

MINUTES OF THE CITY COUNCIL
OF THE CITY OF PULLMAN
DECEMBER 7, 2010

Roll Call

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

Glenn A. Johnson	Mayor
William F. Mulholland	Finance Director
Francis Benjamin	Councilmember
Keith Bloom	Councilmember
Jeff Hawbaker	Councilmember
Bill Paul	Councilmember
Barney Waldrop	Councilmember
Nathan Weller	Councilmember
Pat Wright	Councilmember

Call to Order

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

Announcements

Mayor Johnson made three announcements and one was made by Councilmember Weller.

Mayor Johnson adjourned the meeting to conduct the Metropolitan Park District meeting at 7:33 p.m.

Mayor Johnson reconvened the regular meeting at 7:35 p.m.

**Confirmation of
Appointment and
Reappointments**

Mayor Johnson announced that he had appointed Robert K. "Bob" Warnock to the Cemetery Committee for a term expiring on December 31, 2013.

Councilmember Bloom moved, Councilmember Waldrop seconded to confirm this appointment.

Motion Carried.

Mayor Johnson announced that he had reappointed the following:

Loretta "Lolly" Owens to a term on the Arts Commission expiring December 31, 2013.

Scott Vik to a term on the Board of Adjustment expiring December 31, 2013.

John P. Chaplin and Terence L. Day to terms on the Cemetery Committee expiring December 31, 2013.

Kim Keizur and Mick Nazerali to terms on Lawson Gardens Committee expiring December 31, 2013.

Jon P. Anderson to a term on the Library Board of Trustees expiring December 31, 2015.

Kristi Kurle, Allison Levenseller and Barb Wachter to terms on the Lodging Tax Advisory Committee expiring December 31, 2011.

Carole Johnson and John Lagerquist to terms on the Parks and Recreation Commission expiring December 31, 2013.

Councilmember Paul moved, Councilmember Wright seconded to confirm these reappointments.

Motion Carried.

Report

Heaters and Fire Hazards

Fire Prevention Officer Rich Dragoo presented a report on safety requirements when using portable heaters. He also presented statistics which included that two-thirds of fatalities are the result of no alarms or non-working alarms.

Councilmember Bloom and Benjamin both comments and thanked Fire Prevention Officer Rich Dragoo for his presentation.

ORDER OF BUSINESS

CONSENT AGENDA

Approval of Recommendations of Consent Agenda Items

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

Motion Carried.

City Attorney McAloon read the items on the Consent Agenda by title only. Mayor Johnson asked if there were any requests for removal of items from the Consent Agenda from the Council. Councilmember Paul asked that item No. 12, Resolution No. R-89-10, be pulled for separate discussion. Mayor Johnson so ordered. Councilmember Bloom moved, Councilmember Wright seconded to adopt the Consent Agenda as presented.

Motion Carried.

Motions

- Minutes - November 15, 2010
1. The Council dispensed with the reading of the minutes of the regular meeting of November 15, 2010, and approved them as submitted.
- Accounts Payable, Payroll, and Electronic Transfers - December, 2010
2. The Council approved disbursements represented by accounts payable checks numbered _____ through _____ totaling \$ _____ inclusive, payroll checks numbered _____ through _____ totaling \$ _____ inclusive, and electronic transfers totaling _____ and directed that they be paid upon approval of the Auditing Officer and Audit Committee.
- Change Order on Accelerated Streets Resurfacing 2010
3. The Council ratified Change Order No. 1 on Contract No. 10-07, Accelerated Streets Resurfacing 2010.
- WWTP Equipment Building HVAC Complete
4. The Council accepted as complete Contract No. 09-15, WWTP Equipment Building HVAC.
- Sidewalks 2010 Complete
5. The Council accepted as complete Contract No. 10-01, Sidewalks 2010.

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| M&O Shop Roof Painting Complete | 6. | The Council accepted as complete Contract No. 09-06, M&O Shop Roof Repainting. |
| Transit Offices Remodel Complete | 7. | The Council accepted as complete Contract No. 10-10, Transit Offices Remodel |
| Claim for Dam-ages - Woffinden | 8. | The Council referred a Claim for Damages submitted by Kristen Woffinden for the sum of \$908.00 to the Washington Cities Insurance Authority (WCIA). |
| Claims for Dam-ages - Reiber, Fisher, Volk, Gollnick, Richards, Wilkins, Wehrung | 9. | The Council referred Claims for Damages submitted by Eric Reiber for the sum of \$1,000,000, Rudy Fisher for the sum of \$500,000, Christopher Volk for the sum of \$200,000, John Gollnick for the sum of \$200,000, Blake Richards for the sum of \$200,000, Jason Wilkins for the sum of \$200,000, and Christopher Werhrung for the sum of \$200,000 to the Washington Cities Insurance Authority (WCIA). |
| Claim for Dam-ages - Frontier | 10. | The Council referred a Claim for Damages submitted by Frontier for an undetermined amount to the Washington Cities Insurance Authority (WCIA). |
| Contract with Pullman-Moscow Regional Airport | 11. | The Council approved an Administrative Services Contract with the Pullman-Moscow Regional Airport for 2011. |

Resolutions

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| Resolution No. R-90-10 - Professional Services Agreement | 13. | Resolution No. R-90-10

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND WORLDTHREE FOR THE PURPOSE OF PERFORMING THE STADIUM WAY FECAL COLIFORM SOURCE IDENTIFICATION PROJECT. |
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Resolution No. R-90-10 was adopted unanimously.

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| Resolution No. R-91-10 - Parking Limits | 14. | Resolution No. R-91-10

A RESOLUTION ESTABLISHING A THREE-HOUR PARKING LIMIT AND A NO PARKING RESTRICTION BETWEEN 3 A.M. AND 6 A.M. FOR A MUNICIPALLY-OWNED PARKING LOT ON LYBECKER ROAD. |
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Resolution No. R-91-10 was adopted unanimously.

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| Resolution No. R-92-10 - Grant Applications | 15. | Resolution No. R-92-10

A RESOLUTION AUTHORIZING SUBMITTAL OF TWO GRANT APPLICATIONS FOR OPERATING ASSISTANCE AND VEHICLE REPLACEMENT FOR PULLMAN TRANSIT. |
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Resolution No. R-92-10 was adopted unanimously.

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| Resolution No. R-93-10 - Stormwater Grant Agreement | 16. | Resolution No. R-93-10

A RESOLUTION AUTHORIZING THE EXECUTION OF A STORMWATER GRANT AGREEMENT BETWEEN THE CITY OF PULLMAN AND THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II MUNICIPAL STORMWATER PERMIT COMPLIANCE ACTIVITIES. |
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Resolution No. R-93-10 was adopted unanimously.

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| Resolution No. R-94-10 - Purchase of Real Property | 17. | Resolution No. R-94-10

A RESOLUTION AMENDING RESOLUTION NO. R-72-10, AUTHORIZING AND DIRECTING THE PURCHASE OF REAL |
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PROPERTY BY THE CITY OF PULLMAN FOR THE PULLMAN-MOSCOW REGIONAL AIRPORT SUBJECT TO REIMBURSEMENT OF THE PURCHASE PRICE BY THE AIRPORT.

Resolution No. R-94-10 was adopted unanimously.

- Resolution No. R-95-10 - ERD Expansion
18. Resolution No. R-95-10
- A RESOLUTION ACCEPTING THE BID OF GUHO CORPORATION FOR ERD EXPANSION AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

Resolution No. R-95-10 was adopted unanimously.

REGULAR AGENDA

Resolution

- Resolution No. R-89-10 - Design for Traffic Signal at Bishop Blvd/Klemgard Avenue Intersection
12. Mayor Johnson announced that this item had been removed from the Consent Agenda at the request of Councilmember Paul. Councilmember Paul pointed out that the two new street lights that were added on Bishop Boulevard were a great help and they are appreciated by his constituents.

Resolution No. R-89-10 by title only reads as follows:

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND TAYLOR ENGINEERING, INC. FOR THE PURPOSE OF DESIGNING A TRAFFIC SIGNAL SYSTEM FOR THE BISHOP BOULEVARD/KLEMGARD AVENUE INTERSECTION.

Councilmember Paul moved, Councilmember Bloom seconded to adopt Resolution No. R-89-10. The motion carried unanimously.

Ordinance and Resolution

- Historic Preservation
19. Mayor Johnson announced that an ordinance and resolution have been prepared relating to historic preservation. City Attorney McAloon went through the background and also the changes that were requested by Council. She also had Megan Duvall, who is with the State of Washington Department of Archaeology and Historical Preservation review the ordinance. Based on the review process and the meeting of State requirements City Attorney McAloon recommended we adopt the ordinance as presented. City Planner Dickinson also added a few comments.

Mayor Johnson opened up the meeting for public comment.

Alice Schroeder, League of Women Voters, stated that the League of Women Voters strongly supports the creation of the Certified Local Government Program. She went through the letter that she had sent to Council.

Allison Munch-Rotolo, College Hill Association, spoke about her letter and the fact that the CLG offers many benefits at very low cost. She stated this was an opportunity to enhance Pullman.

Anita Hornback went through her letter. She was overall pleased with the CLG ordinance, but was

a little disheartened with how they came up with the method for property representation. She thought that the representation was unfair. Her objection primarily dealt with the definition of what a distinct property is.

Eileen Macoll, Whitman County Landlord Tenant Association, spoke about the cost to the City. She said that the initial report said that volunteers would be utilized. With her research into the matter she felt that professional staff would be the ones that would have to do the surveys.

Her main concern was the larger issue--do we really want this designation, do we really understand the obligation to the City and the citizens. She requested that the City Council reject the ordinance at this time.

Matthew Rusk, Moonshadow Research, had done some consulting work for the City in this matter as well as was on the original ad hoc committee for the CLG. He said that even though most of it dealt with the historical area around College Hill, there are many areas in the City that could benefit from this ordinance.

Alex Hammond, President of the College Hill Association, felt there are long-range benefits with this CLG program.

Mayor Johnson closed the public discussion.

Councilmember Weller noted that he agreed with Anita Hornback and he thought that one of the better benefits of the CLG was increased tourism. Councilmember Bloom wanted to address the one property, one vote situation. City Planner Dickinson went through the alternative language which was originally presented. He explained it had originally been modified due to some Council objections at the time. Councilmember Waldrop favored the second definition that Planning Director Dickinson had presented. Councilmember Waldrop was also concerned with the language or time limit on repeat violations and some standards on demolition.

Public Works Director Workman addressed the limitations on time limits on report violations.

It is up to the inspectors as prescribed in City Code to make the determination. Standards for demolition would be addressed at a future date with the Committee.

Councilmember Benjamin thought Planning Director Dickinson's definition was much better.

Ordinance No. 10-26 by title only reads as follows:

AN ORDINANCE OF THE CITY OF PULLMAN, WASHINGTON, RELATING TO HISTORIC PRESERVATION, REPEALING CHAPTER 16.70 AND PULLMAN CITY ORDINANCE NO. 06-2 (2006) AND ADDING A NEW CHAPTER 16.60 TO THE PULLMAN CITY CODE, AND OTHER MATTERS PROPERLY RELATED THERETO.

Councilmember Bloom moved to adopt Ordinance No. 10-26 with the changed language that Planning Director Dickinson had read. Councilmember Benjamin seconded the motion. Councilmember Waldrop opposed the motion. He approved of the CLG, but not a couple of sections which he thought

should be modified at this time. The motion carried with Councilmember Waldrop voting nay.

Resolution No. R-96-10 by title only reads as follows:

A RESOLUTION ADOPTING A FEE SCHEDULE FOR CHARGES AUTHORIZED PURSUANT TO THE PROVISIONS OF PULLMAN CITY CODE CHAPTER 16.60.

Councilmember Bloom moved, Councilmember Wright seconded to adopt Resolution No. R-96-10. The motion carried unanimously.

Ordinances

Ordinance No. 20. Mayor Johnson announced that an ordinance had been prepared amending the 2010 budget. Finance Director Mulholland presented the staff report and went through the items that requests were being made on.

Ordinance No. 10-27 by title only reads as follows:

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

Councilmember Bloom moved, Councilmember Waldrop seconded to adopt Ordinance No. 10-27. The motion carried unanimously.

Ordinance No. 21. Mayor Johnson announced that an ordinance had been prepared adopting a budget for 2011. Finance Director Mulholland presented the staff report. He requested adoption of the ordinance.

Ordinance No. 10-28 by title only reads as follows:

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF PULLMAN FOR THE YEAR 2011.

Councilmember Waldrop moved, Councilmember Weller seconded to adopt subject to review no later than April 1, after the year-end cash numbers are ascertained. The motion carried unanimously.

Ordinance No. 22. Mayor Johnson announced that an ordinance had been prepared accepting a \$10,000 award of the 2010 Enhancing and Promoting Readers' Advisory Services Project Grant from the Paul G. Allen Family Foundation.

Cheryl Brinkley, Neill Public Library, gave a brief description of the award.

Ordinance No. 10-29 by title only reads as follows:

AN ORDINANCE ACCEPTING THE AWARD OF THE 2010 ENHANCING AND PROMOTING READERS' ADVISORY SERVICES PROJECT GRANT FROM THE PAUL G. ALLEN FAMILY FOUNDATION.

Councilmember Paul moved, Councilmember Wright seconded to adopt Ordinance No. 10-29. The motion carried unanimously.

Ordinance No. 23. Mayor Johnson announced that an ordinance had been prepared accepting a \$7,500 restricted donation from Jess Ford for Grand Avenue Greenway Improvements.

City Supervisor Sherman went through a brief report and mentioned that this had been discussed at last month's meeting.

Ordinance No. 10-30 by title only reads as follows:

AN ORDINANCE ACCEPTING A RESTRICTED MONETARY DONATION FROM JESS FORD TO THE CITY OF PULLMAN FOR GRAND AVENUE GREENWAY IMPROVEMENTS.

Councilmember Wright moved, Councilmember Waldrop seconded to adopt Ordinance No. 10-30. The motion carried unanimously.

Resolutions

Resolution No. 24. Mayor Johnson announced that a resolution had been prepared establishing parking limitations on Merman Drive. Public Works Director Workman went through the background of Merman Drive and the parking situation. Councilmember Benjamin asked for clarification that existing "no parking" would become parking. Public Works Director Workman indicated that it would.

R-97-10 - Parking Limitations

Resolution No. R-97-10 by title only reads as follows:

A RESOLUTION ESTABLISHING PARKING LIMITATIONS ON MERMAN DRIVE BETWEEN TERRE VIEW DRIVE AND WESTWOOD DRIVE.

Councilmember Bloom moved, Councilmember Benjamin seconded to adopt Resolution No. R-97-10. The motion carried unanimously.

Resolution No. 25. Mayor Johnson announced that a resolution had been prepared declaring \$30,660.40 of certain accounts receivable as bad debts. Finance Director Mulholland presented the staff report. Resolution No. R-98-10 by title only reads as follows:

R-98-10 - Bad Debts

A RESOLUTION DECLARING CERTAIN ACCOUNTS RECEIVABLE DUE TO THE CITY OF PULLMAN TO BE BAD DEBTS AND REMOVING SAID ACCOUNTS FROM THE ACTIVE ACCOUNTING RECORDS OF THE CITY.

Councilmember Paul moved, Councilmember Waldrop seconded to adopt Resolution No. R-98-10. The motion carried unanimously.

Discussion

Stormwater Ordinance Discussion 26. Mayor Johnson announced that a discussion is scheduled on a proposed stormwater ordinance. Stormwater Services Program Manager Buchert went over his report. At last month's meeting there had been a discussion on this ordinance. There were several comments on sections that Councilmembers thought should be changed or modified. Stormwater Services Program Manager Buchert said these had been noted and changed. He had a recent letter from WSU in regard to the ordinance. He said there are three issues with WSU. One is fees, the second is third-party inspections, and the third is the project size threshold which had been a 1,000 square feet. Stormwater Services Program Manager Buchert said that in a separate agreement with WSU, there would be no fees and they would be able to do their own

permits and inspections. The project size was raised from 1,000 to 5,000 feet. Stormwater Services Program Manager Buchert had been asked if there had been a cost-benefit study done. He indicated that there had been a study in 1999 by the EPA and their conclusion was benefit was worth the cost.

The State Department of Ecology indicated that the EPA's cost estimation greatly understated the true cost of implementation. The State has not done a cost-benefit analysis. The cost of non-compliance from the State amounted to \$10,000 per day and the federal cost was \$37,500 per day so the cost of compliance was less than what the cost would be for non-compliance.

Stormwater Program Services Manager Buchert went through the changes that had been recommended by Council and indicated where they had been changed. Councilmember Waldrop mentioned that he had talked to an individual from DOE and he indicated that the cost benefit was worth the money.

Councilmember Bloom thanked Stormwater Services Project Manager Buchert for the work done as well as had Councilmember Waldrop. Councilmember Bloom stated that he agreed with Councilmember Waldrop that the push down of these requirements from Olympia did not sit well with him. Council was glad to see the size of the lots raised from 1,000 to 5,000 square feet. Councilmember Bloom wanted to know if this was the same size for commercial. Planning Director Dickinson indicated that this would be on the small size for a commercial property, which normally is 10,000 square feet, but with the 5,000 square feet requirement they would capture both commercial as well as the residential lots.

Current 27.
Economic Conditions

Mayor Johnson announced that a discussion is scheduled on current economic conditions. City Supervisor Sherman went through his report and secondary material. The Council had no questions.

NEW BUSINESS

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

EXECUTIVE SESSION

Mayor Johnson announced that the Council would adjourn to Executive Session for the purpose of:

Conferring with legal counsel representing the City concerning potential litigation that the City reasonably believes may be commenced by or against the City, the governing body, or a member acting in an official capacity.

Mayor Johnson adjourned the meeting at 9:48 p.m. and said the Executive Session would begin at 9:53 p.m. and would last for 20 minutes. At 10:13 p.m. the Executive Session was extended for 10 minutes.

At 10:23 p.m. the Executive Session was extended for 15 minutes. At 10:38 p.m. the Executive Session was extended for 10 minutes. At 10:48 p.m. the Executive Session was extended for 15 minutes.

Mayor Johnson reconvened the regular meeting at 11:01 p.m.

ADJOURNMENT

Councilmember Bloom 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 11:01 p.m.