

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. Presentation by Ed Schweitzer, President of SEL

C. Report - Shopper Shuttle

D. 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 September 14, 2010, and approve them as submitted.
2. A motion to accept as complete Contract No. 10-04, Reaney Park Waterline.

3. A motion to ratify Change Order No. 1 to Contract No. 10-01, Sidewalks 2010.
4. A motion to approve a Lodging Tax Grant to the Pullman Chamber of Commerce in the amount of \$10,000 for the Holiday Festival & Tree Lighting Event.
5. A motion to refer a Claim for Damages submitted by Chad Christianson for the sum of \$515.21 to the Washington Cities Insurance Authority (WCIA).

Resolutions

6. Resolution No. R-80-10 - A RESOLUTION AUTHORIZING THE EXECUTION OF A BUSINESS USE AGREEMENT BETWEEN THE CITY OF PULLMAN AND WASHINGTON STATE UNIVERSITY FOR THE USE OF THE COUGAR LOGO ON THE WAWAWAI WATER STANDPIPE.

E. Regular Agenda

Public Hearing

7. Resolution No. R-81-10 - A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR A RURAL WASHINGTON LOAN FUND GRANT IN THE APPROXIMATE AMOUNT OF \$250,000 AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR SUCH FUNDING.

Motion, Resolution, and Ordinance

- 8a. Adopt Findings of Fact and Conclusions
- 8b. Resolution No. R-82-10 - A RESOLUTION DENYING THE PROPOSAL TO AMEND THE OFFICIAL COMPREHENSIVE PLAN MAP OF THE CITY OF PULLMAN FROM COMMERCIAL TO LOW DENSITY RESIDENTIAL FOR THE REAL ESTATE HEREIN DESCRIBED LOCATED BETWEEN NW HAROLD DRIVE AND OLD WAWAWAI ROAD, BOUNDED ON THE NORTH BY NW EFFIE DRIVE ON SUNNYSIDE HILL.
- 8c. Ordinance No. 10-22 - AN ORDINANCE DENYING THE PROPOSAL FOR AN AMENDMENT OF THE ZONE CLASSIFICATION FROM C3 TO R2 FOR THE REAL ESTATE HEREIN DESCRIBED CONSISTING OF APPROXIMATELY 5.1 ACRES LOCATED BETWEEN NW HAROLD DRIVE AND OLD WAWAWAI ROAD, BOUNDED ON THE NORTH BY NW EFFIE DRIVE ON SUNNYSIDE HILL.

Discussions

9. Second Pre-Budget Workshop
10. Possible Change in City Council Meeting Date

F. 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.

G. Tentative Council Agenda for November 2, 2010 - Canceled

Tentative Council Agenda for November 9, 2010

Budget Hearing

Surplus Property - Buses

CLG Ordinance - Action/Adoption

CLG Resolution - Application Fees

Tentative Planning Commission Agenda for October 27, 2010

Mader North Annexation

Urban Growth Area Discussion

WSU Student Presentation on Economic Development

Commission Hearing Procedures Discussion

Tentative Board of Adjustment Agenda for November 15, 2010

Canceled

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.



CITY OF PULLMAN

Administration/Finance


325 S.E. Paradise Street, Pullman, WA 99163

(509) 338-3208 Fax (509) 334-2751

admin@pullman-wa.gov

MEMORANDUM

TO: Mayor and City Council

FROM: John  Sherman, City Supervisor

RE: Presentation by Ed Schweitzer, President of SEL

DATE: October 15, 2010

We have invited Ed Schweitzer, President of Schweitzer Engineering Laboratories, Inc. to make a presentation at the City Council meeting on October 26. We greatly appreciate the bold leadership Ed Schweitzer has demonstrated in leading SEL to continued expansion at a time when the economy was in the worst recession since the great depression. SEL is also leading the way in the economic recovery. Recently, SEL announced additional expansion plans in Pullman, Lewiston, and San Luis Potosi, Mexico. SEL will be constructing a three-story 70,000 square foot facility in Pullman.

Ed Schweitzer and SEL have been the recipients of many awards and honors. This year SEL received a National Association of Secretaries of State Medallion. It is the state of Washington's most prestigious civic award for corporations, recognizing voter education efforts, civic engagement, government services and businesses that give back. SEL has given back to the community in many ways including the recently completed SEL Wayside on North Grand Avenue. Ed Schweitzer recently donated \$1.7 million to the Girl Scouts of eastern Washington and Northern Idaho for a new lodge facility at Camp Four Echoes. The Pullman Aquatic Center is but one of many other examples of his generous support of our community.

We look forward to the presentation of Ed Schweitzer next Tuesday night. It will also be good for the public to learn more about the dynamic organization that SEL is.



SCHWEITZER ENGINEERING LABORATORIES, INC.

2350 NE Hopkins Court • Pullman, WA 99163-5603 USA
Phone: +1.509.332.1890 • Fax: +1.509.332.7990
www.selinc.com • info@selinc.com

FOR IMMEDIATE RELEASE

For more information, contact: Adina Bielenberg, Public Affairs Manager
Schweitzer Engineering Laboratories, Inc. (SEL)
Phone: 509.336.9456

Date: October 6, 2010

**SEL Announces Expansion Plans for Pullman, WA, Lewiston, ID,
and San Luis Potosi Mexico**

PULLMAN, WA — Today SEL founder and president, Edmund O. Schweitzer, III, announced that the company has over 160 career opportunities open. He also announced plans for the construction of a Solutions Delivery Center in Pullman, Washington, and a manufacturing facility in Lewiston, Idaho, as well as the expansion of the SEL Mexico operations in San Luis Potosi by 68,500 square feet.

SEL's growth strategy has three components: new products, new markets, and new geographic sectors. "We're growing globally, with products in over 130 countries and customers in many industry and utility sectors. We are running out of space, especially in the areas of manufacturing, research and development, and engineering services...so it's time to build more." Dr. Schweitzer explains.

The Solutions Delivery Center (SDC) will be a 70,000 square-foot, three-story office building offering six customer delivery showrooms, expansive office areas, and a variety of conference rooms on five acres within the Pullman Port of Whitman. The SDC will provide a clean, comfortable, technologically advanced setting for customers to accept major systems.

SEL's newest manufacturing facility will be located in Lewiston, Idaho. The building will be a 105,800 square-foot concrete site-cast, tilt-up structure. It will be a mixed-occupancy building, housing office and manufacturing functions and all support divisions. This facility is planned on 25 acres within the Lewiston Business and Technology Park (BTP). Final approval of the land purchase is pending a commissioner vote that will be held next Tuesday.

Bernardo Wills will be the architect for both projects while Vandervert Construction will serve as contractor. Both companies are out of Spokane, Washington. Both projects are scheduled for completion in September 2011.

SEL's San Luis Potosi facility will grow by 68,500 square feet to provide new areas of growth for existing protection panel business and allow for realignment of the process flow. The project is scheduled for completion in November 2011.



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“These are exciting times for SEL, and I am positive about the future...even in the face of unprecedented political and economic uncertainty,” explains Dr. Schweitzer. “However, there are many opportunities. The recession means demand is pent up and the acceleration of intermittent sources (wind, solar, etc.) creates new challenges. On top of that, we haven’t stopped inventing and developing new solutions; in fact, we have new products and services, and continue to grow our R&D investment, so we have to be ready, as to a large degree, we create our future through hard work and innovation. We’ve been saving up our money, and now it’s time to start building!”

SEL serves the electric power industry worldwide through its Pullman headquarters, 46 domestic offices, and 35 international locations in Australia, Bahrain, Brazil, Canada, China, Colombia, India, Italy, Mexico, the Netherlands, New Zealand, Peru, Saudi Arabia, South Africa, and the United Kingdom. As a result, SEL offers unprecedented application assistance and customer support, globally.

SEL serves the electric power industry worldwide through the design, manufacture, supply, and support of products and services for power system protection, monitoring, control, automation, and metering. SEL offers unmatched local technical support, a worldwide, ten-year product warranty, and a commitment to making electric power safer, more reliable, and more economical.

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CITY OF PULLMAN

Pullman Transit and Dial-A-Ride

775 N.W. Guy Street, Pullman, WA 99163

Transit (509) 332-6535 Dial-A-Ride (509) 332-5471

Fax (509) 332-6590 www.pullmantransit.com

Date: October 18, 2010

MEMORANDUM

To: Mayor and City Council

From: Rod Thornton, Transit Manager

Subject: Shopper Shuttle

In June of this year, the City Council approved the termination of the "Senior Shuttle" which operated Monday through Friday from 9:00 a.m. to 4:00 p.m. and authorized a replacement service called the "Shopper Shuttle" operating Tuesdays and Thursdays, from 10:00 a.m. to 2:00 p.m. The "Shopper Shuttle" is designed to serve most of the areas once served by the "Senior Shuttle" plus shopping areas in the northern part of town and the WSU campus. The service is open to everyone and it stops at all regular bus stops along its route as well as at the senior living centers and stores.

Shopper Shuttle Ridership

Month	Total Monthly Ridership	Average riders per day	Ridership per hour
June 2010	39	13	3.25
July 2010	89	9.8	2.45
August 2010	145	16.1	4.02
September 2010	119	13.2	3.3

While the "Shopper Shuttle's" ridership has improved from what the "Senior Shuttle" saw (less than 1 ride per hour) it has not really improved since it started. It does not appear that very many residents find this service very useful, however, at this time I am not recommending any changes to the service. With Walmart open I am hoping that ridership increases and the service will be more successful. I will come back to the Council in December with a new report and a recommendation as to the future of the "Shopper Shuttle".

MINUTES OF THE CITY COUNCIL
OF THE CITY OF PULLMAN
OCTOBER 12, 2010

Roll Call

A regular meeting of the City Council of the City of Pullman was held on October 12, 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
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. Councilmember Bloom moved, Councilmember Wright seconded to excuse Councilmember Hawbaker from the meeting.

Motion Carried.

Mayor Johnson had Christina Turner conduct the roll for ASWSU Senators. All were present.

Announcements

Mayor Johnson made one announcement and one proclamation.

Meeting with ASWSU

Policing Issues 1. Police Chief Jenkins went through elements of his memo. He mentioned there were positive results over the years with alcohol-related citations going down for students at WSU. Similar incidents involving non-students are on the increase. Senator Bryan Inglin asked why student arrests are down and non-students arrests are up. Police Chief Jenkins did not have a definitive answer for that except for the fact that the totals were about the same which would indicate that if WSU totals went down, then non-students would go up. Senator Bryan Inglin also questioned if energy drinks were still a problem. Police Chief Jenkins indicated they were and that right now they are seeing incidents of blood alcohol percentages between 3.5 to 4.0. Senator Grant Eastey thought it would be beneficial to

talk to the various bars and clubs to encourage them to cease serving energy drinks around midnight as suggested by Officer Heroff.

Public Works Director Workman went through elements of his memo on policing starting with parking during WSU breaks. He moved on to whether there would be a four-way stop put on Colorado and Monroe. He said, at this time, the data did not indicate that it should, but they are going to re-examine the data to see if in fact it is warranted. The next item was Merman Drive. This has been a problem for years, especially for Transit drivers during inclement weather. There is parking on one side of the street from Terre View Drive, approximately one thousand feet to the north, and then it goes to unrestricted parking. He is planning on bringing a motion to the Council shortly to establish no parking on the east side of Merman Drive from Terre View to Skyview and no parking on the west side of Merman Drive from Skyview Drive to Westwood Drive. He then moved on to the "B" Street sidewalk which had been a problem for years, as it is narrow and actually dangerous to pedestrians. The sidewalk, over the summer, has been expanded to seven feet and rails have been put up from California to Alpha Road. The City will continue with the improvements to Michigan Street next year. He then discussed College Hill lighting which has been a problem for years and encouraged the Senators that if they notice lights out to get in contact with us so they can get them taken care of.

Senator Tristan Hanon wanted to know what occurred to vehicles if a snow emergency was declared and they were in class. Public Works Director Workman indicated that usually when snow emergencies are declared they have 48 hours to remove vehicles. They usually try to find the owners before they start towing vehicles.

Planning Issues 2. Planning Director Dickinson went through elements of his memo on College Hill and rezoning the districts as well as the Certified Local Government Historical Program. Senator Derrick Skaug wanted to know if there are any plans for putting in bike lanes. Public Works Director Workman answered by saying that the street width and parking makes it extremely difficult in a lot of areas to get in bike lanes, but where at all possible they are trying to do so. Senator Skaug also asked about Merman Street and Public Works

Director Workman said that they would be looking at that and that could be a possibility for bike lanes.

Solid Waste and
Recycling Issues

3. Devon Felsted, Pullman Disposal, talked about the Spokane single-stream recycling center that is planned to be running at the end 2011. They are looking at that point to probably go with single-stream pickup like the students are used to on the west side of the state. He also indicated that they would shortly be getting the roll carts in the spring of 2011 which will help clean up several of the areas up on the hill. He also stated that with the problem with the recycle pickup, he has instructed his drivers to look for containers out on off weeks just so they could get them picked up and not spread more debris across the hill.

Councilmember Paul wanted to mention that the Felsteds were second generation serving Pullman and greatly appreciated the work going on and looking forward to going to the single-stream recycle.

Pet Ownership
Responsibilities

4. Colleen Harrington, Humane Society, and Dr. Susan Wang, Associate Professor at the Veterinary College at WSU, spoke on the responsibility and ownership, the financial energy, and consideration that needs to be given to the adoption process.

Councilmember Weller requested they discuss keeping dogs on leashes. The City has a leash law as well as requirements to obtain a license, rabies vaccinations, and to pick up any excrement left by their animals. Councilmember Benjamin asked code enforcement whether there are any places dogs are not allowed. Councilmember Bloom indicated the school had just passed some regulations that barred dogs from certain areas on campus. He also stated that there are leash laws on campus. Councilmember Bloom also wanted to acknowledge that Animal Haven was a "no kill" facility and he said it is really a great place. He also wanted to repeat part of the presentation of Colleen Harrington that students need to obtain landlord permission prior to obtaining a pet.

Senator Tristan Hanon wanted to know about an off-leash park in Pullman. Colleen Harrington stated the project was underway and would have areas for larger as well as smaller dogs.

- Student Safety 5. Public Works Director Workman went over elements of his memo on crosswalks. He has also corresponded with Kyle Conboy representing ASWSU concerning crosswalks on College Hill. Public Works Director Workman suggested that the best approach would be for all possible crosswalk locations to be viewed at the same time. He also emphasized the fact that, particularly on a university campus, crosswalks can make an intersection more dangerous. Pedestrians tend to have the attitude that they have the right to cross at a marked crosswalk and that white lines somehow protect them, which of course they don't.

Councilmember Bloom indicated it was almost like kindergarten where you are taught about crossings that you stop, look, and listen.

- Other Hills 6. Public Works Director Workman and Planning Director Dickinson went through some of the other projects appearing on the other hills to include the new well, the Walmart Supercenter, the proposed Hampton Inn Expansion of the Hilltop, and several items that were in his memo.

Councilmember Weller mentioned that campaign signs have been stolen and he also has been informed by some of his constituents that there is prowling going on. Everyone should keep their doors locked as well as their vehicles.

- ASWSU Update 7. The final part was an update from ASWSU of some of the projects they are doing. The Vice President, Joshua Meyer, mentioned the bike rental program they have where they can rent the bike for an hour or twenty-four hours. It is working out real good. He also brought up the noise problem with the cannon for touchdowns. He said that future programs they are working on are primarily safety related.

Patrick Horton, Director of Greek Affairs, discussed housing on College Hill and issues they are looking at with landlords as well as lease options for on-or off-campus housing.

Senator Alex Smith said they are working on safety around crosswalks. He is also looking at veterans' issues and trying to get a qualified VA approved doctor down in the area.

Councilmember Benjamin mentioned that there is a group working with veterans on campus and he should probably get in touch with them.

Councilmember Bloom mentioned that he might consider talking to Representative McMorris or Senator Murray to help cut the red tape.

Senator Bryan Inglin mentioned they are working on the concise academic advisement and women's transit issues. After a special election, they will have a full senate.

Senator Christina Turner said she is working on PR to inform the students about what ASWSU is about and is meeting with Dr. Floyd. They also tentatively set the joint Council/ASWSU meeting at WSU for February 16, 2011.

Councilmember Bloom said that he has worked with ASWSU over twelve years and he is always amazed and impressed with the quality of the students and ASWSU. He also appreciates their service.

At 9:14 p.m. Mayor Johnson called a five-minute break to realign the room.

At 9:22 p.m. the meeting was adjourned to hold the special meeting of the Metropolitan Park District.

The regular meeting was reconvened at 9:24 p.m.

ORDER OF BUSINESS

CONSENT AGENDA

Approval of Recommendations of Consent Agenda Items

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 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. Councilmembers Bloom and Paul requested that item No. 17 be pulled for separate discussion. Mayor Johnson so ordered. Councilmember Waldrop moved,

Councilmember Benjamin seconded to adopt items 8 through 16 and 18 to 21 on the Consent Agenda.

Motion Carried.

Motions

- | | | |
|---|-----|--|
| Minutes - September 14, 2010 | 8. | The Council dispensed with the reading of the minutes of the regular meeting of September 14, 2010, and approved them as submitted. |
| Minutes - September 21, 2010 | 9. | The Council dispensed with the reading of the minutes of the regular meeting of September 21, 2010, and approved them as submitted. |
| Accounts Payable, Payroll, and Electronic Transfers - October, 2010 | 10. | 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. |
| Tank 10 Construction Complete | 11. | The Council accepted as complete Contract No. 08-06, Tank 10 Construction. |
| Pullman/Moscow Regional Airport Fire Flow System | 12. | The Council accepted as complete Contract No. 08-22, Pullman/Moscow Regional Airport Fire Flow System. |
| Change Order on Reaney Park Waterline | 13. | The Council ratified Change Order No. 1 on Contract No. 10-04, Reaney Park Waterline. |
| Lodging Tax Grant - First Down Friday | 14. | The Council approved a Lodging Tax Grant to the Pullman Chamber of Commerce in the amount of \$1,746.15 for First Down Friday Night. |
| Lodging Tax Grant - National Lentil Festival | 15. | The Council approved a Lodging Tax Grant to the National Lentil Festival in the amount of \$6,500 for public safety improvements. |
| Palouse Basin Water Summit | 16. | The Council authorized the payment of \$250 as the City of Pullman's financial contribution to the 6 th Annual Palouse Basin Water Summit. |
| Public Hearing Date | 18. | The Council set October 26, 2010, as the date for a public hearing on a proposal by the Ecowell Company to sponsor the company's request for a Community Development Block Grant loan. |

Resolutions

Resolution No. 19.
R-75-10 - Facilities
Use Agreement with
WSU

Resolution No. R-75-10

A RESOLUTION AUTHORIZING THE EXECUTION OF A SHORT-TERM FACILITIES USE AGREEMENT BETWEEN WASHINGTON STATE UNIVERSITY AND THE CITY OF PULLMAN.

Resolution No. R-75-10 was adopted unanimously.

Resolution No. 20.
R-76-10 - Surplus
Property
WSU

Resolution No. R-76-10

A RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS TO THE NEEDS OF THE CITY OF PULLMAN AND AUTHORIZING THE TRANSFER OR DESTRUCTION OF SAID PROPERTY.

Resolution No. R-76-10 was adopted unanimously.

Resolution No. 21.
R-77-10 - Interlocal
Agreement
Path

Resolution No. R-77-10

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PULLMAN AND THE PARTIES OF THE PULLMAN-MOSCOW REGIONAL AIRPORT COOPERATION AGREEMENT RELATING TO THE CONTRIBUTION OF THE PORT OF WHITMAN.

Resolution No. R-77-10 was adopted unanimously.

REGULAR AGENDA

Motion

Wawawai Water 17.
Tower

Mayor Johnson announced that this item had been removed from the Consent Agenda at the request of Councilmembers Bloom and Paul.

Councilmember Paul wanted to thank the Hinrichs family for providing the money for painting the tower which he thought was just wonderful.

Councilmember Bloom wanted this item pulled because there was some question on the lettering. He gave what he thought would look the best and the other Councilmembers agreed.

Councilmember Paul moved, Councilmember Bloom seconded to approve a request from the Hinrichs family to install a Cougar logo and "Pullman" in two places on the Wawawai Water Tank. Also approve the funding of the "Pullmans" from the

Water Budget. The motion carried unanimously.

Public Hearing

2011 Revenues 22. Mayor Johnson announced that a public hearing is scheduled on 2011 Revenue Sources. Finance Director Mulholland presented the staff report giving a PowerPoint and explanation of the revenues for 2011. Mayor Johnson opened the public hearing. Finance Director Mulholland went through his report and PowerPoint and there were no questions on his presentation. Mayor Johnson closed the public hearing.

Motion, Resolution, and Ordinance

Adopt Findings 23. Mayor Johnson announced that a motion, of Fact, Resolution resolution, and ordinance have been prepared No. R-78-10, and relating to approximately 7.5 acres located on Ordinance No. 10-20 the north side of North Fairway Road east of NE - Zone Change Orchard Drive on College Hill.

Mayor Johnson asked the following questions:

1. Does any member of this Council have knowledge of having conducted business with either the proponents or the opponents of this zone change?
2. Does any member of this Council have either a pecuniary or a non-pecuniary interest in the outcome of this proceeding?
3. Does any member of this Council know whether or not their employer has a financial interest in the area for which this zone change is requested, or has an interest in the outcome of this proceeding?
4. Does any member of this Council live or own property within 300 feet of the area for which the zone change is requested?
5. Does any member of this Council have any special knowledge about the substance or the merits of this proceeding which would or could cause the Councilmember to prejudge the outcome of this proceeding?
6. Is there a member of this Council who believes that he or she cannot sit and hear this matter fairly and impartially, both as to the respective positions of the proponents and the opponents of the requested zone change?

7. Is there any member of the audience who because of the "Appearance of Fairness Doctrine" wishes to disqualify any member of this Council from hearing this matter? If so, please state the name of the Councilmember and the reason or reasons why you believe that Councilmember should be disqualified because of the "Appearance of Fairness Doctrine".

Councilmembers Bloom, Benjamin, and Mayor Johnson all excused themselves from the proceedings due to the fact that they were employed by WSU. All three left the Council Chambers and Councilmember Wright proceeded with the meeting as Mayor Pro Tempore.

Planning Director Dickinson went through the staff report and indicated that staff recommended approval. The Planning Commission had made the recommendation to accept. Councilmember Paul stated it was a win-win situation for Pullman to have this type of facility.

Councilmember Waldrop moved, Councilmember Paul seconded to adopt the Findings of Fact. The motion carried unanimously.

Resolution No. R-78-10 by title only reads as follows:

A RESOLUTION AMENDING THE OFFICIAL COMPREHENSIVE PLAN MAP OF THE CITY OF PULLMAN FROM WASHINGTON STATE UNIVERSITY TO COMMERCIAL FOR THE REAL ESTATE HEREIN DESCRIBED CONSISTING OF APPROXIMATELY 7.5 ACRES LOCATED ON THE NORTH SIDE OF NORTH FAIRWAY ROAD EAST OF NE ORCHARD DRIVE ON COLLEGE HILL.

Councilmember Waldrop moved, Councilmember Paul seconded to adopt Resolution No. R-78-10. The motion carried unanimously.

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

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FROM WSU TO C3 FOR THE REAL ESTATE HEREIN DESCRIBED CONSISTING OF APPROXIMATELY 7.5 ACRES LOCATED ON THE NORTH SIDE OF NORTH FAIRWAY ROAD EAST OF NE ORCHARD DRIVE ON COLLEGE HILL.

Councilmember Waldrop moved, Councilmember Weller seconded to adopt Ordinance No. 10-20. The motion carried unanimously.

Councilmembers Benjamin, Bloom, and Mayor Johnson returned to the Council Chambers and participated in the remainder of the meeting.

Ordinance

Ordinance No. 24. Mayor Johnson announced that an ordinance had
10-21 - Budget been prepared amending the 2010 budget. Finance
Amendment Director Mulholland presented the staff report.
There were no questions of his report.

Ordinance No. 10-21 by title only reads as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 09-32 ADOPTED DECEMBER 8, 2009, AND ENTITLED "AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF PULLMAN FOR THE YEAR 2010".

Councilmember Benjamin moved, Councilmember Bloom seconded to adopt Ordinance No. 10-21. The motion carried unanimously.

Resolution

Resolution No. 25. Mayor Johnson announced that a resolution had
R-79-10 - Support been prepared in support of WSU. City Supervisor
for WSU Sherman briefly went through some of the
highlights of the staff report.

Resolution No. R-79-10 by title only reads as follows:

A RESOLUTION SUPPORTING WSU, INCREASED HIGHER EDUCATION FUNDING (INCLUDING FUNDING FOR COMMUNITY COLLEGES), AND REASONABLE TUITION RATES.

Councilmember Paul moved, Councilmember Bloom seconded to adopt Resolution No. R-79-10. The motion carried unanimously.

Motion

Support Services 26. Mayor Johnson announced that a motion is
Agreement requested to adopt a Labor Contract with Pullman Police Department Support Services employees. City Supervisor Sherman presented the staff report and recommended ratification of the contract. The motion also covered a memorandum

of understanding in relation to a change of work hours to the Code Enforcement individuals.

Councilmember Waldrop moved, Councilmember Benjamin seconded to adopt the Labor Contract with Pullman Police Department Support Services. The motion carried unanimously.

Discussions

Pre-Budget Workshop

27. Mayor Johnson announced that a Pre-Budget Workshop is scheduled. City Supervisor Sherman presented the staff report and requested guidance on several of the areas to include cuts in capital. The Council agreed to deferring some of the CIP projects that we could get by without right now. The CIP ordinance was brought up that was proposed by Councilmember Waldrop. There was discussion on the proposal. It was decided by the Council that the amount of excess sales tax allocated to the CIP Program as a permanent funding source would be 50 percent, which could be adjusted. The discussion with Finance Director Mulholland on an item he had in his memo that, based on the current situation, he thought it really wasn't time to implement such a program. However, if the Council implemented this he suggested a mechanism where there is a quarterly review for funding purposes and the Council could make the decision at that time either to fund or not to fund based on the circumstances of the City. This was all agreed to by the Council and would be included in the ordinance.

City Supervisor Sherman also asked about using part of the reserve to balance the budget which they agreed to. They also went along with the recommendation to increase the commander and police chief's salaries to take into account the raises they had not received. Other individuals in the force had, over the last few years, received raises creating a payroll imbalance. They wanted to proceed with the citizen survey that Mark Morgan, the intern that we had this year, had put together. There was another intern City Supervisor Sherman said that would compile the information so the costs involved would be the printing and mailing. Council decided to defer the project and to fund it if there are year-end savings. They agreed with City Supervisor Sherman's budget approach.

NEW BUSINESS

Mayor Johnson asked if there was any new business

from either the Council or audience. There was none.

EXECUTIVE SESSION

At 10:45 p.m. Mayor Johnson announced that the Council would adjourn for five minutes to Executive Session for the purpose of:

To discuss the strategy or position to be taken by the City during the course of collective bargaining or grievance proceedings.

The City Council will reconvene in open session at approximately 10:56 p.m.

Mayor Johnson reconvened the regular meeting at 10:56 p.m.

ADJOURNMENT

Councilmember Bloom moved, Councilmember Weller seconded to adjourn the regular meeting of the City Council.

Motion Carried.

Mayor Johnson adjourned the regular meeting of the City Council at 10:56 p.m.

Mayor

ATTEST:

Finance Director

Consent Agenda

10-26-10
2

2. A motion to accept as complete Contract No. 10-04, Reaney Park Waterline.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 10/26/10

ACTION REQUESTED:

Accept the Reaney Park Waterline contract as complete.

BACKGROUND:

The scope of contract 10-04, Reaney Park Waterline, provided for the replacement of approximately 800 feet of old 4-inch water line with new 8-inch PVC water line in Gray Lane and Morton Street adjacent to Reaney Park. This is a project that was identified in our Water System Plan Update to address inadequate fire flows. The contractor for this project was Motley-Motley, Inc. and all work has now been completed in substantial conformance with the contract documents. The final contract amount, which includes one previously approved change order, was \$110,740.33. A copy of the Final Estimate of Work Completed is attached for reference. Funding for this project is from the Capital Project Budget of the Utility Fund.

RECOMMENDATION:

By motion, accept contract 10-04, Reaney Park Waterline, as complete.

FISCAL IMPACT:

\$110,740.33
403.3363.594.34.63.00
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>10/18/10</u>
City Supervisor	<u>[Signature]</u>	<u>10/22/10</u>
City Attorney	<u>[Signature]</u>	<u>10-18-10</u>

(As to Form)

**CITY OF PULLMAN
REANEY PARK WATERLINE**

Contract Title:
Contract No.:
Contractor:

Reaney Park Waterline
10-04
Motley-Motley, Inc

Progress Payment No.: 2
Month of: October
P.O. No.: en-80861

Item No.	Bid Item	Estimated Quantity	Unit Price	Amount	Total Units	Total Amount to Date
GENERAL						
1	Mobilization	1 LS	9,000.00	9,000.00	1.00	\$ 9,000.00
2	Construction Surveying	1 LS	1,100.00	1,100.00	1.00	1,100.00
3(a)	Construction Signs, Class A	4 EA	100.00	400.00	4.00	400.00
3(b)	Construction Signs, Class B	1 LS	1,000.00	1,000.00	1.00	1,000.00
3(c)	Traffic Control Labor	480 HR	26.00	12,480.00	137.00	3,562.00
EARTHWORK						
4	Unsuitable Foundation Excavation including Haul	26 CY	10.00	260.00	0.00	-
CRUSHED SURFACING						
5	Crushed Surfacing Top Course	1500 TON	9.00	13,500.00	916.00	8,244.00
STORM SEWERS						
6	Ductile Iron Storm Sewer, 8-inch Diameter	45 LF	44.00	1,980.00	45.00	1,980.00
7	Connection to Existing Storm Drain System	2 EA	350.00	700.00	2.00	700.00
WATERLINE						
8	PVC Water Main, 8-inch Diameter	800 LF	26.00	20,800.00	800.00	20,800.00
9	Tapping Sleeve and Valve Assembly, 6"x6"x6" System Connection A	1 EA	1,400.00	1,400.00	1.00	1,400.00
10	Tapping Sleeve and Valve Assembly, 8"x8"x8" System Connection B	1 EA	1,800.00	1,800.00	1.00	1,800.00
11	6"-22 1/2" Bend	1 EA	200.00	200.00	1.00	200.00
12	8"-22 1/2" Bend	1 EA	260.00	260.00	1.00	260.00
13	8"-45" Bend	8 EA	250.00	2,000.00	8.00	2,000.00
14	6"x8" Reducer	1 EA	150.00	150.00	1.00	150.00
15	8" Solid Sleeve	3 EA	140.00	420.00	3.00	420.00
16	Fire Hydrant Assembly	1 EA	4,500.00	4,500.00	1.00	4,500.00
17	Water Service Connections 1-inch Diam. "Wet Tap"	10 EA	570.00	5,700.00	10.00	5,700.00
18	Special Water Service Connection 1-inch Diam. "Wet Tap"	1 EA	650.00	650.00	1.00	650.00
SANITARY SEWERS						
19*	Ductile Iron Sanitary Sewer, 8-inch	60 LF	43.00	2,580.00	60.00	2,580.00
20*	Sanitary Sewer Manhole, 48-inch Diameter	1 EA	1,400.00	1,400.00	1.00	1,400.00
21*	Connection to Existing Sanitary Manhole	1 EA	400.00	400.00	1.00	400.00
MISCELLANEOUS						
22	Erosion Control	1 LS	600.00	600.00	1.00	600.00
23	Remove Asphalt Concrete Pavement	215 SY	4.00	860.00	243.00	972.00
24	Remove Cement Concrete Pavement	310 SY	8.00	2,480.00	310.00	2,480.00
25	Remove and Replace Curb and Gutter	120 LF	31.00	3,720.00	90.00	2,790.00
26	Remove PCC Sidewalk	35 SY	7.00	245.00	35.00	245.00
27	Portland Cement Concrete Sidewalks 4" Thick	23 SY	50.00	1,150.00	27.00	1,350.00
28	Portland Cement Concrete Sidewalks 5-1/2" Thick	12 SY	69.00	828.00	14.00	966.00
29	Remove and Reset Existing Sign	1 EA	50.00	50.00	1.00	50.00
30	Landscape/Irrigation Restoration	1 LS	850.00	850.00	1.00	850.00
31	Controlled Density Fill	6 CY	90.00	540.00	7.00	630.00
32	Trench Safety	1 LS	500.00	500.00	1.00	500.00
CHANGE ORDER #1						
1	Stand by Time due to unmarked irrigation line	1 T&M	826.00	826.00	1.00	826.00
2	Repair Utilities Not Marked	1 T&M	760.00	760.00	1.00	760.00
3	Replace Catch Basin	1 T&M	1,085.00	1,085.00	1.00	1,085.00
4	Repair Leaking Sanitary Sewer Line	1 T&M	187.00	187.00	1.00	187.00
5	Storm/Fire Line Conflict	1 T&M	555.00	555.00	1.00	555.00
6	HMA Trench Patch 2" Thick	553 SY	36.00	19,908.00	553.00	19,908.00
PREVIOUS PAYMENTS:				SUMMARY:		
1	\$105,590.33	7		Total Work to Date		\$ 103,000.00
2		8		Less Retainage (5%)		
3		9		Sales Tax 7.5% on all items excluding items 6,7, and CO#1 Item 3		7,740.33
4		10		Due to Date		110,740.33
5		11		Less Previous Payments		105,590.33
6		12		Amount Due This Payment		\$ 5,150.00
Total Previous Payments: \$ 105,590.33						

BARS Code 403.3363.594.34.63.00

Checked: _____
Inspector
Approved: Mark Workman
Engineer
Approved: [Signature]
Contractor

Date: _____
Date: 10/13/10
Date: 10/15/10

Consent Agenda

10-16-10
3

3. A motion to ratify Change Order No. 1 to Contract No. 10-01, Sidewalks 2010.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 10/26/10

ACTION REQUESTED:

Ratify approval of Change Order No. 1 to the Sidewalks 2010 contract.

BACKGROUND:

The scope of contract 10-01, Sidewalks 2010, included the repair of sidewalk tripping hazards by grinding raised panel edges and replacing certain panels where grinding was not appropriate. This year's project was the first of what will be a multi-year effort on Pioneer Hill, extending from Paradise Street south to Dexter Street. During the course of constructing some of the replacements, particularly where sidewalk ramps were being retrofitted, the adjacent landscaping and irrigation systems were impacted. The contractor was authorized to make repairs at these locations and change order number one provides compensation for the related costs incurred, \$1,541.00. A copy of the change order is attached. Funding for this project is from the Street Budget.

RECOMMENDATION:

By motion, ratify approval of change order number one to contract 10-01, Sidewalks 2010.

FISCAL IMPACT:

\$1,541.00
105.4300.595.61.63.00
BARS Code Number

SUBMITTED BY:

Name Mark Workman
Title Public Works Director
Dept. Public Works

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Change Order No. 1

REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>10/11/10</u>
City Supervisor	<u>KS for JS</u>	<u>10/22/10</u>
City Attorney	<u>May</u>	<u>10-12-10</u>
(As to Form)		

City of Pullman
CONTRACT CHANGE ORDER NO. # 1

Date: 10/04/2010

Contract No.: 10-01

Contract Title: Sidewalks 2010

To: (Contractor) Motley-Motley, 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	Various landscaping and irrigation system repairs as directed - Time and Materials		1,541.00
TOTAL DECREASE			
TOTAL INCREASE			\$1,541.00
Net Increase			\$1,541.00
Sales Tax 0.0%			\$0.00
Total Change to Contract			\$1,541.00

☒ 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 \$1,541.00 is hereby added to the total contract price, and the total adjusted contract price to date thereby is \$21,538.00

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:



Contractor's Representative

10/11/10.

Title:

Approved by:

Mark D. Workman, P.E.

Director of Public Works

10/7/10

4. A motion to approve a Lodging Tax Grant to the Pullman Chamber of Commerce in the amount of \$10,000 for the Holiday Festival & Tree Lighting Event.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: October 26, 2010

ACTION REQUESTED

Approval of Lodging Tax Grant to the Pullman Chamber of Commerce in the amount of \$10,000 for the Holiday Festival & Tree Lighting Event which will be held December 3.

BACKGROUND

A grant was submitted to the Lodging Tax Advisory Committee by the Pullman Chamber of Commerce for the Holiday Festival & Tree Lighting Event which will be held December 3. The Lodging Tax Advisory Committee reviewed the request and filled out the attached check list before voting to award \$10,000 to this event.

RECOMMENDATION

Approve grant recommendation for the Pullman Chamber of Commerce in the amount of \$10,000.

FISCAL IMPACT

\$ 10,000

BARS Code Number

SUBMITTED BY

Name: Bill Mulholland
Title: Finance Director
Department: Finance

ATTACHMENTS FOR COUNCIL REVIEW/ACTION

1. Evaluation Form completed 10/12/2010
2. *Draft* approval letter from the Lodging Tax Advisory Committee

REVIEWED BY

	Initial	Date
Department Head	<u>WM</u>	<u>10/22/10</u>
City Supervisor	<u>K. J. [Signature]</u>	<u>10/22/10</u>
City Attorney (As To Form)	<u>[Signature]</u>	<u>10-22-10</u>

Tourism Grant Application Evaluation Form
City of Pullman's Lodging Tax Advisory Committee

Evaluation date: October 12, 2010

Name of requesting party/organization: Pullman Chamber - Holiday Festival

Three or more of the following criteria must be met by the applicant in order to be considered for lodging tax funds to promote this event/activity. Please make a mark by the following criteria items that this event/activity meets to be considered for Tourism Promotion funding:

 The event/activity will occur during slower-paced times in Pullman, notably: Second week in December through the middle of February; middle of May through the month of July; Labor Day weekend; and WSU Thanksgiving Break.

 Visitors to this event/activity will stay overnight in a Pullman lodging establishment.

✓ The applicant has a reasonable plan to collect the necessary information needed to fulfill the statutory reporting requirements.

✓ This event/activity appeals to a reasonably sized audience

✓ This event/activity provides visitor attractions and/or promotes Pullman's existing attractions and conveniences.

✓ This event/activity is designed to attract future conferences or events to Pullman.

✓ This event/activity is an attractive draw for visitors to Pullman, and will improve the City of Pullman's overall image to outside area visitors.

✓ This event/activity is hosted within a reasonable proximity of Pullman, WA.

Additional items for consideration: please mark yes or no beside the following items to further review this application:

1) Did the applicant complete the application and questionnaire completely? ✓

2) Does the amount of Tourism Promotion funds requested seem reasonable?

3) Does the overall planning for this event/activity appear to be well thought out? ✓

4) Has the applicant addressed permits and insurance needs for this event/activity? ✓

5) Amount awarded \$10,000

Explanation:

October 27, 2010

Tammy Lewis
Pullman Chamber of Commerce
415 N Grand Ave.
Pullman, WA 99163

Re: Holiday Festival & Tree Lighting

Dear Mrs. Lewis,

Thank you for your application to operate/promote your event. I am pleased to inform you that on October 12, 2010, the Lodging Tax Advisory Committee approved your application and recommended to the City Council that you be awarded a sum not to exceed \$10,000 for this tourism event. ***The action was approved by the Pullman City Council on October 26, 2010.***

The Pullman Chamber of Commerce administers the approved grant funding reimbursements. Mary MacDonald, Director of Tourism and Special Events, will be your contact person. Please contact her at (509) 334-3565 at your earliest convenience to set up a meeting to review the details of the Tourism Grant Acknowledgement that you must sign to receive the funds.

Please be prepared to visit with Mrs. MacDonald about ways in which your event will meet the statutory reporting requirements as outlined in the Tourism Grant Application. The reimbursable funds you will be receiving are subject to a review by the Washington State Department of Community Trade and Economic Development.

Congratulations again on the approval of your Tourism Grant Application.

Sincerely,

Patricia A. Wright
Lodging Tax Committee Chair

5. A motion to refer a Claim for Damages submitted by Chad Christianson for the sum of \$515.21 to the Washington Cities Insurance Authority (WCIA).

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: October 26, 2010

ACTION REQUESTED

A motion to refer a Claim for Damages submitted by Chad Christianson for the sum of \$515.21 to the Washington Cities Insurance Authority (WCIA).

BACKGROUND

On October 13, 2010, Chad Christianson submitted a Claim for Damages for the sum of \$515.21 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.

RECOMMENDATION

That the motion be passed.

FISCAL IMPACT

\$ _____ Budgeted Expenditures

BARS Code Number

SUBMITTED BY

ATTACHMENTS FOR COUNCIL REVIEW/ACTION

Jane Joyce
Name

1. Claim for Damages - Christianson

Deputy City Clerk
Title

Finance
Department

REVIEWED BY

	Initial	Date
Department Head	<u>[Signature]</u>	<u>10/14/10</u>
City Supervisor	<u>[Signature]</u>	<u>10/22/10</u>
City Attorney (As To Form)	<u>[Signature]</u>	<u>10-14-10</u>

STANDARD TORT CLAIM FORM Claim for Damages

Pursuant to Chapter 4.96 RCW, this form is for filing a tort against the city of Pullman. Information requested on this form is required by law and may be subject to public disclosure. Claim forms cannot be submitted electronically (via e-mail or fax).

After filing with the city, you subsequently will be contacted by our insurance carrier, usually within 10 days. Washington Cities Insurance Authority, P.O. Box 88030, Tukwila, WA 98138
Phone (206) 575-6046 Fax (206) 575-7426

Date form received by city staff

10/14/10

10:20 AM

umy

(Rev. Sept. 1, 2009)

PLEASE TYPE OR PRINT IN INK

Mail or deliver Finance Director
original claim to: City of Pullman
325 SE Paradise St.
Pullman, WA 99163
Business Hours: Mon.-Fri. 8 a.m.-5 p.m.
Closed on official city holidays

CLAIMANT INFORMATION

1. Claimant's name:

CHRISTIANSON CHAD DAVID

Last name

First

Middle

Date of birth (mm/dd/yyyy)

2. Current residential address: 1025 SW LOST TRAIL DRIVE, PULLMAN, WA 99163

3. Mailing address (if different):

4. Residential address for on/at the date of the incident (if different from current address):

5. Claimant's daytime telephone number:

6. Claimant's e-mail address:

INCIDENT INFORMATION7. Date of the incident: 10/16/10 - 10/08/10 Time: 9:30 a.m. ☒ a.m. ☐ p.m. (check one)

8. If the incident occurred over a period of time, date of first and last occurrences:

from 10/16/10 time: 9:30 a.m. ☒ a.m. ☐ p.m. (check one) to 10/08/10 time: 10 a.m. ☒ a.m. ☐ p.m. (check one)

9. Location of incident: WA Whitman Pullman 1025 SW LOST TRAIL DR

10. If the incident occurred on a street or highway:

Name of street or highway Milepost number At the intersection with or nearest intersecting street

11. City department alleged responsible for damage/injury:

Water

12. Names, addresses and telephone numbers of all persons involved in or witness to this incident:

Heather Christianson - same information as above

13. Names, addresses and telephone numbers of all city employees having knowledge about this incident:

Brian Druffel, Terry ? 509-338-3243

14. Names, addresses and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

Carlsons Plumbing - repaired all broken items 509-332-4857

15. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

City Water pressure exceeded the normal amount causing a burst pipe on our sprinkler system, blowing the pressure valve on

16. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom? the hot water heater & the valve on the top in the master bath

17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

N/A

18. Please attach documents which support the claim's allegations.

19. I claim damages from the city of Pullman in the sum of \$ 515,200

This claim form must be signed by the Claimant, a person holding a written power of attorney from the claimant, by the attorney in fact for the Claimant, by an attorney admitted to practice in the state of Washington on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature of Claimant

11 OCT 2010
Date and residential address, city and county

6. RESOLUTION NO. R-80-10

A RESOLUTION AUTHORIZING THE EXECUTION OF A BUSINESS USE AGREEMENT BETWEEN THE CITY OF PULLMAN AND WASHINGTON STATE UNIVERSITY FOR THE USE OF THE COUGAR LOGO ON THE WAWAWAI WATER STANDPIPE.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 10/26/10

ACTION REQUESTED:

Authorize a Business Use Agreement with Washington State University for the use of the Cougar logo on the Wawawai Water Standpipe.

BACKGROUND:

Council has approved a proposal by the Hinrichs family to install the Cougar logo and the word "Pullman" on the Wawawai water standpipe. The Cougar logo is trademark protected, so a Business Use Agreement is required with WSU. There is no cost to the City of Pullman incurred by this agreement. As additional information, there was some concern by WSU about the combination of "Pullman" and the Cougar logo as originally proposed, so the form of the artwork is being negotiated between Phil Hinrichs and WSU staff.

RECOMMENDATION:

Adopt the attached resolution authorizing execution of a Business Use Agreement with Washington State University for use of the Cougar logo on the Wawawai Water Standpipe.

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-80-10

REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>10/19/10</u>
City Supervisor	<u>KH/JS</u>	<u>10/22/10</u>
City Attorney (As to Form)	<u>may</u>	<u>10-19-10</u>

RESOLUTION NO. R-80 -10

A RESOLUTION AUTHORIZING THE EXECUTION OF A BUSINESS USE AGREEMENT BETWEEN THE CITY OF PULLMAN AND WASHINGTON STATE UNIVERSITY FOR THE USE OF THE COUGAR LOGO ON THE WAWAWAI WATER STANDPIPE.

WHEREAS, the City Council for the city of Pullman has before it a business use 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 business use 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 business use agreement attached hereto and marked as Exhibit "A" and to deliver an executed original thereof to Washington State University.

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 business use agreement authorized thereby.

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

BUSINESS USE AGREEMENT

This shall serve as a legal and binding Agreement by and between Washington State University, a University organized under the laws of the state of Washington, having a principal place of business at 100 Wilson Road, #2008, Pullman, WA 99164-1227 ("University"), and the City of Pullman, a Municipal Corporation organized under the laws of the state of Washington, having its principal place of business at 325 SE Paradise Street, Pullman, WA ("City").

WHEREAS, University is authorized to enter into this Agreement for the purpose of authorizing the use of certain of its names, team names, logos, mascots and other indicia (hereinafter "Indicia") in the manner provided herein.

WHEREAS, the University owns and controls its Indicia.

WHEREAS, the City desires to use certain of the Indicia on its Wawawai water standpipe near the northwest entrance to Pullman.

NOW, therefore, in consideration of the mutual promises, covenants and conditions contained herein, the parties agree as follows:

1. **OWNERSHIP OF RIGHTS.** The City acknowledges and agrees that the University is the sole and exclusive owner of all trademark, service mark or other proprietary rights, title and interest in and to its Indicia as shown on the attached Appendix A, as well as any derivatives of said Indicia, and all rights relating thereto are expressly reserved by the University. University shall also be deemed to have rights as a third party beneficiary of this Agreement.

2. **GRANT.**

University hereby grants to the City permission to use the Cougar head logo on its Wawawai water standpipe. The Business shall not use any Indicia, other than as set forth in Appendix A, in connection with its business or otherwise.

3. **TERM/TERMINATION.**

(a) This Agreement shall be deemed effective the date of the last signature below.

(b) This Agreement may be terminated for cause by either party effective upon thirty (30) days written notice of either party.

4. **QUALITY CONTROL AND GOOD WILL.**

(a) The manner and style in which the WSU Logo is used by the City on the Wawawai water standpipe, the maintenance of the water standpipe, and the quality of the services provided by the City shall be of high and consistent quality, and shall remain consistent throughout the Term. In the event that the above-stated quality standards are not maintained, University has the right to require the City to terminate use of the WSU Logo.

(b) The City shall notify University of any significant change in the nature, purpose or character of the Business, or its services or activities. University has the right to, upon reasonable notice to City, inspect the City's premises to ensure that the City has maintained the high quality of services and

proper maintenance and use of the WSU Logo in a manner consistent with that approved by the University.

(c) The City agrees that by its use of the WSU Logo the City shall not acquire any rights in the WSU Logo.

5. INDEMNIFICATION AND INSURANCE.

(a) The University shall not have any liability arising out of the City's use of the WSU Logo during the Term, or any extensions. The City hereby agrees to indemnify and hold harmless the University and their officers, employees and agents from any and all liability which arises in connection with the City's use of the WSU Logo.

6. INJUNCTIVE RELIEF. City acknowledges that its breach or threatened breach of this Agreement will result in immediate and irremediable damage to the University and that money damages alone would be inadequate to compensate the University. Therefore, in the event of a breach or threatened breach of this Agreement by City, the University may obtain and enforce injunctive relief prohibiting the breach or threatened breach.

7. RELATIONSHIP OF PARTIES. Nothing herein contained shall be construed to place the parties in the relationship of partners, joint venturers, or agents, and City shall have no power to obligate or bind the University in any manner whatsoever, and the University does not in any way represent itself as a guarantor of the quality of any product or service produced or provided by the City.

8. WAIVER. No waiver by either party of a breach or a default hereunder shall be deemed a waiver by such party of a subsequent breach or default of a like or similar nature.

9. SEVERABILITY. In the event that any term or provision of this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other term or provision and this Agreement shall be interpreted and construed as if such term or provision, to the extent the same shall have been held to be invalid, illegal or unenforceable, had never been contained herein.

10. INTEGRATION. This Agreement represents the entire understanding between the parties hereto with respect to the subject matter hereof and this Agreement supersedes all previous representations, understandings or agreements, oral or written, between the parties with respect to the subject matter hereof and cannot be modified except by a written instrument signed by the parties hereto.

11. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Washington.

By their execution below, the parties hereto have agreed to all of the terms and conditions of this Agreement.

WASHINGTON STATE UNIVERSITY

By: _____

Title: _____

Date: _____

CITY OF PULLMAN

By: _____

Title: _____

Date: _____

Attest: _____
Finance Director

**APPENDIX A
LICENSED INDICIA**



7. A PUBLIC HEARING TO CONSIDER A RURAL WASHINGTON LOAN FUND GRANT.

STAFF REPORT_____

QUESTIONS FROM COUNCIL ON STAFF REPORT_____

READING OF RESOLUTION NO. R-81-10_____

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR A RURAL
WASHINGTON LOAN FUND GRANT IN THE APPROXIMATE AMOUNT OF \$250,000
AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR SUCH
FUNDING.

DISCUSSION_____

ACTION TAKEN_____

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of : 10/26/10

ACTION REQUESTED:

Conduct a public hearing to accept public comment and take action by resolution on a proposal by Ecowell, Inc. of Pullman for the city to sponsor the company's request for a Community Development Block Grant loan of \$250,000 through the Rural Washington Loan Fund program.

BACKGROUND:

The Rural Washington Loan Fund provides gap financing to businesses that will create new jobs or retain existing jobs, particularly for low income persons. The loan amount is determined by the "gap" and competitive factors, and cannot exceed one-third of the total project costs. Funds can be lent for the acquisition, engineering, improvement, rehabilitation, construction, operation, or maintenance of any property. All applications for Rural Washington Loan Fund financing assistance must be sponsored by the city or county in which the business is located.

Ecowell, Inc. has asked the city to sponsor its request for a loan of \$250,000 through this program (please refer to the attached letter from Ecowell president Donald Tilton). The city is not liable in the event of a loan default; the Washington State Department of Commerce takes responsibility for all activities associated with such a default.

The city's obligations as the sponsoring agency would be to: a) serve as a pass-through agent for the funds from the U.S. Department of Housing and Urban Development (which will trigger an audit if the total amount of federal funds passing through the city over the course of a year is \$500,000 or more); b) conduct an environmental assessment of the project (which, in this instance, involves completion of a one-page form); and c) invite community participation in the process. At its meeting of October 12, the Council set October 26 as the date for a public hearing on this matter to accept oral and written input from interested citizens. If, at the end of this public hearing, the Council wishes to sponsor Ecowell's loan application, it would be appropriate to adopt the attached resolution.

RECOMMENDATION:

Adopt the attached resolution.

FISCAL IMPACT: \$ _____

_____ **BARS** Code Number

SUBMITTED BY:

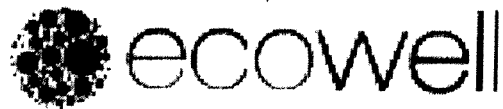
Name Pete Dickinson
Title Planning Director
Dept. Planning

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Letter from Donald Tilton, dated 10/4/10
2. Resolution No. R-81-10

REVIEWED BY:

	Initial	Date
Department Head	<u>PD</u>	<u>10/18/10</u>
City Supervisor	<u>KSfor15</u>	<u>10/22/10</u>
City Attorney (As to Form)	<u>mej</u>	<u>10-22-10</u>



October 4, 2010

John Sherman
City of Pullman
325 SE Paradise Street
Pullman, WA 99163

Dear Mr. Sherman:

Thank you for meeting with us last week to discuss the City's role in our Rural Washington Loan Fund (RWLF) application to the State. Our company is requesting a loan of \$250,000 dollars to build and deploy another production lot of beverage vending kiosks. Currently, Ecowell has 10 kiosks deployed, but needs many more to reach cash flow breakeven. Our initial investment has resulted in dramatic success. ABC News (Link: <http://abcnews.go.com/Video/playerIndex?id=9366860>) and Fox News (Link: <http://www.drinkecowell.com/video/FoxNewsStory26July2010.wmv>). However, financing has been difficult in this economic climate, and banks are not willing to loan to a company with such a short corporate history.

This proposed loan will enable our business to build and deploy another 10 kiosks and further prove the revenue model. That added revenue will reduce the burn rate to near cash flow breakeven, enabling a longer runway to get to a successful close on larger financing. After the loan closes, parts will be ordered, and kiosks can be produced and deployed within 3 to 4 months. Kiosks are built by our internal staff in Pullman. In addition to retaining the existing 7 employees, we will be enabled to hire up to four additional full time personnel to assist with the construction and kiosk service and support over the coming year. By the end of 2011, Ecowell expects to grow to 14 employees from the current staff of 7. From 2011 to 2015, growth will bring employee count to 80 or more employees.

I want to assure you that our company is in compliance with the Davis-Bacon Act, the Lead Based Paint Poisoning Prevention Act, the Architectural Barriers Act and the Americans with Disabilities Act, as required for application for this type of assistance from the State. We request notice of the required hearing be issued at the October 12th council meeting for a hearing date of October 26th. As you are aware, RWLF loans must pass through the city, but the city has no financial liability, even in the event of a default. I look forward to hearing from you soon. Thank you for taking the time to review the RWLF package, and working with ecowell through the required public process.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donald Tilton", is written over a light blue horizontal line.

Donald Tilton
Founder and President

1300 NE Henley Ct. • Pullman • WA • 99163
Phone: (509) 332-2079 • **Fax:** (509) 332-4082

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR A RURAL WASHINGTON LOAN FUND GRANT IN THE APPROXIMATE AMOUNT OF \$250,000 AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR SUCH FUNDING.

WHEREAS, Rural Washington Loan Fund (RWLF) funds are available to support economic development projects that are ready to implement and for which jobs created or retained will be made available to low and moderate income persons; and,

WHEREAS, the city of Pullman desires to fund a project consistent with the purposes of the RWLF; and,

WHEREAS, the RWLF Project represents a commitment of private resources toward enhancing the vitality of the area and expansion of economic and employment opportunities of the city of Pullman, together with increased tax revenues; and,

WHEREAS, in the event the application for RWLF funding is approved and accepted by the city of Pullman, the city of Pullman will comply with all applicable federal and state requirements in regard to environmental impact of the project; and,

WHEREAS, the city of Pullman will provide opportunities for citizen participation comparable to state requirements, and has complied with all public hearing and public meeting requirements, including a public hearing on October 26, 2010; and,

WHEREAS, the city of Pullman will conduct and administer its programs in conformance with Title VI and Title VII of the Civil Rights Act of 1964, and affirmatively further fair housing; and,

WHEREAS, the city of Pullman RWLF project will not result in displacement of persons or use of Community Development Block Grant Funds for public improvements; and,

WHEREAS, the City Council of the city of Pullman finds and determines that an application should be submitted to appropriate agencies for consideration of funding the RWLF Project for and on behalf of Ecowell, Inc., and that such submission will promote the general health, safety, and welfare, and will promote economic development within the City of Pullman, now, therefore,

IT IS HEREBY RESOLVED that the Mayor, or his designee, for and on behalf of the city of Pullman, is hereby authorized to submit an application to the state of Washington and to provide

such additional information as may be necessary to secure approval of such application to the state of Washington, for RWLF funding in the approximate amount of \$250,000 for the aforementioned RWLF Project.

IT IS FURTHER RESOLVED that, in the event such application is approved, the Mayor is authorized to enter into an agreement for such funding.

IT IS FURTHER RESOLVED that this Resolution shall be effective upon passage and signatures hereon in accordance with 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