

benefits and services to all property within the incorporated City limits. Such benefits may include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality of the stormwater and its receiving waters. Ecology's decision to include the City in the NPDES Phase II municipal stormwater general permit program now requires the City of Pullman to implement local water quality protection activities and programs to reduce and control the potential to pollute surface waters and groundwaters by storm drainage originating on both public and private properties.

The City Council finds, determines and declares that development of lands alter both the amount of stormwater runoff and the amount of pollution contained in such runoff and that the variation in these two factors constitutes a fair way to determine the burdens imposed upon the system and the benefits of the services received by the customer from the pollution management and regulatory services and facilities provided by a utility for storm drainage and surface water management, and the customer's charges for management of such burdens and provision of such services and facilities.

The City Council finds, determines and declares that the amount of impervious surface, land use, and rainfall will determine the volume of runoff and the general level of pollution from a property, which has been well established in both engineering practice and water quality studies by the Environmental Protection Agency, the Washington Department of Ecology, the United States Geological Survey, the Natural Resources Conservation Service, and others. While the relationships established by the above studies are adequate to assign charges, the City Storm Drainage and Surface Water Management Utility may perform local studies and based upon the results of these, may adjust rates and charges in the future to more accurately reflect the burdens imposed by customer classes

within the City, including the relative burden and appropriate charge for undeveloped property.

The City Council finds, determines and declares that to fund the costs of storm drainage and surface water management in the City, it is appropriate to adopt service charges for stormwater users, with rates varying according to the services furnished, the burdens imposed or benefits received; and the character, use and stormwater runoff characteristics of the land.

Section 3: There is hereby added a new section 10.30.020 to the Pullman City Code to read as follows:

10.30.020 Creation of Storm Drainage and Surface Water Management Utility. Pursuant to RCW 35.67.010 - .020 and RCW 35.92.020, there is hereby created a City Storm Drainage and Surface Water Management Utility.

The Storm Drainage and Surface Water Management Utility, under the legislative policy, supervision and control of the governing body of the City, shall perform the following activities within the City:

- (1) Administer the acquisition, design, construction, maintenance and operation of the public stormwater and surface water system, including stormwater capital improvements designated in the capital improvement program;
- (2) Administer and enforce this ordinance and all regulations and procedures adopted thereto relating to the design, construction, maintenance, operation and alteration of the stormwater and surface water system, including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;
- (3) Advise the City's governing body and other City departments on matters relating to the utility;
- (4) Prepare and periodically revise, as determined by state and federal law, comprehensive stormwater management and drainage plans for adoption by the City's governing body;
- (5) Develop standards and ordinances relating to stormwater drainage and treatment to apply to new development and redevelopment;
- (6) Enforce regulations to protect and maintain water quality and quantity within the stormwater

and surface water system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended;

- (7) Periodically analyze the cost of services and benefits provided to, and burdens imposed by, different classes of customers, and the system and structure of fees, charges, civil penalties and other revenues of the utility, and prepare budgets for adoption by the City's governing body; and
- (8) Perform all other activities allowable by law and required to ensure compliance with state and federal stormwater and surface water quality laws.

Section 4: There is hereby added a new section 10.30.030 to the Pullman City Code to read as follows:

10.30.030 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Base Rate" means the stormwater user's fee for an equivalent residential unit (ERU).
- (2) "City" means the City of Pullman, Washington, a municipal corporation created and existing under the laws of the state of Washington.
- (3) "Credit" means the extent to which utility customers meeting specified criteria are billed at a reduced fee, such reduction representing a fee credit. The fee credit is provided in recognition that those utility customers who meet the specified criteria provide an in-kind service or contribution that offsets a portion of the burdens on the stormwater system imposed by the credited parcel.
- (4) "Developed Property" means real property that has been altered from its undeveloped state by the creation or addition of impervious surface areas, such as buildings, structures, pavement or other improvements.
- (5) "Duplex, Tri-plex, and Four-plex" mean buildings designed and arranged exclusively for occupancy

- in two (2), three (3), and four (4) separate dwelling units, respectively.
- (6) "Dwelling Unit" means a single unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, eating, cooking, and sanitation.
 - (7) "Equivalent Residential Unit" or "ERU" means, and is equal to, 3,500 square feet of impervious groundcover, which approximates the average impervious surface area contained on single-family residential parcels within the City. An ERU is the unit of impervious groundcover to be used by the utility in calculating service charges for each parcel of property.
 - (8) "Family" means either a "traditional" or "functional" household unit as defined in the Zoning Code in Chapter 17 of the Pullman City Code.
 - (9) "Fee" or "Stormwater User's Fee" means the charge established under this ordinance for parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the City.
 - (10) "Finance Director" means the duly appointed Director of the City of Pullman Finance Department or his or her designee. The Finance Director may utilize the services of the Public Works Department as necessary to make decisions.
 - (11) "Impervious Surface" means a surface which is covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.
 - (12) "Impervious Surface Area" means the number of square feet of horizontal surface covered by buildings and other impervious surfaces.

- (13) "Multiple Family Dwelling Unit" means a building or portion thereof, containing five (5) or more separate dwelling units.
- (14) "National Pollutant Discharge Elimination System" or "NPDES" refers to the federal permit system under the Clean Water Act for discharges of pollutants to surface waters of the United States. Congress amended the Clean Water Act in 1987 to regulate stormwater. Under the revisions, NPDES Phase II permits are required for municipal stormwater discharges to surface waters.
- (15) "Nonresidential Parcel" means a parcel which has been developed for any purpose other than a single-family residence, duplex, tri-plex, or four-plex and includes, but is not limited to, commercial parcels, industrial parcels, parking lots, hospitals, schools, hotels, offices, churches, governmental parcels, mobile/manufactured home parks and multiple family dwelling units.
- (16) "Public Works Director" means the duly appointed Director of the City of Pullman Department of Public Works or his or her designee.
- (17) "Residential Parcel" means a parcel which has been developed as a single-family residence, a mobile/manufactured home on a separate parcel, and other parcels where the primary use is residential, including duplexes, tri-plexes, and four-plexes, but excluding all other apartment complexes.
- (18) "Single-Family Residence" means a parcel which has been developed with a residential structure designated for occupancy by one (1) family or household unit, including mobile homes and manufactured homes on a separate parcel.
- (19) "Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody.

- (20) "Stormwater Control Facility" means the streams, rivers, ponds, waterways, groundwater, and functionally related natural and manmade stormwater control facilities that combined constitute the City stormwater control facility.
- (21) "Stormwater Management Fund" or "Fund" means the fund created by this ordinance to operate, maintain, and improve the City's stormwater system.
- (22) "Storm Drainage and Surface Water Management" means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to stormwater.
- (23) "Stormwater and Surface Water System" or "Stormwater System" means all properties, interest, physical and intangible rights of every kind or nature owned, held or operated by the City, however acquired, insofar as they contribute to the management of storm or surface water. It shall further include without limitation, all such properties, interests and rights acquired by adverse possession or by prescription, directly or through another; in and to the drainage or storage, or both of storm or surface waters, or both; and through, under, or over lands, landforms, watercourses, streams, ponds and swamps. In each case or instance, their inclusion begins at a point where storm or surface waters first enter the stormwater control facility of the City within the City limits, and ends where storm or surface waters exit from the stormwater control facility of the City within the City limits, and in width to the full extent of inundation caused by the largest storm or flood condition.
- (24) "Storm Drainage and Surface Water Management Utility" or "Stormwater Utility" or "Utility" means the Storm Drainage and Surface Water Management Utility created by this ordinance as it may be amended from time to time.

(25) "Undeveloped Property" is property that has no improvements, generates little to no traffic, and generally exists in a natural state, thereby imposing less burden upon the system and receiving less benefit from the utility's services than developed property. This includes property used for agricultural crop production.

(26) "Waiver" means that determination by the Finance Director that a utility customer's property has met the criteria specified in PCC 10.30.120 of this chapter to receive a waiver from paying stormwater fees. Any waiver will require a showing that parcels that meet the specified criteria provide an in-kind service or contribution that offsets the burdens on the stormwater system imposed by the parcels subject to the waiver.

Section 5: There is hereby added a new section 10.30.040 to the Pullman City Code to read as follows:

10.30.040 Funding of Storm Drainage and Surface Water Management Utility. Funding for the Storm Drainage and Surface Water Management Utility's services and facilities may include, but not be limited to, the following:

- (1) Stormwater user's fees;
- (2) Civil penalties and damage assessments imposed for or arising from the violation of this ordinance;
- (3) Stormwater permit, development and/or inspection fees;
- (4) Revenue bonds and/or general obligation bonds; and
- (5) Other funds or income obtained from federal, state, local or private grants and/or loans.

Section 6: There is hereby added a new section 10.30.050 to the Pullman City Code to read as follows:

10.30.050 Stormwater Funds. All revenues generated by, or on behalf of the stormwater utility shall be deposited in the Storm Drainage and Surface Water Management Utility fund as established and maintained by the Finance Director. The revenue deposited into this account shall be used in accordance with state law and used only for the purposes of constructing, acquiring,

adding to, maintaining, replacing, conducting, operating, managing, regulating, and controlling the stormwater system, or to secure the payment of all or any portion of any issue of general obligation bond or revenue bond issued for such purposes, or for other legal purposes consistent with this ordinance.

Section 7: There is hereby added a new section 10.30.060 to the Pullman City Code to read as follows:

10.30.060 Operating Budget. The City Council shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the established costs for operations and maintenance, capital improvement projects, and debt service.

Section 8: There is hereby added a new section 10.30.070 to the Pullman City Code to read as follows:

10.30.070 Reserve Account. An operating and emergency reserve account shall be maintained with the designated funds to provide for cash flow, emergencies and capital improvement project needs.

Section 9: There is hereby added a new section 10.30.080 to the Pullman City Code to read as follows:

10.30.080 Stormwater User's Fees Established. Except with respect to those parcels that are waived from paying fees as described in PCC 10.30.120 of this chapter and except for undeveloped property until related criteria and fees are established and adopted by resolution of the City Council, the City shall charge and collect from the owner of each and every property in the City a stormwater user's fee, which shall be set in the manner and amount as determined from time to time by resolution of the City Council. The purpose of this fee is to fund the Storm Drainage and Surface Water Management Utility.

Prior to establishing or amending stormwater user's fees, the City shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the City. The publication date of such advertisement shall meet public notice requirements of local and state laws.

Section 10: There is hereby added a new section 10.30.090 to the Pullman City Code to read as follows:

10.30.090 Equivalent Residential Unit.

- (1) Establishment. The equivalent residential unit (ERU) is hereby established for purposes of calculating the stormwater user's fee.

The ERU is the approximate average square footage of impervious surface area on a single-family residential parcel.

- (2) Setting the ERU. The ERU shall be set by the City Council from time to time by ordinance. The ERU is hereby set as 3,500 square feet. This value was determined through the measurement of impervious surface on a random sampling (average) of single-family residential parcels.
- (3) Source of ERU. The impervious surface area of developed property shall be determined through property tax assessor's rolls or site examination, mapping information, aerial photographs, and other reliable information.
- (4) Minimum Service Charge. Unless otherwise waived, the minimum charge for a developed property shall be based on 1.0 ERU.

Section 11: There is hereby added a new section 10.30.100 to the Pullman City Code to read as follows:

10.30.100 Property Classification for Stormwater User's Fee. As authorized by RCW Chapters 35.67 and 35.92, the City Council finds that variations in land use results in differences in the burdens imposed upon the stormwater system and the costs to serve such parcels. City parcels shall be differentiated from one another based upon the stormwater burdens imposed and the costs of City stormwater services.

- (1) Customer Classification. For purposes of determining the stormwater user's fees, owners of all parcels in the City are classified into one of the following general classes:
 - (a) Residential;
 - (b) Duplex, Tri-plex and Four-plex;
 - (c) Non-residential; and
 - (d) Undeveloped.

To reflect the burdens imposed upon the City stormwater system, parcels with facilities deemed to be more industrial or commercial in nature will have fees determined in the same

manner as the non-residential class regardless of the land use codes assigned by the City.

- (2) Residential Fee. The stormwater fee for residential parcels shall equal the base rate. The fee for commercial mobile/manufactured home parks and condominiums shall be determined using the same methodology as used for non-residential parcels.
- (3) Duplex, Tri-plex, and Four-plex Fee. The stormwater fee for a duplex, tri-plex and four-plex shall equal one half the base rate multiplied by the number of dwelling units.
- (4) Non-residential Fee. Owners of developed non-residential parcels shall pay a stormwater fee equal to the base rate multiplied by the numerical factor obtained by dividing the estimated total impervious surface area of the parcel by one ERU. The minimum stormwater fee for developed non-residential parcels shall equal the base rate for residential parcels.
- (5) Undeveloped Fee. The stormwater fee for undeveloped property shall be based on criteria to be developed and adopted by resolution of the City Council.

Section 12: There is hereby added a new section 10.30.110 to the Pullman City Code to read as follows:

10.30.110 Base Rate and Appeal Fee Establishment and Review.

- (1) Base Rate. The base rate for services to utility customers and the stormwater fee for undeveloped property shall be determined from time to time by resolution of the City Council. The effective date for such rates shall be established as set forth in the appropriate resolution of the City Council.

The utility base rate schedule and fees set by resolution of the City Council shall be reviewed periodically and revised as necessary to reflect any changes in operation and capital costs and to ensure fair funding of the program.

- (2) Appeal Fee. The appeal fee shall be calculated to provide adequate revenues to cover all costs

associated with the review and processing of requests for adjustment to customer charges as described in PCC 10.30.150 of this chapter. The appeal fee shall be determined from time to time by resolution of the City Council. The effective date for such fees shall be established as set forth in the appropriate resolution of the City Council.

The appeal fee set by resolution of the City Council shall be reviewed periodically and revised as necessary to ensure fair and full recovery of costs for review and processing of appeals.

Section 13: There is hereby added a new section 10.30.120 to the Pullman City Code to read as follows:

10.30.120 Adjustments to Stormwater User's Fees. Credits allowed under this section may be cumulative, to a maximum of 20 percent. Credits or waivers granted by the Finance Director will become effective the billing month or cycle following the approval of the credit or waiver. Credits or waivers are not retroactive to current or prior billings and are only in effect beginning with the next billing cycle. Credits or waivers may be in effect for multiple future billing cycles provided that ongoing qualifying criteria are met. The Finance Director will take such time as necessary to process requests for credits or waivers in an orderly fashion.

- (1) Credits for Properties Covered by Industrial or Municipal Stormwater Permits. The City Council recognizes that some parcel owners have been required or will be required to obtain coverage under a separate NPDES stormwater permit, which authorizes stormwater discharges associated with certain industrial or municipal activities. The City Council further recognizes that such permit holders are required to develop extensive stormwater management programs, which, when properly implemented, can reduce the discharge of pollutants into the public stormwater and surface water system and aid the City in controlling the overall effects of stormwater pollution. Parcels or portions of parcels that

meet one of the criteria listed below, to the Finance Director's satisfaction, shall receive a reduction of 20% from the annual fee charged under PCC 10.30.110 as currently enacted or hereafter amended for that portion of the parcels covered under an applicable NPDES stormwater permit.

(a) Any parcel that has an active and valid NPDES Industrial Stormwater Permit. A copy of the permit and the Stormwater Pollution Prevention Plan (SWPPP) shall be provided to the Finance Director.

(b) Any parcel that has an active and valid NPDES Municipal Stormwater Permit. A copy of the permit and current version of the Stormwater Management Plan (SWMP) shall be provided to the Finance Director.

The property owner is responsible for providing all documentation necessary to demonstrate compliance with the above requirements. In the event that an applicable NPDES stormwater permit addresses only a portion of the total parcel, the credit will be applied to only that affected portion. Non-residential category property owners receiving credits shall agree to allow the City to periodically inspect/review any applicable on-site stormwater facilities and/or stormwater management activities conducted by permit holders. Failure to comply with these provisions may be cause for termination of the adjustment authorized by this section.

(2) Credit for Rainwater Harvesting Systems.

(a) Per RCW 35.67.020 (3), owners of new or remodeled commercial/industrial/institutional class buildings that utilize a properly constructed and maintained permissive rainwater harvesting system shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the building upon which the system is used.

(b) Customers desiring this credit shall apply to the Finance Director and shall submit

engineering design and operational information as deemed necessary by the Finance Director to make their evaluation and decision. The Finance Director will consider additional credit in excess of 10%, up to a maximum of 20%, based upon the amount of rainwater harvested. Rainwater harvesting and beneficial reuse of the runoff is found by the City Council to both reduce the burden imposed upon the system by the building by reducing runoff and to also have other beneficial water quality effects such as reduced consumption of potable water.

(3) Credits for Stormwater Best Management Practices.

- (a) Owners of non-residential class properties that utilize a properly constructed and maintained stormwater best management practice designed in accordance with City of Pullman Design Standards to control flow (i.e. detention pond) shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the impervious surface area from which the practice receives runoff.
- (b) Owners of non-residential class properties that utilize a properly constructed and maintained stormwater best management practice designed in accordance with City of Pullman Design Standards to treat stormwater quality (i.e. bio-filtration) shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the impervious surface area from which the practice receives runoff.
- (c) Customers desiring this credit shall apply to the Finance Director and shall submit engineering design and operational information as deemed necessary by the Finance Director to make an evaluation and decision. Properties that employ stormwater best management practices that control flow and improve water

quality are found by the City Council to reduce the burden imposed upon the system.

- (4) Credits for Schools Participating in Stormwater and Surface Water Education. The City Council finds that many of the concerns about stormwater quality are created by a general lack of knowledge about the relationship between human activities and the health of the environment. The City Council also finds that Public and Private schools can provide regional benefits to the City's Stormwater and Surface Water Management Program by carrying out certain types of educational and community activities related to protection and enhancement of surface water, groundwater, and stormwater quality. Kindergarten through grade 12 schools that are in compliance with all requirements for their own stormwater facilities, and that are carrying out surface water, groundwater, and stormwater quality educational and community activities in cooperation with the City may apply to the Finance Director for a credit, up to a maximum of 20%, towards their stormwater fees. The amount of an approved credit shall depend upon the nature and extent of the programs and activities being performed. Schools shall pay the full charge under PCC 10.30.110 as currently enacted or hereafter amended until such time as a credit is granted by the Finance Director.
- (5) Waiver of Utility Fees for Certain Property. The Finance Director shall waive stormwater and surface water utility fees for a parcel falling within the following special categories of property upon a showing that the parcel meets the following applicable criteria for so long as the criteria are met:
- (a) Fees shall be waived for streets, City rights-of-way, and airport runways and taxiways provided that the City transportation system continues to be an integral component of the City stormwater control facility.

- (b) Fees shall be waived for municipal parks, public trails and bike paths so long as their owners cooperate with the utility in the provisions of educational services and water quality control efforts. Parks, trails and bike paths have minimal intensity of impervious development and provide opportunities for natural resource education and development of an appreciation for water quality.

Section 14: There is hereby added a new section 10.30.130 to the Pullman City Code to read as follows:

10.30.130 Property Owners to Pay Fees. The owner of each non-waived parcel within the boundaries of the City, as they now exist or as they may be hereafter amended, shall pay the stormwater user's fee and charges as provided in this chapter. Property owners seeking credits or waivers shall pay the full fee until such time that the credit or waiver is granted by the Finance Director, after which reduced fees will be applied.

Section 15: There is hereby added a new section 10.30.140 to the Pullman City Code to read as follows:

10.30.140 Billing Procedures and Penalties for Late or Non-Payment. The fees and charges as herein provided for shall be computed and billed on a monthly basis, except that, with concurrence of the City, said fees and charges for parcel owners required to obtain coverage under a separate NPDES Municipal Stormwater Permit and owners of undeveloped property, may be computed and billed on an annual basis with said fees and charges due on July 1 of each year. All parcels which are currently served by any City utility services and are within the City shall be assessed their monthly fees and charges each month through their utility account. Parcels not being served by any City utility service (i.e. no water meter) will have new accounts created for stormwater service as needed. If one piece of property is served by more than one account, only one account will be charged stormwater rates for each piece of property, on a case-by-case basis. Property may be charged stormwater rates regardless of use of other City utility services. The charges shall be due on or before the date of billing and shall become delinquent

thereafter if not paid by the thirtieth day following the date of billing.

Collection of delinquencies, interest, penalty, and costs of collection for delinquent utility service charges provided for herein shall be charged interest on the delinquent balance at the rate of eight percent (8%) per annum, computed on a monthly basis. The Finance Director may excuse delinquencies of less than thirty (30) days.

For parcels without City water service, if payment has not been made before delinquency, as set forth above in this Section, the City may submit the delinquent amount to a collection agency per the City's standard collection procedures as determined by the Finance Director and at the Finance Director's discretion.

For parcels with City water service, if payment has not been made before delinquency, as set forth above in this Section, the city shall take the following steps to notify the user and if necessary terminate stormwater service by shutting off water service to any delinquent user:

- (1) On or about the tenth day following the date of delinquency, the finance department shall give notice reasonably calculated under all the circumstances to apprise the user that:
 - (a) the user is delinquent in payments;
 - (b) water service will be shut off if the user is still delinquent in payment of stormwater charges thirty days after the date of delinquency;
 - (c) the user has the right to protest the billing and appeal the amount due to the Finance Director;
 - (d) if the user does not request a hearing with the Finance Director, or his/her designee, within thirty days following the date of delinquency and does not pay the delinquent amount or amounts due in full within this same period or any extensions thereof resulting pursuant to the provisions of 10.30.140(3), the stormwater service will be terminated by shutting off water service to that user.

- (2) If the user requests a hearing on the amount due, a hearing must be held, and the user given an opportunity to be heard. The Finance Director must thereafter determine the amount due and owing and inform the user.
- (3) The user shall be given ten (10) days to pay the amount determined by the Finance Director to be owing. If the amount owing has not been paid within ten days, stormwater service may be shut off by shutting off water service.
- (4) Water service shall be restored if full payment of all amounts owing plus a turn-on charge as authorized in the City Water Utility Code, Section 10A.35.040(1) is made.
- (5) If water service is to be cut off from a known rental unit where the tenant is not the person or entity responsible for paying for stormwater use or stormwater charges as shown on the records of the city finance department then, prior to termination of service for nonpayment and after the city has satisfied the procedures of this Section 10.30.140, the city shall place upon the premises at least five days prior to the scheduled cutoff of service such notice as is reasonably calculated to inform the tenant or tenants of the proposed cutoff of service.
- (6) The city of Pullman or any of its officers or employees shall not be liable for any damages that may occur because of water service being cut off pursuant to the provisions of this Chapter.
- (7) "Notice reasonably calculated under all the circumstances to apprise the user," as used in Pullman City Code Section 10.30.140(1), includes at the minimum, written notice to the user and the owner, if the owner is not the user, and the owner has so informed the city finance department. In addition, the city shall place upon the premises at least five days prior to the scheduled cutoff of service, notice which informs the user of the proposed cutoff of

service, and the opportunity to protest the proposed cutoff in a meaningful manner.

- (8) If termination of water service proves ineffective at securing the delinquent amount, then the City may pursue collection procedures in a manner consistent with delinquent parcels with no water service.

Section 16: There is hereby added a new section 10.30.150 to the Pullman City Code to read as follows:

10.30.150 Appeals of ERU Determination. If an owner of a non-residential parcel subject to this chapter, or other responsible party, believes the ERU applied to their property is incorrect or otherwise disagrees with the utility rate determination; or if an owner of undeveloped property subject to this chapter, or other responsible party, believes the stormwater fee applied to their property is incorrect or otherwise disagrees with the stormwater fee determination; the owner may appeal the correctness of the ERU or stormwater fee to the Finance Director, or his/her designee, within thirty (30) calendar days of the initial mailing of the billing for the fee. Such appeals shall be in writing and shall specify the grounds of the appeal and the requested remedy and shall include a non-refundable appeal fee. The Public Works Director, or his/her designee, shall work with the Finance Director to resolve appeals. Upon resolution of the appeal, an appropriate adjustment to the ERU will be made accordingly. Decisions of the Finance Director regarding such appeals shall be final.

Section 17: There is hereby added a new section 10.30.160 to the Pullman City Code to read as follows:

10.30.160 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this chapter.

Section 18: Pullman City Code 1.18.040 and Pullman Ordinance Nos. 99-22 §1, 1999; 85-19 §1, 1985; 81-10 §3(2), 1981 are each hereby amended to read as follows:

1.18.040 Director--Duties. The director shall have the following duties:

- (1) Supervise and direct all employees of the department;
- (2) Advise the city supervisor and the City Council on all matters within the jurisdiction of the department of public works;
- (3) Authority to delegate the responsibility to division heads to issue all permits, certificates, orders, and notifications resulting from decisions on the ordinances administered by the department;
- (4) Coordinate and supervise physical inspections made by the department;
- (5) Process all subdivision plats and make recommendations to the City Council on such plats;
- (6) Serve as the ex officio building official;
- (7) Enforce all laws and ordinances in the city relating to the construction, repair, or alteration of buildings or structures and the use of streets, parkways, alleys, or other public rights-of-way in connection therewith; and make or cause to be made all inspections needed for that purpose;
- (8) Have charge of and supervision over all public works property of the city including all streets, utilities, sidewalks, and other property of the city not specifically assigned to any other city department;
- (9) Have charge of and be responsible for the care and maintenance of the water system, the sanitary sewer system and disposal plant, the stormwater and surface water system and stormwater control facilities, the street lighting system and all streets and sidewalks and drainage thereof;
- (10) All construction, repair, or extension of any pavement, building, sewer, or lighting system, water mains, and any appurtenance thereto and all other construction, repair, or maintenance work conducted by the city shall be done under the supervision of the director unless specific direction to the contrary is made by the City Council;
- (11) The director of public works shall also have charge of and be responsible for the maintenance of all motor vehicles, trucks, and other equipment of the city; which responsibilities, however, may be

delegated to the superintendent of transportation. The director shall have charge and responsibility for the building and places in which the motor vehicles and other equipment are stored;

(12) The director shall attend meetings of the City Council at the request of the Council, mayor, or city supervisor. He shall make such reports to the City Council through the city supervisor as may be required. He shall also make recommendations for ordinances or resolutions respecting the public works department whenever he is so requested or whenever he deems it advisable or necessary;

(13) Such other duties as prescribed by ordinance or state law.

(14) Administer floodplain, ~~critical areas~~, shoreline codes and environmental laws with the assistance of the department of planning.

Section 19: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the city of Pullman.

PASSED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2009.

SIGNED by the Mayor in Authentication and Approval Thereof on the _____ day of _____, 2009.

Mayor

ATTEST:

Finance Director

Approved as to form:

City Attorney

Summary Published: _____

RESOLUTION NO. R- 6 -09

A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE STORMWATER UTILITY BASE RATE, THE STORMWATER FEE FOR UNDEVELOPED PROPERTY, AND APPEAL FEE PURSUANT TO THE PROVISIONS OF THE PULLMAN CITY CODE 10.30.

WHEREAS, the City Council for the city of Pullman has adopted, by Ordinance No. 09- , the provisions of Pullman City Code 10.30, Storm Drainage and Surface Water Management Utility; and,

WHEREAS, pursuant to the provisions of Pullman City Code 10.30.110(1) and 10.30.110(2), the City Council is to set by resolution a base rate and a fee for undeveloped property to reflect operation and capital costs and to ensure fair funding and an appeal fee to provide adequate revenues to cover all costs associated with the review and processing of requests for adjustment to customer charges; now therefore,

BE IT RESOLVED by the City Council for the city of Pullman that the following fee schedule is hereby adopted for the stormwater utility base rate, the stormwater fee for undeveloped property, and appeal fee required pursuant to the provisions of Pullman City Code 10.30, to-wit:

PCC SECTION	TYPE	AMOUNT	EFFECTIVE DATE
10.30.110(1)	Base Fee	\$3.00	3/1/2009
10.30.110(1)	Base Fee	\$5.00	3/1/2010
10.30.110(1)	Base Fee	\$7.00	3/1/2011
10.30.110(1)	Fee for undeveloped property	\$0.00	N/A
10.30.110(2)	Appeal Fee	\$50.00	9/1/2009

IT IS HEREBY RESOLVED by the City Council of the city of Pullman that the fee schedule shall become effective as noted herein, and shall remain in effect until the effective date of any subsequent revisions of the fee schedule.

ADOPTED by the City Council of the City of Pullman at the regular meeting this ____ day of _____, 2009.

DATED this ____ day of _____, 2009.

Mayor

ATTEST:

Finance Director

Approved at to form:

City Attorney

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO STORMWATER SERVICES, RATES, FEES AND CHARGES, ADDING A NEW CHAPTER, 10.30 STORM DRAINAGE AND SURFACE WATER MANAGEMENT UTILITY TO TITLE 10, PUBLIC SERVICES AND UTILITIES OF THE PULLMAN CITY CODE, AND AMENDING PCC 1.18.040 AND ORDINANCE NOS. 99-22 §1, 1999; 85-19 §1, 1985; AND 81-10 §3(2), 1981 AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, The Federal Clean Water Act, 33 U.S.C. 1251 et seq., requires certain political entities to implement stormwater management programs within prescribed time frames, and the Environmental Protection Agency (EPA), pursuant of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., has promulgated a Phase II rule that extends coverage under the National Pollutant Discharge Elimination System (NPDES) to certain small municipal separate stormwater sewage systems (MS4s), and the State of Washington Department of Ecology (Ecology) chose to include the City of Pullman (the City) in said program, compelling the City to apply for coverage under the NPDES Phase II municipal stormwater general permit; and

WHEREAS, the City applied for coverage under the NPDES Phase II municipal stormwater general permit on July 26, 2006; and

WHEREAS, Ecology's decision to include the City in the NPDES Phase II municipal stormwater general permit program now requires the City to regulate activities that impact stormwater quality; to operate and maintain a stormwater system; to protect surface water quality; to educate and involve the public in stormwater matters; and to provide for the planning, design and construction of necessary stormwater capital facilities; and

WHEREAS, in Washington State, the EPA has delegated primacy for the Federal Clean Water Act to the Washington State Department of Ecology; and

WHEREAS, Chapter 90.48 of the Revised Code of Washington (RCW) - the Water Pollution Control Act of Washington - establishes that it is the public policy of the state of Washington to maintain the highest possible standards to ensure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of wild life, birds, game, fish and other aquatic life, and the

industrial development of the state, and to that end requires the use of all known available and reasonable methods to prevent and control the pollution of the surface waters of the state of Washington from discharges including those arising from stormwater runoff; and

WHEREAS, the City is required to comply with these applicable stormwater and surface water regulations under state law and implementation by the City of the stormwater pollution prevention programs required by these regulations is a necessary part of providing stormwater services and operating storm sewer systems and facilities; and

WHEREAS, the City is compelled, in order to remain in compliance with state law, to form a Storm Drainage and Surface Water Management Utility to regulate public and private activities that impact stormwater discharges, and to provide related facilities and services; assure compliance with federal and state storm drainage, surface water management, and water quality regulations; and

WHEREAS, the City is authorized to own and operate a Storm Drainage and Surface Water Management Utility, and to impose charges therefore, pursuant to RCW 35.67.010 - .020 and RCW 35.92.020; and

WHEREAS, the revenues to be generated by the charges set forth in this ordinance will be used solely for purposes of storm drainage and surface water management.

NOW, THEREFORE, the City Council of the city of Pullman do ordain as follows:

Section 1: There is hereby added a new Chapter 30 to Title 10 of the Pullman City Code entitled Storm Drainage and Surface Water Management Utility.

Section 2: There is hereby added a new section 10.30.010 to the Pullman City Code to read as follows:

10.30.010 Legislative Findings and Policy. The City Council finds, determines and declares that the streams, rivers, ponds, waterways, groundwater, and functionally related natural and manmade stormwater control facilities constitute a stormwater control facility.

The City Council finds, determines and declares that the public stormwater control facility including its administration, which provides for the collection, treatment, storage and disposal of stormwater, provides

benefits and services to all developed property within the incorporated City limits. Such benefits may include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality of the stormwater and its receiving waters. Ecology's decision to include the City in the NPDES Phase II municipal stormwater general permit program now requires the City of Pullman to implement local water quality protection activities and programs to reduce and control the potential to pollute surface waters and groundwaters by storm drainage originating on both public and private properties.

The City Council finds, determines and declares that development of lands alter both the amount of stormwater runoff and the amount of pollution contained in such runoff and that the variation in these two factors constitutes a fair way to determine the burdens imposed upon the system and the benefits of the services received by the customer from the pollution management and regulatory services and facilities provided by a utility for storm drainage and surface water management, and the customer's charges for management of such burdens and provision of such services and facilities.

The City Council finds, determines and declares that the amount of impervious surface, land use, and rainfall will determine the volume of runoff and the general level of pollution from a property, which has been well established in both engineering practice and water quality studies by the Environmental Protection Agency, the Washington Department of Ecology, the United States Geological Survey, the Natural Resources Conservation Service, and others. While the relationships established by the above studies are adequate to assign charges, the City Storm Drainage and Surface Water Management Utility may perform local studies and based upon the results of these, may adjust rates and charges in the future to more accurately reflect the burdens imposed by customer classes

within the City, including the relative burden and appropriate charge for undeveloped property.

The City Council finds, determines and declares that to fund the costs of storm drainage and surface water management in the City, it is appropriate to adopt service charges for stormwater users, with rates varying according to the services furnished, the burdens imposed or benefits received; and the character, use and stormwater runoff characteristics of the land.

Section 3: There is hereby added a new section 10.30.020 to the Pullman City Code to read as follows:

10.30.020 Creation of Storm Drainage and Surface Water Management Utility. Pursuant to RCW 35.67.010 - .020 and RCW 35.92.020, there is hereby created a City Storm Drainage and Surface Water Management Utility.

The Storm Drainage and Surface Water Management Utility, under the legislative policy, supervision and control of the governing body of the City, shall perform the following activities within the City:

- (1) Administer the acquisition, design, construction, maintenance and operation of the public stormwater and surface water system, including stormwater capital improvements designated in the capital improvement program;
- (2) Administer and enforce this ordinance and all regulations and procedures adopted thereto relating to the design, construction, maintenance, operation and alteration of the stormwater and surface water system, including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;
- (3) Advise the City's governing body and other City departments on matters relating to the utility;
- (4) Prepare and periodically revise, as determined by state and federal law, comprehensive stormwater management and drainage plans for adoption by the City's governing body;
- (5) Develop standards and ordinances relating to stormwater drainage and treatment to apply to new development and redevelopment;
- (6) Enforce regulations to protect and maintain water quality and quantity within the stormwater

and surface water system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended;

- (7) Periodically analyze the cost of services and benefits provided to, and burdens imposed by, different classes of customers, and the system and structure of fees, charges, civil penalties and other revenues of the utility, and prepare budgets for adoption by the City's governing body; and
- (8) Perform all other activities allowable by law and required to ensure compliance with state and federal stormwater and surface water quality laws.

Section 4: There is hereby added a new section 10.30.030 to the Pullman City Code to read as follows:

10.30.030 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Base Rate" means the stormwater user's fee for an equivalent residential unit (ERU).
- (2) "City" means the City of Pullman, Washington, a municipal corporation created and existing under the laws of the state of Washington.
- (3) "Credit" means the extent to which utility customers meeting specified criteria are billed at a reduced fee, such reduction representing a fee credit. The fee credit is provided in recognition that those utility customers who meet the specified criteria provide an in-kind service or contribution that offsets a portion of the burdens on the stormwater system imposed by the credited parcel.
- (4) "Developed Property" means real property that has been altered from its undeveloped state by the creation or addition of impervious surface areas, such as buildings, structures, pavement or other improvements.
- (5) "Duplex, Tri-plex, and Four-plex" mean buildings designed and arranged exclusively for occupancy

- in two (2), three (3), and four (4) separate dwelling units, respectively.
- (6) "Dwelling Unit" means a single unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (7) "Equivalent Residential Unit" or "ERU" means, and is equal to, 3,500 square feet of impervious groundcover, which approximates the average impervious surface area contained on single-family residential parcels within the City. An ERU is the unit of impervious groundcover to be used by the utility in calculating service charges for each parcel of property.
- (8) "Family" means either a "traditional" or "functional" household unit as defined in the Zoning Code in Chapter 17 of the Pullman City Code.
- (9) "Fee" or "Stormwater User's Fee" means the charge established under this ordinance for parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the City.
- (10) "Finance Director" means the duly appointed Director of the City of Pullman Finance Department or his or her designee. The Finance Director may utilize the services of the Public Works Department as necessary to make decisions.
- (11) "Impervious Surface" means a surface which is covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.
- (12) "Impervious Surface Area" means the number of square feet of horizontal surface covered by buildings and other impervious surfaces.

- (13) "Multiple Family Dwelling Unit" means a building or portion thereof, containing five (5) or more separate dwelling units.
- (14) "National Pollutant Discharge Elimination System" or "NPDES" refers to the federal permit system under the Clean Water Act for discharges of pollutants to surface waters of the United States. Congress amended the Clean Water Act in 1987 to regulate stormwater. Under the revisions, NPDES Phase II permits are required for municipal stormwater discharges to surface waters.
- (15) "Nonresidential Parcel" means a parcel which has been developed for any purpose other than a single-family residence, duplex, tri-plex, or four-plex and includes, but is not limited to, commercial parcels, industrial parcels, parking lots, hospitals, schools, hotels, offices, churches, governmental parcels, mobile/manufactured home parks and multiple family dwelling units.
- (16) "Public Works Director" means the duly appointed Director of the City of Pullman Department of Public Works or his or her designee.
- (17) "Residential Parcel" means a parcel which has been developed as a single-family residence, a mobile/manufactured home on a separate parcel, and other parcels where the primary use is residential, including duplexes, tri-plexes, and four-plexes, but excluding all other apartment complexes.
- (18) "Single-Family Residence" means a parcel which has been developed with a residential structure designated for occupancy by one (1) family or household unit, including mobile homes and manufactured homes on a separate parcel.
- (19) "Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody.

- (20) "Stormwater Control Facility" means the streams, rivers, ponds, waterways, groundwater, and functionally related natural and manmade stormwater control facilities that combined constitute the City stormwater control facility.
- (21) "Stormwater Management Fund" or "Fund" means the fund created by this ordinance to operate, maintain, and improve the City's stormwater system.
- (22) "Storm Drainage and Surface Water Management" means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to stormwater.
- (23) "Stormwater and Surface Water System" or "Stormwater System" means all properties, interest, physical and intangible rights of every kind or nature owned, held or operated by the City, however acquired, insofar as they contribute to the management of storm or surface water. It shall further include without limitation, all such properties, interests and rights acquired by adverse possession or by prescription, directly or through another; in and to the drainage or storage, or both of storm or surface waters, or both; and through, under, or over lands, landforms, watercourses, streams, ponds and swamps. In each case or instance, their inclusion begins at a point where storm or surface waters first enter the stormwater control facility of the City within the City limits, and ends where storm or surface waters exit from the stormwater control facility of the City within the City limits, and in width to the full extent of inundation caused by the largest storm or flood condition.
- (24) "Storm Drainage and Surface Water Management Utility" or "Stormwater Utility" or "Utility" means the Storm Drainage and Surface Water Management Utility created by this ordinance as it may be amended from time to time.

(25) "Undeveloped Property" is property that has no improvements, generates little to no traffic, and generally exists in a natural state, thereby imposing ~~little-less~~ burden upon the system and receiving ~~no-less~~ benefit from the utility's services than developed property. This includes property ~~previously-used~~ for agricultural crop production.

(26) "Waiver" means that determination by the Finance Director that a utility customer's property has met the criteria specified in PCC 10.30.120 of this chapter to receive a waiver from paying stormwater fees. Any waiver will require a showing that parcels that meet the specified criteria provide an in-kind service or contribution that offsets the burdens on the stormwater system imposed by the parcels subject to the waiver.

Section 5: There is hereby added a new section 10.30.040 to the Pullman City Code to read as follows:

10.30.040 Funding of Storm Drainage and Surface Water Management Utility. Funding for the Storm Drainage and Surface Water Management Utility's services and facilities may include, but not be limited to, the following:

- (1) Stormwater user's fees;
- (2) Civil penalties and damage assessments imposed for or arising from the violation of this ordinance;
- (3) Stormwater permit, development and/or inspection fees;
- (4) Revenue bonds and/or general obligation bonds; and
- (5) Other funds or income obtained from federal, state, local or private grants and/or loans.

Section 6: There is hereby added a new section 10.30.050 to the Pullman City Code to read as follows:

10.30.050 Stormwater Funds. All revenues generated by, or on behalf of the stormwater utility shall be deposited in the Storm Drainage and Surface Water Management Utility fund as established and maintained by the Finance Director. The revenue deposited into this account shall be used in accordance with state law and

used only for the purposes of constructing, acquiring, adding to, maintaining, replacing, conducting, operating, managing, regulating, and controlling the stormwater system, or to secure the payment of all or any portion of any issue of general obligation bond or revenue bond issued for such purposes, or for other legal purposes consistent with this ordinance.

Section 7: There is hereby added a new section 10.30.060 to the Pullman City Code to read as follows:

10.30.060 Operating Budget. The City Council shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the established costs for operations and maintenance, capital improvement projects, and debt service.

Section 8: There is hereby added a new section 10.30.070 to the Pullman City Code to read as follows:

10.30.070 Reserve Account. An operating and emergency reserve account shall be maintained with the designated funds to provide for cash flow, emergencies and capital improvement project needs.

Section 9: There is hereby added a new section 10.30.080 to the Pullman City Code to read as follows:

10.30.080 Stormwater User's Fees Established. Except with respect to those parcels that are waived from paying fees as described in PCC 10.30.120 of this chapter and except for undeveloped property until related criteria and fees are established and adopted by resolution of the City Council, the City shall charge and collect from the owner of each and every ~~developed~~ property in the City a stormwater user's fee, which shall be set in the manner and amount as determined from time to time by resolution of the City Council. The purpose of this fee is to fund the Storm Drainage and Surface Water Management Utility.

Prior to establishing or amending stormwater user's fees, the City shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the City. The publication date of such advertisement shall meet public notice requirements of local and state laws.

Section 10: There is hereby added a new section 10.30.090 to the Pullman City Code to read as follows:

10.30.090 Equivalent Residential Unit.

- (1) Establishment. The equivalent residential unit (ERU) is hereby established for purposes of calculating the stormwater user's fee.

The ERU is the approximate average square footage of impervious surface area on a single-family residential parcel.

- (2) Setting the ERU. The ERU shall be set by the City Council from time to time by ordinance. The ERU is hereby set as 3,500 square feet. This value was determined through the measurement of impervious surface on a random sampling (average) of single-family residential parcels.
- (3) Source of ERU. The impervious surface area of developed property shall be determined through property tax assessor's rolls or site examination, mapping information, aerial photographs, and other reliable information.
- (4) Minimum Service Charge. Unless otherwise waived, the minimum charge for a developed property shall be based on 1.0 ERU.

Section 11: There is hereby added a new section 10.30.100 to the Pullman City Code to read as follows:

10.30.100 Property Classification for Stormwater User's Fee. As authorized by RCW Chapters 35.67 and 35.92, the City Council finds that variations in land use and ~~impervious surface~~ results in differences in the burdens imposed upon the stormwater system and the costs to serve such parcels. City parcels shall be differentiated from one another based upon the stormwater burdens imposed and the costs of City stormwater services.

- (1) Customer Classification. For purposes of determining the stormwater user's fees, owners of all ~~developed~~ parcels in the City are classified into one of the following general classes:
- (a) Residential;
 - (b) Duplex, Tri-plex and Four-plex; and
 - (c) Non-residential; and
 - (d) Undeveloped.

To reflect the burdens imposed upon the City stormwater system, parcels with facilities deemed to be more industrial or commercial in

nature will have fees determined in the same manner as the non-residential class regardless of the land use codes assigned by the City.

- (2) Residential Fee. The stormwater fee for residential parcels shall equal the base rate. The fee for commercial mobile/manufactured home parks and condominiums shall be determined using the same methodology as used for non-residential parcels.
- (3) Duplex, Tri-plex, and Four-plex Fee. The stormwater fee for a duplex, tri-plex and four-plex shall equal one half the base rate multiplied by the number of dwelling units.
- (4) Non-residential Fee. Owners of developed non-residential parcels shall pay a stormwater fee equal to the base rate multiplied by the numerical factor obtained by dividing the estimated total impervious surface area of the parcel by one ERU. The minimum stormwater fee for developed non-residential parcels shall equal the base rate for residential parcels.
- (5) Undeveloped Fee. The stormwater fee for undeveloped property shall be based on criteria to be developed and adopted by resolution of the City Council.

Section 12: There is hereby added a new section 10.30.110 to the Pullman City Code to read as follows:

10.30.110 Base Rate and Appeal Fee Establishment and Review.

- (1) Base Rate. The base rate for services to utility customers and the stormwater fee for undeveloped property shall be determined from time to time by resolution of the City Council. The effective date for such rates shall be established as set forth in the appropriate resolution of the City Council.

The utility base rate schedule and fees set by resolution of the City Council shall be reviewed periodically and revised as necessary to reflect any changes in operation and capital costs and to ensure fair funding of the program.

- (2) Appeal Fee. The appeal fee shall be calculated to provide adequate revenues to cover all costs associated with the review and processing of requests for adjustment to customer charges as described in PCC 10.30.150 of this chapter. The appeal fee shall be determined from time to time by resolution of the City Council. The effective date for such fees shall be established as set forth in the appropriate resolution of the City Council.

The appeal fee set by resolution of the City Council shall be reviewed periodically and revised as necessary to ensure fair and full recovery of costs for review and processing of appeals.

Section 13: There is hereby added a new section 10.30.120 to the Pullman City Code to read as follows:

10.30.120 Adjustments to Stormwater User's Fees.

Credits allowed under this section may be cumulative, to a maximum of 20 percent. Credits or waivers granted by the Finance Director will become effective the billing month or cycle following the approval of the credit or waiver. Credits or waivers are not retroactive to current or prior billings and are only in effect beginning with the next billing cycle. Credits or waivers may be in effect for multiple future billing cycles provided that ongoing qualifying criteria are met. The Finance Director will take such time as necessary to process requests for credits or waivers in an orderly fashion.

- (1) Credits for Properties Covered by Industrial or Municipal Stormwater Permits. The City Council recognizes that some parcel owners have been required or will be required to obtain coverage under a separate NPDES stormwater permit, which authorizes stormwater discharges associated with certain industrial or municipal activities. The City Council further recognizes that such permit holders are required to develop extensive stormwater management programs, which, when properly implemented, can reduce the discharge of pollutants into the public stormwater and surface water system and aid the City in

controlling the overall effects of stormwater pollution. Parcels or portions of parcels that meet one of the criteria listed below, to the Finance Director's satisfaction, shall receive a reduction of 20% from the annual fee charged under PCC 10.30.110 as currently enacted or hereafter amended for that portion of the parcels covered under an applicable NPDES stormwater permit.

- (a) Any parcel that has an active and valid NPDES Industrial Stormwater Permit. A copy of the permit and the Stormwater Pollution Prevention Plan (SWPPP) shall be provided to the Finance Director.
- (b) Any parcel that has an active and valid NPDES Municipal Stormwater Permit. A copy of the permit and current version of the Stormwater Management Plan (SWMP) shall be provided to the Finance Director.

The property owner is responsible for providing all documentation necessary to demonstrate compliance with the above requirements. In the event that an applicable NPDES stormwater permit addresses only a portion of the total parcel, the credit will be applied to only that affected portion. Non-residential category property owners receiving credits shall agree to allow the City to periodically inspect/review any applicable on-site stormwater facilities and/or stormwater management activities conducted by permit holders. Failure to comply with these provisions may be cause for termination of the adjustment authorized by this section.

(2) Credit for Rainwater Harvesting Systems.

- (a) Per RCW 35.67.020 (3), owners of new or remodeled commercial/industrial/institutional class buildings that utilize a properly constructed and maintained permissive rainwater harvesting system shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the building upon which the system is used.

- (b) Customers desiring this credit shall apply to the Finance Director and shall submit engineering design and operational information as deemed necessary by the Finance Director to make their evaluation and decision. The Finance Director will consider additional credit in excess of 10%, up to a maximum of 20%, based upon the amount of rainwater harvested. Rainwater harvesting and beneficial reuse of the runoff is found by the City Council to both reduce the burden imposed upon the system by the building by reducing runoff and to also have other beneficial water quality effects such as reduced consumption of potable water.
- (3) Credits for Stormwater Best Management Practices.
- (a) Owners of non-residential class properties that utilize a properly constructed and maintained stormwater best management practice designed in accordance with City of Pullman Design Standards to control flow (i.e. detention pond) shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the impervious surface area from which the practice receives runoff.
- (b) Owners of non-residential class properties that utilize a properly constructed and maintained stormwater best management practice designed in accordance with City of Pullman Design Standards to treat stormwater quality (i.e. bio-filtration) shall be eligible for a 10% credit applied toward that portion of their stormwater charge arising from the impervious surface area from which the practice receives runoff.
- (c) Customers desiring this credit shall apply to the Finance Director and shall submit engineering design and operational information as deemed necessary by the Finance Director to make an evaluation and decision. Properties

that employ stormwater best management practices that control flow and improve water quality are found by the City Council to reduce the burden imposed upon the system.

- (4) Credits for Schools Participating in Stormwater and Surface Water Education. The City Council finds that many of the concerns about stormwater quality are created by a general lack of knowledge about the relationship between human activities and the health of the environment. The City Council also finds that Public and Private schools can provide regional benefits to the City's Stormwater and Surface Water Management Program by carrying out certain types of educational and community activities related to protection and enhancement of surface water, groundwater, and stormwater quality. Kindergarten through grade 12 schools that are in compliance with all requirements for their own stormwater facilities, and that are carrying out surface water, groundwater, and stormwater quality educational and community activities in cooperation with the City may apply to the Finance Director for a credit, up to a maximum of 20%, towards their stormwater fees. The amount of an approved credit shall depend upon the nature and extent of the programs and activities being performed. Schools shall pay the full charge under PCC 10.30.110 as currently enacted or hereafter amended until such time as a credit is granted by the Finance Director.
- (5) Waiver of Utility Fees for Certain Property. The Finance Director shall waive stormwater and surface water utility fees for a parcel falling within the following special categories of property upon a showing that the parcel meets the following applicable criteria for so long as the criteria are met:
- (a) Fees shall be waived for streets, City rights-of-way, and airport runways and taxiways provided that the City transportation system continues to be an

integral component of the City stormwater control facility.

- (b) Fees shall be waived for municipal parks, public trails and bike paths so long as their owners cooperate with the utility in the provisions of educational services and water quality control efforts. Parks, trails and bike paths have minimal intensity of impervious development and provide opportunities for natural resource education and development of an appreciation for water quality.

~~(c) Fees shall be waived for all undeveloped parcels. The City Council finds that such parcels generally have no improvements built on them, generate little to no traffic, generate less runoff, and generally are in a natural state, thereby imposing no burden upon the system and receiving no benefit from the utility's services and facilities. Information that a property categorized as undeveloped is being used otherwise may result in a loss of this waiver.~~

Section 14: There is hereby added a new section 10.30.130 to the Pullman City Code to read as follows:

10.30.130 Property Owners to Pay Fees. The owner of each non-waived parcel within the boundaries of the City, as they now exist or as they may be hereafter amended, shall pay the stormwater user's fee and charges as provided in this chapter. Property owners seeking credits or waivers shall pay the full fee until such time that the credit or waiver is granted by the Finance Director, after which reduced fees will be applied.

Section 15: There is hereby added a new section 10.30.140 to the Pullman City Code to read as follows:

10.30.140 Billing Procedures and Penalties for Late or Non-Payment. The fees and charges as herein provided for shall be computed and billed on a monthly basis, except that, with concurrence of the City, said fees and charges for parcel owners required to obtain coverage under a separate NPDES Municipal Stormwater Permit and owners of undeveloped property, may be computed and billed

on an annual basis with said fees and charges due on July 1 of each year. All parcels which are currently served by any City utility services and are within the City shall be assessed their monthly fees and charges each month through their utility account. Parcels not being served by any City utility service (i.e. no water meter) will have new accounts created for stormwater service as needed. If one piece of property is served by more than one account, only one account will be charged stormwater rates for each piece of property, on a case-by-case basis. ~~Any piece of property or parcel in use for any commercial, business, or other purpose with space that meets the definition of impervious surface shall~~ Property may be charged stormwater rates, regardless of use of other City utility services. The charges shall be due on or before the date of billing and shall become delinquent thereafter if not paid by the thirtieth day following the date of billing.

Collection of delinquencies, interest, penalty, and costs of collection for delinquent utility service charges provided for herein shall be charged interest on the delinquent balance at the rate of eight percent (8%) per annum, computed on a monthly basis. The Finance Director may excuse delinquencies of less than thirty (30) days.

For parcels without City water service, if payment has not been made before delinquency, as set forth above in this Section, the City may submit the delinquent amount to a collection agency per the City's standard collection procedures as determined by the Finance Director and at the Finance Director's discretion.

For parcels with City water service, if payment has not been made before delinquency, as set forth above in this Section, the city shall take the following steps to notify the user and if necessary terminate stormwater service by shutting off water service to any delinquent user:

- (1) On or about the tenth day following the date of delinquency, the finance department shall give notice reasonably calculated under all the circumstances to apprise the user that:
 - (a) the user is delinquent in payments;
 - (b) water service will be shut off if the user is still delinquent in payment of stormwater

- charges thirty days after the date of delinquency;
- (c) the user has the right to protest the billing and appeal the amount due to the Finance Director;
 - (d) if the user does not request a hearing with the Finance Director, or his/her designee, within thirty days following the date of delinquency and does not pay the delinquent amount or amounts due in full within this same period or any extensions thereof resulting pursuant to the provisions of 10.30.140(3), the stormwater service will be terminated by shutting off water service to that user.
- (2) If the user requests a hearing on the amount due, a hearing must be held, and the user given an opportunity to be heard. The Finance Director must thereafter determine the amount due and owing and inform the user.
 - (3) The user shall be given ten (10) days to pay the amount determined by the Finance Director to be owing. If the amount owing has not been paid within ten days, stormwater service may be shut off by shutting off water service.
 - (4) Water service shall be restored if full payment of all amounts owing plus a turn-on charge as authorized in the City Water Utility Code, Section 10A.35.040(1) is made.
 - (5) If water service is to be cut off from a known rental unit where the tenant is not the person or entity responsible for paying for stormwater use or stormwater charges as shown on the records of the city finance department then, prior to termination of service for nonpayment and after the city has satisfied the procedures of this Section 10.30.140, the city shall place upon the premises at least five days prior to the scheduled cutoff of service such notice as is reasonably calculated to inform the tenant or tenants of the proposed cutoff of service.

(6) The city of Pullman or any of its officers or employees shall not be liable for any damages that may occur because of water service being cut off pursuant to the provisions of this Chapter.

(7) "Notice reasonably calculated under all the circumstances to apprise the user," as used in Pullman City Code Section 10.30.140(1), includes at the minimum, written notice to the user and the owner, if the owner is not the user, and the owner has so informed the city finance department. In addition, the city shall place upon the premises at least five days prior to the scheduled cutoff of service, notice which informs the user of the proposed cutoff of service, and the opportunity to protest the proposed cutoff in a meaningful manner.

(8) If termination of water service proves ineffective at securing the delinquent amount, then the City may pursue collection procedures in a manner consistent with delinquent parcels with no water service.

Section 16: There is hereby added a new section 10.30.150 to the Pullman City Code to read as follows:

10.30.150 Appeals of ERU Determination. If an owner of a non-residential parcel subject to this chapter, or other responsible party, believes the ERU applied to their property is incorrect or otherwise disagrees with the utility rate determination, ~~—~~; or if an owner of undeveloped property subject to this chapter, or other responsible party, believes the stormwater fee applied to their property is incorrect or otherwise disagrees with the stormwater fee determination; the owner may appeal the correctness of the ERU or stormwater fee to the Finance Director, or his/her designee, within thirty (30) calendar days of the initial mailing of the billing for the fee. Such appeals shall be in writing and shall specify the grounds of the appeal and the requested remedy and shall include a non-refundable appeal fee. The Public Works Director, or his/her designee, shall work with the Finance Director to resolve appeals. Upon resolution of the appeal, an appropriate adjustment to the ERU will be made

accordingly. Decisions of the Finance Director regarding such appeals shall be final.

Section 17: There is hereby added a new section 10.30.160 to the Pullman City Code to read as follows:

10.30.160 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this chapter.

Section 18: Pullman City Code 1.18.040 and Pullman Ordinance Nos. 99-22 §1, 1999; 85-19 §1, 1985; 81-10 §3(2), 1981 are each hereby amended to read as follows:

1.18.040 Director--Duties. The director shall have the following duties:

- (1) Supervise and direct all employees of the department;
- (2) Advise the city supervisor and the City Council on all matters within the jurisdiction of the department of public works;
- (3) Authority to delegate the responsibility to division heads to issue all permits, certificates, orders, and notifications resulting from decisions on the ordinances administered by the department;
- (4) Coordinate and supervise physical inspections made by the department;
- (5) Process all subdivision plats and make recommendations to the City Council on such plats;
- (6) Serve as the ex officio building official;
- (7) Enforce all laws and ordinances in the city relating to the construction, repair, or alteration of buildings or structures and the use of streets, parkways, alleys, or other public rights-of-way in connection therewith; and make or cause to be made all inspections needed for that purpose;
- (8) Have charge of and supervision over all public works property of the city including all streets, utilities, sidewalks, and other property of the city not specifically assigned to any other city department;
- (9) Have charge of and be responsible for the care and maintenance of the water system, the sanitary sewer system and disposal plant, the stormwater and

surface water system and stormwater control facilities, the street lighting system and all streets and sidewalks and drainage thereof;

- (10) All construction, repair, or extension of any pavement, building, sewer, or lighting system, water mains, and any appurtenance thereto and all other construction, repair, or maintenance work conducted by the city shall be done under the supervision of the director unless specific direction to the contrary is made by the City Council;
- (11) The director of public works shall also have charge of and be responsible for the maintenance of all motor vehicles, trucks, and other equipment of the city; which responsibilities, however, may be delegated to the superintendent of transportation. The director shall have charge and responsibility for the building and places in which the motor vehicles and other equipment are stored;
- (12) The director shall attend meetings of the City Council at the request of the Council, mayor, or city supervisor. He shall make such reports to the City Council through the city supervisor as may be required. He shall also make recommendations for ordinances or resolutions respecting the public works department whenever he is so requested or whenever he deems it advisable or necessary;
- (13) Such other duties as prescribed by ordinance or state law.
- (14) Administer floodplain, ~~critical~~ areas, shoreline codes and environmental laws with the assistance of the department of planning.

Section 19: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the city of Pullman.

PASSED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2009.

SIGNED by the Mayor in Authentication and Approval Thereof on the _____ day of _____, 2009.

Mayor
ATTEST:

Finance Director

Approved as to form:

City Attorney

Summary Published: _____

9. DISCUSSION ON JOINT MEETING WITH ASWSU

STAFF REPORT _____

QUESTIONS FROM COUNCIL ON STAFF REPORT _____

DISCUSSION _____

ACTION TAKEN _____

NOTES:



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: Joint Meeting with ASWSU

DATE: January 22, 2009

Each academic year we hold two joint meetings with ASWSU. We hosted the fall semester joint meeting on October 28, 2008. ASWSU is requesting that the spring semester meeting be held in the CUB Junior Ballroom at 5:30 p.m. on Wednesday, February 11.

Is this proposed date acceptable to you?

We always suggest agenda items for the joint meetings. The minutes from the joint meeting on October 28 are attached. You may want to consider including some updates on selected discussion items from the October 28 meeting.

What agenda items would you like to suggest for the upcoming meeting with ASWSU?

MINUTES OF THE CITY COUNCIL
OF THE CITY OF PULLMAN
OCTOBER 28, 2008

Roll Call

The regular meeting of the City Council of the City of Pullman was held on October 28, 2008, at 7:30 p.m. in Council Chambers, City Hall, Pullman, Washington with the following present:

Glenn A. Johnson	Mayor
Jane Joyce	Deputy City Clerk
Francis Benjamin	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. He announced that Councilmembers Bloom and Heath would not be able to attend the meeting. Councilmember Paul moved, Councilmember Wright seconded to excuse Councilmembers Bloom and Heath.

Motion Carried.

Mayor Johnson welcomed ASWSU to the meeting. ASWSU Senator Pete Semon introduced himself and asked ASWSU Senators and Executives to introduce themselves.

Announcements

Mayor Johnson made two announcements. Senator Lauren Edholm announced that ASWSU is trying to promote diversity. Senator Lauren Edholm stated they would like to start this discussion framed with the following guidelines: this meeting is declared safe, regardless of sex, race, ethnicity, natural origin, gender identity and expression, sexual orientation, religion, and/or age. Everyone will be treated and respected as a human being and a vital part of the Pullman Community. Ignorance, bigotry, bias, and discrimination will not be tolerated.

Senator Pete Semon announced that Governor Gregoire will be holding a rally on the Glen Terrell Mall at noon on November 1.

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 Benjamin 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 either the Council or audience. Councilmember Weller requested that item No. 1, minutes of October 21, 2008, have a word change in number 7. Mayor Johnson so ordered. Councilmember Benjamin moved, Councilmember Paul seconded to adopt the Consent Agenda, with item No. 1 amended.

Motion Carried.

Motions

- | | | |
|--|----|--|
| Minutes - October 21, 2008 | 1. | The Council dispensed with the reading of the minutes of the regular meeting of October 21, 2008, and approved them as amended. |
| Claim for Damages - Wallace | 2. | The Council referred a Claim for Damages submitted by Shanna Wallace for the sum of \$3,555 to the Washington Cities Insurance Authority (WCIA). |
| Change Order on Pullman City Hall Plaza Reconstruction | 3. | The Council ratified Change Order No. 1 to Contract No. 07-19, Pullman City Hall Plaza Reconstruction. |
| Accelerated Street Resurfacing 2008 Complete | 4. | The Council accepted as complete Contract No. 08-11, Accelerated Street Resurfacing 2008. |

Resolution

- | | | |
|--|----|--|
| Resolution No. R-87-08 - Utility Line Easement | 5. | Resolution No. R-87-08

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

Resolution No. R-87-08 was adopted unanimously. |
|--|----|--|

REGULAR AGENDA

Discussion Items

- | | | |
|---|----|---|
| International Education Week | 6. | Esther Hahn, President of the International Student Council, and Sai Rong, Program Chair, stated that International Education Week had been moved to the week of November 2-8. The main event is a speech by Dr. Vandava Shiva on Global Food Crisis Sustainability. The speech will be in the CUB Senior Ballroom on November 5 at 7:30 p.m. Dr. Shiva is also an author and the Bookie ordered some of her books. She will do a book signing after her lecture. There will be other events held during the week by different student organizations. |
| WSU Capital Projects and ASWSU Recent Accomplishments | 7. | ASWSU President Brandon Scheller gave an update on the results of the text book initiative. They feel the book buyback process is flawed. The goal was to get the value of books to 80 percent. They saw an increase in value, but it only went up to 61 percent. |

President Brandon Scheller talked about a safety fundraising project. This would be an on-foot chaperone program for students. The program would be based out of the CUB and there would be a female and male chaperone for each escort. They are hoping this will become a seven-day-a-week program. President Brandon Scheller also spoke about walking College Hill last week to check on

lighting, several events that will be occurring, and the newsletter, Cougar Quarterly. He stated they are looking for ways to reach out.

Senator Pete Semon stated that since the last meeting with City Council, the Rotunda and the clubhouse at Palouse Ridge have been completed. The CUB and Stadium have not been totally completed.

ASWSU Energy
Savings Program

8. Senator Richard Kilpatrick talked about the ASWSU energy savings program. He asked the City to help promote the campaign. City Supervisor Sherman stated that the City could help through Pullman Transit and the Community Update. Mayor Johnson talked about the City's water conservation program. Councilmember Benjamin talked about the Green Alliance which looks at making IT green.

University
District Including
Parking and Design
Guideline Issues

9. City Supervisor Sherman gave the staff report and a history of the University District proposal. He stated that parking is an issue and talked about the parking permit system. People are concerned about the cost of permits and how the permits would be distributed.

Mayor Johnson talked about commuter traffic, the number of permits per residence, and the number of unrelated residents living in a dwelling. Planning Director Dickinson spoke to the zoning issue. City Supervisor Sherman talked about the College Hill Tomorrow program. He stated we need to work together to get answers.

Councilmember Benjamin stated he would like to hear recommendations from students. He stated that if everyone gets parking permits there will be too many cars for the area.

Senator Lauren Edholm stated that most Greek houses have their own parking lots and talked about how they determine who gets to park in those lots. She stated that a storage lot is a good idea.

Councilmember Weller thanked ASWSU for attending this meeting and asked where they stood on the University District. President Scheller stated there is no consensus among ASWSU on the University District. He stated he personally supports the University District. He has attended all the forums and meetings on the District and he commended President Floyd for taking the initiative on this District. He stated he only speaks for himself, not ASWSU. Senator Anthony Smith stated that ASWSU is neutral on the University District. They are researching the matter and will do a resolution on the matter at a later date. They will give the City a copy of this resolution.

President Brandon Scheller talked about student interest in the University District and stated that the forums have not had high attendance. Councilmember Benjamin asked about the letters received from the Greek House Corporations on the University District. Senator Jessica Hart, who represents the Greek area, stated that students are worried about how things will change. They want to know what changes would occur with the District. Mayor Johnson stated there have been a

lot of rumors about the District. Senator Hart stated if there are changes, they need to know early as they have to notify the House Corporations. Councilmember Weller asked for a show of hands from ASWSU as to who supports the University District. Several ASWSU members raised their hands.

Extended Hours 10.
at Stubblefield's

ASWSU President Brandon Scheller stated that the problem is that at 2:00 a.m. Stubblefield's closes and everyone has to leave. Once they leave it gets rowdy and fights have occurred. He feels this is a problem and suggested that alcohol stop being served at 2:00 a.m, but to keep the bar open until 3:00 a.m. so people slowly leave the area. Chief Weatherly stated that the Liquor Control Board checks for alcohol possession and consumption after hours. If they find alcohol, the establishment gets in trouble.

It is really hard to control alcohol after hours as people hide it. He stated that fights can increase as individuals from other establishments show up after 2:00 a.m. He recommended against Stubblefield's staying open until 3:00 a.m. He stated that the manager of Stubblefield's is opposed to the idea for the same reasons. Chief Weatherly stated he wants to see this bar contained, not shut down.

President Brandon Scheller suggested not allowing new people into the bar after 2:00 a.m. Chief Weatherly responded. Councilmember Waldrop asked who has jurisdiction. Chief Weatherly stated that the Liquor Control Board has jurisdiction.

Senator Pete Semon, Councilmember Weller, President Scheller, Councilmembers Paul and Benjamin, and Chief Weatherly discussed other establishments in the area, laws governing bars, and looking for solutions.

ASWSU Students 11.
For Safety
Fundraising Dinner

Ryan Jones, Director of Greek Affairs, gave a presentation on the ASWSU Students for Safety Fundraising Dinner that will occur November 14, 2008. He passed out a flyer on the dinner. He listed the four main areas they hope to contribute to and stated that they hope to raise \$100,000. They do not want to pass the costs of these programs on to students. Councilmember Weller asked if this is only for College Hill. Mr. Jones responded. Councilmember Waldrop urged ASWSU to look at a risk assessment. He stated they need to know what the risks are.

Senator Lauren Edholm stated there recently have been three incidents in Pullman. These included threats, assaults, broken windows, and threatening letters. There has been a lot of violence, hatred, and bigotry and it is not acceptable. ASWSU is taking a hard stance on this, the Senate passed a resolution denouncing these acts. There was a rally on campus today and they are trying to find solutions to the problem.

Nikki Hahn, chair of the Gay, Lesbian, Bisexual, Transgendered, and Allies (GLBTA), spoke about the attacks. She stated she is very concerned about the attacks and is concerned for the safety of herself and others. She stated they are working with campus administration, Pullman Police, and WSU Police to try to come up with

some solutions. She talked about the rally that took place on campus today. A member of the GLBTA spoke about transphobia and transgendered. She stated that transphobia is a major problem. She asked what will be done to protect this community. She stated that transphobia was a factor in at least one of the attacks that recently occurred. Mayor Johnson responded.

Chief Weatherly passed out a "suspect sketch" from an incident that occurred last Sunday that was a gender-based hate crime. He also talked about the earlier incidents. He stated he is concerned about the level of violence that is occurring. He talked about the fighting ordinance that was recently passed by City Council. Senator Lauren Edholm, Chief Weatherly, and Councilmember Paul discussed hate crimes, an official statement from the City on hate crimes, and sensitivity training. City Supervisor Sherman discussed diversity programs the City supports.

Pullman Transit 12. Mayor Johnson stated that the City is thankful for student support of Pullman Transit. Transit Manager Thornton gave an update stating that ridership has increased. He stated that the City is applying for grants for technology and new buses. He announced that the City recently hired WSU interns to act as security on night buses. Senator Pete Semon asked if Transit was relying on student fees for new buses and asked questions about the request for new Transit services that failed last year. Transit Manager Thornton responded and President Brandon Scheller responded.

City of Pullman 13. Public Work Director Workman gave an update on several Pullman projects, including the North Grand path and College Hill path. He stated that the City is planning to build a path on Johnson Road from Bishop to the Bellevue Duplexes next year. He gave an update on the Wal-Mart store and talked about a proposed apartment complex, widening of a portion of North Grand Avenue, and sidewalk infilling. He also talked about the College Hill walk to check on lights and stated that the emphasis is to keep existing lights working. Councilmembers Waldrop and Weller asked questions about Avista and different kinds of lights. Public Works Director Workman responded.

2008 Adopted 14. City Supervisor Sherman presented a staff report and gave an update on several goals. Mayor Johnson gave an update on the Airport and thanked students for using the Airport. Senator Pete Semon asked about leaf and snow removal. Public Works Director Workman responded.

NEW BUSINESS

President Brandon Scheller spoke about a swastika that was in the Evergreen. He stated this was done as a class project for freedom of speech and is not part of the recent events that have been happening on or near campus.

ADJOURNMENT

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

Motion Carried.

Mayor Johnson adjourned the regular meeting of the City Council at 9:35 p.m.

10. DISCUSSION ON ANNUAL GOAL-SETTING PROCESS

STAFF REPORT _____

QUESTIONS FROM COUNCIL ON STAFF REPORT _____

DISCUSSION _____

ACTION TAKEN _____

NOTES:



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: Discussion of Annual Goal Setting Process

DATE: January 29, 2009

At Tuesday night's City Council meeting we will distribute copies of the goal setting notebooks. The notebooks will contain the status of 2008 adopted City Council goals plus 2009 goal suggestions from citizens, organizations, department heads, and city employees.

Each year we hold two City Council retreats. The first retreat is typically held on a Saturday. We usually meet at the Hilltop at 9 a.m. and run to approximately 2 p.m. Last year we held the initial retreat on Saturday, March 22. Potential dates for which you may want to check your availability this year are Saturday, March 7 or Saturday, April 11. These two Saturdays avoid conflicts with the Spring Break schedules at WSU and the school district.

This year is the long 105-day state legislative session. Given the complexity of issues facing the legislature this year, it may not adjourn on time. It is supposed to adjourn on April 23. We typically try to complete our goal setting process before WSU adjourns the Spring Semester in early May. In order to hold our second retreat with department heads present and then adopt goals at a subsequent City Council meeting, we obviously cannot wait until the legislature adjourns before holding the first retreat.

On which date would you like to hold the initial City Council retreat? Would you like to hold it again at the Hilltop?

PULLMAN

Council readies for goal-setting process

Groups, individuals can submit suggestions until the end of the month

By Hillary Hamm
Daily News staff writer

Lisa Carloye wants to see more green space in Pullman.

The Pullman Civic Trust co-president also hopes for more beautification projects and trails paved for recreation around the city — all issues she anticipates will be part of the group's formal recommended goals for the Pullman City Council in 2009.

Individuals, organizations and city employees are encouraged to submit goals to the council, which will put together a master list of issues to tackle in the new year.

Carloye said members of the Pullman Civic Trust will meet in the next several weeks to hash out their recommendations.

"Part of our goals will be about expanding the trail system and taking advantage of some of the economic stimulus," she said.

The city has accepted annual public suggestions since 1982. Goals can be sent to the city by mail, e-mail or fax and must be received by Jan. 31.

The council will meet for a daylong workshop in the spring, discuss each

item and narrow down suggestions into a realistic list. The council then will meet with department heads to review the list before it is formally adopted.

The city accomplished 23 of the 34 goals proposed in 2007, and Pullman leaders have slowly chipped away at the 18 goals set in 2008.

City Supervisor John Sherman said he's particularly proud of the new business and rental registration ordinances. The business registration program was approved in August to identify businesses operating inside the city limits and provide owner contact information for emergency use. The council approved a rental registration program in November that requires rental owners to register with the police department so contact information is available for units throughout the city. The ordinance also is intended to create accountability for owners of rental properties.

Both issues brought a flood of public comment.

"Those were key ones the council actually took closure on," Sherman said. "It's a major sense of accomplishment. There have been so many discussions, and the rental registration is a very contentious issue. Some of these issues can drag on for a very long time, so it's good to have closure."

Sherman said the council doesn't always wrap up its goals in the same year. The Moscow-Pullman Regional

Airport project to increase water capacity at the facility is not complete, but it is in the design phase and is slated to wrap up in 2009.

Sherman said he expects a slimmed-down 2009 goal list compared to past years because of the city's tight budget.

"The council will be very reluctant to adopt goals with any kind of price tag attached to it, unless they're funded from a different source other than the general fund" such as the water reuse facility, he said.

Other 2008 goals included the summer project to correct water damage and structural concerns in City Hall Plaza, and cleaning up Grand Avenue through beautification.

Carloye said as far as she knows, the goal system is a good system.

"The City Council has always taken our recommendations seriously," she said. "They've been very responsive."

Goals can be submitted by mail, e-mail or fax. Mailed suggestions can be addressed to Mayor Glenn Johnson, City of Pullman, 325 SE Paradise Street, Pullman, WA 99163. E-mailed suggestions can be sent to admin@pullman-wa.gov, and goal suggestions can be faxed to (509) 334-2751.

Hillary Hamm can be reached at (509) 334-6397 ext. 307, or by e-mail at hhamm@dnnews.com.