **REGULAR AGENDA**

#### Workshop

- |                     |    |  |
|---------------------|----|--|
| Pre-Budget Workshop | 3. | Mayor Johnson announced that a pre-budget workshop is scheduled. City Supervisor Sherman presented a staff report that discussed the current economic indicators, cost-of-living adjustments, stormwater, and the Airport budget. Finance Director Woo presented a staff report on projected debt service payments relating to the Airport FireFlow project. Finance Director Woo presented general information relating to the 2009 budget and asked for City Council direction on a number of 2009 budget issues. Councilmember Waldrop suggested that the City negotiate a total package compensation including medical benefits during the labor contract negotiations. Finance Director Woo responded. Councilmember Bloom asked if there will be a cost-of-living adjustment retro pay for the unsettled police contract for 2008. Finance Director Woo responded. Councilmember Wright and City Supervisor Sherman discussed timing issues relating to the unsettled police contract for 2008. City Council concurred to proceed with the |
|---------------------|----|--|

preliminary budget with zero cost-of-living adjustments. Councilmember Benjamin asked if the BDPA recommendations for salary range changes were for positions within the General Fund. Finance Director Woo responded. City Council concurred to include the changes BDPA recommended in the 2009 budget.

Councilmember Bloom asked if three City Attorney trips per month to Pullman was adequate to take care of City business. City Supervisor Sherman responded. Councilmember Heath stated that she thought the contract proposal was fair and was very considerate of the Pullman economic condition and thanked City Attorney McAloon and her firm. City Attorney McAloon responded. City Council concurred to reduce the number of City Attorney trips per month in order to maintain the current level of legal services costs.

Councilmember Bloom asked if the proposed deferred projects within the Government Buildings budget are cosmetic or if there are critical maintenance needs that may present dangers to the public if not addressed. Public Works Director Workman responded. Councilmember Waldrop asked if there were emergency generators currently located in the fire stations. Public Works Director Workman and Mayor Johnson responded.

Councilmember Heath asked if the first floor City Hall bathroom remodels had to do with accessibility. Public Works Director Workman responded. City Council concurred to amend the budget to fund priority Government Buildings projects if the budget situation improves in 2009. City Council concurred to address stormwater utility budget issues through amendments in 2009. City Council concurred to address Airport FireFlow Water System debt service and bond related budgets in 2009 when more information is available. City Council concurred that the 13 percent reserve should be restored with year-end savings before other considerations if the budget falls short of 13 percent reserves.

Councilmember Waldrop stated he disagreed with using the \$100,000 General Fund Capital Reserve to balance the budget because of the importance to address capital needs. Council concurred to preserve the \$100,000 Capital Reserve.

## Public Hearing

- 2009 Revenues            4.    Mayor Johnson announced that a public hearing is scheduled to consider 2009 revenues. Finance Director Woo presented the staff report. Councilmember Heath asked why the General Obligation Bond projected property tax revenues were decreasing. Finance Director Woo responded. Councilmember Heath asked what the difference was between the 2009 estimated cash draw down and year-end savings. Councilmember Bloom asked if the City of Pullman has to borrow in the short term to meet its day-to-day operation obligations. Finance Director Woo responded. Councilmember Bloom asked what the projections were for building permits for year-end 2008 and 2009. Public Works Director Workman and Finance Director Woo responded. Councilmember Bloom asked if the sales tax from construction related to material purchases at the local home improvement stores. Finance Director Woo responded.

Councilmember Benjamin asked if sales tax applied to room and board charges at WSU. Finance Director Woo responded. Councilmember Paul asked if sales taxes applied to the golf course fees. Councilmember Bloom responded.

Councilmember Waldrop moved, Councilmember Wright seconded to accept the report on 2009 revenues. The motion carried unanimously.

## Ordinance and Motion

- Ordinance No.            5.    Mayor Johnson announced that an ordinance and  
08-18 - Final Plan       motion are requested on Whispering Hills No. 4.  
for Whispering Hills     Planning Director Dickinson presented the first  
No. 4 Planned           report. Councilmember Paul made three cautionary  
Residential               comments relating to planned residential  
Development              developments, stated he had concerns with  
                                 creating an island of City property, and  
                                 commended Copper Basin for their developments.  
                                 Planning Director Dickinson responded.  
                                 Councilmember Bloom stated that he agreed with  
                                 Councilmember Paul's comments but added that the  
                                 benefits of the PRD are worthwhile because they  
                                 lessen the negative impacts of development.

Ordinance No. 08-18 by title only reads as follows:

AN ORDINANCE APPROVING THE FINAL PLAN OF THE WHISPERING HILLS NO. 4 PLANNED RESIDENTIAL DEVELOPMENT LOCATED SOUTH OF OLD WAWAWAI ROAD AND WEST OF SUNNYSIDE PARK ON SUNNYSIDE HILL.

Councilmember Bloom moved, Councilmember Benjamin seconded to adopt Ordinance No. 08-18. The motion carried unanimously.

Modified Letter of  
Direction for  
Whispering Hills  
Subdivision No. 4

Public Works Director Workman presented the staff report. There were no questions. Councilmember Bloom moved, Councilmember Paul seconded to approve the modified Letter of Direction for Whispering Hills Subdivision No. 4. The motion carried unanimously.

### Discussions

Snow Removal

6. Mayor Johnson announced that a discussion is scheduled on snow removal. Public Works Director Workman presented the staff report. Councilmember Bloom commended the maintenance and operations staff for their snow removal activities during last winter and stated that he supported Public Works Director Workman's recommendations. Councilmember Benjamin suggested a modified plan because he has the most concern with Transit routes. Councilmember Benjamin suggested that parking restrictions be looked at for Transit routes. Public Works Director Workman responded.

Councilmember Heath noted that she rides the Transit "J" route which covers Pioneer Hill and that she observed that there weren't many other parking options for cars in that area. Mayor Johnson noted that the Police Code Enforcement Division was fully staffed and that enforcement of parking should be easier. Public Works Director Workman responded. Councilmember Benjamin asked if Transit was consulted on the snow removal issue and stated that the Transit system may be able to identify problem areas. Public Works Director Workman responded.

Status of Rental 7.  
Registration/Costs/  
Public Records

7. Mayor Johnson announced that a discussion is scheduled on the status of rental registration. City Attorney McAloon presented the staff report that included a justification for the proposed fee, comments on public records, and enforcement. City Attorney McAloon also addressed concerns raised by Anita Hornback. Councilmember Heath noted that the public disclosure laws were voter initiatives. City Attorney McAloon responded.



Councilmember Weller stated he appreciated the work of staff and that he was pro business and expressed concern that there has been a lack of input on this issue and that many problems could arise from implementing rental registration. Councilmember Weller suggested that all of the involved parties work together in order to move the issue forward. Councilmember Waldrop stated that he disagreed with Councilmember Weller's comments because it would be putting the issue back to step one, that he agreed with the basic concept of providing 911 information, and he was ready to move forward. Mayor Johnson stated that there would be more opportunity for public input on the issue before adoption.

Councilmember Benjamin and City Attorney McAloon discussed the logistics of registration renewals and the transit of ownership of rental properties. Councilmember Heath noted that the \$20.00 initial fee and the \$10.00 renewal should not impact rents because of the small amounts and that the City should not be treating rentals any differently than other businesses operating in Pullman. Councilmember Heath stated that the contact information is important, that there has been a lot of unease with the public information, and the owner information is already available from the County Assessors. City Council concurred that the ordinance and fee schedule resolution be brought back to the Council as an action item.

Councilmember Weller asked for clarification on the notification requirements. City Attorney McAloon responded. Councilmember Weller asked if there was a timeline requirement for the City to notify owners. City Attorney McAloon responded. City Attorney McAloon stated that the ordinance and resolution will be brought back at the November 18 City Council meeting. City Council concurred.

Stormwater Issues 8. Mayor Johnson announced that a discussion is scheduled on stormwater issues. Public Works Director Workman presented the staff report. Councilmember Bloom stated that the City is forced to enact this legislation and that he has no belief that this will help improve the water quality or the environment. Councilmember Waldrop suggested that the City Council review the ordinance page-by-page. City Council concurred. Councilmembers Bloom and Heath suggested that the language be changed to reflect

stormwater being a state requirement and not a federal requirement on pages 1, 2, and 3. Councilmember Bloom asked what types of studies might the City perform as allowed on page 5 of the draft ordinance. Stormwater Services Program Manager Buchert and Public Works Director Workman responded. Councilmember Waldrop noted that many homeowners' rain gutters discharge into yards, thus don't add to the stormwater issue. Public Works Director Workman responded. Councilmember Bloom noted the full disclosure requirements on page 14 and asked when the fee will be established. Stormwater Services Program Manager Buchert and Public Works Director Workman responded. Mayor Johnson noted that other jurisdictions, such as Lewiston, are facing the same stormwater issues. City Supervisor Sherman noted that the proposed November 12 forum is not a Council meeting but a public forum so comments will be addressed to City staff. Councilmember Wright noted that the Washington State Governor's race could change the outcome of stormwater regulations.

Councilmember Waldrop noted that the ordinance is not consistent when it refers to the charges applying to the owner of each property on page 14 and then referring to utility accounts as being responsible on page 24. Public Works Director Workman responded. Councilmember Waldrop stated he did not agree with distributing the costs on an impervious area basis that is described on page 15 and would rather see the cost distributed by class or link the cost to water use. Public Works Director Workman and Councilmember Heath responded. Councilmember Heath stated that the fee should be kept affordable for residents and that businesses that have higher bills can pass on those costs to customers. Councilmember Waldrop responded by stating that these stormwater regulations are just the beginning of these types of regulations and that each customer should pay in order to alert them to the high cost of dealing with the regulations. Councilmember Heath stated that she agrees but the City should have other options of alerting customers of the regulations. Councilmember Bloom spoke in favor of the rainwater harvesting and credit section on page 20 but suggested that incentives be higher. Stormwater Services Program Manager Buchert responded. Councilmember Waldrop stated that exemptions should include City parking lots and parking lot ramps on page 23. Public Works Director Workman responded.

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**ADJOURNMENT**

Councilmember Heath moved, Councilmember Wright seconded to adjourn the regular meeting of the City Council.

Motion Carried.

Mayor Johnson adjourned the regular meeting of the City Council at 10:21 p.m.

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Mayor

ATTEST:

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Finance Director

2. A motion to refer a Claim for Damages submitted by Shanna Wallace for the sum of \$3,555 to the Washington Cities Insurance Authority (WCIA) .

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: October 28, 2008

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ACTION REQUESTED

A motion to refer a Claim for Damages submitted by Shanna Wallace for the sum of \$3,555 to the Washington Cities Insurance Authority (WCIA).

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BACKGROUND

On October 17, 2008, Shanna Wallace submitted a Claim for Damages for the sum of \$3,555 for damages allegedly occurring due to City negligence. In accordance with the provisions of Section 1.98.030 of the Pullman City Code, the Council should direct that this claim be referred to WCIA.

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RECOMMENDATION

That the motion be passed.

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FISCAL IMPACT

\$\_\_\_\_\_ Budgeted Expenditures

\_\_\_\_\_  
BARS Code Number

=====

SUBMITTED BY

ATTACHMENTS FOR COUNCIL REVIEW/ACTION

Jane Joyce  
Name

1. Claim for Damages - Wallace

Deputy City Clerk  
Title

Finance  
Department

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REVIEWED BY

	Initial	Date
Department Head	<u>TW</u>	<u>10/20/08</u>
City Supervisor	<u>JFD</u>	<u>10/24/08</u>
City Attorney (As To Form)	<u>maej</u>	<u>10-20-08</u>

# CLAIM FOR DAMAGES FORM

Date Claim Form Received by Member 10/17/08 3:47p.m.
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MEMBER CITY/ORGANIZATION: City of Pullman

Please take note that Shanna Wallace, who resides at 536 W. Hazel St  
Genesee ID 83832, home phone #2083010408 mailing address 536 W. Hazel St  
City of Pullman in the sum of \$3555.00 work phone #5093341313 is claiming damages against  
City of Pullman arising out of the following circumstances listed below.

DATE OF OCCURRENCE: 8/18/08

TIME: 8:48

LOCATION OF OCCURRENCE: Intersection of Paradise & Pines Pullman

## DESCRIPTION:

1. Describe occurrence explaining the nature of the defects or acts of negligence causing damages.  
I pulled out of the US Bank parking lot onto  
Paradise St. As I went through the intersection  
of Paradise & Pines, Officer Hargraves' car hit  
the back wheel (passenger side) of my car which  
then spun around & stopped facing the opposite  
direction. Officer Hargraves had a stop sign, I  
did not.

(attach an extra sheet for additional information, if needed)

2. Provide a list of witnesses, if applicable, to the occurrence including names, addresses, and phone numbers.  
Witnesses provided statements to Washington  
State Patrol Report # 3072156

3. Attach copies of all documentation relating to expenses, injuries, losses, and/or estimates for repair.

4. Have you submitted a claim for damages to your insurance company? Yes ☒ No

If so, please provide the name of the insurance company: \_\_\_\_\_  
 and the policy #: \_\_\_\_\_

<b>** ADDITIONAL INFORMATION REQUIRED FOR AUTOMOBILE CLAIMS ONLY **</b>			
License Plate #	<u>1L 98072</u>	Driver License #	<u>JA391948E</u>
Type Auto:	<u>1990 Mazda Miata</u>		
	(year) (make) (model)		
DRIVER:	<u>Shanna Wallace</u>	OWNER:	<u>Shanna Wallace</u>
Address:	<u>536 W. Hazel St</u>	Address:	<u>536 W. Hazel St</u>
	<u>Genesee ID 83832</u>		<u>Genesee ID 83832</u>
Phone#:	<u>(208) 301 0408</u>	Phone#:	<u>(208) 301 0408</u>
Passengers:			
Name:	<u>—</u>	Name:	<u>—</u>
Address:	<u>—</u>	Address:	<u>—</u>

\* \* NOTE: THIS FORM MUST BE SIGNED AND NOTARIZED \* \*

I, Shanna Wallace, being first duly sworn, depose and say that I am the claimant for the above described; that I have read the above claim, know the contents thereof and believe the same to be true.

X Shanna Wallace  
 X \_\_\_\_\_

Signature of Claimant(s)

State of Washington  
 County of Whitman

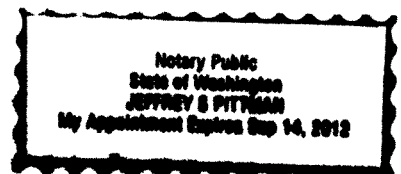
I certify that I know or have satisfactory evidence that Shanna Wallace is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10/17/2008

Signature Jeffrey S. Pittman

Title Notary Public

My appointment expires September 14th, 2012



3. A motion to ratify Change Order No. 1 to Contract No. 07-19,  
Pullman City Hall Plaza Reconstruction.

NOTES:



# REQUEST FOR COUNCIL ACTION

For Meeting of: 10/28/08

## ACTION REQUESTED:

Ratify approval of change order no. 1 to the Pullman City Hall Plaza Reconstruction contract.

## BACKGROUND:

See attached Staff Report No. 123.

## RECOMMENDATION:

By motion, ratify approval of Change Order No. 1 to contract 07-19, Pullman City Hall Plaza Reconstruction.

## FISCAL IMPACT:

\$9,955.02
504.4900.594.49.63.00
BARS Code Number

## SUBMITTED BY:

## ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

Name Mark Workman  
Title Public Works Director  
Dept. Public Works

1. Change Order No. 1

## REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>10/20/08</u>
City Supervisor	<u>JFA</u>	<u>10/24/08</u>
City Attorney	<u>my</u>	<u>10-21-08</u>
(As to Form)		



# CITY OF PULLMAN

## Public Works and Planning Departments

325 S.E. Paradise Street, Pullman, WA 99163  
(509) 338-3220 or (509) 338-3213 Fax (509) 338-3282  
[www.pullman-wa.gov](http://www.pullman-wa.gov)

### *MEMORANDUM*

**TO:** Mayor and City Council  
**FROM:** Mark Workman, Public Works Director  
**FOR:** October 28, 2008 City Council Meeting

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#### **Staff Report No. 123**

The scope of contract 07-19, Pullman City Hall Plaza Reconstruction, provided for the removal of the existing plaza surfacing down to the structural deck, construction of a waterproof membrane, construction of a new concrete panel/pedestal deck system, and repair of the damage to the structural members in the parking area. During this project a few changes were incorporated into the contract by change order.

At the contractor's suggestion, a more secure transition from the waterproof membrane system to the scuppers on the north side of the building that included sheet metal inserts was implemented. This was an improvement on the original design. The cost for this improvement was \$485.33.

After the existing north deck had been removed, it was discovered that the material under the two doors was a dry pack product. To provide a more substantial termination for the doors and for the tile system, the contractor proposed that the dry pack be removed and replaced with concrete curbs. This suggestion was accepted and implemented at a cost of \$856.80.

During removal of the existing deck, there were several locations where the brick façade was damaged. Some of this damage was due to the contractor's methods and some was due to the deck being poured under the brick façade unlike what was anticipated and shown on the contract drawings. In other locations existing structural damage was exposed such as at the southeast corner of the plaza. To repair all of this damage, the contractor hired a mason to correct the work on a time and materials basis. By negotiation, the city agreed to pay for 50% of the work, up to a maximum of \$6,000, including sales tax. The cost of the work was \$15,682.30, which capped the city's share at \$6,000.

To finish the front of City Hall, new flag pole mounts were purchased and installed to the concrete surface below the deck facing Paradise Street. The cost for these was \$2,142.53.

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A small supply of replacement tile panels was purchased through the contract, at cost, for a total of \$184.19.

The total of Change Order No. 1, including sales tax, is \$9,955.02. Ratification of approval of this change order is requested of Council. Funding for this project is from the 2007 year-end General Fund savings through the Government Buildings budget.

City of Pullman  
**CONTRACT CHANGE ORDER NO. # 1**

**Date:** September 24, 2008

**Contract No.:** 07-19

**Contract Title:** Pullman City Hall Plaza Reconstruction

**To: (Contractor)** S&K Mountain Construction, Inc.

You are hereby requested to comply with the following changes from the contract plans and specifications:

Item No. (1)	Description of Changes - Quantities, Units, Unit Prices, Change in Completion Schedule, Etc. (2)	Decrease in Contract Price (3)	Increase in Contract Price (4)
1	Flag Poles		\$2,142.53
2	Concrete Slab		\$856.80
3	Scuppers		\$485.33
4	Brick repairs		\$5,565.86
5	Extra pavers per owner's request		\$184.19
<b>TOTAL INCREASE:</b>			<b>\$9,234.71</b>
<b>Sales Tax at 7.8% (if applicable):</b>			<b>\$720.31</b>
<b>Total Change to Contract:</b>			<b>\$9,955.02</b>

☒ Price changes are lump sum.

Price changes in Columns 3 and 4 are estimates; final costs will be based on contract unit prices — and final quantities.

Price changes in Columns 3 and 4 are estimates; this change order work will be performed by force — account.

The sum of \$9,955.02 is hereby added to the total contract price, and the total adjusted contract price to date thereby is \$232,406.79.

The time provided for completion in the contract is unchanged. This document will become an amendment to the contract and all provisions of the contract will apply hereto.

Accepted by: Cindy Dickson  
Contractor's Representative

10/7/08  
Date

Title: Controller

Approved by: Mark D. Workman, P.E.  
Director of Public Works

9/24/08  
Date

4. A motion to accept as complete Contract No. 08-11, Accelerated Streets Resurfacing 2008.

NOTES:

## REQUEST FOR COUNCIL ACTION

For Meeting of: 10/28/08

### ACTION REQUESTED:

Accept the Accelerated Streets Resurfacing 2008 contract as complete.

### BACKGROUND:

The scope of contract 08-11, Accelerated Streets Resurfacing 2008, provided for the resurfacing of the following streets:

West Main Street from State to Wawawai

Turner Drive from Dal to Yates

Turner Drive from Larry to Robert

Derby Street from High to Taylor

All street sections were reconstructed by grinding the existing asphalt, mixing the ground asphalt with the underlying crushed rock, shaping the asphalt/crushed rock mixture, and paving with new hot mix asphalt. Derby Street was resurfaced in conjunction with utility work on that street. The contractor for this project was Poe Asphalt Paving, Inc. and all work has now been completed in substantial conformance with the contract documents. The final contract amount was \$536,138.55 compared to the bid amount of \$515,315.00. A copy of the Final Estimate of Work Completed is attached for reference. Funding for this project was from the Street Fund and from the Sewer Budget of the Utility Fund.

### RECOMMENDATION:

By motion, accept contract 08-11, Accelerated Streets Resurfacing 2008, as complete.

### FISCAL IMPACT:

<u>\$494,063.55</u>	<u>\$2,700.00</u>
<u>105-4300-595.40.63.00</u>	<u>401-4100-594.35.65.00</u>
BARS Code Number	BARS Code Number
<u>\$23,205.00</u>	<u>\$16,170.00</u>
<u>105-4300-542.30.48.00</u>	<u>401-4100-501.35.48.00</u>
BARS Code Number	BARS Code Number

### SUBMITTED BY:

Name Mark Workman  
Title Public Works Director  
Dept. Public Works

### ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Final Estimate of Work Completed

### REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>10/20/08</u>
City Supervisor	<u>JST</u>	<u>10/24/08</u>
City Attorney	<u>[Signature]</u>	<u>10-21-08</u>
(As to Form)		

**CITY OF PULLMAN**  
ACCELERATED STREETS RESURFACING 2008

Contract Title: Accelerated Streets Resurfacing 2008  
Contract No.: 08-11  
Contractor: Poe Asphalt

ess Payment No.: 3  
Month of: September, 2008  
P.O. No.: en-80659

Item No.	Bid Item	Estimated Quantity	Unit Price	Amount	Total Units to Date	Total Amount to Date
1	Mobilization	1.0 L.S	28,000.00	28,000.00	1.00	\$ 28,000.00
2	HMA class 1/2" commercial mix	3152.0 Ton	77.00	242,704.00	3,193.80	245,922.60
3	Over excavation and haul in grind and mix areas	352.0 C.Y.	33.00	11,616.00	602.10	19,869.30
4	Crushed surfacing	715.0 Ton	20.20	14,443.00	558.04	11,272.41
5	Grind and mix or remove ACP	16640.0 S.Y.	5.40	89,856.00	16,640.00	89,856.00
6	Process and grade road base	16640.0 S.Y.	1.65	27,456.00	16,640.00	27,456.00
7	Adjust manhole frame to grade	21.0 EA.	650.00	13,650.00	21.00	13,650.00
8	Adjust gate valve box to grade	29.0 EA.	325.00	9,425.00	29.00	9,425.00
9	Adjust monument case to grade	4.0 EA.	325.00	1,300.00	4.00	1,300.00
10	Traffic control labor	600.0 Hr.	48.45	29,070.00	682.75	33,079.24
11	Repair storm drain	1.0 T&M	15,000.00	15,000.00	1.547	23,205.00
12	Repair sanitary sewer	1.0 T&M	15,000.00	15,000.00	1.00	15,000.00
13	Pavement striping	3100.0 L.F.	1.75	5,425.00	3,100.00	5,425.00
14	Biaxial geogrid	1400.0 S.Y.	8.00	11,200.00	1,438.50	11,508.00
<b>PREVIOUS PAYMENTS:</b>				<b>SUMMARY:</b>		
1	\$189,621.10	7		Total Work to Date	\$	534,968.55
2	\$319,769.02	8		Less Retainage (5%)		
3		9		Sales Tax 7.8% on Item 12		1,170.00
4		10		Due to Date		536,138.55
5		11		Less Previous Payments		509,390.12
6		12		<b>Amount Due This Payment</b>	<b>\$</b>	<b>26,748.43</b> ✓
Total Previous Payments: \$ 509,390.12						

BARS Code 105-4300-542.30.48.00  
105-4300-595.40.63.00  
401-4100-501.35.48.00  
401-4100-594.35.65.00

Checked: \_\_\_\_\_  
Inspector

Date: \_\_\_\_\_

Approved: Mark Workman  
Engineer

Date: 9/12/08

Approved: Mark Haugen  
Contractor

Date: 9/17/08

5. RESOLUTION NO. R-87-08

A RESOLUTION ACCEPTING A UTILITY LINE EASEMENT FROM DUANE J. FISTER  
AND LYNN A. FISTER, TRUSTEES UNDER THE FISTER LIVING TRUST.

NOTES:



## REQUEST FOR COUNCIL ACTION

For Meeting of: 10/28/08

### ACTION REQUESTED:

Accept a utility line easement from Duane J. Fister and Lynn A. Fister, trustees under the Fister Living Trust dated March 28, 2001.

### BACKGROUND:

Duane and Lynn Fister have recently constructed a four lot townhome development on State Street just north of Center Street. As part of that development, certain utility improvements were required, most of which were in existing public right-of-way or in easements dedicated with the townhome short platting process. However, the terminations of a public storm drain line and a public sanitary sewer line and the access to maintain these utilities are located outside the platted property and a specific easement across that property was required. That easement document has been prepared and executed by the Fisters and is now offered for Council acceptance.

### RECOMMENDATION:

Adopt the attached resolution accepting a utility line easement from Duane J. Fister and Lynn A. Fister, trustees under the Fister Living Trust dated March 28, 2001.

### FISCAL IMPACT:

\_\_\_\_\_  
BARS Code Number

### SUBMITTED BY:

Name Mark Workman  
Title Public Works Director  
Dept. Public Works

### ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Resolution No. R-87-08
2. Location Map

### REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>10/22/08</u>
City Supervisor	<u>goss</u>	<u>10/24/08</u>
City Attorney	<u>may</u>	<u>10-22-08</u>
(As to Form)		

RESOLUTION NO. R- 87 -08

A RESOLUTION ACCEPTING A UTILITY LINE EASEMENT FROM DUANE J. FISTER AND LYNN A. FISTER, TRUSTEES UNDER THE FISTER LIVING TRUST.

WHEREAS, the City Council has before it a utility line easement from Duane J. Fister and Lynn A. Fister, trustees under the Fister Living Trust, dated March 28, 2001, attached hereto as Exhibit "A"; and,

WHEREAS, the City Council has determined that it is in the best interests of the city to accept the proposed easement; now, therefore,

IT IS HEREBY RESOLVED by the City Council of the city of Pullman that the utility line easement from Duane J. Fister and Lynn A. Fister, trustees under the Fister Living Trust, is accepted.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2008.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Director

Approved as to Form:

\_\_\_\_\_  
City Attorney

## UTILITY LINE EASEMENT

GRANTORS, Duane J. Fister and Lynn A. Fister, trustees under the Fister Living Trust dated March 28, 2001, do hereby GRANT, CONVEY, and WARRANT to the GRANTEE, CITY OF PULLMAN, a municipal corporation of the state of Washington, a perpetual easement together with utility pipelines and their appurtenances installed or to be installed therein by GRANTOR over, under, and across the following-described real property:

A ten-foot-wide strip of land situate within the southeast quarter of Section 6, T14N, R45E, WM, located in the city of Pullman, Whitman County, Washington, said strip of land being more particularly described as follows:

Beginning at the northeast corner of Fister's Short Plat, according to the plat thereof filed under AFN 686873, records of said county, said corner lying on the westerly right-of-way boundary of the north-south alley in Block 11, Garden City Addition to the City of Pullman, according to the plat thereof filed in Book D of Plats, page 20, records of said county, and running thence N30°28'01"E 10.35 feet along said westerly alley right-of-way boundary and the easterly boundaries of Lots 15 and 16 of said Garden City Addition, to a point;  
thence N79°30'02"W 40.00 feet;  
thence S30°28'01"W 10.35 feet to the north boundary of said Fister's Short Plat;  
thence S79°30'02"E 40.00 feet to the point of beginning.

Said easement is granted for the purpose of construction, reconstruction, use, operation, inspection, repair, maintenance, removal, and replacement and upgrading of utility pipelines and appurtenances.


GRANTORS, for themselves, their successors or assigns, do hereby covenant with the GRANTEE, its successors and assigns, to make no improvements nor construct nor erect any buildings or structures over, under, along, or across said easement which would interfere with the use and enjoyment herein granted.

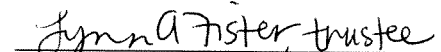
The grant and other provisions of the easement shall constitute a covenant running with the land for the benefit of said GRANTEE, its successors and assigns, and the terms, conditions, and covenants herein shall be binding upon and inure to the benefit of the successors and assigns of the GRANTOR and the GRANTEE.

GRANTORS, by their signatures below, do hereby represent and warrant to the city that they are lawfully seized and possessed of the premises, and that they have a good and lawful right to convey it, or any part thereof.

EXHIBIT "A"

IN WITNESS WHEREOF, the GRANTORS have executed this instrument  
this 16 day of October, 2008.

  
Duane J. Fister, Trustee

  
Lynn A. Fister, Trustee

STATE OF WASHINGTON     )  
  ) ss.  
County of Whitman     )

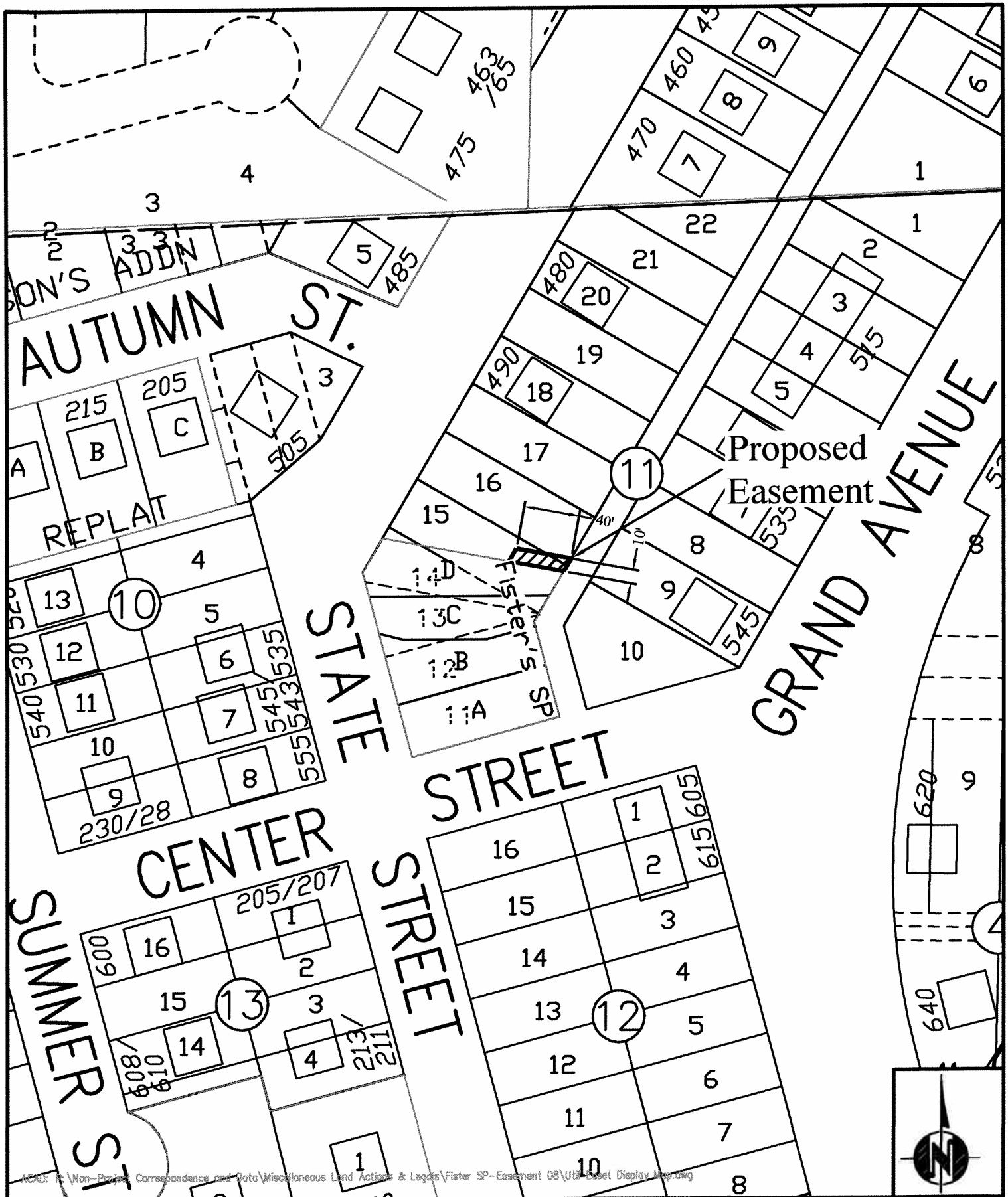
On this day personally appeared before me **Duane J. Fister** and **Lynn A. Fister** to me known to be **Trustees under the Fister Living Trust dated March 28, 2001**, and acknowledged said instrument to be their free and voluntary act for the purposes herein mentioned, and on oath stated that they are authorized to execute the said instrument.

GIVEN under my hand and official seal this 16 day of  
October, 2008.





NOTARY PUBLIC in and for the State  
of Washington, residing at Gig Harbor  
My commission expires: 1-5-12.



ACAD: F:\Non-Project Correspondence and Data\Miscellaneous Land Actions & Legals\Fister SP-Easement 08\Util-Easement Display Map.dwg



**CITY OF PULLMAN,  
WASHINGTON**  
ENGINEERING DIVISION

**STATE ST INVESTMENTS**  
PROPOSED UTILITY EASEMENT

<b>Scale:</b> NTS	
<b>Drawn:</b> dwc	<b>Date:</b> 10-07-08
<b>Checked:</b> MW	<b>Date:</b>
<b>Rev's:</b>	