

CITY OF PULLMAN
COUNCIL CHAMBERS

COUNCIL MEETING
AGENDA

MARCH 23, 2010
7:30 p.m.

City Motto: HIGH Tech, HIGHER Education, HIGHEST Quality of Life

City Mission Statement: The mission of the City of Pullman is to provide the highest quality of life through essential infrastructure, public safety, recreation, and welcoming growth within the constraints of fiscally responsible government.

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: _____ Francis Benjamin _____ Barney Waldrop
 _____ Keith Bloom _____ Nathan Weller
 _____ Jeff Hawbaker _____ Pat Wright
 _____ Bill Paul

B. Announcements

C. 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 special meeting of March 6, 2010, and approve them as submitted.
2. Dispense with the reading of the minutes of the regular meeting of March 9, 2010, and approve them as submitted.

3. A motion to approve the use of tourism funds to pay the Chamber's Office Manager for time spent on tourism-related work.

Resolutions

4. Resolution No. R-21-10 - A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING ON THE VACATION OF A PORTION OF WEST STREET LYING NORTH OF DARROW STREET IN HILAND'S 2ND ADDITION.
5. Resolution No. R-22-10 - A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PULLMAN AND PALOUSE CONSERVATION DISTRICT FOR THE PURPOSE OF COMPLETING A RIPARIAN RESTORATION PROJECT ON THE SOUTH FORK OF THE PALOUSE RIVER.
6. Resolution No. R-23-10 - A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING FOR THE ADOPTION OF A SIX-YEAR TRANSIT DEVELOPMENT PLAN FOR 2010-2015 AND 2009 TRANSIT ANNUAL REPORT FOR THE CITY OF PULLMAN.

D. Regular Agenda

Public Hearing

7. Ordinance No. 10-5 - AN ORDINANCE ANNEXING TO THE CITY OF PULLMAN CERTAIN CONTIGUOUS REAL PROPERTY LOCATED NORTH OF OLD WAWAWAI ROAD AND WEST OF BIG SKY COURT.

Discussions

8. Whitman County Tax Sharing Proposal
9. Scheduling of Second City Council Goal-Setting Retreat

E. 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.

- F. Executive Session - Labor Negotiations and Annual Performance Evaluations
- G. Tentative Council Agenda for March 30, 2010 - Canceled

Tentative Council Agenda for April 6, 2010 - Canceled

Tentative Planning Commission Agenda for March 24, 2010
Mader Prezone - R1 Buffer
Discussion on Design Standards

Tentative Board of Adjustment Agenda for April 19, 2010
Walmart Sign Variance

THE COUNCIL CHAMBERS ARE ACCESSIBLE TO PERSONS WITH DISABILITIES. PERSONS REQUIRING SPECIAL ACCOMMODATIONS, SHOULD CONTACT THE FINANCE DEPARTMENT BEFORE 5:00 P.M. THE MONDAY PRECEDING THE COUNCIL MEETING. THE FINANCE DEPARTMENT IS LOCATED ON THE FIRST FLOOR OF CITY HALL, 325 SE PARADISE STREET, PULLMAN, WA 99163. TELEPHONE NUMBER 338-3209 or 338-3208, FAX NUMBER 334-2751, ADD NUMBER 7-1-1.

MINUTES OF THE CITY COUNCIL
OF THE CITY OF PULLMAN
MARCH 6, 2010

Roll Call

A special meeting of the City Council of the City of Pullman was held on Saturday, March 6, 2010, at 9:00 a.m. at the Hilltop Restaurant, Pullman, Washington with the following present:

Glenn A. Johnson	Mayor
John Sherman	City Supervisor
Francis Benjamin	Councilmember
Keith Bloom	Councilmember
Jeff Hawbaker	Councilmember
Bill Paul	Councilmember
Barney Waldrop	Councilmember
Pat Wright	Councilmember

Due to a family emergency, Councilmember Nathan Weller was unable to attend the retreat but he did send in his goal suggestions via e-mail the morning of the retreat.

**Goal-Setting
Retreat**

The following is the preliminary list of goals that was developed in the initial City Council retreat. This preliminary list will be refined at the second City Council retreat. The City Council reviewed the status of the 2009 goals and then the goals submitted by citizens, employees and department heads. Individual City Councilmembers also submitted their own goal suggestions. Many suggestions were considered to be administrative or ongoing in nature, so the fact that a suggested goal is not included in the list that follows does not necessarily mean that the concept was rejected. In some cases the City Council chose to list previous goals in order to emphasize the importance of certain policy issues.

Goals

1. Within the scope of budget constraints, make every effort to keep present city employees fully employed during this recessionary period. Continue to carefully track financial trends and apply year-end reserves to address the 2011 budget. Be prepared to respond promptly and appropriately to city revenue shortfalls or expenditure increases that would trigger changes in the adopted 2010 budget. Continue to provide updates on

current economic conditions and the city's financial status throughout 2010 and be prepared to establish budget priorities should the financial situation deteriorate to the point that adopted 2010 service levels cannot be sustained.

2. Use any 2009 year-end savings to maintain the 13% General Fund reserve. As a long-term goal, evaluate increasing the reserve to 16% in keeping with the Government Finance Officers Association (GFOA) suggesting for having a two-month operating reserve.
3. Document long-term capital needs and establish a plan to fund priority projects. Consider earmarking some of the new revenues generated by new businesses to address capital needs. Establish an enterprise or other fund to preserve new tax revenue for capital requirements.
4. Continue to support the Pullman-Moscow airport improvement projects.
5. Continue to beautify highly visible public spaces. Continue to support the Grand Avenue Greenway, Pullman entrances and waterway beautification projects, and welcoming signs by exploring lodging tax funding options for such areas as the new Davis Way site. Encourage various organizations to join in updating the war memorial and landscaping.
6. Continue to proactively address College Hill issues and continue to work on the improvement of College Hill. Provide reports and make recommendations to the City Council on College Hill code enforcement and other College Hill improvements.
7. Continue to explore the creation of a self-supporting grant writer position that would be funded through grants and possibly partnering with an outside organization. Continue to pursue federal stimulus grant possibilities.
8. Continue to explore the concept of park & ride lots and vehicle storage lots. Have the Planning Commission consider including such lots in future development sites.
9. In order to protect the structural integrity

of City Hall and to improve its appearance, consider making needed repairs to the City Hall façade.

10. Develop plans for a South Loop Trail consistent with the city of Pullman Pedestrian/Bicycle Circulation Plan (1996).
11. If the opportunity arises, work with other agencies and explore grant options to construct a trail between Pullman and Colfax.
12. Strengthen the economic growth of the city and surrounding area by encouraging private capital investment and development. Conduct a joint workshop on how to strengthen and promote the business climate in Pullman.
13. Continue to oppose the overwhelming stormwater regulation policies being enforced by the state. Encourage the state to do a cost/benefit analysis regarding stormwater regulations.
14. Continue to work with WSU to pursue the water re-use program, including utilization of water at the golf course.
15. Encourage promoting awareness of sledding areas in Pullman.
16. Promote Pullman's sustainability. Explore acquiring hybrid vehicles for city use. Support the city's efforts regarding water conservation by installing low-flush toilets in city facilities.
17. Enforce the rule regarding not having vegetation obscure road signs.
18. Continue to work on the installation of a new traffic signal at Bishop Boulevard and Klemgard Avenue near Franklin Elementary School.
19. Due to the narrow streets in certain sections of College Hill, explore creating a one-way grid system, making NE Michigan a one-way street, and eliminating parking on NE Monroe between Colorado and Campus Streets.
20. Review citizen and employee recommended changes pertaining to streets, signage, traffic signals, parking, and pedestrian issues.

21. Consider using lodging tax monies to design a plan for a Lawson Gardens wedding-meeting facility.
22. Consider making Fire Station Two floor drain repairs.
23. Conduct a review of pedestrian facilities in selected areas such as around the Aquatic Center, Pullman High School, and Copper Basin subdivisions.
24. Restructure and improve the city's Web site.
25. Authorize staff to seek grant funding to purchase, install and utilize surveillance cameras on College Hill such as by Adams Mall.
26. Consider, when future funds become available, televising the monthly Police Advisory Committee meetings.
27. Review fire station improvement concepts such as the first design and site concept plan being developed by the WSU School of Architecture for the modification of Station Two and the construction of a new fire station facility.
28. In support of our employee wellness program, continue discounts for city employees at the Pullman Aquatic and Fitness Center and explore the possibility of a group discount for city employees at other private fitness centers.
29. Publicize within the *Pullman Community UPDATE*, on the city Web page, etc. the need for increased donations to the Pullman Parks and Recreation "Care to Share" fund for disadvantaged youth.
30. Continue to explore opportunities/partnerships for the acquisition of land or the shared use of recreational fields.
31. Support the restoration of Sunday service at Neill Public Library within the constraints of the adopted budget.
32. Explore options for improving electrical inspections including considering taking over electrical inspections within the city of Pullman.

33. Develop a plan for upgrading the plumbing, HVAC, and electrical systems of City Hall.
34. Explore opportunities with Whitman County and Washington State University for establishing a Geographic Information System (GIS) for Pullman.
35. In conjunction with the other improvements taking place on North Grand Avenue, remove the recently city-acquired green, dilapidated building next to the R.O. Pyle block building.
36. Provide parking enforcement and possible adoption of a College Hill-like parking permit plan for the area above Stadium Way near McGee Park.
37. Broadcast the City Council meetings on YouTube.
38. Have a City Council meet-and-greet with new WSU students, possibly at orientation.
39. Fill in, possibly with asphalt on a temporary basis, the gaps in the Bishop Boulevard sidewalk/path system.
40. With the savings from this year's snow removal budget, emphasize making needed street repairs such as Olsen and Kamiaken near Swilly's, on Olsen Street near Gladish, and on Stadium Way from Grand Avenue to Orchard Drive. Make needed improvements to South Street, Spring Street, and Bleasner Drive.
41. Encourage volunteerism for the parks, the library, and other departments. Consider low-risk prisoners for certain jobs. Contact the WSU Center for Civic Engagement.
42. Explore amending the fighting ordinance to permit the citation of the living group president and officers when there are altercations involving organizational members.
43. Update the city's *Give and Donation Guide* to include new projects.
44. Move forward with the parking controls on College Hill, the development of park & ride lots, and WSU vehicle storage lots.
45. Leverage and highlight WSU successes.

Encourage and support WSU. Proactively support WSU outreach efforts. Support higher education, including community colleges.

46. Explore the creation of an ordinance giving preference to local contractors on public works bids. Companies whose employees work, live, and pay taxes in Whitman County might be given a 2% bonus factor in keeping with "buy local" programming.
47. Provide a statement of support for the WSU arboretum project.
48. Evaluate other sources of revenue to replace lost Public Works Trust Fund dollars.
49. If there is a downzone from R-2 to R-T within the College Hill Historic District, ensure mitigations are provided to ease the impacts on landlords and private owners.
50. Place the emphasis on all hills, not just College Hill.
51. Approve the request of the Information Systems Manager to report directly to the City Supervisor.

ADJOURNMENT

Mayor Johnson adjourned the regular meeting of the City Council at 1:55 p.m.

Mayor

ATTEST:

City Supervisor

MINUTES OF THE CITY COUNCIL
OF THE CITY OF PULLMAN
MARCH 9, 2010

Roll Call

A regular meeting of the City Council of the City of Pullman was held on March 9, 2010, at 7:30 p.m. in Council Chambers, City Hall, Pullman, Washington with the following present:

Glenn A. Johnson	Mayor
William F. Mulholland	Finance Director
Francis Benjamin	Councilmember
Keith Bloom	Councilmember
Jeff Hawbaker	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 four announcements.

Presentations

League of Women
Voters

Mayor Johnson announced that a presentation by the League of Women Voters is scheduled. Susan Armitage presented awards to honor Mayor Johnson and City Supervisor Sherman. The purpose of the award was that both of the individuals are heads of their respective committees for the state. Mayor Johnson is president of the Association of Washington Cities and City Supervisor Sherman is president of the Washington City Management Association.

Former City of
Pullman Mayors

Former Mayor Karen Kiessling presented awards to City Supervisor Sherman and Mayor Johnson. She said that this is a new group called the August Association of Former Mayors of Pullman. She presented plaques to City Supervisor Sherman and Mayor Johnson that were signed by six former mayors: John Dunne, Karen Kiessling, Pete Butkus, Carole Helm, Al Halvorson, and Mitch Chandler. Both Al Halvorson and Mitch Chandler were in attendance and were recognized by Mayor Johnson.

Reports

2009 Fire Department
Report

Mayor Johnson announced the 2009 Fire Department report is scheduled. Fire Chief Wilkins had a corrected report from what was submitted in the agenda packet. Councilmember Waldrop asked what is included in the 667 non-emergency calls. Fire Chief Wilkins explained this criteria.

Historic District
Rezone

Mayor Johnson announced that a report is scheduled on the Historic District Rezone. Planning Director Dickinson reported that proceedings later this month will be conducted to initiate a zone change of the subject property from R2 to RT. City Attorney McAloon stated that since this is a quasi-judicial process there are procedural mandates required by the Appearance of Fairness Doctrine and RCWs that were to be met.

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 Waldrop moved, Councilmember Wright 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 the Council. Councilmember Paul asked that item No. 5 be removed for separate discussion. Mayor Johnson so ordered. Councilmember Bloom moved, Councilmember Weller seconded to adopt items numbered 1 through 4 and 6 through 9 on the Consent Agenda.

Motion Carried.

Motions

- | | | |
|---|----|--|
| Minutes - February 23, 2010 | 1. | The Council dispensed with the reading of the minutes of the regular meeting of February 23, 2010, and approved them as submitted. |
| Accounts Payable, Payroll, and Electronic Transfers - March, 2010 | 2. | The Council approved disbursements represented by accounts payable checks numbered _____ through _____ totaling \$_____ inclusive, payroll checks numbered _____ through _____ totaling \$_____ inclusive, and electronic transfers totaling _____ and directed that they be paid upon approval of the Auditing Officer and Audit Committee. |
| Phrase Factory Contract | 3. | The Council authorized a two-year contract with Jane Fredrickson (dba Phrase Factory) for AP style edits, design and production services for the Pullman Community Update. |
| Public Hearing Date | 4. | The Council set March 23, 2010, as the date for a public hearing to consider a petition for annexation of property to the City of Pullman submitted by Frankie and Phillip Hinrichs, Christine Havens, and Benjamin Moffett. |
| Application to Google, Inc. | 6. | The Council authorized the Information Services Manager, Mark Bailey, in conjunction with City departments, to complete and submit a RFI application to Google, Inc. for Pullman to be a "Fiber to Home" trial city. |

Resolutions

- | | | |
|--|----|--|
| Resolution No. R-17-10 - Reaney Park Waterline | 7. | Resolution No. R-17-10

A RESOLUTION ACCEPTING THE BID OF MOTLEY-MOTLEY, INC. FOR REANEY PARK WATERLINE AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

Resolution No. R-17-10 was adopted unanimously. |
| Resolution No. R-18-10 - Guy Street Water Main | 8. | Resolution No. R-18-10

A RESOLUTION ACCEPTING THE BID OF M.L. ALBRIGHT & SONS, INC. FOR GUY STREET WATER MAIN AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

Resolution No. R-18-10 was adopted unanimously. |

Resolution No. 9.
R-19-10 - "B" Street
Sidewalk

Resolution No. R-19-10

A RESOLUTION ACCEPTING THE BID OF ACE ELLIOTT LAND FOR 'B' STREET SIDEWALK AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

Resolution No. R-19-10 was adopted unanimously.

REGULAR AGENDA

Motion

Grant from
Fireman's Fund
Insurance

5. Mayor Johnson announced that this item had been removed from the Consent Agenda at the request of Councilmember Paul. Councilmember Paul wanted to make sure that recognition was given to the fact that we have obtained this grant from Fireman's Fund Insurance. Chief Wilkins stated that this grant was the result of John and Marilyn Harvey, who are the owners of Dennys. They had been to a convention and the Fireman's Fund had given a presentation that grants were available. They sponsored the grant that we were ultimately able to obtain for imaging equipment for the Fire Department. Mayor Johnson said that at some future point they would be invited to the Council for proper recognition.

Councilmember Paul moved, Councilmember Benjamin seconded to accept the grant for \$5,000 from the Firemen's Fund Insurance Company for a thermal imaging camera for the Fire Department.

Resolution and Ordinance

Resolution No. 10.
R-20-10 and
Ordinance No.
10-4 - Mader
Prezone

10. Mayor Johnson announced that a resolution and ordinance had been prepared relating to Mader's Prezone request for approximately 515.1 acres of property. Planning Director Dickinson presented the staff report on the rezoning of 515 acres adjacent to the northwest boundary of the City. Planning Director Dickinson briefly went through the background on the 515 acres and stated that this action is divided into three parts. Part one is to adopt the Findings of Fact and Conclusions. Part two is to act on the resolution regarding the proposed Comprehensive Plan Map Designations, and part three is to act on an ordinance regarding the proposed prezone classifications.

Councilmember Bloom moved, Councilmember Wright seconded to adopt the Findings of Fact and Conclusions. The motion carried unanimously.

Resolution No. R-20-10 by title only reads as follows:

A RESOLUTION ESTABLISHING LOW DENSITY RESIDENTIAL, INDUSTRIAL, AND COMMERCIAL DESIGNATIONS ON THE OFFICIAL COMPREHENSIVE PLAN MAP OF THE CITY OF PULLMAN FOR THE REAL ESTATE HEREIN DESCRIBED CONSISTING OF APPROXIMATELY 515.1 ACRES LOCATED ADJACENT TO THE NORTHWEST BOUNDARY OF THE CITY, BOUNDED ON THE EAST BY STATE ROUTE 27 AND ON THE WEST BY BRAYTON ROAD.

Councilmember Waldrop moved, Councilmember Benjamin seconded to adopt Resolution No. R-20-10. The motion carried unanimously.

Ordinance No. 10-4 by title only reads as follows:

AN ORDINANCE ESTABLISHING PREZONE CLASSIFICATIONS OF R2, I1, AND C3 FOR THE REAL ESTATE HEREIN DESCRIBED CONSISTING OF APPROXIMATELY 515.1 ACRES LOCATED ADJACENT TO THE NORTHWEST BOUNDARY OF THE CITY, BOUNDED ON THE EAST BY STATE ROUTE 27 AND ON THE WEST BY BRAYTON ROAD.

Councilmember Bloom moved, Councilmember Paul seconded to adopt Ordinance No. 10-4. The motion carried unanimously.

Motion

Transfer of 11. 2010 Fire Hydrant Expenditures to the General Fund	Mayor Johnson announced that a motion is requested to transfer 2010 fire hydrant expenditures from the Utilities Fund to the General Fund. City Supervisor Sherman gave the staff report going over the request for the transfer of fire hydrant expenditures to the General Fund. He stated that this request is a result of Lane versus City of Seattle. The State of Washington Auditor's Office said that they would look, in future audits, at how the cost of fire hydrants are handled. The main focus will be to determine if the response by the City addresses the issue and if the approach is reasonable. City Supervisor Sherman mentioned the January 19, 2010, Council meeting where City Attorney McAloon advised the Council about the
---	---

settlement of the Lane versus City of Seattle case.

Councilmember Benjamin asked about water flow and how that would be affected. City Attorney McAloon stated that this was just related to the fire hydrants since that was the focus of the case. Water flow was not considered and the cost involved in getting the information could be quite extensive. Public Works Director Workman agreed because it would have to consider reservoirs, pump stations, and oversized piping. City Supervisor Sherman said that a separate budget amendment would be presented later for Council approval.

Councilmember Waldrop moved, Councilmember Benjamin seconded to approve the transfer of 2010 fire hydrant expenditures from the Utilities Fund to the General Fund. The motion carried unanimously.

Discussions

Tax Sharing 12.
Agreement Proposal
with Whitman County

Mayor Johnson announced that a discussion is scheduled on a tax-sharing proposal with Whitman County. City Supervisor Sherman presented the staff report and discussed the tax sharing proposal from Whitman County and some of the history involved which stretched back to 2005. City Supervisor Sherman turned over the discussion to Planning Director Dickinson who went on to show a visual map that showed the proposed tax-sharing area and the fifty-year Urban Growth Area. He pointed out that towards the north, cluster housing could be developed in the County. Councilmember Waldrop noted that with the various lines and colorations included in the map and the lack of legend, the map was confusing and could they redo the maps at a later time with better clarity. This was also requested by Councilmember Bloom. Whitman County Public Works Director Mark Storey said they would.

Whitman County Commissioner Greg Partch discussed the retail corridor and the attempt to work together. Commissioner Partch stated that the sharing of tax revenues would be a 50-50 split with 10 percent of each allocation going to a fund for infrastructure costs to be controlled and allocated through the Joint Planning Area Committee (JPAC) process. This 50-50 split would continue if the area was annexed. The property

tax, should the City annex an area in the designated tax-sharing zone, will result in a 10 percent ramp down for ten years of the property tax evaluations for those particular properties. County Public Works Director Mark Storey also aided in the presentation and discussion that ensued along with Whitman County Commission Greg Partch. Councilmember Benjamin requested to know how this coincided with the extension of water lines which was set up in three phases. He was informed that it doesn't go beyond those areas. Councilmember Bloom stated that he supported the idea but he wanted to know about property taxes. Whitman County Commissioner Partch said that the model proposal was setup like Moses Lake which used a ten-year ramp down. Councilmember Paul asked about zoning changes and if the County had a Board of Adjustment similar to the City. Whitman County Public Works Director Storey advised the County does have a Board of Adjustment however zoning changes would go through the County Planning Commission. Councilmember Benjamin was concerned about water issues and how some of these costs would be paid for. Whitman County Commissioner Greg Partch explained that the .09 dollar fund would be used to pay for some of these infrastructure costs.

County Commissioner Partch also stated that they have been collecting .09 monies for awhile and they had put aside about \$200,000 a year into a fund to be available for infrastructure in this area. Water and future utilities would be offered when necessary and consistent with the City's growth plan. Councilmember Weller praised the County for their out-of-the-box thinking, and stated this type of thinking is what we need to help all of Whitman County grow. City Supervisor Sherman stated that we need public awareness of this issue and the plans do need some deliberation and hopefully we will be able to move forward with this.

City of Pullman 13.
Project Update

Mayor Johnson announced that a discussion is scheduled on City of Pullman projects. Public Works Director Workman presented the staff report and a PowerPoint presentation of the progress. He stated that Well No. 8 should be online this fall. Councilmember Benjamin asked how the Reaney Park Waterline was going to affect parking. The time period for the construction will occur for the pool as well as the park area when they are both heavily used. Pubic Works

Director Workman stated that they will be as least disruptive to the park as possible and also there is additional parking around the area that could be utilized. Councilmember Bloom asked if there has been any consideration for a guardrail on Bishop at the Fireside. Councilmember Paul stated that he already had received calls about the Grand Avenue Widening because it appears that part of the Cougar Country parking lot would be eliminated. Public Works Director Workman stated that this would occur and it was unavoidable but there are areas around the restaurant that could be utilized for this but there is not much they can do in relation to saving some of the parking that they are losing.

Public Works Director Workman showed the progress on Walmart. Councilmember Wright asked where the dirt went. County Public Works Director Storey stated that most of the dirt went to Colton and there are a couple of other locations where they dumped the dirt.

2010 Property
Tax

14. Mayor Johnson announced that a discussion is scheduled on 2010 property tax. Finance Director Mulholland presented the staff report noting that the actual 2010 levies as compared to what had been put in the budget were in fact very close. The City's tax levy only increased by 4.5 cents, the total County levy increased by 15 cents. The total dollar increase was 34.35 based on a \$229,000 home. A comparison of the 2009 versus 2010 tax increase indicated a 10.28 increase on a \$229,000 home. There was also a handout on Whitman County's Cities and Towns that show their total tax levies. Councilmember Bloom noted that we were among one of the lowest tax levies in the County.

NEW BUSINESS

Mayor Johnson asked if there was any new business from either the Council or audience. There was none.

ADJOURNMENT

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

Motion Carried.

Mayor Johnson adjourned the regular meeting of
the City Council at 9:19 p.m.

Mayor

ATTEST:

Finance Director

3. A motion to approve the use of tourism funds to pay the Chamber's Office Manager for time spent on tourism-related work.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: March 23, 2010

ACTION REQUESTED

Approval of new use for funds in the Tourism budget under the category of Tourism Salaries, retroactive to January, 2010.

BACKGROUND

The Lodging Tax Advisory Committee approved the 2010 Tourism budget in September, 2009. This budget included \$55,350 for Tourism salaries for the Tourism Director, Tourism Assistant, and seasonal Intern. The amount allotted for the Tourism Director included a potential 5% raise.

The Pullman Chamber of Commerce Board of Directors reviewed this budget and decided not to award part of the funds to the Tourism Director and instead use these funds to pay the Chamber's Office Manager for time spent on Tourism related work. Minutes detailing this action are attached.

Making this change does not change the amount in the Tourism budget but does change the way those funds are used. This issue was discussed with the Lodging Tax Advisory Committee meeting on Tuesday, January 19, 2010 but no action was taken. The Lodging Tax Advisory Committee met again March 9 and approved the new use of Tourism Salaries funds in the Tourism budget. Minutes detailing this are attached.

FISCAL IMPACT

\$ 0

SUBMITTED BY

Name: Bill Mulholland
Title: Finance Director

ATTACHMENTS FOR REVIEW/ACTION

1. Minutes from Pullman Chamber Board meeting
2. Minutes from Lodging Tax Advisory Committee meeting

REVIEWED BY

	Initial	Date
Department Head	_____	_____
City Supervisor	<u>JST</u>	<u>3-17-10</u>
City Attorney (As To Form)	<u>ma</u>	<u>3-16-10</u>

Pullman Chamber of Commerce
Board of Directors Meeting
Wednesday, December 16, 2009
Hilltop Inn, 7:00am

MINUTES

Present: Allison Levenseller, Carol Chipman, Charlene Jasper, Colleen Harrington, Duane Brelsford, Gary Schell, Glenn Johnson, Mary MacDonald, Mike Waite, Pat Wright, Paul Kimmell, Paul Sturm, Susan Weed, Tammy Lewis, Theresa Myers, Tom Handy.

Excused: Marie Dymkoski, Mel Taylor, Susan Fagan, Laurence Rose

Absent: Derek En'wezoh, Greg Bloom, Jim Sterk

Guests: Doug Cox, Les Ruhs, Josh Smart

Glenn Johnson moved to approve the minutes of the November meeting as written. Duane Brelsford seconded and the motion passed by unanimous vote. The financial report was delivered by Tammy Lewis and after discussion a motion to approve was made by Theresa Myers and seconded by Pat Wright. Motion passed unanimously.

The Executive and Tourism Report were both in writing and brief updates given. Committee Reports were emailed prior to the meeting.

Guests Les Ruhs and Josh Smart from AIA Insurance answered questions regarding the Chamber's new Non-Profit Insurance Policy. Colleen Harrington moved to adopt the new policy resolution, effective December 19, 2009. Duane Brelsford seconded and the motion passed unanimously.

Tammy Lewis delivered a short Cabaret report stating that new additions to the committee were doing great things. She added reservations for tables are already coming in.

Tammy Lewis handed out a short term plan from our strategic planning session last spring for board members to begin brainstorming updates. Possible updates to our donation policy to non-profit groups in Pullman was also discussed. Both of these items will be further reviewed at the January board meeting.

The 2010 Budget was presented and briefly discussed. After initial questions, staff were excused at 8:00 for discussion of employee wages.

Next meeting will be Wednesday, January 20, 2010

“Making Pullman a better place to live, work and do business”

These minutes recorded by Mary MacDonald at Marie Dymkoski's absence.

Addition: After staff were excused there was a discussion of wages. Wage increases and the annual budget were approved.

DRAFT

**MINUTES OF THE LODGING TAX ADVISORY
COMMITTEE OF THE CITY OF PULLMAN
MARCH 9, 2010**

DRAFT

Roll Call:

A regular meeting of the Lodging Tax Advisory Committee of the City of Pullman was held on March 9, 2010, at 1:30 p.m. at the Chamber of Commerce, 415 N. Grand Ave., Pullman, WA with the following present:

Kristi Kurle,

Allison Levenseller, Holiday Inn Express

Committee Member

Barb Wachter, Hilltop Inn and Restaurant

Committee Member

Pat Wright, Councilmember, City of Pullman

Committee Member

Mary MacDonald, Chamber of Commerce Dir. Of Tourism and Special
Events

William Mulholland , City of Pullman Finance Director

Chairperson Wright called the meeting to order at 1:31 p.m.

Order of Business:

- Minutes February 9, 2010 1. Allison Levenseller moved, Kristi Kurler seconded to approve the minutes of the regular meeting of February 9, 2010.

Motion Carried

- Motion to Approve Payments for Utilization of Chamber Personnel 2. Allison Levenseller questioned why a motion was needed, since the Board had discussed and approved this at a previous meeting. Pat Wright indicated that there was no formal approval taken, and this would correct the situation.

Kristi Kurle moved, Allison Levenseller seconded to approve the utilization of Chamber personnel for Lodging Tax Committee assignments.

Motion Carried.

- Discussion and Vote on Application from Pullman Chamber of Commerce 3. The grant application for Pullman's Fresh Farm Market was discussed. The Committee considered the checklist and based on the checklist criteria, the grant as requested did not currently meet the necessary criteria for a grant.

Kristi Kurle moved, Allison Levenseller seconded to deny the grant request.

- Old Business 4. There was no old business.

- New Business 5. There was no new business.

DRAFT

DRAFT

Adjournment 6. Barb Wachter moved, Allison Levenseller seconded to adjourn the regular meeting of the Lodging Tax Advisory Committee. The motion carried unanimously.

The meeting was adjourned at 2:20 p.m.

Committee Chair

ATTEST:

Secretary

4. RESOLUTION NO. R-21-10

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING ON THE VACATION OF
A PORTION OF WEST STREET LYING NORTH OF DARROW STREET IN HILAND'S
2ND ADDITION.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 3/23/10

ACTION REQUESTED:

Set the date for a public hearing on the vacation of a portion of West Street, lying just north of Darrow Street.

BACKGROUND:

A petition has been received requesting the vacation of a 40-foot-wide portion of West Street lying just north of Darrow Street. Please see the location map attached. The area of the proposed vacation is adjacent to Lots 1 through 7, Block 3 of Hilands 2ND Addition. The original vacation application included Lot 4, Block 4 of Hilands 2ND Addition, but that owner has subsequently dropped out of the vacation request. The location of the requested vacation and associated legal description are attached as Exhibit "A" for reference.

City code requires that the Council set a date for a public hearing to consider petitions for vacation. For the petition under consideration, the earliest regular Council meeting available which satisfies the requirements for public notice is April 27, 2010.

RECOMMENDATION:

Adopt the attached resolution setting the date for a public hearing of a petition to vacate a portion of West Street, lying just north of Darrow Street.

FISCAL IMPACT:

N/A

BARS Code Number

SUBMITTED BY:

Name Kevin Gardes
Title Deputy Public Works Director
Dept. Public Works

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Resolution No. R-21-10
2. Exhibit "A": Legal Description and Location Map

REVIEWED BY:

Department Head
City Supervisor
City Attorney
(As to Form)

Initial	Date
<u>KLG for MN</u>	<u>3/16/10</u>
<u>JOST</u>	<u>3-16-10</u>
<u>mdj</u>	<u>3-16-10</u>

S.R. #024

RESOLUTION NO. R- 21 -10

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING ON THE VACATION OF A PORTION OF WEST STREET LYING NORTH OF DARROW STREET IN HILAND'S 2ND ADDITION.

WHEREAS, a petition has been received requesting vacation of a portion of West Street lying north of Darrow Street; and,

WHEREAS, a public hearing regarding the vacation must be conducted prior to its completion; now, therefore,

IT IS HEREBY RESOLVED by the City Council for the city of Pullman that a public hearing be held on April 27, 2010, at 7:30 p.m. in the Council Chambers at City Hall, Pullman, Washington to consider the vacation of a portion of West Street lying north of Darrow Street.

BE IT FURTHER RESOLVED that the Finance Director be directed and authorized to give notice of said public hearing as provided by law.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2010.

DATED this _____ day of _____, 2010.

Mayor Glenn A. Johnson

ATTEST:

Finance Director
William F. Mulholland

Approved as to Form:

City Attorney Laura D. McAloon

LEGAL DESCRIPTION

West Street Proposed Vacation

In the city of Pullman, county of Whitman, State of Washington, to wit:

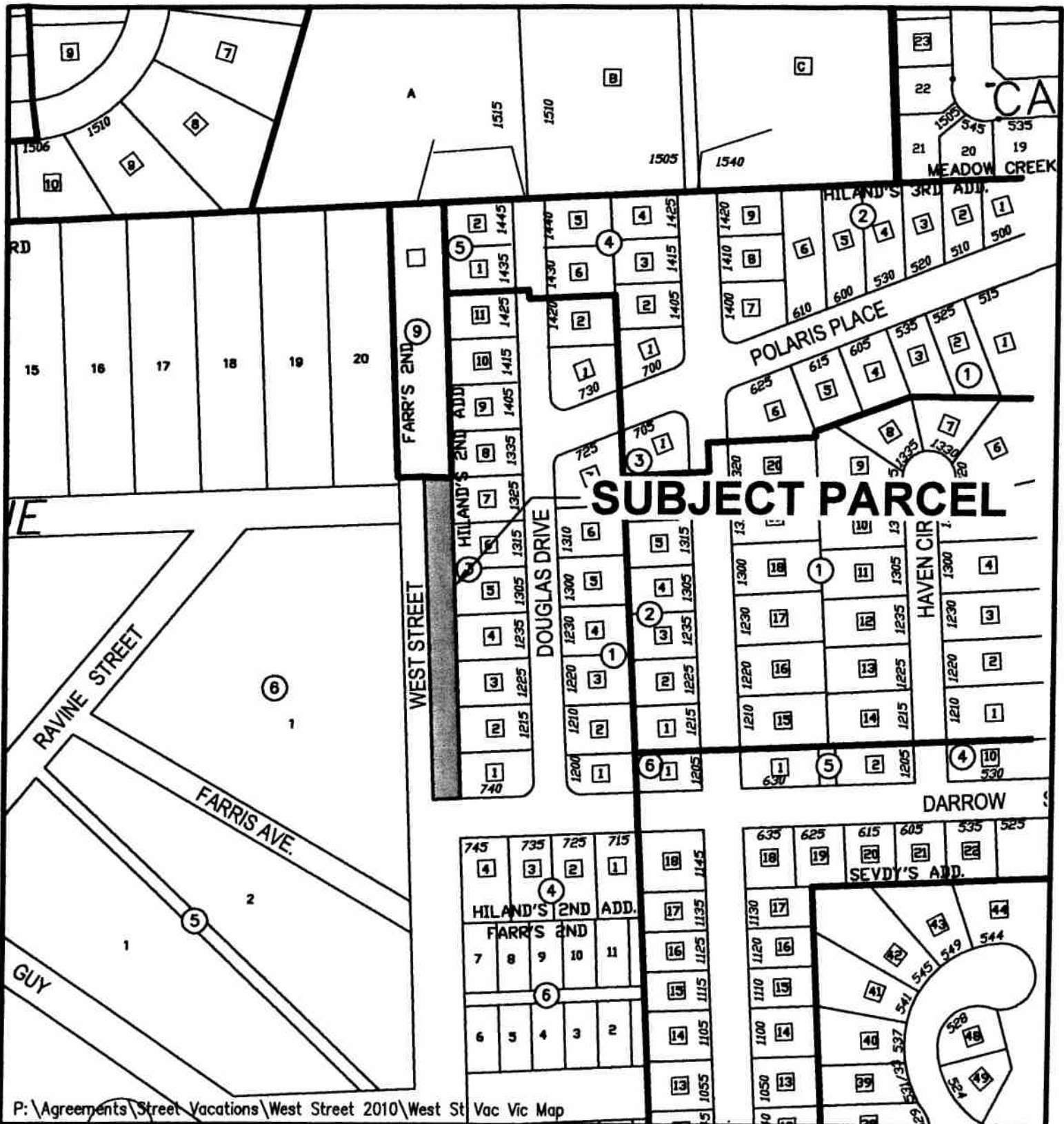
The east half of the following-described public street right of way:

That portion of West Street lying adjacent to Lots 1 through 7, Block 3, according to the plat thereof on file under Auditor's File No. 323400, records of said county,

Said portion of West Street containing 19,482.4 square feet, more or less.

Approved for Form:

Kevin G. Gind for Mark Workman 3/16/10
Director of Public Works Date



Date: 03-16-10
 Scale: 1"=200'
 Dwn: dwc
 Chk:
 Appr:

City of Pullman Engineering Division

West Street Vacation



5. RESOLUTION NO. R-22-10

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PULLMAN AND PALOUSE CONSERVATION DISTRICT FOR THE PURPOSE OF COMPLETING A RIPARIAN RESTORATION PROJECT ON THE SOUTH FORK OF THE PALOUSE RIVER.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of : 03/23/10

ACTION REQUESTED:

Authorize the execution of an Interlocal Agreement with the Palouse Conservation District to complete the South Fork of the Palouse River Riparian Restoration Project.

BACKGROUND:

On January 19, 2010 the City Council authorized the execution of a Water Reuse Grant with the Washington Department of Ecology (Ecology Grant Agreement No. G1000362), and an Engineering Services Agreement with Taylor Engineering, Inc. for professional engineering services for the South Fork of the Palouse River Riparian Restoration Project. In order to maximize the Ecology grant award, the city and WSU proposed performing a few enhancement projects to improve water quality benefits within the watershed. One project is a riparian restoration project (approximately 1,500 linear feet) on the South Fork of the Palouse River below the city's wastewater treatment plant outfall. City staff asked the Palouse Conservation District (PCD) to assist in finding a willing landowner below the treatment plant outfall who would be interested in a riparian restoration project. The PCD was able to find one in Mary Lou Berry Cadle. As the PCD has performed many riparian restoration projects and continuously fosters relationships with landowners in the area, they seemed uniquely qualified to assist in the project and complete the construction phase. Therefore, staff is proposing that the PCD carry out the construction of the project through an Interlocal Agreement with the city. The overall budget for the riparian restoration project is \$200,000, which includes \$37,130 for the engineering services agreement outlined above. Therefore, the remainder is available for construction and includes the PCD's project management costs. The grant funds and associated costs will be applied to the Sewage Treatment Utility Fund. This project will be included in a future budget amendment.

RECOMMENDATION:

Adopt the attached resolution authorizing the execution of an Interlocal Agreement with the Palouse Conservation District to complete the South Fork of the Palouse River Riparian Restoration Project.

FISCAL IMPACT:

\$162,870.00

401-4200-501-36-41-00

BARS Code Number

SUBMITTED BY:

Name Kevin Gardes
Title Deputy Public Works Director
Dept. Public Works

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Resolution No. R-22-10

REVIEWED BY:

	Initial	Date
Department Head	<u>KAG MW</u>	<u>3/16/10</u>
City Supervisor	<u>JAF</u>	<u>3-19-10</u>
City Attorney	<u>May</u>	<u>3-16-10</u>
(As to Form)		

RESOLUTION NO. R- 22 -10

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PULLMAN AND PALOUSE CONSERVATION DISTRICT FOR THE PURPOSE OF COMPLETING A RIPARIAN RESTORATION PROJECT ON THE SOUTH FORK OF THE PALOUSE RIVER.

WHEREAS, the City Council for the City of Pullman has before it an Interlocal Agreement entitled "Agreement" which is attached hereto and marked as Exhibit "A"; and,

WHEREAS, this Council believes it to be in the best interests of the City of Pullman to authorize the execution of said Interlocal Agreement; now, therefore,

IT IS HEREBY RESOLVED that the Mayor and the Finance Director be and they are hereby authorized and directed to execute the agreement for said services and to deliver an executed copy thereof to Palouse Conservation District.

IT IS FURTHER RESOLVED that the Mayor and Finance Director are each hereby authorized and directed to take such further action as may be appropriate in order to effect the purpose of this Resolution and the Interlocal Agreement authorized thereby.

BE IT FURTHER RESOLVED that an executed copy of said Agreement shall be posted on the official website of the City of Pullman and shall be effective upon posting.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2010.

DATED this _____ day of _____, 2010.

Mayor Glenn A. Johnson

ATTEST:

Finance Director
William F. Mulholland

Approved as to Form:

City Attorney Laura D. McAloon

INTERLOCAL AGREEMENT FOR SERVICES
CITY OF PULLMAN
AND
PALOUSE CONSERVATION DISTRICT

THIS AGREEMENT is made and entered into _____ this day of _____, 2010, between the City of Pullman, a municipality in the State of Washington, (hereinafter, "the City") and the Palouse Conservation District (hereinafter, "the Conservation District"), a governmental subdivision of the State of Washington.

RECITALS

WHEREAS, Chapter 39.34 RCW, Interlocal Cooperation Act, permits governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on the basis of mutual advantage to perform functions, and provide services and facilities to each other and the public; and

WHEREAS, the City has received a grant from the Washington State Department of Ecology for a Wastewater Reuse project; and

WHEREAS, a condition of said grant is to complete a riparian restoration project along the South Fork of the Palouse River, preferably below the outfall of the City's wastewater treatment plant;

NOW, THEREFORE, it is hereby agreed as follows:

Section 1: Purpose and Duration

1.1 Purpose of Agreement

The purposes of this agreement are:

- (a) To construct a riparian restoration project along the South Fork of the Palouse River below the city's wastewater treatment plant outfall on land owned by: Mary Lou Berry Cadle, Debra Kaye Yates and Jodi L. Warnecke.
- (b) To monitor said riparian restoration project for a three (3) year period after construction is complete including: assisting property owners in maintenance of the project site; setting up a system for watering riparian plantings for the initial establishment; and performing weed eradication as set forth in the to be developed project planting plan.
- (c) To assist the City in securing a perpetual conservation easement for the project site from the property owners.

1.2 Duration of Agreement

The duration of this Agreement shall be from the date of execution until completion of all project work. The duration of this Agreement shall not be exceeded without the written agreement of both parties.

1.3 Sharing Information

The parties agree, to the extent allowable by City, County, and State policy, to share all pertinent information related to this project, including but not limited to:

- (a) Engineering Plans, calculations and exhibits prepared by a consultant under contract to the City of Pullman for design of the project;
- (b) All permitting related documents and supporting information;
- (c) All invoices for materials and services contracted by the Palouse Conservation District for the project;
- (d) Agreements and easements obtained from private property owners.

1.4 Uniform Record Keeping and Constructed Drawings

The parties agree to the goal that databases, information, records and construction drawings will be in an electronic form mutually agreed upon and usable by the other party.

1.5 Sharing Materials and Equipment

The parties agree to share materials and equipment to the extent possible in order to provide as efficient and cost-effective a project as possible.

1.6 Standards, Procedures and Guidelines

The parties agree that guidelines and requirements of the Washington Department of Ecology and Washington Department of Fish and Wildlife will apply as they pertain to riparian restoration projects.

1.7 Changes in Scope of Work, Cost and/or Conditions

The parties agree that change orders or amendments for scope of work, construction costs and/or for changes in conditions will be handled by obtaining written approval from the City's representative prior to authorizing and proceeding with said amendments or change orders.

1.8 Ownership of Improvements

The private property owners shall own the improvements at the completion of the project.

Section 2: Conservation District Responsibilities

2.1 Funding and Responsibility

The Conservation District shall pay the prevailing wage to all contractors that fall under Title 39 RCW.

2.2 Scope of Work

The Conservation District will act as Lead Agency, and manage and administer the project. The project scope of work is attached hereto as Exhibit A. The details of the construction scope will be determined with the final design prepared by the City's engineering consultant. The final design will be based upon a construction budget of \$162,870 which includes applicable state sales tax and project management by the

Conservation District, therefore the final scope may be revised either by adjusting project length or overall improvements to fit within said budget. If additional information is necessary to allow the project to function effectively, specific requests will be made in writing to the City.

2.3 Contracts and Insurance

During the term of the agreement, each Party shall maintain in force at its sole expense, all insurance as noted below:

- A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;
- B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$2,000,000 each occurrence for bodily injury and property damage; and
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired, and non-owned vehicles; and

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without sixty (60) days written Notice from each Party or its insurer(s) to the other Party.

2.4 Environmental Review Process

The City agrees to be SEPA lead and conduct SEPA environmental review of the proposed project and issue appropriate SEPA threshold determinations. The Conservation District agrees to review the draft SEPA documents prior to issuance.

2.5 Securing Applicable Permits

The Conservation District shall secure all required permits for the project.

2.6 Financial Provision

The Conservation District shall be paid by the City for completed work or services rendered under this Agreement as provided for hereinafter. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work.

- (a) Payment for all completed work and services for this project shall be on a cost-reimbursable basis with a not-to-exceed amount of \$162,870, which includes applicable state sales tax. The maximum amount payable by the City to the Conservation District under this Agreement, shall not exceed said not-to-exceed amount unless a supplemental agreement has been negotiated and executed in writing by the City prior to incurring any costs in excess of the not-to-exceed amount.

- (b) Partial payments may be made upon request of the Conservation District to cover the percentage of work completed, but are not to be more frequent than one (1) per month. Each payment request shall be accompanied by a spreadsheet showing a list of all tasks, their original budget amount, cost incurred through the invoice date, estimated remaining costs, and estimated total costs through completion. A short narrative or remark column shall be included. Payments to the Conservation District will be made within 30 days of receipt of the payment request.
- (c) Final payment of any balance due the Conservation District of the ultimate gross amount earned will be made promptly upon ascertainment and verification by the City of the satisfactory completion of the work under this Agreement and its acceptance by the City.
- (d) Each payment by the City shall constitute full payment for labor, materials, supplies, equipment and incidentals to the date of the Conservation District's partial payment request. Conservation District's acceptance of payment constitutes a waiver of any claims for payment not included in the partial payment request.
- (e) Payment for extra work performed under this Agreement shall be paid as agreed to by the parties hereto in writing at the time extra work is authorized.

2.7 Securing Private Property Right-of-Entry Agreements

The Conservation District shall be responsible for securing all voluntary private property Right-of-Entry (ROE) agreements with property owners. The Conservation District or its contractor shall seek a release from each property owner upon completion of restoration with a warranty of not greater than one year on restoration work.

2.8 Conservation Easement and Maintenance Agreement

The Conservation District shall be responsible for securing a conservation easement and/or maintenance agreement from the private property owners. The conservation easement and/or maintenance agreement shall be in a form that is acceptable to the Washington State Department of Ecology and the City.

2.9 Contract Administration and Inspection

As the Lead Agency, the Conservation District will be responsible for project inspection and will designate a Project Inspector and Project Representative to administer the contract. The City will designate its own oversight inspector for the project if it deems such action necessary. Should the city representative identify a discrepancy or variance from the approved plans and specifications or notice a violation of safety or environmental protection requirements requiring immediate attention, the City representative shall contact the Project Inspector first and if unavailable, then the Project Representative second to implement the necessary corrective action.

Section 3: City Responsibilities

3.1 Design

The City shall procure design engineering services, and pay the cost of same, to produce plans and specifications for the project. The Conservation District will assist the City by reviewing said design at appropriate intervals and providing comments.

3.2 Scope of Work

The City agrees to appoint a project manager or point contact person to administer the City's work on the project and to attend the project team and construction meetings as necessary. The project scope of work and schedule are attached hereto as Exhibit A.

3.3 Financial Provisions

The City agrees to pay for the activities of City staff related to the project. The City further agrees to provide additional funds to pay costs associated with any work that it wishes to include for its own purposes outside the scope of the project that may benefit the City.

3.4 Property and Equipment

Title to all property acquired by any Party in the performance of this agreement shall remain with the acquiring Party upon termination of this agreement. Jointly acquired property shall be divided in proportion to the percentage share of each Party contributing to its acquisition.

Section 4: Indemnification

4.1 Conservation District

To the extent allowed by law, the Conservation District shall defend, indemnify, and hold harmless the City, its elected officials, employees and agents from and against any and all suits, claims, actions, losses, costs, expenses of litigation, attorney's fees, penalties, and damages of whatsoever kind or nature arising out of, in connection with or incident to an act or omission of the Conservation District, its employees, agents, and contractors in the performance of the Conservation District's obligations under this agreement. In the event of litigation between the parties to enforce the rights under this section, reasonable attorney's fees shall be allowed to the prevailing party. This indemnification provision shall include, but is not limited to, all claims against the City by an employee or former employee of the Conservation District or its contractors and, as to such claims, the Conservation district expressly waives all immunity and limitation of liability under Title 51 RCW.

4.2 City

To the extent allowed by law, the City shall defend, indemnify and hold harmless the Conservation District, its elected officials, employees and agents from and against any and all suits, claims, actions, losses, costs, expenses of litigation, attorney's fees, penalties, and damages of whatsoever kind or nature arising out of, in connection with or

incident to an act or omission of the City, its employees, agents, and contractors in the performance of the City's obligations under this agreement. In the event of litigation between the parties to enforce the rights under this section, reasonable attorney's fees shall be allowed to the prevailing party. This indemnification obligations shall include, but is not limited to, all claims against the Conservation District by an employee or former employee of the City or its contractors and, as to such claims, the City expressly waives all immunity and limitation of liability under Title 51 RCW.

Section 5: Not Used

Section 6: Termination

6.1 Termination for Convenience

Either party for its convenience may terminate this agreement, in whole or part, at any time by giving thirty (30) days written notice sent certified mail, return receipt requested, to the other party.

6.2 Termination for Default

In addition to termination for convenience, if either party fails to comply with any material provision of this agreement, the other party may terminate this contract, in whole or in part, for default. Termination shall be effected by serving a Notice of Termination by certified mail, return receipt requested, on the other party setting forth the manner in which the other party is in default and the effective date of termination, provided that the other party shall have ten calendar working days to cure the default.

6.3 Termination for Non-Appropriation

If expected or actual funding is withdrawn, reduced or limited in any way prior to the termination date set forth in this contract or in any amendment hereto, the City may, upon written notice to the Conservation District, terminate this agreement in whole or in part. Such termination shall be in addition to the City's rights to terminate for convenience or default.

Section 7: Notice

7.1 All notices to the Conservation District required under terms of the Agreement and this Amendment shall be given in writing as follows:

Mary Rosen
Palouse Conservation District
1300 NE Henley Ct. #6
Pullman, WA 99163
Phone: (509) 332-4101

7.2 All notices to the City required under terms of the Agreement and this Amendment shall be given in writing as follows:

Kevin Gardes, P.E.
Deputy Public Works Director
City of Pullman
325 SE Paradise St.
Pullman, WA 99163
Phone: (509) 338 -3217

Section 8: Project Dispute Resolution

The parties' Project Managers shall use their best efforts to resolve disputes related to or arising out of the activities conducted under this Agreement. In the event that disputes cannot be resolved by the parties' Project Managers, the Conservation Districts' attorney and the City's attorney will apply their best efforts to resolve disputes on matters between the Conservation District and the City arising out of or related to the Agreement. The Conservation District and the City agree to exhaust these procedural steps before seeking to resolve disputes in a court of law or other tribunal, except to the extent that these procedures conflict with formal administrative appeal procedures.

Section 9: Choice of Law

This Agreement shall be construed and interpreted in accordance with the laws of the State of Washington and the venue of any action brought hereunder shall be in the Superior Court of Whitman County.

Section 10: Amendment, Waiver

This Agreement shall not be amended except in writing, executed by both the Conservation District and the City.

Section 11: Captions

Section titles and other headings contained in this Agreement are for convenience only and shall not be part of this Agreement, nor considered in its interpretation.

Section 12: Binding upon Successors

This Agreement shall inure to the benefit of, and be binding upon the successors and assigns of both Conservation District and the City.

Section 13: Counterparts

This Agreement may be executed in any number of counterparts, each of which shall be an original, but such counterparts shall constitute one and the same instrument.

Section 14: Waiver

No waiver by either party of any term or condition of this Agreement shall be deemed or construed as a waiver of any other term or condition, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach whether of the same or a different provision of this Agreement.

Section 15: No Third-Party Beneficiaries

This Agreement is entered into solely for the mutual benefits of the Conservation District and the City. This Agreement is not entered into with the intent that it shall benefit any other party and no other such person shall be entitled to be treated as a third-party beneficiary of this Agreement.

Section 16: Nondiscrimination

No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities.

Section 17: Effective Date

This Agreement shall take effect when both parties hereto have executed this document.

Section 18: Entire Agreement

This document constitutes the complete agreement of the parties regarding the matters described herein and there are no other agreements, express or implied, not contained herein. The Agreement may be modified only in writing and when signed by the parties.

Section 19: RCW Chapter 39.34 Required Clauses

A. Purpose

See Section No. 2 above.

B. Duration

This Agreement is perpetual until the joint and comprehensive undertaking is either voluntarily dissolved or discontinued pursuant to RCW 47.80.020.

C. Organization Of Separate Entity And Its Powers

No separate entity is created by this Agreement.

D. Responsibilities Of The Parties

See provisions above.

E. Agreement To Be Filed

This Agreement may be filed with the County Auditor or published on the Parties' websites, as available.

F. Financing

See provisions above.

G. Termination

See Section No. 6 above.

H. Disposition of Property Upon Termination

No real or personal property shall be jointly acquired or owned for purposes of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.

CITY OF PULLMAN

City of Pullman, a municipal corporation
of the State of Washington

By: _____
Mayor

ATTEST:

By: _____
Finance Director

PALOUSE CONSERVATION DISTRICT

By: Mary Reed _____

Title: Palouse Conservation District Manager

South Fork of the Palouse River Riparian Restoration Project

Project Overview

This project scope consists of a riparian restoration design and construction project of an approximately 1500 foot reach of the South Fork of the Palouse River along property owned by the Cadle Family. The project will include improvements to reduce local erosion, provide bank stabilization, improve water quality, reduce invasive weeds and increase riparian vegetation and wildlife habitat.

Scope of Work (Palouse Conservation District Responsibility)

- Act as liaison between landowners and others involved in planning, design and construction of project.
- Secure a conservation easement and/or maintenance agreement from the affected landowners in a form acceptable to the Washington Department of Ecology and City of Pullman.
- Work and coordinate with city's consulting engineer to obtain design approval which will include a hydraulic analysis for project.
- Obtain all necessary permits.
- Obtaining bids for excavation.
- Project management and coordination of contractors/excavators during construction.
- Administration as required by the Washington Department of Ecology and City of Pullman for grant vouchering.
- Coordination and oversight of planting crew.
- Regular contact with City of Pullman during all phases of construction.
- Perform regular inspections of stream bank structures and riparian plantings.
- Assist landowners in maintenance of site for a period of 3 years.

Scope of Work (City of Pullman Responsibility)

- City will act as SEPA lead and conduct SEPA environmental review.
- Project management of Washington Department of Ecology Water Reuse grant.
- Procurement of engineering services for the design (Taylor Engineering, Inc.) of the project (see Scope of Work for city's design consultant below).

Taylor Engineering, Inc. – Scope of Work

The deliverables to the City of Pullman and Palouse Conservation District consist of providing support documents and calculations for completion of the regulatory permits and the preparation of approved Plan, Specification and Estimate (P, S & E) documents, suitable for bidding and construction. The following primary tasks will be necessary in order to provide the required deliverables:

General Tasks

- **Topographic Background Map** – Develop a topographic background map of the project limits. This task includes field cross section surveying of the channel on approximately 100 foot stations for use in the analysis and design of the reach. Key locations such as changes in channel characteristics, existing problematic erosion sites, wide channel sections, measurement of the driveway bridge abutments and approximately 500 feet downstream of the bridge will be emphasized. All cross sections will be surveyed perpendicular to the flow line of the channel. The data will be processed into cross sections for use in the HEC-RAS model and a contour background map for use in the development of plans.
- **Gather Available Data** – Gather as much of the readily available information as possible from the City, County, State and Federal Agencies. Data will include:
 - Existing flood insurance studies
 - Flood insurance rate maps
 - Previous flood studies
 - Wetland inventory maps
 - USGS and City topographic maps (digital and hardcopy)
 - Stream Flow Records
 - Aerial photographs / maps
 - Anecdotal flooding evidence (photos, high water marks, videos etc.)
- **Project Kickoff Meeting** – Meet with the City, Palouse Conservation District, Property Owner, Department of Fish and Wildlife and other stakeholders to review the available data, permitting issues and project roles, responsibilities and objectives. Perform a field reconnaissance of the project limits including the taking of site photos to review critical problem areas, priority improvement locations and the overall project limits.
- **Channel Hydraulic Model** - Develop a hydraulic model using HEC-RAS software for the stream section using accepted Flood Insurance Study (FIS) flows. Input cross-section information, flow values, bridge geometry, Manning 'n' values and boundary conditions. Calibrate the model to a known, specific storm event such as the February 1996 event. Refine the model to match calibration data by adding/extending cross sections, revising Manning 'n' values, modifying bridge structure representations, changing the effective flow definitions, and adjusting flow values.

Run the model and evaluate potential flood areas, erosion areas and conveyance problem areas based on the existing conditions. Prioritize 4-5 flood damage areas for consideration of erosion control techniques based on the analysis and input from the stakeholders.
- **Erosion Control Recommendations** – Develop erosion control solutions for the identified problem areas. Solutions may include, but not necessarily be limited to,

recommendations for existing channel section modifications, structural modifications or repairs, channel cleanup, bank stabilization techniques / erosion control BMP's, floodplain storage, channel re-routing.

- **Riparian Planting Concepts** – Coordinate with the Palouse Conservation District to add their proposed riparian restoration measures to construction drawings. The Palouse Conservation District will complete the invasive weed control and planting work. We will coordinate with them to incorporate their ideas and ensure that the planting plan is consistent with their efforts and reflects their original concept. Recommendations for native plantings and the restoration of native vegetation will be made and summarized in concept in the Preliminary Design Report.
- **Wetland Delineation** – Perform a wetland delineation to ensure that possible wetland areas are dealt with in an appropriate manner and are presented as part of the Army Corp of Engineers 404 Permit. We do not anticipate that wetland mitigation will be necessary as preliminary investigation does not show identified wetlands within the National Wetland Inventory system provided by the US Fish and Wildlife Service.
- **Preliminary Design Technical Memorandum** –Prepare a Preliminary Design Technical Memorandum for the project. The memorandum will summarize the key elements associated with the Channel Hydraulic Model and proposed design features. The Preliminary Design Technical Memorandum will be circulated to the stakeholders for review and comments. The Technical Memorandum will then be finalized and used as the basis of the permitting process and the development of P, S & E documents.
- **Permitting Assistance** – Provide assistance to the Palouse Conservation District (PCD) in the permitting process. This task includes providing support calculations and exhibits to assist PCD with the application process. We understand that the majority of the permitting coordination will be completed by PCD. The following permits are anticipated for the project:
 - State Environmental Policy Act (SEPA)
 - Department of Fish & Wildlife (DFW) Hydraulic Project Approval (HPA)
 - 404 Army Corp of Engineers Permit
 - 401 Department of Ecology (DOE) Water Quality Certification
 - DOE Storm Water Pollution Prevention Plan (SWPPP)
 - City of Pullman/Whitman County Floodplain Development Permit
 - City of Pullman Plan Approval
- **In-House QA / QC Program** - Provide an in-house, independent Quality Assurance / Quality Control review of the 80 percent level construction plans, engineer's estimate and technical specifications. This review will be accomplished by a qualified Professional Engineer of Taylor Engineering, Inc. Incorporate the QA /QC review comments into the documents as necessary. Focus of the plan review will be the constructability of the design, accuracy of the engineer's estimate and the clarity of the technical specifications.

- **80 Percent Design Development** - This task consists of developing the construction plans, engineer's estimate and technical specifications to the 80% level and it includes a complete review process with the City of Pullman and Palouse Conservation District. It is anticipated that the following construction plan sheets will be required:
 - Cover Sheet, Vicinity Map, Legend and Construction Notes (1 sheet)
 - Overall Channel Improvement Index & Survey Control Plan (1 sheet)
 - Channel Improvement Plan / Elevations including Riparian Planting and Erosion Control Features (4-5 sheets)
 - Civil Details (2 sheets)
- **Final P, S & E Documents** - Provide final approved construction plans, engineer's estimate and technical specifications for the project. Provide the City with electronic copies and reproducible hard copies of the plans, engineer's estimate and technical specifications for use in bidding and construction.

EXHIBIT "A"

6. RESOLUTION NO. R-23-10

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING FOR THE ADOPTION OF A SIX-YEAR TRANSIT DEVELOPMENT PLAN FOR 2010-2015 AND 2009 TRANSIT ANNUAL REPORT FOR THE CITY OF PULLMAN.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 3/23/10

ACTION REQUESTED:

Set April 27, 2010 as the date for a public hearing to consider and take action on the City of Pullman/Pullman Transit's 2010 – 2015 Transit Development Plan and 2009 Annual report.

BACKGROUND:

Every year all public transit agencies must submit a six-year transit development plan to the Washington State Department of Transportation. The plan must be discussed and approved in a public meeting before it can be submitted. It is the responsibility of the City Council to conduct the public hearing on Pullman Transit's plan.

The purpose of the annual Transit Development Plan is to show the State Public Transportation Office how the transit systems are performing and what their future plans might be. The Public Transportation Office then takes this information and compiles it into their annual report, which each Council member receives, and presents it to the State Legislature. The Legislature then uses this information to determine the amount of funding they should allocate to the public transit funding.

RECOMMENDATION:

That the City Council by resolution set April 27, 2010 as the date for a public hearing to consider and take action on the City of Pullman/Pullman Transit's 2010 – 2015 Transit Development Plan and 2009 Annual report.

FISCAL IMPACT : \$ _____

SUBMITTED BY:

REVIEW/ACTION

Name Rod Thornton
Title Transit Manager
Dept. Public Works/Transit

ATTACHMENTS FOR COUNCIL

1. Resolution No. R-23-10

REVIEWED BY:

Department Head
City Supervisor
City Attorney

Initial	Date
<u>[Signature]</u>	<u>3/18/10</u>
<u>[Signature]</u>	<u>3/19/10</u>
<u>[Signature]</u>	<u>3-18-10</u>

(As to form)

S.R. #026

RESOLUTION NO. R- 23 -10

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING FOR THE ADOPTION OF A SIX-YEAR TRANSIT DEVELOPMENT PLAN FOR 2010-2015 AND 2009 TRANSIT ANNUAL REPORT FOR THE CITY OF PULLMAN.

WHEREAS, a Transit Development Plan has been prepared for the city of Pullman for the years 2010-2015; and,

WHEREAS, included as part of the Transit Development Plan is the 2009 Transit Annual report; and,

WHEREAS, a public hearing regarding the plan and the report must be conducted prior to their adoption; now, therefore,

IT IS HEREBY RESOLVED by the City Council of the City of Pullman that a public hearing be held on April 27, 2010, at 7:30 p.m. in the Council Chambers at City Hall, Pullman, Washington, to consider the adoption of the Six-Year Transit Development Plan for 2010-2015 and the 2009 Transit Annual Report for the city of Pullman.

BE IT FURTHER RESOLVED that the Finance Director be directed and authorized to give notice of said public hearing as provided by law.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2010.

DATED this _____ day of _____, 2010.

Mayor Glenn A. Johnson

ATTEST:

Finance Director
William F. Mulholland

Approved as to Form:

City Attorney Laura D. McAloon