

TUMWATER PUBLIC WORKS COMMITTEE

MINUTES OF VIRTUAL MEETING

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CONVENE: 8:00 a.m.

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

Staff: City Attorney Karen Kirkpatrick, Transportation and Engineering Director Brandon Hicks, Water Resources & Sustainability Director Dan Smith, Water Resources and Sustainability Utilities Operations Manager Steve Craig, Transportation Manager Mary Heather Ames, Engineering Services Manager Bill Lindauer, Water Resources Specialist Dave Kangiser, and Administrative Assistant Cathy Nielsen.

Others: Meredith Greer, Consultant.

APPROVAL OF MINUTES - MAY 5, 2022

MOTION: Councilmember Althausen moved, seconded by Councilmember Schneider, to approve the minutes of May 5, 2022, as published. A voice vote approved the motion unanimously.

DRAINAGE DESIGN AND EROSION CONTROL MANUAL REVISIONS:

Specialist Kangiser reported the update of the Tumwater Drainage Design and Erosion Control Manual (DDECM) includes revisions required by the Department of Ecology and revisions discussed internally by staff and deemed important to include in the update. He reviewed some of the required revisions:

- Text throughout the Department of Ecology's 2019 Stormwater Management Manual for Western Washington (SWMMWW) was updated to require continuous simulation models to include:
 - The ability to directly model best management practices (BMPs) that may be used in LID (Low Impact Development) applications, such as bioretention, permeable pavement, and green roofs.
 - 15-minute time steps
 - Incorporation of algorithms to model water movement through soil.
- Redevelopment Project Thresholds were updated to allow a project proponent to provide Stormwater Management BMPs for an equivalent area. The equivalent area may be on-site or off-site if the area drains to the same receiving water and the guidance for in-basin transfers is followed.
- Several source control BMPs updated include:
 - Nurseries and Greenhouses
 - Irrigation
 - Color Events BMP

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- Goose Waste
- Concrete
- Wash out areas
- Concrete floors

- Updated in Volume 1 Section 2.4.9 - Minimum Requirement #8: Wetlands Protection to model wetlands for stormwater treatment.

An update deemed important by staff included:

- The bond amount changed from 15% to 25% for stormwater construction costs to align with other jurisdictions in the region.

Specialist Kangiser requested the committee recommend the City Council approve a motion adopting the revisions to the Drainage Design Erosion Control Manual effective July 2022 to meet Department of Ecology's deadline.

Chair Swarthout questioned the timeline for regular updates of the manual. Specialist Kangiser explained that updates to the manual are prompted by the Department of Ecology when the agency revises the SWMMWW, which is currently in progress. The update includes BMPS to address climate change. Updating is a continuous process monitored by staff.

CONSENSUS:

The Public Works Committee recommended the City Council approve a motion as part of the consent calendar to adopt the revisions to the Drainage Design Erosion Control Manual as presented.

PSE SCHEDULE 74 PROJECT PLAN:

Manager Lindauer reported that as part of the I-5/Troster Road/Capitol Boulevard Reconfiguration Project, all overhead utilities including power will be converted to underground systems. The proposed agreement between Puget Sound Energy (PSE) and the City of Tumwater outlines the scope of work required to complete the work. The agreement was prepared by PSE and includes a scope of work to complete undergrounding of the distribution system, construction documents (plans and specifications), operating rights for PSE to access private property to complete undergrounding to businesses, information regarding construction scheduling, and general construction cost estimates completed by PSE for City construction costs. The project cost is a 60/40 split between PSE (60) and the City (40). The project includes specific responsibilities by each party to the agreement. PSE is responsible for supplying the conduits and transformers to install the underground system. PSE will install the electrical system and is the only party to work on any energized system on the project. PSE will coordinate and complete the cutover and transfers to new service for nine businesses and tie-ins to adjacent businesses. PSE will remove and deactivate the existing overhead electrical system and provide inspection services during the project to ensure work by City contractors meet PSE requirements.

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The City is responsible for constructing the utility trench and conduits and installing surface transformers for final wiring connections.

Manager Lindauer displayed an aerial map of the project site, which is one component of the larger roundabout project.

The work is funded through the Transportation Capital Facilities Plan (CFP). The City's estimated cost per the agreement is \$165,000 to \$195,000 dependent upon the actual work and the amount of inspection time. The City's construction cost estimate for trenching and other work is part of the overall project construction contract for the roundabouts of approximately \$240,500 with the total estimated City cost for the underground conversion estimated at \$405,500 to \$435,000.

Councilmember Schneider asked about the timeline for the project and impact to traffic in the area. Manager Lindauer said the intent is to maintain one open traffic lane (minimum) with night work scheduled for undergrounding work to minimize traffic impacts. No full roadway closures are anticipated other than some intermittent disruptions in traffic when required. The project is expected to take one week to complete or up to two weeks dependent upon the complexity of the work. The work will be released for bidding with construction likely commencing in September-October 2022. The actual work involves utility trenching, as other utilities are required for installation as part of the overall project.

CONSENSUS:

The Public Works Committee unanimously recommended the City Council place the request on the consent calendar for authorization for the Mayor to sign the PSE Schedule 74 Project Plan, an agreement to complete utility undergrounding conversion for the I-5/Trospen Road/Capitol Boulevard Reconfiguration Project.

INTERLOCAL AGREEMENT BETWEEN THE CITY OF TUMWATER AND TUMWATER SCHOOL DISTRICT FOR THE BARNES BOULEVARD AND RIDGEVIEW LOOP CROSSING IMPROVEMENTS:

Manager Ames briefed the committee on the proposed interlocal agreement with the Tumwater School District for the Barnes Boulevard and Ridgeway Loop Crossing Improvement project.

The Tumwater School District (TSD) approached the City about installing an enhanced crosswalk with Rectangular Rapid Flashing Beacons (RRFBs) at the intersection of Barnes Boulevard and Ridgeview Loop. The crossing is located near Tumwater Hill Elementary School to the south. The City has the experience and resources to administer the project. Staff worked with Tumwater School District staff to determine the project cost. The school district agreed to reimburse the City for the project. The total estimated cost of the project is \$125,000. The type of work required to complete the crossing aligns within the 2022 Pedestrian Improvements Project, which was previously reviewed by the committee on March 17, 2022.

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The cost estimate and budget presented to the committee on March 17, 2022, for the 2022 Pedestrian Improvements Project was \$300,000. With the addition of the crossing, the budget increases by another \$125,000 for a total budget of \$425,000 to complete the total project. City and school district staff drafted an agreement for completion of the crossing project. The agreement includes the school district's cost of \$91,000, a match equal to the City's typical grant for similar projects.

Staff requests the Public Works Committee recommend the City Council authorize the Mayor to sign the Interlocal Agreement between the City of Tumwater and Tumwater School District for the Barnes Boulevard and Ridgeview Loop Crossing Improvements, as well as authorize staff to solicit bids for construction of the Barnes Boulevard and Ridgeview Loop Crossing Improvements as an element of the 2022 Pedestrian Improvements Project and recommend the City Council approve a motion to award and authorize the Mayor to sign a public works contract with the lowest responsible bidder.

Manager Ames invited questions.

Chair Swarthout supported the project. She asked about the timeline for installation of the new crossing. Manager Ames advised that staff is working on the total bid for the Pedestrian Improvements Project. The crossing project would likely be completed later in the summer dependent upon the lead-time required for materials.

CONSENSUS: **Public Works Committee unanimously recommended the City Council authorize the Mayor to sign the Interlocal Agreement between the City of Tumwater and Tumwater School District for the Barnes Boulevard and Ridgeview Loop Crossing Improvements.**

CONSENSUS: **The Public Works Committee unanimously authorized staff to solicit bids for construction of the Barnes Boulevard and Ridgeview Loop Crossing Improvements as an element of the 2022 Pedestrian Improvements Project and recommended the City Council approve a motion to award and authorize the Mayor to sign a public works contract with the lowest responsible bidder.**

**PIONEER PARK
RIPARIAN
RESTORATION
SERVICE
PROVIDER
AGREEMENT:** Consultant Meridith Greer reported the project site is located at Pioneer Park. The project focuses on one section of riparian area within the park. The Deschutes River runs along Pioneer Park and is active with the riverbank shifting approximately 10 feet each year. The impetus for the project is because of the location, which is an important area for water quality and fish habitat. Within the Deschutes River many limiting factors are elevated water temperature, lack of shade cover, fine sediment affecting water quality and aquatic life, and insufficient wood and riparian conditions. With the park adjacent to the river, other considerations include public safety during the summer. The area experiences high flood risks during winter storms as

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evidenced last winter when the entire park flooded. The park and the river attract many users during the summer months.

The project was initiated in 2014 when the City received a grant from the Salmon Recovery Funding Board. The South Puget Salmon Enhancement Group worked on conceptual and preliminary designs for the project. The design hinged on an existing island in the river. The intent was adding rock barbs to slow water flow and direct rafters in the summer away from the rock areas. The City was unsuccessful in securing construction funding and with changes in the river over time, the island no longer exists and a new design is necessary

The City subsequently received construction and design funding from the Department of Ecology of \$450,000 to complete the project. Following a competitive Request for Qualifications (RFQ), the City selected Stantec Consulting Services to assist in completing the design and permitting for the project. The company has worked previously with the South Puget Sound Enhancement Salmon Group and has much experience working on riparian restoration projects throughout the region.

The grant agreement was executed with the Department of Ecology in January 2022. The goal is to seek City Council approval of the service provider agreement with Stantec Consulting Services by the end of the month. Design and permitting will occur over the next two years with construction moving forward in summer 2024.

Ms. Greer invited questions from the committee.

Responding to questions about the continuous movement of the river affecting project design, Ms. Greer explained that the design completed in the spring following the winter should not be impacted as construction is scheduled in summer 2024 when the river is at its lowest level.

CONSENSUS:

The Public Works Committee unanimously recommended the City Council approve and authorize the Mayor to sign the Pioneer Park Riparian Restoration Service Provider Agreement.

PERCIVAL CREEK SEWER OVERFLOW UPDATE – SMARTCOVER LEVEL MONITOR:

Manager Craig reported that earlier in the year the committee received an update on management actions and operational efforts related to sanitary sewer overflows in the area of Somerset Hill Drive and Percival Creek. Staff reported on efforts to secure and install level monitoring equipment providing advance warning of potential sewer backups to maintenance staff in an effort to prevent sewer overflows.

As of April 4, 2022, the first remote manhole level monitoring system was activated at the location of Somerset Hill Drive along Percival Creek. The smartcover level monitoring is a fully self-contained system installed in the

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manhole. The system uses an ultrasonic level transducer via satellite communications to monitor water levels in the sewer manhole and provide notification to staff in the event a blockage occurs. Notifications are transmitted 24 hours each day affording the ability to respond and implement corrective action before a sewer overflow or release occurs.

Manager Craig shared photographs of the equipment installed on the underside of the manhole lid. The battery pack has an anticipated lifespan of three to five years and is monitored by the system. As the battery nears end of life, notifications are transmitted to staff. He described how the equipment measures the height of the water level. Staff has the ability to adjust the alarm notification level. The equipment includes a web-based interactive dashboard and mobile applications to access the control and monitoring functions.

Manager Craig provided a demonstration of the live dashboard and its monitoring capabilities. A map identifies the location of monitors. The City plans to consider installing other monitors in other locations throughout the City. The system enables tracking and identification of numerous monitors. The equipment also enables staff to monitor the status of the systems, as well as accessing battery conditions. Battery notification alarms provide a 30-day window for staff to replace the battery.

Satellite communications with the Tumwater area with heavy tree cover was one concern by staff. The system enables staff to check signal strength to ensure connectivity of the equipment. The system will send an alarm if communications have been compromised, as well as when manholes are opened. The system also monitors temperature and conditions within the manhole.

Manager Craig invited questions from members.

Chair Swarthout thanked staff for such a quick response to prevent future sewer overflows. The solution is much more economical than other options staff explored. She asked how vandalism would be addressed. Manager Craig said the City has not experienced vandalism of sewer manholes. However, several years ago, some catch basin grates were stolen for recycling of copper wire. The problem was a short-term activity. The equipment provides alarm notifications each time the manhole cover is opened.

Chair Swarthout thanked staff for providing the update.

HOPKINS DRAINAGE DISTRICT #2 UPDATE:

Director Smith reported earlier in the year, Mat Jackmond, a Commissioner of Hopkins Drainage District 2, testified before the Council that recent storms increased the volume of stormwater from the Preserve development to such a point that it created a challenging situation for the Ditch District to continue maintaining its property. During the testimony, Mr. Jackmond noted that repair work was necessary in excess of \$75,000. On February 1, 2022, Mr.

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Jackmond testified before the Council reiterating his concerns that the development pressure had increased maintenance needs downstream of the Preserve development. At that time, no information was presented to the City to validate the claim or evaluate the validity of the assertions. Several months later, Mr. Jackmond requested a meeting with City staff.

Prior to that request, Engineering and Water Resources staff evaluated conditions that led to some of the claims. The City's response is in a letter from City Administrator Doan dated February 15, 2022. The second paragraph of the letter states, "Theoretically, an increased stormwater flow may be possible with any project that increases impermeable surface area. However, the likelihood of the development causing any adverse impacts is precluded by mitigation. Engineering measures account for soil strata and the hydrology of the development site. City staff followed all requirements for reviewing studies and reports by industry professionals. It was demonstrated there would be no change between pre- and post-development conditions related to stormwater downstream of the site. City staff have further reviewed the reports following your comments and have reconfirmed the adequacy of the development's stormwater design and the professional opinions of no effect."

Director Smith added that the City's storm drain manual requirements for any new development requires the developer to match pre-development conditions in terms of the amount of stormwater that can discharge from a site. Under natural conditions, developers and engineers are required to model to match hydrologic curves to document the understanding of natural conditions of discharge based on rainfall, soil strata, and hydrology of the site. That information is compared with a post-development modeled scenario that applies built environment with additional impervious surface throughout the area. The modeling is compared to create a stormwater system to match pre-developed site conditions. Following development, theoretically, there is no discharge from the site beyond what is experienced during natural conditions. Staff reviewed all Preserve development engineering reports and modeling and noted that the information was adequate and appropriate and that the City supports the professional opinions of the engineers who completed the work and analysis. Theoretically, there should be no downstream impacts experienced by the Drainage District caused by the development of the Preserve subdivision.

The winter event in January 2022 revealed that all but two of the gauges in the study area, including those in District basins, recorded their highest water elevations in the history of those gauges, most of which have collected between 10 and 23 years of data. Staff reviewed precipitation data at the Olympia Airport rain gauge that has collected data for over 75 years. The Olympia Airport rain gauge measured the third-highest amount of rainfall on record from October until January 14, when Mr. Jackmond contacted the City. The measured precipitation for January 1-14, 2022, at the Olympia Airport

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rain gauge was by far the most on record (approximately 50% higher than the next highest), at a time when the water table was already high, all while snow and ice were melting. The storms represent unprecedented events that led to the creation of a lake at the outlet of the Preserve subdivision.

Shortly thereafter, Mr. Jackmond requested a meeting with Directors Hicks and Smith to discuss the District's concerns. During that meeting, similar concerns as previously aired with the Council were shared with City staff. At the conclusion of the meeting, Mr. Jackmond presented a proposal to the City requesting 2.5% of the City's stormwater budget. He categorized the request as a request from the surplus of the stormwater budget. The funds are not considered surplus but are reserve funds earmarked for future projects should the City not receive grant funding, as the City's CFP is predicated on a significant amount of grant funding for projects. Additionally, some projects are in design and could require additional funds. The funds are dedicated to the City's management of the stormwater system for the benefit of the residents of the City. At that time, the initial estimate was approximately \$75,000. When Mr. Jackmond met with them, the amount had increased to \$360,000. Mr. Jackmond indicated that if the City failed to agree to the District's request, he would pursue the imposition of revenue generators available to the Drainage District within its legal authority to assess fees.

A month following the meeting with Mr. Jackmond and after denial of the request to provide the funds from the City's stormwater budget and without evidence to support the claim that the Preserve development was the source of additional stormwater and undue pressure on the Drainage District, Mr. Jackmond contacted Thurston County and the State Legislature to address some issues. In each instance, there was no approval and Mr. Jackmond received no funds from those sources for the Drainage District.

Director Smith explained that he has been in contact with Thurston County's water resources manager to determine the timeline and nature of the requests by the Drainage District. He has not received all the information at this time. However, the Drainage District has been experiencing issues for a number of years. Part of the concern is whether the maintenance expectations or claims by the Drainage District are historical in nature rather than related to unprecedented events in January 2022.

In early April following the meeting with staff, the City received a letter from Britton Law Office, PLLC representing the Drainage District. The letter referred to a series of emergency resolutions adopted by the Drainage District on February 19, 2022, declaring the District would increase its roll of rates and charges. The District did not provide any evidence to the City to evaluate the claims. The letter notified the City the Drainage District would move forward with its resolution to increase the size of the District and add 414 homes and 20 businesses comprised of various developments located south of the airport, comprised of the Preserve and other commercial developments located at

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Tumwater Center and Tumwater Corporate Place. The letter is the last correspondence the City received from Britton Law Office.

On April 28, 2022, the City, in response filed a public records request to obtain information the City had previously requested to include all maintenance records, flow analysis, copies of the Ditch District's roll of rates and charges over the last 15 years, and any drainage development or drainage reports for new developments within the District. Staff plans to evaluate the claims asserted by the Drainage District Commissioners to determine the impact and whether there could be appropriate participation by the affected parties or the City and to determine the extent of the service and benefit provided by the District to the residents and other businesses. The information would provide the City with the ability to communicate with the neighborhoods as questions are asked. Additionally, because of the City's ownership of two parcels in the Preserve subdivision, the City is now a party to the process and would be assessed the fees as proposed by the Drainage District.

The Drainage District responded that it would provide copies of materials within 30 days for materials located on-site and a later time if materials are located off-site. The previous day, Director Smith advised that he received information indicating the City might be receiving some documents in the next week. The City is interested in receiving any evidentiary documents that can provide information as to the operations of the Drainage District and information that might be contrary to the information the City has with respect to the Preserve's development documents, modeling, and engineering reports prepared as part of any new development. The City is in a holding pattern pending receipt of the information from the District.

On June 2, 2022, the Drainage District mailed a notification to all parties of a public hearing on July 9, 2022. The City plans to object to the public hearing and the City's inclusion within the Drainage District based on the City's understanding of each development's stormwater analysis, modeling, and documentation reflecting that none of the developments contributed to an increase in the impact to downstream facilities. At this time, the City is unsure of the roll of rates and charges and which properties are included or excluded. The notification from the Drainage District does not communicate the assessment amount for each property. Initial information reflected a one-time assessment of \$750 for each residential property and \$2,500 for commercial properties, with 10% of those amounts assessed annually. The City's concerns are how the estimates were calculated, what projects would be accomplished, and how the projects connect to the increased flows claimed to be generated from the Preserve.

Director Smith said he is drafting an objection letter in the event the City testifies against the City's inclusion in the Drainage District. He has also contacted a number of residents within the Preserve and has spoken with the homeowners association president from the Preserve.

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Councilmember Althaus said he is not aware of the political structure of the Drainage District and the analogy of the jurisdiction the District has and its ability and basis for expanding its revenue rolls. For example, the Barnes Lake Management District formed its taxing authority and elected to provide services with residents agreeing to contribute funds to pay for those services. When the cost of service increase, members are assessed a higher rate to derive the benefits of the lake. It appears the Ditch District is attempting to levy a similar revenue mechanism on a wide swath of residential homes and businesses. The City's position as one of those entities is that it could be subject to the authority but not necessarily receive any benefits. He asked whether the District has the authority to arbitrarily expand because it appears nonsensical that the District could decide to expand because of the proximity of residents and businesses that it feels would benefit from the Drainage District.

Director Smith reported the Drainage District was formed in 1901. State regulations go back in time and essentially satisfy rural agricultural needs to address stormwater drainage and prepare agricultural lands. The District has the independent assessing authority to expand. Provisions in the RCW allow the expansion based on properties that receive service and benefit; however, it is unclear as to the evidentiary requirements for determining which properties receive service and benefit from the District beyond the downstream connection. Theoretically, in 1901 when the district was formed, the entity would have evaluated the drainage basin properties to include. The Preserve properties were obviously not included as they did not exist when the District was formed. The District is asserting that because of the Preserve development, the development is sending an increased amount of stormwater discharge through its system and that the District has to maintain the system to some higher standard to provide benefit to ensure the flows continue downstream and not flood properties. That element lacks documentation or evidence to support the District's claims. Based on the lack of information, the City is objecting to its inclusion of the City's parcels. It is unclear how the District can make the determination without any supporting documentation or studies to document that the properties are receiving benefit and at what level.

Director Smith said the District generates \$2,500 each year to manage the entire ditch network, which is insufficient to manage any type of project. The District also lacks any staff resources. The District is comprised of three elected officials. The City has requested documentation as to how the District maintains the ditch and whether ongoing deferred maintenance has created obstructions throughout the ditch network that exacerbates flooding.

Chair Swarthout inquired about the source of the \$2,500. Director Smith said the information is unknown until the City receives documentation on rolls and rates. The City has requested the information from the District. The amount is insufficient to manage a stormwater network the size of the District's network.

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Councilmember Schneider said his uncertainty pertains to the flooding, which apparently floods because of the wetlands, which is owned by the City and the reason for the District to assess fees to the City, residents, and businesses. However, when each property owner purchased their homes, they understood that all design and regulations had been satisfied. He has considered options of considering the issue as a reoccurring event because of climate change or because there may have been a design flaw, which is the concern by homeowners as they are being penalized on an issue that they did not control. He does not understand how three individuals from the District can enforce a levy on homeowners in the Preserve with no vote. He acknowledged that the City does have stormwater funds and if the City is found at fault, at some point those costs would likely need to be covered. He asked whether the situation has been ongoing since January and whether the City and City Attorney have considered bringing the issue to the Council.

Director Smith advised that the issue has been an ongoing conversation with members from the Drainage District during a meeting with Mr. Jackmond in April. At that time, the City requested more information to address the issue with the Council. However, the District elected to move forward with its action to conduct a public hearing without the benefit of the City receiving information from the District. Notification of the public hearing was mailed the same time Preserve property owners received notice. There was no opportunity for staff to brief the Council beyond the public testimony demanding the funds because of the lack of sufficient information to evaluate the request.

City Attorney Kirkpatrick responded to the question and advised that she has been involved and has been working with staff since the initial testimony by Mr. Jackmond. She and staff have been seeking information from the District to develop a response to Mr. Jackmond. She is not sure as to what other information is desired other than the information included in the briefing provided by staff. The City received the notice of the public hearing at the same time as other property owners. At this time, she is not aware of any legal questions. The City wants to receive the District's documentation to evaluate the issues.

Councilmember Schneider commented that his concerns surround the surprise element of the issue as it has been an ongoing process since January 2022 and has escalated. He asked at what point the issue would be moved to the Council to receive public comments. Director Smith recommended waiting until the City receives information requested from the Drainage District to determine if the information supports the validity of the District's claims. At this time, the City does not believe the Drainage District has a credible claim based on all the developments' plans, modeling, and engineering reports. Staff believes the development of the property was appropriate based on best available science as the Preserve development and other developments have not increased

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stormwater beyond natural conditions or pre-existing conditions to cause impacts to downstream facilities. Staff does not agree with the District's position that the properties have increased downstream maintenance needs for the ditch network. More information is required and the City intends to object to its inclusion within the Drainage District. The Drainage District is its own independently elected authority is authorized under the RCW and does not need the City's or the county's permission. Based on his understanding, should the City pursue legal action, the City must defer any action until the City is included within the Drainage District. Should the City oppose its inclusion and the District continues to move forward and incorporate the properties, the City could file an appeal or take another action that would be determined at a later date. Today, the City can object to its inclusion and provide information to the Preserve homeowners association (HOA). City staff has been in contact with the HOA President and provided copies of the City's correspondence to keep the HOA advised of the City's position and actions undertaken to seek information from the District to validate the District's claims. He also understands the HOA is seeking legal counsel to represent the Preserve's interest as the City is unable to represent private interests.

Councilmember Althausen remarked that the situation is a transparency issue and if he was a resident of the Preserve, he would be upset with the Drainage District. The action is inappropriate by the District to increase its normal \$25 assessment to \$750. Director Smith noted the \$750 assessment is a one-time special assessment with ongoing fees equating to 10% of the one-time special assessment. The District has not defined any ongoing expectations.

Councilmember Swarthout pointed out that the District has attempted to seek funding by contacting the Legislature. It appears they started at the top and worked down to homeowners and business owners.

Director Smith noted that if maintenance of the drainage network has been an issue for any length of time (information the City is seeking), the request for \$360,000 for maintenance needs is questionable unless some type of erosive event occurred. Staff is seeking information to determine how the \$360,000 estimate was established and for what purpose. The issue is why the District has not acted over the last several years to increase assessments to increase revenue stream within the network from properties that are benefitting. It is important for staff to have the information to evaluate the issue rather than making assumptions.

Director Smith responded to a question about the affects of climate change and the possibility of more flooding incidents. The affects of climate change, should it become an issue moving forward, would likely entail an evaluation by staff.

Councilmember Schneider advocated for briefing the Council to afford an

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opportunity for public comments. Chair Swarthout and Councilmember Althausser disagreed and offered opinions as to the process and the options for the public to offer comments. Councilmember Althausser noted that the issue is at a point where no action is possible by the City until the District acts and the City has the information. The lack of response by the District to provide records to the City is concerning as the Public Records Act has strict timelines to respond to public records requests. He encouraged staff to aggressively pursue the requests and consider informing the District of their noncompliance with the law by not responding to the City's request for records.

Director Smith offered to serve as a point of contact for homeowners from the Preserve to share information on the status of the issue to date.

ADJOURNMENT: With there being no further business, Chair Swarthout adjourned the meeting at 9:25 a.m.

Prepared by Valerie L. Gow, Recording Secretary/President
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