

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF PULLMAN  
FEBRUARY 14, 2012

**Roll Call**

A regular meeting of the City Council of the City of Pullman was held on February 14, 2012, 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
Nathan Weller	Councilmember

**Call to Order**

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

Motion Carried.

**Announcements**

There were two announcements.

**Report**

Architecture  
Students on Welcome  
Area

Mayor Johnson announced that a report is scheduled by architecture students on the welcome area in Pullman. The presentation was done by Amanda Kennedy and Adam Waller. They are having a welcome sign design competition. Councilmember Bloom asked if there was a preliminary cost analysis, which they said they did. Councilmember Benjamin mentioned that they should get with the Scenic Byways for help with ideas. Mayor Johnson said that he had seen other cities where signs would welcome individuals in various languages which he thought would be a good idea seeing as we have twenty to thirty different dialects spoken here.

**Selection of Mayor  
Pro Tempore and  
Alternate Mayor Pro  
Tempore**

Mayor Johnson announced that the selection of the Mayor Pro Tempore and Alternate Mayor Pro Tempore is scheduled.

Councilmember Benjamin moved, Councilmember Bloom seconded to appoint Councilmember Hawbaker as Mayor Pro Tempore and Councilmember Paul as Alternate Mayor Pro Tempore. The motion carried unanimously.

**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 Weller 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 Bloom requested that item No. 10, Resolution No. R-11-12, be removed for separate discussion. Mayor Johnson so ordered. Councilmember Paul moved, Councilmember Benjamin seconded to adopt items 1 through 9 and 11 on the Consent Agenda.

Motion Carried.

### **Motions**

- |                                                                         |    |                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minutes - January 31, 2012                                              | 1. | The Council dispensed with the reading of the minutes of the regular meeting of January 31, 2012, and approved them as submitted.                                                                                                                                                                                                              |
| Accounts Payable, Payroll, and Electronic Transfers - February, 2012    | 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 - Norman                                              | 3. | The Council referred a Claim for Damages submitted by Christopher P. Norman, Jr. for the sum of \$601.22 to the Washington Cities Insurance Authority (WCIA).                                                                                                                                                                                  |
| Grant from Washington Association of Sheriffs and Police Chiefs         | 4. | The Council authorized a Washington Association of Sheriffs and Police Chiefs (WASPC) Traffic Safety Equipment grant in the amount of \$3,000 to fund the purchase of one Lidar (radar) unit.                                                                                                                                                  |
| Change Order On Microwave Radio System Design and Installation Contract | 5. | The Council ratified Change Order No. 1 to the Microwave Radio System Design and Installation contract.                                                                                                                                                                                                                                        |
| Change Order On North Grand Widening - Nye to Ritchie                   | 6. | The Council ratified Change Order No. 3 to Contract No. 08-14, North Grand Widening - Nye to Ritchie.                                                                                                                                                                                                                                          |
| Accelerated Streets Resurfacing 2011 Complete                           | 7. | The Council accepted as complete Contract No. 11-11, Accelerated Streets Resurfacing 2011.                                                                                                                                                                                                                                                     |
| Public Hearing Date - Emerald Pointe Park Donation                      | 8. | The Council set March 20, 2012, as the date for a public hearing to consider and take action on the acceptance of the Emerald Pointe Park donation.                                                                                                                                                                                            |

### **Resolutions**

- |                                                       |    |                                                                                                                                                               |
|-------------------------------------------------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Resolution No. R-10-12 - Sanitary Sewer Line Easement | 9. | Resolution No. R-10-12<br>A RESOLUTION ACCEPTING A SANITARY SEWER LINE EASEMENT FROM BETTY J. MILLHAM.<br><br>Resolution No. R-10-12 was adopted unanimously. |
|-------------------------------------------------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------|

Resolution No. 11. Resolution No. R-12-12  
R-12-12 - Grant  
from Department of Ecology A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A  
PALOUSE BASIN MONITORING WELL GRANT FROM  
WASHINGTON STATE DEPARTMENT OF ECOLOGY.

Resolution No. R-12-12 was adopted unanimously.

## **REGULAR AGENDA**

### **Resolution**

Resolution No. 10. Mayor Johnson announced that Councilmember Bloom  
R-11-12 - SR had removed this item from the Consent Agenda for  
270/Airport Road separate discussion. Councilmember Bloom wanted  
Corridor Sewer Study this item pulled to highlight the fact that WSU  
administration was in agreement with the concept.

Resolution No. R-11-12 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 SR 270/AIRPORT ROAD CORRIDOR SEWER STUDY.

Councilmember Bloom moved, Councilmember Weller seconded to approve Resolution No. R-11-12. The motion carried unanimously.

### **Presentations**

Pullman 2020 12. Mayor Johnson announced that the Council has two  
Presentations Pullman 2020 presentations scheduled.

Avista Utilities Paul Kimmel, Avista Utilities, mentioned that Avista had just announced a 6 percent decrease in natural gas prices. He noted that Avista serves over 500,000 customers in three states and has served the area for 123 years. He noted Avista's efforts to provide reasonably cheap energy to homes and businesses. He said that the average residential bill is right in the middle of the pack of northwest cities at \$78.83 in Washington. The national average is \$121.08. It is really favorable with their costs per thousand kilowatt hours. Energy demands are changing. Today's homes have 35 devices plugged in. He noted that the forces shaping the future of energy were wide demand for energy, raising costs, and climate change. We want more value for our dollar and new renewable resources are preferred. Direct use of natural gas where possible supports an energy efficiency economy and smart grid technology also helps. The new bottom line is new policies and growing demand are driving the marginal cost higher for new energy supply and higher cost means new behaviors, new technologies, and new efficiencies will be ever more important and a new era of energy is upon us. He talked briefly on the smart grid and the future of the Pullman Smart Grid Demonstration project. He noted that Avista is in the top five utilities of the fifteen higher performing domestic utility companies.

Councilmember Bloom commented on the Smart Grid and noted how effectively he has seen it work in his own neighborhood. Councilmember Weller said that some of his constituents had concerns about the meter reading. Mr. Kimmel said that he would be more than happy to talk to the individuals.

Mayor Johnson asked if they are getting any help with trying to get hydro being reclassified as a renewable source. Mr. Kimmel noted that at this time, no.

Whitman County  
Land-lord Tenant  
Association

Eileen Macoll, Whitman County Landlord-Tenant Association, gave an excellent review on all that they had been trying to achieve in the area. Councilmember Bloom noted that he was on board and that her organization had worked with landlords to clean up dwellings within the City. Councilmember Paul echoed the sentiments of Councilmember Bloom that working with the groups had cleaned up several areas. Councilmember Weller said that he appreciated their work. Councilmember Benjamin inquired about vacancy rates. Ms. Macoll said that the vacancy rates were consistent and is currently about four to five percent. Councilmember Weller said there were several houses that were "party houses" in his neighborhood and what could be done. Ms. Macoll stated that absolutely nothing because there is a contract with the individuals. They are legally able to contract and the landlords really cannot do anything as long as they comply with the language in the contract.

### **Resolution**

Resolution No. 13.  
R-13-12 - Secondary  
Process Improvements  
Project

Mayor Johnson announced that a resolution had been prepared rejecting the bid of Williams Brother Construction, Inc. and awarding the bid to Apollo, Inc. for the Secondary Process Improvements project. Public Works Director Workman went through the process of what occurred with the bid and the reason for the rejection. The CFO of Williams Brother, Rick Edwards, asked to address the Council. He tried to explain the reasons for leaving off one of the vendors on the bid. Public Works Director Workman agreed with him that they had met all the State requirements. Local requirements for the bid needed the names of all subcontractors. This was not done.

Councilmember Bloom wanted to know if they had a prebid meeting, which they had.

Resolution No. R-13-12 reads as follows:

A RESOLUTION REJECTING THE BID OF WILLIAMS BROTHER CONSTRUCTION, LLC AND ACCEPTING THE BID OF APOLLO, INC. FOR THE SECONDARY PROCESS IMPROVEMENTS PROJECT AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

Councilmember Bloom moved, Councilmember Paul seconded to adopt Resolution No. R-13-12, accepting the bid of Apollo, Inc. for the Secondary Process Improvement Program.

### **Discussions**

Charging Storm- 14.  
water Utility Fees  
to Undeveloped  
Properties

Mayor Johnson announced that a discussion is scheduled on charging stormwater utility fees to undeveloped properties. Public Works Director Workman noted that when the Stormwater Utility was created in February 2009, at the time of the adoption it was determined that only developed properties would be charged the stormwater fees. However, the City Council charged staff to further investigate the option of charging undeveloped property at some point in the future. In January

2011, consulting firm URS was retained to assist City staff with this project. An invitation to participate as an advisory committee member was mailed out to existing utility users with the March 31 utility bills. In May 2011, a letter requesting participation was also sent directly to the top owners of undeveloped property within the City limits. In June 2011, an ad hoc advisory committee comprised of current rate payers and undeveloped property owners was formed to explore this issue and assist staff in making recommendations. Public Works Director Workman noted that the members of the Stormwater Undeveloped Property Committee were a blue ribbon panel and worked very hard to come up with their recommendation.

Al Sorensen, who was on committee, represented the Committee and went through the reasons for coming up with their recommendation of not charging undeveloped property owners stormwater fees.

Councilmember Benjamin noted that Mr. Sorensen said "at this time", he wanted to know if at some future time there would be a possibility of changing stormwater rules and regulations. Stormwater Services Program Manager Buchert said that he didn't believe so, as more emphasis was put on developed property rather than undeveloped and the fact it was the undeveloped property that consists of farm land which had good drainage.

Moratorium on Medical Cannabis 15. Mayor Johnson announced that a discussion is scheduled on the moratorium on medical cannabis. City Attorney McAloon went through her report and noted that Senate Bill 6265, as well as Initiative 502, will be put on the ballot in November and they conflict with one another. She thought that the Senate bill would probably go nowhere and they would wait and see what happens with the initiative. She said that, upon consultation with Police Chief Jenkins and federal law enforcement officials and in light of the continued conflict between State and Federal law, she proposes that the City take the following steps:

1. Adopt an amendment to the City business registration requiring any person operating a medical cannabis dispensary or collective garden to first obtain a business registration from Pullman Police Department like all other businesses and vendors, and

2. Condition the City business registration to medical cannabis dispensaries and medical cannabis collective gardens on the provision of documented approval of the operation of such the dispensary or gardens from the United States Drug Enforcement Agency (DEA).

Councilmember Benjamin wanted to know what happened if the State law became more restriction than Federal laws. He would like to see the language changed to the language that appeared in the Shaw vs City of Pasco case, in that the individuals would be required to provide proof of compliance of applicable state, local, and federal laws in order to register. City Attorney McAloon thought this was a good idea.

Current Economic Conditions 16. City Supervisor Sherman gave an update on current economic conditions. He stated that in the three months since the November forecast, events have

unfolded as expected in the baseline scenario. We continue to see a muddle-through economy with low growth, high unemployment, and weak confidence. The small change in the economic forecast and the high level of downside uncertainty in the baseline remains the same as before. He showed a slide from the Association of Washington Cities that presented job losses in post-World War II recessions. There were 11 recessions since World War II and most were showing as a "V" on the graph where they went down and returned quickly. The 2001 recession took 47 months to pull out and the current recession is now in its approximately 38th month. It has not really started rising as would have been expected as in previous ones, but that goes along with all the other information they have obtained. It is just going to be a long-slow recovery.

Councilmember Weller inquired about the status of online sales tax charges. City Supervisor Sherman indicated several states are working on this.

2012 Goal-  
Setting Process

17. Mayor Johnson announced that a discussion is scheduled on the annual goal-setting process. City Supervisor Sherman said that the tentative City Council retreat would be on March 24 at the Fireside. He asked if the time and place is acceptable. The only one who had a possible conflict was Councilmember Benjamin, but he figured that he could still make it. All the other Councilmembers said that was about the only time that would work for them.

#### **NEW BUSINESS**

Mayor Johnson asked if there was any new business from either the Council or audience. Councilmember Bloom offered his resignation citing reassessment of family commitments. He stated he has been impressed with the professionalism that has been demonstrated by the City Council and he is humbled to have served in the governance of this community. He stated that he will continue to perform his duties as Councilmember with all requisite diligence until March 31, 2012, when he and his family will be leaving the State.

Councilmember Weller wanted to talk about noise problems in his particular neighborhood. The previous Wednesday a party went on until 3:00 a.m. He had bottles thrown at his house. On the previous Friday they had a party at a house nearby, that had football players from both WSU as well as the U of I and they got into a fight and the police had to be called. He was appalled at the change in WSU students, in the disrespect for the neighborhoods they live in. He thought that the City's nuisance ordinance should be revisited. ASWSU Senator Derrick Skaug apologized on behalf of ASWSU for the problems and there will be a discussion at the joint meeting we will hold next week.

#### **ADJOURNMENT**

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

Motion Carried.

Mayor Johnson adjourned the regular meeting of the  
City Council at 9:47 p.m.