

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
October 19, 2023 Page 1**

CONVENE: 8:00 a.m.

PRESENT: Chair Eileen Swarthout and Councilmembers Michael Althausen and Charlie Schneider.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Transportation and Engineering Director Brandon Hicks, Finance Director Troy Niemeyer, Water Resources and Sustainability Director Dan Smith, Assistant Transportation and Engineering Director Mary Heather Ames, Communications Manager Ann Cook, Engineering Services Manager Bill Lindauer, Community Engagement Specialist Marnie McGrath, Engineer Jared Crews, Water Resources Specialist David Kangiser, and Administrative Assistant Bonnie Hale.

**APPROVAL OF
MINUTES: JULY 20,
2023 AND AUGUST 3,
2023:**

MOTION: Councilmember Althausen moved, seconded by Councilmember Schneider, to approve the minutes of July 20, 2023 and August 3, 2023 as published. A voice vote approved the motion unanimously.

**SANITARY SEWER
LIFT STATION
AGREEMENT WITH
AMH
DEVELOPMENT,
LLC:**

Engineer Crews reported the proposed Sanitary Sewer Lift Station Agreement is for the Sienna II residential development located off Littlerock Road adjacent to the Black Hills High School entrance. The development constructed a new sanitary sewer lift station to serve the development with City sewer. The lift station was constructed and completed in 2022. The City accepted ownership and maintenance responsibilities for the lift station in December 2022.

The new lift station will not only provide sewer service to the new development but also to the surrounding development totaling a service area of 355 acres. The area has never been served by sewer, with many septic systems in use for years. The project benefits the environment as connections to the sewer occur.

RCW 35.91.020 allows the developer to submit a request for a reimbursement agreement or a latecomer agreement for reimbursement of the initial cost of the lift station. The lift station cost is verified through construction receipts. After the total cost of construction is determined, the City allocates the costs into an equivalent residential unit (ERU) charge for single-family homes. The ERU of approximately \$770 would be added to the City's standard connection fee. The latecomer agreement establishes the service area for the fee and all uses connecting to the lift station would pay the additional \$770 upon connection issuance of a building permit. The City collects the fee with other standard permit fees at the time of construction or

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
October 19, 2023 Page 2**

building permit issuance. The City allocates a small portion of the fee for administrative time and costs. The City then issues the latecomer remaining amount to the company that constructed the lift station. The agreement expires after 20 years. If any additional connections occur after 20 years, the user would pay the City's standard connection fees and not the additional \$770 charge.

Chair Swarthout asked whether the service area would receive water service as well. Engineer Crews affirmed the service area receives both sewer and water service. City water was extended when the development was constructed. The developer could have applied for a latecomer agreement for water; however, for the Water Utility, a latecomer agreement is limited to those properties connecting and to any future properties new water infrastructure crosses. In this case, other future connecting properties were limited.

Engineer Crews responded to questions as to the applicability of the fee. City service fees are categorized as equivalent residential unit (ERU). The fee of \$770 would be assessed based on each ERU. A single family home would pay one ERU while a duplex would pay two ERUs. A 27-unit apartment would pay based on the conversion fee for apartments.

Engineer Crews reported the request is to recommend the City Council approve and authorize the Mayor to sign the Sanitary Sewer Lift Station Agreement with AMH Development, LLC, which will assign additional fees for sewer connection on properties.

MOTION:

Councilmember Althausser moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Sanitary Sewer Lift Station Agreement with AMH Development, LLC, which will assign additional fees for sewer connection on properties. A voice vote approved the motion unanimously.

**RIGHT-OF-WAY
LICENSE
AGREEMENT WITH
DESCHUTES 106 LLC
FOR THE FALLS
TERRACE
RESTAURANT:**

Engineer Crews reported the Falls Terrace Restaurant is reopening after closure during the pandemic. As part of the project, the restaurant is remodeling the interior and exterior of the building. The exterior remodel replaces portions of damaged sidewalk and pavement and a loading and staging area. Portions of the restaurant are located in City right-of-way. In this type of situation, the City would require a right-of-way license agreement identifying the private improvements on the private property located in the City right-of-way. The agreement establishes roles and responsibilities for the private developer and the City of Tumwater as the permittee. It establishes allowable alterations to existing private improvements, such as routine maintenance, removal, and replacements. The right-of-way license agreement also requires insurance coverage to cover any accidents. The right-of-way license agreement is effective for five

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
October 19, 2023 Page 3**

years. Following the end of the five years, the restaurant can elect to renew the agreement with an additional fee or not continue the license agreement, which would require the restaurant to remove all private property from City right-of-way. The current situation could be considered non-compliant as the right-of-way process was originally initiated over a decade ago. The proposal enables the restaurant to meet current standards while enabling the restaurant to complete repairs and replacements to the exterior of the building prior to the restaurant re-opening.

Engineer Crews explained the fee calculation, which is based on square footage of the improvements located in City of right-of-way. The current fee for the five-year agreement is approximately \$465, which would likely increase after five years because of inflation and administrative costs.

Engineer Crews asked the committee to recommend the City Council approve and authorize the mayor to sign the Right-of-Way Agreement with Deschutes 106 LLC for the Falls Terrace Restaurant, which allows private parking and a loading area in the City Right-of-Way.

MOTION:

Councilmember Althaus moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Right-of-Way Agreement with Deschutes 106 LLC for the Falls Terrace Restaurant, which allows private parking and a loading area in the City Right-of-Way. A voice vote approved the motion unanimously.

**RIGHT-OF-ENTRY &
MAINTENANCE
AGREEMENT FOR
THE WILDRICK
PROPERTY:**

Specialist Kangiser briefed the committee on the proposal.

Linwood Avenue near Isabella Bush Park has historically been closed during moderate to severe rain events because of street flooding caused by beaver activity in the roadside stormwater conveyance system. The Wildrick property is located near the corner of Rural Road and Linwood Avenue. The large parcel has experienced beaver activity along the property's ditch. The ditch extends into the property. A right-of-entry would enable the City to access the property to maintain the flexible leveler installed on the property. Ms. Wildrick often travels to Arizona during winter when flooding often occurs. The proposal would keep roadway open by maintaining the beaver leveler. Since installed, beaver mitigation devices on the property have eliminated flooding issues along Linwood Avenue.

Councilmember Schneider asked about the responsibility of the costs. Specialist Kangiser said the cost of supplies to construct the beaver mitigation devices is from City funds. The City has a system of beaver mitigation devices with a culvert exclusion device located at the Linwood site, which protects culverts under Linwood Avenue and Mr. Wildrick's driveway and the flexible leveler, a flexible pipe placed through the dam to regulate the water level on the upstream side of the dam.

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
October 19, 2023 Page 4**

Staff requests the committee recommend the City Council approve and authorize the Mayor to sign the Right of Entry Agreement for the Wildrick property.

MOTION:

Councilmember Althaus moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Right of Entry Agreement for the Wildrick property. A voice vote approved the motion unanimously.

**MEMORANDUM OF
UNDERSTANDING
BETWEEN THE CITY
OF TUMWATER AND
LOTT CLEAN
WATER ALLIANCE
REGARDING A
PURCHASE AND
SALE AGREEMENT
FOR PROPERTIES IN
THE DESCHUTES
VALLEY:**

Director Smith said the two proposals involving memorandums of understanding (MOUs) are not purchase and sale agreements but would afford a period of due diligence for the City to evaluate potential interest in the properties. The Deschutes Valley properties have significant value to the community and to the City. The City has hosted numerous public events on the properties. The properties also have strong connections to future habitat improvements. The properties are located in the area of the planned E Street Connection to improve transportation congestion in the City.

LOTT Clean Water Alliance acquired the properties in 2012 to support a future reclaimed water facility originally planned in Tumwater to treat wastewater flows from the City for conversion to reclaimed water for City use. The project has since been determined no longer necessary with LOTT's expansions and improvements planned at the Budd Inlet Plant in downtown Olympia. LOTT contacted the City about the possibility of evaluating the properties for City purposes.

The timeline is short with ongoing discussions with LOTT over the last 10 months. Many interested parties have expressed interest in the properties. LOTT is requesting the City render a decision soon on the properties. The MOU outlines some conditions and considerations. One is due diligence with LOTT providing all existing studies, reports, and surveys generated for the properties over the last decade. The City would have appropriate access to the properties. Should the City decide there is interest in moving forward, LOTT would work with the City to define an acceptable purchasing and financing strategy. The MOU outlines that LOTT would retain and pay for a mutually approved third party appraiser for the property by March 31, 2024.

If the proposed MOU is approved, staff would convene a City internal stakeholder group and review studies and documents to ascertain the City's interest in the property. If the City is interested, notification is required by March 31, 2023, to LOTT. LOTT would have 60 days for the Board to consider necessary actions to include surplusizing the property. Staff would continue to work with LOTT through June 2024 to either complete a proposed purchase and sale agreement, extend the MOU, or notify LOTT the City is not interested in the property. LOTT has acknowledged that any purchase and sale agreement provisions could include both cash and non-

TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
October 19, 2023 Page 5

cash considerations up to and including five years for formally finalizing the transfer. Should the City move forward, LOTT would retain an easement on the property for future LOTT utilities. As part of the MOU, LOTT would agree not to sell the property to any other party while the City evaluates the property. The three Deschutes valley properties total approximately 44.81 acres of land.

**MEMORANDUM OF
UNDERSTANDING
BETWEEN THE CITY
OF TUMWATER AND
LOTT CLEAN
WATER ALLIANCE
REGARDING A
PURCHASE AND
SALE AGREEMENT
FOR THE
HENDERSON
PROPERTY:**

Director Smith reported in 2006, LOTT acquired three properties adjacent to Henderson Boulevard for projects proposed in LOTT's master plan intended to support reclaimed water infiltration. During its most recent master plan update, LOTT identified preferred infiltration sites for reclaimed water, and the Henderson Boulevard properties are no longer needed. The proposed MOU enables time for the City to conduct a feasibility review and due diligence for potential acquisition of the properties.

The City has some potential interest based on the abandonment of Well 20 (Trails End Well). The well provided good water production and as the City searches for new water sources, the property could provide a new water source. The site would be evaluated for potential water production by the City's consultant. The proposal is not time constrained, enabling the City to evaluate whether the property could provide water value. The site could also serve as a community asset as recreation and/or open space. Similar to the previous proposal, staff would convene an internal stakeholder group to evaluate the City's interest in acquiring the properties. The timeline extends to October 2024 for notification to LOTT whether the City is interested in acquiring the properties. The MOU conditions are similar to the Deschutes Valley properties.

If approved, next steps include coordination and execution of the MOUs, convening stakeholders to evaluate City priorities and uses, and hiring appraisers and consultants as needed to assist staff through the decision process for a set of recommendations for the Deschutes Valley properties prior to March 31, 2024, and recommendations for the Henderson properties before October 31, 2024.

Councilmember Schneider asked whether the City has the option of selling the Deschutes Valley properties later if the City acquires the properties. Director Smith advised that any property owned by the City could be sold by the City if the City determines the property is no longer needed. The City can surplus the property and sell the property. Any sale of a city-owned property requires the Council's approval.

Director Smith requested the committee recommend the City Council approve and authorize the Mayor to sign the Memorandum of Understanding (MOU) Between the City of Tumwater and LOTT Clean Water Alliance (LOTT) Regarding a Purchase and Sale Agreement for Properties in the Deschutes Valley.

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
October 19, 2023 Page 6**

MOTION: Councilmember Althaus moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Memorandum of Understanding (MOU) Between the City of Tumwater and LOTT Clean Water Alliance (LOTT) Regarding a Purchase and Sale Agreement for Properties in the Deschutes Valley. A voice vote approved the motion unanimously.

Director Smith requested the committee recommend the City Council approve and authorize the Mayor to sign the Memorandum of Understanding (MOU) Between the City of Tumwater and LOTT Clean Water Alliance (LOTT) Regarding a Purchase and Sale Agreement for the Henderson Property.

MOTION: Councilmember Althaus moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Memorandum of Understanding (MOU) Between the City of Tumwater and LOTT Clean Water Alliance (LOTT) Regarding a Purchase and Sale Agreement for the Henderson Property.

ADDITIONAL ITEMS: Manager Landauer provided an update on the status of active capital projects:

Recent Substantially Completed Projects:

- Kindred Park at The Preserve
- Barclift Park and Tumwater Hill Park Restroom Projects
- 2022 Pedestrian Improvement Project
- 2023 Pavement Maintenance Project

Projects in Current Construction:

- Israel Road and Linderson Water Main
 - Major Milestones – Water Main and Joint Utility Trench
 - Upcoming Work – Final Testing Joint Utility Trench, Water Main Testing Connection, Concrete Work
 - Project Schedule – Substantial Completion Expected in November 2023
 - Project Budget – Expected to be within 10% of Bid
- I-5/Trospen Road/Capitol Boulevard
 - Major Milestones – Lee Street, 6th Avenue Roundabout, I-5 Ramps, Sewer, Water, Storm Systems Completed
 - Upcoming Work – Linda Street, 6th /Trospen Roundabout
 - Project Schedule – Project on Schedule with Completion in August 2024
 - Project Budget – Tracking at 3% Over Contract Bid (staff analyzes budget monthly)

TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
October 19, 2023 Page 7

Active Planning, Right-of-Way, and Design Projects:

- Planning – 2024 Pavement Maintenance; 2024 Sidewalk Program; 2nd Avenue Pedestrian and Bicycle Improvements; Tumwater Boulevard Interchange, Phase 1; Citywide Pavement Rating
- Right-of-Way – X Street Roundabout; 79th Avenue Roundabout
- Design – Operations and Maintenance Facility; Trails End Park; 79th Avenue Roundabout; Israel Road and Linderson Way Pedestrian and Bicycle Improvements; Linwood Avenue Safety Improvements; Historic Brew Tower Restoration – Phase II; SE Reservoir; Union Calvary Cemetery Improvements; Traffic Signal Control and Detection Upgrade; Palermo Trail

Manager Lindauer invited questions.

Councilmember Althaus asked about the timing of seeking Council authority for any overrun of the Capitol Boulevard/Trospen Roundabout project budget as the budget includes a contingency. Director Hicks advised that the contingency for the project is 10%; however, if staff anticipates reaching 10%, action by the Council would be requested to approve an overrun because of the complexity associated with pausing the project.

Manager Lindauer added that it is also challenging to forecast project costs because some materials are based on unit costs with some materials used less or more. He noted that he is pleased with the partnership with the contractor for the project, which has been important for the project and affects the ability to complete the project successfully.

Chair Swarthout asked about the status of Puget Sound Energy's undergrounding work and the repaving of Israel Road. Manager Lindauer replied that temporary patching of the roadway is in progress. Design for the Israel Road project is currently underway and there is a possibility that some temporary patching will remain in place until the Israel Road project commences at which time the road would be rebuilt. Full patching will be completed for some areas outside the project limits that were affected by the project.

Councilmember Schneider asked about the timing of the community center as it was not included in the update. Director Hicks advised that the update is only for projects administered by the Transportation and Engineering Department. As that project proceeds to the construction phase, the department might be assuming control.

Councilmember Schneider referred to his recent tour of the Union Calvary Cemetery and meeting some family members of the Bush family. Several family members expressed interest in planting a butternut tree on the family plot.

TUMWATER PUBLIC WORKS COMMITTEE

MINUTES OF VIRTUAL MEETING

October 19, 2023 Page 8

City Administrator Parks advised that staff would visit the issue as some of the issues are environmental in nature in terms of timing of planting at the ceremony, equipment needs, and ensuring the protection of grave sites. In terms of the community center timeline, Director Denney is scheduled to brief the Council before the end of year on the scope of work from the architect for the design work. The information will include some conceptual and schematic design of the facility and identification of some site characteristics and locations. The work will take several months to complete in 2024, largely because of the importance of a public process. Incorporated within the scope of work is formation of an advisory committee comprised of representatives from across the community and stakeholder groups to help shape some of the programming information as part of the design process. By the end of 2024, she anticipates information to be available outlining next steps. The City plans to assess and levy the additional 30 cents per \$1,000 of property valuation needed by the Metropolitan Park District.

ADJOURNMENT: **With there being no further business, Chair Swarthout adjourned the meeting at 8:56 a.m.**

Prepared by Valerie L. Gow, Recording Secretary/President
Puget Sound Meeting Services, psmsoly@earthlink.net