

**TUMWATER CITY COUNCIL MEETING
MINUTES OF HYBRID MEETING
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CONVENE: 7:00 p.m.

PRESENT: Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althaus, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Eileen Swarthout, and Kelly Von Holtz.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Finance Director Troy Niemeyer, Transportation and Engineering Director Brandon Hicks, Fire Chief Brian Hurley, Planning Manager Brad Medrud, Land Use and Housing Planner Erika Smith-Erickson, and City Clerk Melody Valiant.

SPECIAL ITEMS:

LOTT STATE OF THE UTILITY: Matt Kennelly, Executive Director, LOTT Clean Water Alliance, provided an update on the status of LOTT Clean Water Alliance.

LOTT stands for Lacey, Olympia, Tumwater, and Thurston County. In 1976, the four governments worked to regionalize wastewater treatment. The Board of Directors are comprised of an elected official from each partner jurisdiction. Councilmember Dahlhoff serves as the Vice President and represents the City of Tumwater.

The mission of LOTT is to preserve and protect public health and the environment by cleaning and restoring water resources for the communities. The non-profit organization, formed by the four-partner governments serves as a public entity. LOTT is highly regulated and accountable at multiple levels locally and state and federally.

LOTT's service area is the urban growth boundary of the partner jurisdictions serving a customer base of 124,000 with some residents not located in the cities but may be connected to city services. Ratepayers in each jurisdiction receive a monthly bill with the cities responsible for the conveyance of wastewater.

The main treatment plant located in downtown Olympia is comprised of many buildings, equipment, open basins, and treatment facilities that move millions of gallons of wastewater each day. Wastewater from the City of Tumwater travels to the Capitol Lake pump station and then on to the Budd Inlet Treatment Plant. Approximately 13 million gallons of wastewater are treated each day. LOTT provides the highest level of treatment on Puget Sound. With a recent major treatment upgrade, LOTT has some of the best treatment capability in the country. LOTT received a national Environmental Achievement Award for the recent upgrade and is one of eight organizations with the best treatment design in the country.

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The original treatment plant was built in the 1950s by the City of Olympia. Wastewater treatment has evolved since the initial intent was to treat wastewater at the lowest cost possible. The next phase was in response to public health and an increased awareness of environmental protection and education. LOTT has participated in and has advanced capabilities. Today, one beneficial outcome is the reuse of biogas or reuse of methane produced from the wastewater treatment process. LOTT captures the gas to produce 15% of the plant's power. The system is a self-sustaining heating feature of the plant digesters. The system provides heat to the Children's Hands On Museum. LOTT also reuses biosolids. Biosolids are transferred to Eastern Washington as part of a King County program used by farmers to add moisture and nutrients to soil. LOTT also produces reclaimed water. Treated reclaimed water can be used to offset potable water supplies, such as the Tumwater golf course. A one million gallon tank is located near the golf course providing 600,000 gallons of reclaimed water each day during the summer to irrigate the golf course. LOTT constructed the tank and in conjunction with City staff, the City built a park on top of the tank.

The LOTT Education Program at the WET Science Center hosts one class from the Tumwater School District each year, as well as all school districts in Thurston County. Nearly 13,000 people visited the WET Science Center last year.

Currently, the plant status is a wastewater utility of the future, which moves the plant to the space of public service, community support, climate resilience, and other benefits the utility can provide to the community. Mr. Kennelly cited some rebate programs available to customers, sanitation resources for RVs, porta potties, hygiene trailers, water quality efforts regionally and locally, and regional climate efforts.

Mr. Kennelly shared information on other LOTT infrastructure in the region and the long-term forecast to 2050. Due to the high level of treatment provided by the process, LOTT has additional capacity with a continued focus on the existing treatment facility. The original plan called for the construction of new smaller treatment plants. However, because of increased efficiency, LOTT no longer needs to construct as many treatment plants and can process wastewater within the existing footprint until the last 2040s.

The monthly wastewater bill is comprised of the LOTT charge and the city's sewer charges. Based on the high level of treatment, wastewater fees are below the average rates.

Mr. Kennelly addressed questions about the expansion of reclaimed

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water for irrigating yards and gardens, treating wastewater to potable water standards, current security measures at the main plant, accounting for future sea level rise in downtown Olympia near the plant, and employment opportunities at LOTT. Moving the plant was estimated to cost \$1.5 billion six years ago. It was determined that it would be more cost effective to complete smaller projects to protect the plant.

PUBLIC COMMENT: There were no public comments.

**CONSENT
CALENDAR:**

- a. Approval of Minutes: City Council, March 5, 2024
- b. Payment of Vouchers
- c. Resolution No. R2024-007, Amending the 2024 Fee Resolution
- d. Fire Mobilization Interagency Agreement with the Washington State Patrol
- e. Intergovernmental EMS Contract with Thurston County for Basic Life Support Funding 2024 Extension

MOTION: **Councilmember Swarthout moved, seconded by Councilmember Agabi, to approve the consent calendar as published. The motion carried unanimously.**

Mayor Sullivan reviewed the items approved on the consent calendar.

**COUNCIL
CONSIDERATIONS:**

**ORDINANCE NO.
O2023-017, TMC 18.38
FP FLOODPLAIN
OVERLAY:**

Planner Smith-Erickson reported that approximately 300 towns, cities, counties, and tribes in the state participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP). Continued enforcement of the City's floodplain management regulations (TMC 18.38 FP Floodplain Overlay) enables FEMA to make federally backed flood insurance available to property owners within the City. As a condition of participation in the NFIP, communities are required to adopt and enforce flood hazard reduction regulations that meet the minimum requirements of the NFIP.

In May 2023, City staff completed a FEMA floodplain community assistance visit (CAV) with State Department of Ecology staff to review the City's participation in the National Flood Insurance Program. The CAV determined that TMC 18.38 FP Floodplain Overlay should be updated to reflect FEMA current standards.

On November 8, 2023, FEMA notified the City of the final flood determinations for Thurston County and its incorporated areas. The FEMA flood hazard determinations for the City are considered final. The Flood Insurance Study (FIS) report and Flood Insurance Rate

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Maps (FIRM) covering the City become effective May 8, 2024.

Prior to the May 8, 2024 effective date, the City is required to amend floodplain regulations for consistency with the Model Ordinance for Floodplain Management under the NFIP, the Endangered Species Act, and to maintain its eligibility in the NFIP.

The staff report includes summaries of the 15 proposed amendments, code sections to amend or add, and proposed amendment language.

Planner Smith-Erickson reviewed the 15 proposed amendments:

1. TMC 18.38.017 – Definitions: Clarify and add definitions as needed for enhanced interpretation of floodplain regulations. Eight new definitions address:
 - 1) Alteration of watercourse
 - 2) Area of special flood hazard
 - 3) Flood elevation study (FES)
 - 4) Floodplain administrator
 - 5) Flood proofing
 - 6) Highest adjacent grade
 - 7) Mean sea level
 - 8) Structure
2. 18.38.090 – Special Flood Hazard Areas: Updates language to reflect current versions of the FIS and FIRMs effective May 8, 2024. For consistency with the definitions section, Base Flood Elevation (BFE) was added.
3. TMC 18.38.100 – Flood Hazard Data: For consistency with the definitions section, FIRM is added as an acronym. Added reference to TMC 18.38.090 for BFE and Floodway areas when data have not been provided or not available in the Flood Insurance Study and Flood Insurance Rate Maps.
4. TMC 18.38.130 – Floodplain Development Permit Required: Revised the section name for clarity. Eliminated passive language. Includes language that a permit is required in special flood hazard areas (SFHAs) as defined in TMC 18.39.090.
5. TMC 18.38.140 – Floodplain Development Permit Application: Updates acronyms for consistency with the definitions section. Adds five subsections addressing additional elements required for applications.
6. TMC 18.38.180 – Records
 - Included code requirements for regulating development and collection of records
 - Updates acronyms
 - Clarifies information required to be obtained for recorded

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- Removes passive language
 - Provides a process for floodplain administrator to ensure proposed construction will be safe from flooding when elevation data is not available
 - Added a list of information the floodplain administrator shall obtain and make available to the public
7. TMC 18.38.210 – Development and Subdivisions: Clarified that short subdivisions, short plats, and binding site plans are subject to TMC 18.38.210. Updated acronyms. Subdivisions or developments with over 50 lots or 5 acres must provide base flood elevation data with the application.
8. TMC 18.38.184 – Flood Protection Standards:
- In areas where the BFE data has been determined or obtained (A zones), all new development must be elevated at least one-foot above BFE
 - Materials used shall be resistant to flood damage
 - Construction methods that minimize flood damage
 - All structures, including manufactured homes and substantial improvements, shall be anchored properly
 - New construction and substantial improvement of any residential structure in an Unnumbered A zone and BFE is not available shall be raised two feet above highest adjacent grade
 - An attached garage constructed with the floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters
9. TMC 18.38.270 – Nonresidential Construction:
- Reformatted the section
 - Created clear standards for non-residential development
 - In AE and A1-30 zones or other A zoned areas: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE
10. TMC 18.38.280 – Manufactured Homes:
- Added clarifying requirements for anchoring of manufactured homes that minimize flood damage
 - States other anchoring requirements throughout TMC 18.38 are applicable
11. New Section: TMC 18.38.285 – Detached Accessory Structures:
- Adds standards to allow for structures to be built below the BFE for used solely for parking of vehicles or limited storage
 - Different flood zones have different requirements for

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- detached structure such as size, elevation, materials, item stored, and anchoring
12. New Section: TMC 18.38.325 – Storage of Materials and Equipment
- The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas
 - Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning
13. TMC 18.38.360 – Floodway Standards:
- Encroachments, including fill, new construction, substantial improvements, and other development is prohibited unless a certification by a registered professional engineer demonstrating development would not result in any increase in flood levels during the occurrence of the base flood discharge
 - Clarifies that repairs, reconstruction, or improvements to a residential structure which do not increase the ground floor area may be allowed subject to outlined requirements
 - TMC 18.38.360(A)(1) is satisfied, or construction is allowed pursuant to TMC 18.38.360(A)(2), all new construction and substantial improvements in the floodway shall comply with all applicable flood hazard reduction provisions of TMC 18.38
14. New section: TMC 18.38.450 - Penalties for Noncompliance: Ties into the civil and criminal enforcement processes in TMC Title 1. After a further review of state and federal standards, staff revised the language and removed references to jail penalty and fines as proposed in the Model Ordinance.

A 60-day Notice of Intent for Ordinance No. O2023-017 was sent to the State Department of Commerce on December 14, 2023. No comments were received. A SEPA Checklist for Ordinance No. O2023-017 was completed on December 13, 2023, and a Determination of Non-significance was issued on December 29, 2023. The process was completed with no comments received. FEMA is required to publish two notices in the newspaper of record for the communities affected by the map change. No appeals were submitted during the 90-day appeal period.

The City received two public comments outside the noticing

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requirements. One comment spoke to development within the City's urban growth area in the Salmon Creek Basin high groundwater area. The second comment pertained to the SEPA Checklist about the Salmon Creek Basin high groundwater area. The proposed amendments do not affect mapping or designation of groundwater flooding specifically, but rather to ensure the City complies with state regulations and the Model Ordinance provided by the Department of Ecology. The code must be amended prior to the effective date of the new maps in May. The SEPA Checklist is considered a non-project SEPA review. The concern surrounded potential affects to critical areas and protected species within the floodplain. As the code amendment is a non-project proposal, no development or impact would occur to critical areas.

Draft FEMA maps are available online as well as the Thurston County Lakes Flood Map update and the Preliminary Hazard Map Update comparison.

Planner Smith-Erickson invited questions and comments.

Councilmember Althausen asked whether the new anchoring requirements for manufactured homes would be retroactive. Planner Smith-Erickson affirmed the requirements do not apply to existing homes but would apply to new and redevelopment projects.

Councilmember Swarthout asked whether the new section applicable to stand-alone buildings applies to accessory dwelling units. Planner Smith-Erickson said the new section is specific to the use of the structures, such as storage of vehicles or different types of materials. The section does not apply to housing units.

Councilmember Dahlhoff suggested a future conversation on ways to protect existing manufactured homes located in a floodplain to avoid detrimental impacts on existing manufactured homes. Manager Medrud advised that the Hazards Mitigation Plan would assist the City in addressing those types of issues.

Councilmember Von Holtz inquired as to the type of redevelopment that might trigger the requirements for a manufactured home. Planner Smith-Erickson advised that the new requirements would likely be effective if a manufactured home was replaced or any redevelopment that requires a building permit or a review by the Community Development Department.

Manager Medrud added that replacement with a new structure would trigger the new requirement as long as it is located within the floodplain or any level of redevelopment to an existing home that

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exceeds the value of the manufactured home. Minor repairs to existing structures would likely not trigger the new requirements.

Planner Smith-Erickson requested the Council approve Ordinance No. O2023-017 amending Chapter 18.38, FP Flood Plain Overlay, of the Tumwater Municipal Code.

MOTION: **Councilmember Dahlhoff moved, seconded by Councilmember Althausen, to approve Ordinance No. O2023-017 amending Chapter 18.38, FP Flood Plain Overlay, of the Tumwater Municipal Code. A voice vote approved the motion.**

**COMMITTEE
REPORTS:**

**PUBLIC HEALTH &
SAFETY:**
Peter Agabi

At the March 12, 2024 meeting, members received briefings on the Fire Mobilization Interagency Agreement with the Washington State Patrol and the Intergovernmental EMS Contract with Thurston County for Basic Life Support Funding 2024 Extension. Members also discussed the Washington Survey and Rating Bureau Update. The City of Tumwater was rated from Class 4 to Class 3. Members questioned measures the City could pursue to receive a rating of Class 2. Currently, King County is rated at Class 2. One of the factors limiting the City is the lack of FTEs in the Fire Department in the area of inspections. Currently, revenue generated by inspection services is insufficient to staff the program. Since 2013, the Fire Department has lacked staff for the program.

**GENERAL
GOVERNMENT:**
Michael Althausen

The committee met on March 13, 2024. Members appointed Councilmember Althausen as the Chair for another term. Members received a briefing from Thurston County on its rental assistance survey. The survey was conducted of everyone who has received rental assistance from several programs during the pandemic. A number of individuals who received rental assistance were able to stabilize their housing situation and avoid becoming homeless. The survey also illustrated the continued unmet needs in the community. Members received a briefing on Resolution No. R2024-007, Amending the 2024 Fee Resolution that was approved earlier on the consent calendar.

PUBLIC WORKS:
Eileen Swarthout

The next meeting is scheduled on Thursday, March 21, 2024 to receive an update on the Interstate 5/Trospen Road/Capitol Boulevard Reconfiguration Project.

**BUDGET AND
FINANCE:**
Debbie Sullivan

The next meeting is scheduled on April 23, 2024 at 10 a.m.

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**MAYOR/CITY
ADMINISTRATOR'S
REPORT:**

City Administrator Parks reported on updates received from the Housing Authority of Thurston County on the former Tumwater hotel purchased by the Housing Authority with support from the City of Tumwater. The Housing Authority relocated existing residents residing in the facility. Temporary fencing will be installed along the perimeter of the site with lighting and monitoring cameras. The architect plans to include the City's comments within the update of the renovation plan and will continue to work with permitting staff on renovation activities. The next step is engagement of a certified firm to clean the units and mitigate for any illegal drug use. The goal is to complete the renovation bid package by April 10, 2024.

The Council recess this summer is scheduled during the first two weeks in August.

The Parks and Recreation Department created a calendar of City events that will be emailed to the Council. The calendar is intended to increase awareness of special and City events and to use those events as an opportunity to become involved and engage with the community.

Beginning in April, the City's biennial budgeting process kicks off through June. Four work sessions are scheduled on specific information on revenues, expenditures, debt and debt financing, and budgeting to provide background information. Budget workshops will begin in September.

City Administrator Parks shared that she is participating in Fire Ops 101 training program with the Tumwater Fire Department.

Councilmember Cathey inquired as to the process for selecting the Council's recess dates. City Clerk Variant responded that the dates are selected based on the timing of Council meetings to afford the Council with more time off during the recess. This year, July includes a fifth week affording the Council a recess over three meetings rather than only two meetings.

Councilmember Cathey inquired as to whether staff has responded to community members inquiring about the status of the Davis Meeker oak tree. City Administrator Parks advised that staff has responded to all community inquiries regarding the tree. The responses direct community members to the website and the page addressing the oak tree with a link to the schedule and the meeting scheduled on March 21, 2024. The Historic Preservation Commission meetings are advertised regularly along with Facebook posts and other social media platforms.

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Mayor Sullivan attended the Intercity Transit Authority meeting on March 6, 2024. Members approved an extension to the legal services contract with Jeffrey Meyers, approved the bylaws for the Community Advisory Committee, and acknowledged the 10-year anniversary of the Bus Buddy Program. The event was held on Saturday, March 16, 2024 at the Olympia Transit Center. The program sponsors volunteers who provide assistance to individuals to learn how to ride the bus. Construction continues at the Olympia Transit Center to update sidewalks and ramps and replace some areas on the main platform. National Transit Employee Appreciation was celebrated on March 18, 2024. The next meeting is scheduled on March 20, 2024 at 5:30 p.m.

Mayor Sullivan participated in the Capitol Lake/Deschutes Estuary Funding and Governance Work Group meeting to review the process and schedule and review the interlocal agreement with partner agencies.

In response to a question from Councilmember Cathey on Intercity Transit's bicycle program, Mayor Sullivan advised that Intercity Transit's Bicycle Education Program offer Earn-A-Bike Classes teaching youths aged 11 through 15 essential bicycle safety and maintenance skills. The agency's Bike Maintenance & Mechanic Classes offer free bike maintenance and mechanic classes at the Walk N Roll bike shop located at the Pattison Street Intercity Transit facility.

**COUNCILMEMBER
REPORTS:**

Eileen Swarthout: There were no meetings and no report.

Michael Althausen: The next meeting of the Regional Housing Council is scheduled on March 27, 2024.

Councilmember Althausen reported on his attendance to the Funding and Governance Work Group meeting for the Capitol Lake – Deschutes Estuary project. The work group's goal is to reach agreement on the interlocal agreement by the end of the year.

Leatta Dahlhoff: During the last Thurston County Communications 9-1-1 Administration Board meeting, members received an updated report on monthly call volumes. For January 2024, incoming calls to 911 totaled 12,125. Incoming calls considered non-emergency totaled 14,000 in January 2024 with outgoing calls of 4,000. Total calls in January 2024 were over 30,000.

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At the last meeting of the LOTT Clean Water Alliance Board meeting, members began the budget process and discussed a request from the City of Olympia for additional funding for portable toilets located at encampments to reduce public health and environmental risks. The budget request is for \$150,000. Members also received information on LOTT's pretreatment program.

Peter Agabi:

At the last meeting of the Transportation Policy Board, members received a briefing on a proposed amendment to the 2024-2027 Regional Transportation Improvement Program (RTIP). Federal requirements stipulate that substantial changes to the RTIP require an amendment to the original document, which then triggers an amendment to the STIP. A jurisdiction cannot proceed with a project for which it has been awarded federal money until the STIP is formally amended and approved by the federal agencies. Members received a briefing on the Washington State Legislature's Joint Transportation Committee recent study on the demographics of nondrivers in Washington State, as well as how current transportation infrastructure and services serve nondrivers and the impact those options have on access to daily life activities. Members discussed and considered the establishment of a federal transportation grant funding set aside for supporting shared use trail preservation projects.

Kelly Van Holtz:

At the last meeting of the Tumwater Public Health and Safety Committee meeting, members recommended moving the Fire Mobilization Interagency Agreement with the Washington State Patrol to the Council for approval. The agreement would provide support to the City during an incident. One example is the support provided to the community of Oso after the massive landslide occurred. The City of Tumwater sent personnel to assist the community.

Joan Cathey:

Councilmember Cathey reported on her attendance to the Olympic Region Clean Air Agency (ORCAA) meeting. Members discussed requirements for obtaining burn permits during spring clean-ups or dropping off materials to the landfill rather than burning a pile of material. Many cities and organizations sponsor garden and flower shows. ORCAA representatives plan to exhibit at a number of the shows to share information on clean air and requirements for different types of permits.

ADJOURNMENT: **With there being no further business, Mayor Sullivan adjourned the meeting at 8:23 p.m.**