MINUTES OF THE CITY COUNCIL
OF THE CITY OF PULLMAN
FEBRUARY 3, 2009

Roll Call

A regular meeting of the City Council of the City of Pullman was held on February 3, 2009, 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
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 two announcements.

Report

Planning Commission College Hill Workshops

Mayor Johnson announced that a report is scheduled on the Planning Commission's College Hill workshops. Planning Director Dickinson presented a staff report which announced the scheduled stakeholder workshops. Councilmember Bloom asked if the workshops were open to the public. Planning Director Dickinson responded.

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 Heath requested that item No. 1 be removed for separate discussion. Mayor Johnson so ordered. Councilmember Wright moved, Councilmember Benjamin seconded to adopt the Consent Agenda as presented.

Motion Carried.

Motions

Accounts Payable, Payroll, and Electronic Transfers - February, 2009	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.
Claim for Damages - Akin	3.	The Council referred a Claim for Damages submitted by Dawna Akin for an undetermined amount to the Washington Cities Insurance Authority (WCIA).
Claim for Damages - Canter	4.	The Council referred a Claim for Damages submitted by Laura Canter for the sum of $2,613.64 to the Washington Cities Insurance Authority (WCIA).
Claim for Damages - Jones	5.	The Council referred a Claim for Damages submitted by Alvin Jones for an undetermined amount to the Washington Cities Insurance Authority (WCIA).
Claim for Damages - Ranch	6.	The Council referred a Claim for Damages submitted by Richard A. Ranch for the sum of $1,914.66 to the Washington Cities Insurance Authority (WCIA).

Resolution

Resolution No. R-4-09 - Airport Grant	7.	Resolution No. R-4-09 A RESOLUTION PREAUTHORIZING THE ACCEPTANCE OF U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT MONIES FOR MULTIPLE PULLMAN-MOSCOW REGIONAL AIRPORT PROJECTS. Resolution No. R-4-09 was adopted unanimously.

REGULAR AGENDA

Motion

Minutes - January 20, 2009	1.	Mayor Johnson announced that this item had been removed from the Consent Agenda at the request of Councilmember Heath. Councilmember Heath requested that the fifth paragraph under the University District discussion be corrected. Councilmember Heath moved, Councilmember Weller seconded to adopt the minutes as amended. The motion carried unanimously.

Ordinances and Resolutions

Ordinances and Resolutions Relating to Stormwater	8.	Mayor Johnson announced that two ordinances and two resolutions had been prepared relating to stormwater. City Supervisor Sherman presented a staff report which included a description of the proposed legislation that would exempt the City of Pullman from the stormwater permit and provided a history of the City of Pullman's opposition of Pullman's inclusion in the stormwater permit. Public Works Director Workman

presented a staff report that included a description of the history of public rate discussions, legal issues, financial issues, and the effort that would be required to develop a rate structure based on pervious area.

Councilmember Wright thanked Public Works Director Workman and his staff for the time and the extensive work that has gone into the development of the ordinance and the rate resolution.

Councilmember Weller thanked Public Works Director Workman and his staff for their immense work and suggested that a letter of gratitude be sent to Representative Don Cox for sponsoring the legislation that would exempt the City of Pullman from stormwater regulations. Councilmember Weller stated he thought that the information related to pervious area would be useful and that during these difficult economic times it was imperative that everyone share the stormwater burden.

Councilmember Benjamin thanked staff for their efforts on the stormwater resolutions and ordinances and asked if the change to land from its natural state to its current state added any additional stormwater costs. Public Works Director Workman responded.

Councilmember Paul stated he thought that native land would soak in more stormwater runoff than developed property such as asphalt.

Councilmember Benjamin stated that developed land is different than the discussion about impervious versus pervious areas.

Councilmember Waldrop asked how the eleven jurisdictions who do charge for pervious acreage allocate the costs. Public Works Director Workman and Stormwater Services Program Manager Buchert responded.

Councilmember Bloom thanked Public Works Director Workman and Stormwater Services Program Manager Buchert for their efforts and stated that he has been against the stormwater utility because it represents heavy-handed regulation by the state. Councilmember Bloom suggested tabling the pervious area considerations but to consider it in the future because if all Pullman residents would benefit from the stormwater efforts then all should share the burden. Councilmember Bloom stated he is against new fees and additional financial burdens but feels obligated to do something to prevent litigation and that he had sworn to uphold the laws of the State of Washington. Councilmember Bloom suggested that in the future, snow removal be included in the stormwater discussion and suggested that rainwater harvesting credits be offered for residential customers.

Councilmember Bloom moved to adopt Ordinance 09-2 with the suggested change to rainwater harvesting credits. Councilmember Heath seconded the motion and stated that she is against the stormwater regulations for reasons that she had stated at a previous meeting and that she thought it was premature to include pervious area considerations

because there has not been constituent input on the issue. Councilmember Paul stated he agreed with Councilmembers Bloom and Heath and that he was strictly against unfunded mandates. Councilmember Waldrop stated that he disagreed with the proposed fee structure because there is a need to share the burden equally and that the cost of this over-regulation will have a chilling effect on business if the cost is shifted to large impervious area owners.

Sid Houpt, 103 Parkwest Drive, presented the Council with a handout, urged the City Council to pass the ordinance that includes charges for all property owners because it fairly and equitably distributes the stormwater fees to all property owners who are responsible for stormwater runoff and noted that the minutes from the January 5 meeting did not accurately reflect his comments.

Mike Leonas, WSU, stated that WSU has its own stormwater permit and it is nearly identical with the requirements in the City's permit, that significant areas of WSU-owned property do not drain to the City system, that RCW 35.92 allows for various factors to determine the rates and urged the Council to consider those factors, and that the estimated $500,000 that WSU will spend on stormwater compliance justifies more than a 20-percent credit.

Tammy Lewis, Executive Director of the Chamber of Commerce, encouraged the City Council to continue its fight with the state to bring relief from the stormwater regulations.

Dwight Hagihara, WSU, stated that one of the major reasons the City staff suggested limiting the credit to 20 percent was because the City would be responsible for WSU discharges. Mr. Hagihara stated that is not accurate because Pullman is not responsible for WSU discharges.

Dave Gibney, Reaney Way, stated there may be some confusion when comparing impervious, pervious, developed, and undeveloped properties. Mr. Gibney suggested that the fee structure be applied to the total acreage within the City limits.

Councilmember Bloom asked if the rate structure that has survived court tests has been based on impervious area. City Attorney McAloon responded.

Ordinance No. 09-2 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.

The motion carried four votes aye, with Councilmembers Weller, Benjamin, and Waldrop voting nay.

Councilmember Paul moved, Councilmember Heath seconded to adopt Resolution No. R-05-09. Councilmember Bloom stated that there should be a continuing review of the pervious area and that he liked Mr. Gibney's suggestion to spread the total costs evenly over the entire acreage area of the City of Pullman. Public Works Director Workman responded. Councilmember Heath stated she was in opposition to charging the same amount to each utility account because it is unfair when a 20-apartment complex would pay the same amount as a single-family residence and that businesses can pass on the cost of stormwater. Councilmember Heath stated that the cost would even be allocated to people from outside of Pullman when they come to shop at Pullman businesses.

Councilmember Weller stated he was in favor of Councilmember Waldrop's suggestion to share the cost equally and that the City should continue to study the fee structure as the stormwater utility evolves.

Mayor Johnson asked if the door could be kept open for different fee structures for future considerations. Public Works Director Workman responded.

Councilmember Waldrop noted that one of the challenges of charging based on total acreage is that undeveloped properties do not have utility accounts, but the County Assessor's records could be used. Public Works Director Workman responded.

Councilmember Benjamin stated he felt that adequate public notice has been given in regard to changing the fee structure to total area because public discussions have taken place. Councilmember Benjamin stated he was in favor of total area being the basis to the stormwater fee.

Councilmember Heath stated that she does not object to exploring other bases for the fee but the current structure should be moved forward. Councilmember Wright stated that a fee must be in place and the City must move forward and that a different rate basis can be reviewed in the future. Councilmember Weller suggested that a thank you letter be sent to Representative Don Cox for his support in exempting Pullman from the stormwater regulations.

Resolution No. R-5-09 by title only reads as follows:

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

The motion carried four votes aye, Councilmembers Weller, Benjamin, and Waldrop voting nay.

Discussions

Joint Meeting with ASWSU

9. City Supervisor Sherman presented the staff report and listed the University District, Transit, Planning on College Hill, and a Police status report on the enforcement of the fighting

and open container ordinances as suggested topics from City staff. City Supervisor Sherman asked for additional topics from the City Council and said that suggestions could be e-mailed or called in by Thursday at 5:00 p.m. Mayor Johnson noted that the City of Moscow and the University of Idaho will begin joint meetings and asked how long the City of Pullman and ASWSU have been meeting. City Supervisor Sherman responded. Councilmember Paul noted that at one time the City of Pullman and ASWSU was the only joint meeting of its kind in the United States. Mayor Johnson responded.

Annual Goal-Setting Process

10. City Supervisor Sherman noted that the goal-setting notebooks had been handed out before the meeting and described where they were available for public review. City Supervisor Sherman asked the City Council which date they would like to conduct their retreat and if the Hilltop Restaurant was okay for the location. City Council concurred to conduct the retreat on March 7.

NEW BUSINESS

Councilmember Paul stated he serves on the Solid Waste Committee and wanted to provide a status report in reaction to a letter received from Morgan Freeman. Councilmember Paul stated that Pullman Disposal Service cannot accept mixed paper or magazines because of the lack of the recycling market and that grocery stores were no longer offering credits for those customers who bring their own bags for groceries. Councilmember Paul stated that Pullman Disposal is still accepting cardboard boxes, aluminum, tin, glass, and plastic. Councilmember Paul stated that there was an interesting article in the December issue of Popular Science that questions the cost of recycling.

Mayor Johnson described his discussions with Morgan Freeman, stated that Ms. Freeman will check with other disposal system's recycling programs and that he will meet with Devon Felsted of Pullman Disposal Service.

Councilmember Bloom asked if paperboard was being accepted. Mayor Johnson responded. Councilmember Benjamin asked if there was a recycling fee charged by Pullman Disposal Service. City Supervisor Sherman responded. Councilmember Benjamin asked if the fee was specific to what types of services would be guaranteed. City Supervisor Sherman and Mayor Johnson responded.

Jo Mark, 1165 S. Grand, requested that the City consider developing intern opportunities for students during its goal-setting process. Mayor Johnson responded.

ADJOURNMENT

Councilmember Benjamin 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 8:46 p.m.