

CITY OF PULLMAN  
COUNCIL CHAMBERS

COUNCIL MEETING  
AGENDA

JANUARY 6, 2009  
7:30 p.m.

The Pullman City Council welcomes you to tonight's meeting. The Council appreciates and encourages public participation. For regular agenda items, an opportunity for public comment is usually provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item; therefore, the Mayor may exercise discretion in deciding when to allow public comment during the course of the proceedings and limitations will be placed on the time allowed for comments. Thank you for your interest in City government.

A. Roll Call: \_\_\_\_\_ Francis Benjamin                      \_\_\_\_\_ Barney Waldrop  
                             \_\_\_\_\_ Keith Bloom                      \_\_\_\_\_ Nathan Weller  
                             \_\_\_\_\_ Ann Heath                      \_\_\_\_\_ Pat Wright  
                             \_\_\_\_\_ Bill Paul

B. Announcements

C. Report - 2009 Goal-Setting

D. Consent Agenda

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

**Motions**

1. Dispense with the reading of the minutes of the regular meeting of December 9, 2008, and approve them as submitted.
2. A motion to approve Accounts Payable Checks, Payroll Checks, and Electronic Transfers for January, 2009.
3. A motion to refer a Claim for Damages submitted by Jason Penkacik for an undetermined amount to the Washington Cities Insurance Authority (WCIA).
4. A motion to refer a Claim for Damages submitted by Calvin Neace for an undetermined amount to the Washington Cities Insurance Authority (WCIA).

5. A motion to refer a Claim for Damages submitted by Dan and Karen Hornfelt for an undetermined amount to the Washington Cities Insurance Authority (WCIA).
6. A motion to accept as complete Contract No. 07-05, City Playfields Lighting.
7. A motion to accept as complete Contract No. 07-19, Pullman City Hall Plaza Reconstruction.
8. A motion to authorize a Washington Association of Sheriffs and Police Chiefs (WASPC) Equipment Grant Agreement.

E. Regular Agenda

**Town Hall Meeting**

9. Overview of the 2009 Legislative Session by our 9<sup>th</sup> District State Legislators
10. Issues of interest to the City of Pullman
11. Issues of interest to area cities and towns
12. Issues of interest to the public

**Break**

**Ordinance and Resolution**

- 13a. Ordinance No. 09-1 - 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.
- 13b. Resolution No. R-1-09 - 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.

**Resolutions**

14. Resolution No. R-2-09 - A RESOLUTION RELATING TO STORMWATER AND PETITIONING THE GOVERNOR OF THE STATE OF WASHINGTON FOR RELIEF.
15. Resolution No. R-3-09 - A RESOLUTION APPROVING THE FINAL PLAT OF LOST TRAIL TOWNHOMES SUBDIVISION AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO SIGN THE FINAL PLAT.

F. Executive Session - Litigation or Potential Litigation and Labor Negotiations

G. Tentative Council Agenda for January 13, 2009 - Canceled

Tentative Council Agenda for January 20, 2009  
University District Proposal - WSU President Floyd  
Certified Local Government Ordinance

Tentative Planning Commission Agenda for January 28, 2009  
Election of Officers  
College Hill Association Presentation  
Askins Property Zoning Designation

Tentative Board of Adjustment Regular Agenda for Regular Meeting of January 19, 2009 - Canceled

Tentative Board of Adjustment Agenda for Special Meeting of January 26, 2008  
Election of Officers  
Whitcom Communication Tower CUP  
Nuisance Appeals Training Discussion

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



# CITY OF PULLMAN

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

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

[admin@ci.pullman.wa.us](mailto:admin@ci.pullman.wa.us)

## MEMORANDUM

TO: Mayor and City Council

FROM: John Sherman, City Supervisor

RE: 2009 Goal Setting Report

DATE: January 2, 2009

The 2009 goal setting process is officially underway. The attached news release was sent out on January 2 requesting individuals and organizations to submit goal suggestions to the Mayor's office by the end of January. The goal setting notebooks will be distributed at a City Council meeting in February. The goal setting notebooks contain the status of 2008 goals as well as new goal suggestions from citizens, department heads, and employees. At the City Council meeting in February we will also discuss possible dates for the initial City Council retreat.



# CITY OF PULLMAN

## Administration/Finance

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

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

[admin@pullman-wa.gov](mailto:admin@pullman-wa.gov)

## NEWS RELEASE

FOR IMMEDIATE RELEASE

Friday, Jan. 2, 2009

For additional information contact:

Glenn Johnson, Mayor

(509) 338-3316

John Sherman, City Supervisor

(509) 338-3212

### City requests suggestions for 2009 goals

As the City of Pullman begins another year, it is time for citizens and organizations to submit their ideas and goals for the City Council's consideration in 2009.

The public is invited to send their suggestions to the Mayor's office by Friday, Jan. 30. If you would like to submit your goal suggestions by mail, please address them to Mayor Glenn Johnson, City of Pullman, 325 SE Paradise Street, Pullman, WA 99163. If you would prefer to use email, please address your messages to [admin@pullman-wa.gov](mailto:admin@pullman-wa.gov) with City Council Goals as the subject line, or fax them to (509) 334-2751.

Johnson said that if an organization or individual made suggestions in the past that did not make it to the final list, feel free to offer those suggestions again. He said all suggestions are appreciated.

After receiving goal suggestions from citizens, organizations, department heads, and city employees, the City Council and the mayor hold a retreat to go over those goals. The council then meets with department heads to go through a tentative list for the year. The final refined list of goals is then brought back before the City Council for formal adoption. The final list of goals will be published in the Pullman Community Update. Numerous citizen-generated goals were incorporated into the list adopted by the Council for 2008.

###

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF PULLMAN  
DECEMBER 9, 2008

**Roll Call**

A regular meeting of the City Council of the City of Pullman was held on December 9, 2008, at 7:30 p.m. in Council Chambers, City Hall, Pullman, Washington with the following present:

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

**Call to Order**

Mayor Johnson called the regular meeting to order at 7:30 p.m. Councilmember Paul moved, Councilmember Benjamin seconded to excuse Councilmember Weller from the meeting.

Motion Carried.

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

Mayor Johnson reconvened the regular meeting of the City Council at 7:32 p.m.

**Announcements**

Mayor Johnson made one announcement.

**Confirmation of  
Appointments**

Mayor Johnson reviewed the following reappointments:

Kathleen Bodley to the Arts Commission expiring December 31, 2011; Mark Yrazabal to the Board of Adjustment expiring December 31, 2011; Keith Lincoln to the Cemetery Committee expiring December 31, 2011; Matthew Carey and Mitch Chandler to the Lawson Gardens Committee expiring December 31, 2011; Jennifer Davis to the Parks and Recreation Commission expiring December 31, 2011; and John Anderson to the Planning Commission expiring on December 31, 2014.

Councilmember Waldrop moved, Councilmember Wright seconded to confirm these appointments.

Councilmember Heath expressed her appreciation for the volunteers that have volunteered to serve on the various commissions. The motion carried unanimously.

**Employee Recognition**

Mayor Johnson and Human Resources Manager Karen Sires recognized Rich Dragoo for 35 years of service; Jerry Cork for 20 years of service; Gregory Johnson for 10 years of service; Bradley Blum for 5 years of service; and Kathleen Ahern for 5 years of service.

**ORDER OF BUSINESS**

Approval of Recommendations of Consent Agenda Items

**CONSENT AGENDA**

Mayor Johnson reviewed the items on the Consent Agenda with the Council and audience. He stated that items listed on the Consent Agenda are considered to be routine in nature and will be enacted by a single motion of the Council without separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by Council request. Councilmember Bloom moved, Councilmember Paul 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 Paul requested that item No. 8 be removed for separate discussion and Councilmember Wright requested that item No. 15 be removed for separate discussion. Mayor Johnson so ordered. Councilmember Waldrop moved, Councilmember Benjamin seconded to adopt items 1 through 7 and 9 through 14 on the Consent Agenda.

Motion Carried.

**Motions**

Minutes - November 18, 2008

1. The Council dispensed with the reading of the minutes of the regular meeting of November 18, 2008, and approved them as submitted.

Accounts Payable, Payroll, and Electronic Transfers -

2. The Council approved disbursements represented by accounts payable checks numbered \_\_\_\_\_ through \_\_\_\_\_ totaling \$\_\_\_\_\_ inclusive, payroll checks numbered \_\_\_\_\_

December through \_\_\_\_\_ totaling \$\_\_\_\_\_ inclusive, and electronic transfers totaling \_\_\_\_\_ and directed that they be paid upon approval of the Auditing Officer and Audit Committee.

Claim for Dam- 3. The Council referred a Claim for Damages  
ages - Tarcea submitted by Robert Tarcea for an undetermined  
amount to the Washington Cities Insurance  
Authority (WCIA).

Claim for Dam- 4. The Council referred a Claim for Damages  
ages - Ross submitted by Tanner Ross for the sum of \$11.50 to  
the Washington Cities Insurance Authority (WCIA).

Palouse River 5. The Council authorized an agreement with Palouse  
Counseling Agreement River Counseling Center for alcohol and drug  
addiction programs.

Digester Change 6. The Council ratified Change Order No. 4 to  
Order Contract NO. 05-13, Digester System Improvements  
Project.

Water System 7. The Council ratified Change Orders 1, 2, and 3 to  
Telemetry Change Contract No. 08-16, Water System Telemetry  
Orders Upgrades.

2009 Fuel 9. The Council accepted the bid of Busch  
Distributors, Inc. for 2009 fuel.

Administrative 10. The Council authorized an Administrative Services  
Services Contract Contract with the Pullman-Moscow Regional Airport  
with Airport for 2009.

Chamber of 11. The Council authorized an agreement with the  
Commerce Agreement Pullman Chamber of Commerce for services related  
to tourist and convention promotion for 2009.

### Resolution

Resolution No. 12. Resolution No. R-94-08  
R-94-08 - Agreement  
with Pullman Senior  
Citizens' Assoc. A RESOLUTION AUTHORIZING THE EXECUTION OF AN  
AGREEMENT BETWEEN THE CITY OF PULLMAN AND THE  
PULLMAN SENIOR CITIZENS' ASSOCIATION, FOR THE  
PURPOSE OF PROVIDING TRANSPORTATION SERVICES TO  
SENIOR CITIZENS.

Resolution No. R-94-08 was adopted unanimously.

Resolution No. 13. Resolution No. R-95-08  
R-95-08 - Surplus  
Property A RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS  
TO THE NEEDS OF THE CITY OF PULLMAN AND



AUTHORIZING THE DONATION OF SAID SURPLUS PROPERTY, TO-WIT: BICYCLES TO INTERNATIONAL FRIENDSHIP ASSOCIATION, A NON-PROFIT CHARITABLE ORGANIZATION.

Resolution No. R-95-08 was adopted unanimously.

Resolution No. 14.  
R-96-08 - Tank 10  
Construction

Resolution No. R-96-08

A RESOLUTION ACCEPTING THE BASE BID OF T BAILEY, INC. FOR TANK 10 CONSTRUCTION AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

Resolution No. R-96-08 was adopted unanimously.

## **REGULAR AGENDA**

### **Motion**

Transit Grant  
Applications

8. Mayor Johnson announced that this item had been removed from the Consent Agenda at the request of Councilmember Paul. Councilmember Paul expressed his appreciation for the good work that the Transit system performs and acknowledged the grant applications and the importance of the grants for the operation of the Transit system.

Councilmember Paul moved, Councilmember Bloom seconded to authorize the submittals of four grant applications to the Washington state Department of Transportation, Public Transportation's Consolidated Grant Program. The motion carried unanimously.

### **Resolution**

Resolution No. 15.  
R-97-08 - Fire and  
Emergency Medical  
Protection Services  
Agreement

Mayor Johnson announced that this item had been removed from the Consent Agenda at the request of Councilmember Wright. Councilmember Wright noted that the portion of the WSU contributions were contingent on the State budget and expressed concerns about the State's challenging economic situation and asked how the contributions would be made up if the State is not able to appropriate those funds. City Supervisor Sherman responded.

Resolution No. R-97-08 by title only reads as follows:

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PULLMAN

AND WASHINGTON STATE UNIVERSITY FOR FIRE AND  
EMERGENCY MEDICAL PROTECTION SERVICES TO  
WASHINGTON STATE UNIVERSITY.

Councilmember Wright moved, Councilmember  
Benjamin seconded to adopt Resolution No. R-97-  
08. The motion carried unanimously.

### Ordinances

Ordinance No. 16. Mayor Johnson announced that an ordinance had  
08-22 - Budget been prepared amending the 2008 budget. Finance  
Amendment Director Woo presented the staff report. There  
were no questions.

Ordinance No. 08-22 by title only reads as  
follows:

AN ORDINANCE AMENDING ORDINANCE NO. 07-32 ADOPTED  
DECEMBER 4, 2007, AND ENTITLED "AN ORDINANCE  
ADOPTING A BUDGET FOR THE CITY OF PULLMAN FOR THE  
YEAR 2008".

Councilmember Bloom moved, Councilmember Benjamin  
seconded to adopt Ordinance No. 08-22. The  
motion carried unanimously.

Ordinance No. 17. Mayor Johnson announced that an ordinance had  
08-23 - 2009 Budget been prepared adopting the 2009 budget. Finance  
Adoption Director Woo presented the staff report.  
Councilmember Heath asked for comments regarding  
the status of labor contracts and their impact to  
the budget. Finance Director Woo responded.  
Councilmember Waldrop asked for comments  
regarding General Funds reserves. Finance  
Director Woo responded. Councilmember Waldrop  
suggested that quarterly reports be presented to  
the City Council to keep updated on the City's  
financial condition. Finance Director Woo  
responded. Councilmember Benjamin asked when the  
Council was required to take action regarding the  
13-percent reserve not being met. Finance  
Director Woo and City Supervisor Sherman  
responded. Councilmember Bloom asked how the  
stormwater utility was addressed in the proposed  
budget. Finance Director Woo responded.

Ordinance No. 08-23 by title only reads as  
follows:

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF  
PULLMAN FOR THE YEAR 2009.

Councilmember Bloom moved, Councilmember Benjamin seconded to adopt Ordinance No. 08-23. The motion carried unanimously.

**Ordinance and  
Resolution**

Ordinance No. 18.  
08-24 and Resolution  
No. R-98-08 - Storm-  
water

Mayor Johnson announced that an ordinance and resolution had been prepared adopting a stormwater utility and setting the fees. Public Works Director Workman presented the staff report. John Knutson, consultant from Otak, Inc., made comments about staff efforts and meetings with major stakeholders, third-party lawsuits, and the status of other local cities that are dealing with stormwater.

Mike Leonas, WSU Project Manager with Capital Planning and Development, thanked the City for its cooperation, and expressed WSU's commitment to preserving water quality, and to be good stewards of public and student funding. Mr. Leonas expressed concern with the proposed ordinance and described sections within Washington State law that allow municipalities to use a variety of different bases for charging for stormwater services. Mr. Leonas stated that the Pullman/WSU situation is unique and that the proposed WSU stormwater fees do not result in a direct benefit for WSU. Mr. Leonas presented an area map of WSU that showed the areas that don't drain to the City system. Mr. Leonas described the area as large and described the stormwater activities that would be formed by WSU in those areas.

Dwight Hagihara, director of Environmental Health at WSU, described WSU's compliance requirements under their permit and that they are similar to those in the City's permit. Mr. Hagihara stated that he thought WSU and the City can continue to help lower the costs of the permit requirements and described WSU compliance activities and estimated costs of doing so. Mr. Hagihara stated that the law provides for different factors to determine rates and that the proposed 20 percent credit for WSU is not fair or reflective of the services that would be provided. Mr. Hagihara thought the 20-percent credit was arbitrarily determined by the City and that he appreciated the opportunity and hoped that continued dialogue and consideration on the stormwater issue would continue.

Councilmember Bloom stated that customers or citizens that pay the fee expect that services will be received and asked if WSU expects the same. Mr. Leonas responded. Councilmember Bloom asked how the fee is represented and what services would be provided by the City. John Knutson responded. Councilmember Bloom stated that WSU is under its own permit and has the same requirements as the City and that the City should acknowledge that fact because WSU activities are more than what industrial stormwater permit holders provide and that the fee could be considered taxation without representation. Councilmember Bloom expressed concern about the escalating stormwater fee proposal and that he has fundamental problems with the ordinance. Councilmember Bloom stated if clean water is a benefit to everyone then everyone should be paying for that benefit and asked staff to reevaluate the fee structure to be more fair. Public Works Director Workman responded.

Councilmember Bloom expressed concern for the citizens and the escalating fees without receiving any benefits. Councilmember Heath thanked WSU for their efforts on the issue and stated that she thought the stormwater work would be an ongoing issue because it is too complicated. Councilmember Heath expressed concern within City Supervisor Sherman's memo that stated the City was relying on Otak for legal advise. City Supervisor Sherman and City Attorney McAloon responded. Councilmember Heath asked which City staff has been conducting negotiations with WSU. City Attorney McAloon and City Supervisor Sherman responded. City Supervisor Sherman stated that City staff has been trying to address the stormwater issues and asked that City Attorney McAloon share two applicable court cases. City Attorney McAloon presented two court cases that relate to the City of Pullman and WSU's stormwater issues and made comments about fees versus taxes. Councilmember Heath stated that this is the first time that she will be voting in favor on an issue but does not agree with it in principal. Councilmember Heath stated the reason she will vote in favor is because within her oath-of-office she swore to support the laws of Washington state and the United States. Councilmember Paul asked why a district could not be formed and let the citizens vote to approve it. City Attorney McAloon responded. Councilmember Waldrop stated that he agreed with Councilmember Bloom's comments fully

and stated that the costs should be shared. Councilmember Waldrop described letters sent by the Mayor to the Governor appealing for relief from stormwater and read into the record a draft resolution that he thought should be passed by the Council that would further appeal to Olympia for relief. Councilmember Bloom and Mayor Johnson stated they liked the language of the draft resolution. Mayor Johnson further described the two letters that he had sent to the Governor and described the response that he had received. Councilmember Benjamin asked if stormwater is a closed or an open system and how the regulations deal with open systems such as rivers and streams. John Knutson responded.

Councilmember Benjamin asked for clarification that if there is no discharge to a stream there are no stormwater requirements. John Knutson responded. Councilmember Benjamin asked if it was possible for the City to remove stormwater from draining into its streams. Public Works Director Workman responded. Councilmember Benjamin, Public Works Director Workman, and John Knutson discussed stormwater that has collected in the stormwater system that drains into streams, the differentiation between undeveloped property that have streams that run through it and those that do not, and turbidity requirements in Pullman's streams. Councilmember Benjamin asked if the 20-percent proposed credit has been factored into the rate or if the credits are granted the rates will have to be adjusted to make up for that shortfall. Public Works Director Workman responded. Councilmember Benjamin asked if the three-year rate plan was realistic because the program was so new and there are many unknowns and suggested that the rate be looked at annually. Public Works Director Workman responded. Councilmember Benjamin noted that the fee is currently basic and asked if the rate could become more complex in the future. Public Works Director Workman responded. Councilmember Benjamin asked when does it become fair to look at the use of property within the rate structure and stated that the rate structure should be defensible and fair. Public Works Director Workman responded.

Sid Houpt, 103 Parkwest Drive, stated that he had submitted comments in the past and had not until very recently received written response, described different soil classifications, and stated that Resolution 8-08 has not been properly followed. Stormwater Services Program Manager Buchert responded.

Dave Gibney, 760 Reaney Way, said that he agreed with nearly all the comments made tonight and asked if a citizen can obtain a stormwater permit. Mr. Gibney made comments regarding the impervious definition and how it relates to undeveloped property that has no stormwater runoff. Mr. Gibney asked where the Gladish Center falls into the fee structure because he has concerns for how this will impact nonprofits. Stormwater Services Program Manager Buchert responded. City Attorney McAloon stated that the WSU stormwater permit does not relieve the City of any responsibility for liability for WSU stormwater activities. Councilmember Bloom asked if the ordinance is not adopted does the City become subject to litigation. City Attorney McAloon responded. Councilmember Bloom stated that a fee is not necessary to comply.

Mayor Johnson asked for comments relating to the budget and where the stormwater services are being currently funded from. Finance Director Woo and Public Works Director Workman responded.

Ordinance No. 08-24 by title only reads as follows:

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.

Councilmember Heath moved, Councilmember Wright seconded to adopt Ordinance No. 08-24. Councilmember Waldrop stated that his support or opposition would be determined by the fee structure and that the funding that has come from the street fund should be reimbursed by the stormwater utility. City Attorney McAloon, Finance Director Woo, and Public Works Director Workman responded. Councilmember Benjamin asked Councilmember Waldrop if the fee structure should charge undeveloped properties or continue with an impervious basis. Councilmember Waldrop responded stating that the utility fee should be the same for each utility account.

Councilmembers Heath, Paul, and Wright voted aye. Councilmembers Bloom, Benjamin, and Waldrop voted nay. City Attorney McAloon requested a ten-minute recess to research whether the Mayor could cast a tie-breaking vote in this situation.

Mayor Johnson adjourned the meeting at 9:30 p.m. and announced that the meeting would reconvene in ten minutes. Mayor Johnson reconvened the meeting at 9:40 p.m.

City Attorney McAloon stated the Mayor is prohibited from casting a tie-breaker vote on ordinances so the motion fails.

Mayor Johnson asked the City Council to direct staff to make changes to the ordinance. Councilmember Bloom suggested that the impervious area definition include criteria that includes properties that can be developed and that the escalation of the fees be capped.

Councilmember Waldrop provided the following language from his statements at the June 3, 2008, Council meeting:

"Councilmember Waldrop suggested that the total costs be spread out evenly among each utility account. The justification for this recommendation was stated that businesses maintain large impervious areas as a service to the community and/or their employees who also live in the community. Pullman Regional Hospital and the Pullman Public Schools are two examples that have to maintain large impervious surfaces to serve their customers. Most taxpayers do not have children in public school but all property taxpayers still share the cost of maintaining and operating the school system. Not to do so would create a crushing financial burden on the families with school children. Likewise, storm water fees based only on impervious surface area will have a chilling affect on Pullman businesses. The profit margin for many Pullman businesses is already very slim and more business friendly tax environments are only a few miles distant. The community burden of a storm water fee/tax/assessment should be distributed equally to all utility accounts. The cost to each utility rate payer in such case is approximately \$15.00 per month."

Councilmember Waldrop suggested that the rate be leveled out among the utility accounts. Mayor

Johnson suggested that the ordinance be brought back for Council consideration in January.

Councilmember Heath stated that businesses will pass on the stormwater cost to their customers whereas homeowners cannot. Public Works Director Workman noted that the flat fee across accounts would be higher than Councilmember Waldrop's estimate of \$15.00 per account. Councilmember Benjamin stated that all properties should pay stormwater fees whether they are developed or not. Councilmember Wright noted that if all properties in Pullman are subject to the stormwater fees it would lower the overall fee.

Councilmember Bloom and Public Works Director Workman discussed the fee escalation issue. Mayor Johnson stated the ordinance would be brought back to Council in January. Councilmember Heath stated that the ordinance should be brought back on January 6.

### **Resolution**

Resolution No. 19. Mayor Johnson announced that a resolution has been prepared setting fees for Parks and Recreation. Recreation Superintendent Dahmen presented the staff report. Councilmember Benjamin asked for clarification about the removal of the softball practice fee. Recreation Superintendent Dahmen responded.

Resolution No. R-99-08 by title only reads as follows:

A RESOLUTION ADOPTING FEES FOR PARKS AND RECREATION PROGRAMS AND FACILITY USE EFFECTIVE JANUARY 1, 2009.

Councilmember Wright moved, Councilmember Benjamin seconded to adopt Resolution No. R-99-08. The motion carried unanimously.

### **Discussions**

Request from 20. Mayor Johnson announced that the Council will now hear a request from the Recreational Gaming Association. Max Faulkner described upcoming legislation relating to card rooms. Mr. Faulkner asked the City for its support of the bill by sending a letter to Representative Frank Chopp or to contact AWC and express the City's support of the bill.



Councilmember Heath thanked Mr. Faulkner for his report and stated she was uncomfortable supporting a bill that she has never seen and noted that AWC has prioritized the issue in its legislative priorities. Mr. Faulkner handed out a copy of the bill for the Council to review.

Annual Town  
Hall Meeting

21. Mayor Johnson announced that a discussion is scheduled on topics for discussion at the upcoming town hall meeting. City Supervisor Sherman presented the staff report and asked for other issues that should be discussed with the legislators. Councilmember Waldrop asked that the fiscal issues include discussion about the state deficit and the state's economy. Councilmember Benjamin suggested that the hospital's certification of need requirements be a discussion item. Councilmember Paul requested that the discussion include the taping of executive sessions. Mayor Johnson suggested that the stormwater ordinance be brought back to Council on the 20<sup>th</sup> of January because of time constraints on the town hall meeting. Councilmember Bloom and City Supervisor Sherman commented on litigation and stormwater compliance. Councilmember Heath suggested that the town hall meeting be conducted first and then conduct business related to the stormwater issue.

Electronic  
Payment Options

22. Mayor Johnson announced that a discussion is scheduled on electronic payment options. Finance Director Woo presented the staff report. Councilmember Benjamin asked if the automated clearing house or ACH would transfer money immediately or if there would be a delay to payment receipts such as the banker online payment options. Finance Director Woo responded. Councilmember Paul spoke in favor of the voluntary donation fund. Mayor Johnson thanked Finance Director Woo for his work on this issue. Council concurred to work towards implementation of ACH and to further research credit card acceptance.

Current Econ-  
omic Conditions

23. Mayor Johnson announced that a discussion is scheduled on current economic conditions. City Supervisor Sherman and Finance Director Woo presented staff reports. City Supervisor Sherman stated it is important that the City show leadership through these tough times to help keep the fears down. Councilmember Benjamin asked how the streamlined sales tax changes have affected the City's sales tax collections. Finance Director Woo responded.

**NEW BUSINESS**

There were no items of new business.

**EXECUTIVE SESSION**

Mayor Johnson announced that the City Council would adjourn to conduct an Executive Sessions for:

To consider the selection of a site or the acquisition of real estate by lease or purchase.

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

Mayor Johnson adjourned the meeting at 10:38 p.m. He announced that Council would take a two minute recess and return in 30 minutes.

Mayor Johnson reconvened the meeting at 11:30 p.m.

**ADJOURNMENT**

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

Motion Carried.

Mayor Johnson adjourned the regular meeting of the City Council at 11:31 p.m.

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Mayor

ATTEST:

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Finance Director