

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

PRESENT: Mayor Debbie Sullivan and Councilmembers, Joan Cathey, Michael Althausen, Leatta Dahlhoff, Angela Jefferson, Charlie Schneider, and Eileen Swarthout.

Excused: Councilmember Peter Agabi.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Finance Director Troy Niemeyer, Community Development Director Michal Matlock, Water Resources and Sustainability Director Dan Smith, Parks and Recreation Director Chuck Denney, Assistant Fire Chief Shawn Crimmins, Communications Manager Ann Cook, Sustainability Coordinator Alyssa Jones Wood and City Clerk Melody Valiant.

PROCLAMATION: Councilmember Swarthout read a proclamation declaring *September 19, 2023* as *National Voter Registration Day*. The proclamation encourages all eligible City of Tumwater residents to register to vote, to vote when they receive their ballot, and to encourage their neighbors to vote.

NATIONAL VOTER REGISTRATION DAY - SEPTEMBER 19, 2023:

Mayor Sullivan presented the proclamation to Tillie Naputi-Pullar, Thurston County Elections Manager. Ms. Naputi-Pullar thanked the Council for recognizing *National Voter Registration Day*. Voting is the cornerstone of democracy. Unless registered, citizens cannot vote. Thurston County has approximately 196,000 registered voters. The main goal in Voter Registration is reaching out to the young community. Only 70% of young people aged 18 to 24 years are registered to vote compared to 90% of other age groups. Voter registration has never been easier with same day voter registration possible enabling 16 and 17-year olds to pre-register before the November election. This year marks the 10th anniversary of *National Voter Registration Day* in Thurston County. Thurston County is celebrating the day by launching the *Urge Your Neighbor to Vote Challenge*. Thurston County is partnering with Timberland Regional Library to empower voters to urge their neighbors to vote. Frequent voters are asked to lend their knowledge to the more less-frequent voters to bridge the gap to create a more informed electorate. Libraries throughout Thurston County will carry ballot party kits that voters can use to host their own events to encourage friends and others to register and vote.

INTRODUCTION OF NEW FIREFIGHTER/ PARAMEDIC - NATE RYLAARSDAM: Assistant Fire Chief Crimmins introduced new Firefighter/Paramedic Nate Rylaarsdam. Firefighter/Paramedic Rylaarsdam was previously with the Bellingham Fire Department since 2012. He joined the Tumwater Fire Department in August 2023.

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**SOLSMART SILVER
DESIGNATION:**

Coordinator Jones Wood reported the City recently received the SolSmart Silver designation, a national technical assistance and designation program from the Department of Energy encouraging local jurisdictions to reduce the solar soft costs and obstacles that inhibit residential and small solar installations.

The City pursued the designation to help achieve the Council's Strategic Priority of *Being A Leader In Environmental Sustainability* that includes a goal to streamline permitting for green projects as well as continued implementation of the Thurston Climate Mitigation Plan. The Thurston Climate Mitigation Plan includes an action to pursue more solar installations. The designation process includes three levels of Bronze, Silver, and Gold designations, with each level requiring separate requisites and points necessary to attain to achieve the designation. Ten cities in Washington have received SolSmart designations.

Coordinator Jones Wood described some actions in progress by the City prior to seeking the SolSmart designation. To improve the program, permitting and inspection staff attended trainings on best practices for permitting solar, planning and zoning staff participated in training on planning and zoning for solar and staff reviewed the zoning code and identified any obstacles that might have inhibited permits for installation of solar. Staff created a solar webpage with a solar permit checklist, application, zoning determination letter, fact sheet, and frequently asked questions on the City's website. Staff also promoted Olympia Community Solar's Solarized Group Purchase campaign, an action in the Thurston Climate Mitigation Plan. Staff developed and launched a solar dashboard to track the number of solar permits monthly and by year, total amount of solar installed in Tumwater, and the number of residents involved in or subscribed to community solar projects if they are renters or have many trees they want to retain while also wanting to support solar. Staff sent a thank-you letter to all residents in the City who have installed solar and to share information about the dashboard and how each resident with installed solar would be marked with a star or sun symbol near their home. A press release was released about the City's support of solar energy.

Although SolSmart Silver requires 100 points and Gold requires 200 points, the City has attained 210 points and will be submitting for the Gold designation after achieving a three-day turnaround time for solar permits.

Coordinator Jones Wood displayed the City's solar dashboard and

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shared some results to date. The number of permits continue to increase. The dashboard is updated monthly.

Coordinator Jones Wood addressed questions about the timeline for solar inspections by the City and other agencies. The three-day turnaround time for the SolSmart designation is reflective of the City's permit process and is not based on inspections by Puget Sound Energy or the Department of Labor and Industries. She was asked whether staff could pursue contacting other agencies to assist in improving and/or consolidating the inspection timeline process.

PUBLIC COMMENT: **Dave Nicandri, 505 South 4th Avenue SW, Tumwater,** reported on a productive and rewarding briefing from City staff concerning his repeated queries on the status of the Ninth Circuit Court of Appeals ruling on natural gas connections and appliances. He was satisfied with the answers. However, he plans to continue to attend and speak during Council meetings for the foreseeable future. He pointed out that he acknowledges climate change and global warming are real and need to be addressed. He authored a book with climate change as a backdrop. His hesitation and reservation surrounds punitive climate change solutions, most infamously, the ban on natural gas connections and production of appliances. The Council is scheduled to consider an interlocal agreement for the Thurston Climate Mitigation Plan. He asked whether additional materials could be provided regarding the agreement. The Climate Action Tracker, the body that monitors the Parris Agreement, noted that between 2015 and 2022 China's greenhouse gas emissions increased by 12%. Chinese coal production reached a record level in 2022 and between 2020 and 2022 China added 113 megawatts of new coal-fired capacity. Coal trains traveling through East Olympia each day are delivering coal to China and other countries. National Public Radio reported recently that even with built-up of coal fire capacity elsewhere, China permitted more coal plants in 2022 than any time in the preceding 7 years and that has lead to the increase in greenhouse gas emissions. He urged caution on the pell-mell push to electrification and expensive energy alternatives that are solely being pursued by North America and not globally.

CONSENT
CALENDAR:

- a. Approval of Minutes: City Council, September 5, 2023
- b. Payment of Vouchers
- c. Interlocal Agreement with Lewis County for Use of Jail Facilities Amendment No. 3
- d. Service Provider Agreement with National Public Safety Group, LLC for Law Enforcement Records Management System (LERMS) RMS/JMS Replacement Project Management
- e. Service Provider Agreement with Tumwater School District for Summer Youth Employment Program
- f. Audit Engagement Letter with the State Auditor's Office

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- g. Audit Examination Engagement Letter with the State Auditor's Office

MOTION: **Councilmember Althaus moved, seconded by Councilmember Jefferson, to approve the consent calendar as published. A voice vote approved the motion unanimously.**

Mayor Sullivan reviewed the items approved on the consent calendar.

**COUNCIL
CONSIDERATIONS:**

**EMPLOYMENT
CONTRACT FOR
ADMINISTRATIVE
SERVICES
DIRECTOR:**

City Administrator Parks requested consideration for approval of the Employment Contract with Michelle Sutherland to serve as the City's Administrative Services Director. The City interviewed three qualified candidates and utilized a three-panel interview process that included a panel of City directors, a panel of staff members, and the Mayor and City Administrator. Ms. Sutherland was highly recommended by the other panels during the interview group process. Ms. Sutherland has served as the Administrative Services Director for the City of Shelton since 2019. Prior to her employment with the City of Shelton, she served as the HR Manager for a 400-unit correctional facility in Michigan. Ms. Sutherland has a Bachelor's Degree in Psychology/Business Administration, and is currently working on a Master's Degree in Management and Leadership from Western Governors University. Additionally, Ms. Sutherland has extensive HR experience to include labor negotiations and working closely with civil service commissions, which is important for Tumwater. As the Administrative Services Director, her primary roles are in HR with oversight and assistance to the Clerk's function and the public records function.

Ms. Sutherland thanked the Mayor and the City Administrator for the opportunity, as she is excited to work for the City of Tumwater and to serve the community of her residence.

MOTION: **Councilmember Jefferson moved, seconded by Councilmember Swarthout, to authorize the signing of an employment agreement with Michelle Sutherland to be the City's Administrative Services Director. A voice vote approved the motion unanimously.**

**INTERLOCAL
AGREEMENT WITH
THURSTON
COUNTY, CITIES OF
OLYMPIA AND
LACEY FOR**

Coordinator Jones Wood reported the proposed interlocal agreement (ILA) would replace the Phase 4 ILA for climate efforts previously executed in 2022. The implementation strategy for the Thurston Climate Mitigation Plan was developed around assumptions of no staff capacity to assist with implementation. Conditions have since changed where each of the partner jurisdictions now have assigned

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**IMPLEMENTATION
OF
THE THURSTON
CLIMATE
MITIGATION PLAN:**

climate staff. The goals of the new ILA are to revise the implementation strategy and clarify roles and responsibilities. Previously, there was uncertainty as to whether jurisdictions would be able to implement the plan independently or whether it was necessary for all jurisdictions to work concurrently to complete actions. The proposed ILA provides clarification moving forward to implement as many actions as possible.

In October 2022, staff teams requested a pause of Climate Action Steering Committee meetings to take some time to reflect. Staff met with staff from the Thurston Regional Planning Council over the course of months to determine roles and responsibilities under the new structure moving forward to ensure effectiveness and efficiency.

A retreat was held with the Climate Action Steering Committee. Staff worked with appointed elected officials to ensure the proposed ILA was on track. Following additional meetings to review retreat outcomes, staff presented the information to the Climate Advisory Workgroup, a workgroup of approximately 15 stakeholders representing different community perspectives. Following a series of ongoing meetings, staff was informed that TRPC no longer desired to move forward with regional climate work, which required resolution to move forward lacking TRPC capacity. The proposed ILA was vetted through additional meetings and processes.

The proposed ILA recognizes staff capacity, defines the Thurston Climate Mitigation Collaborative (4 groups), clarifies the roles and relationships for all components of the Thurston Climate Mitigation Collaborative, establishes a framework for regionally coordinated implementation through the first greenhouse gas emissions shared target of 2030, and provides increased opportunity for the Community Advisory Workgroup (previously the Climate Advisory Workgroup) to vet actions through diverse perspectives. The Executive Committee is comprised of one elected official and one alternate from each jurisdiction. The committee will meet quarterly to discuss and review climate mitigation activities and ways for jurisdictions to work together. The staff team is comprised of staff from each jurisdiction.

The scope of the ILA is for implementation actions with the staff team and Executive Committee to work on regional coordination and regional implementation when possible. Some actions in the plan are not conducive for regional action, such as working on municipal buildings. The ILA establishes an annual Climate Mitigation Retreat of all three groups of the Thurston Climate Mitigation Collaborative to meet and review past efforts and work on strategic planning and identify one joint regional action.

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The proposed ILA establishes a timeline beginning in 2024 for updates to the Thurston Climate Mitigation Plan with minor administrative plan updates scheduled every other year. Beginning in 2028 and every six years thereafter, a comprehensive review of the plan will be undertaken. Additionally a greenhouse gas inventory will be completed every three years. For administrative support replacing TRPC, the ILA includes coordination and facilitation of the Executive Committee and Community Advisory Workgroup, production of an annual report, and hosting and maintaining a third party website for the collaborative. Each party to the ILA will contribute an equal share of funds. The schedule is conducive to the City of Tumwater's biennial budget process. The proposed estimate for the next 15 months is \$47,500 and \$17,500 for the last remaining months in 2023, and for 2024, the estimate is \$30,000. For comparison, the Phase 4 ILA for 2022 was approximately \$60,000.

The City of Lacey volunteered to serve as the contract holder for administrative support and Thurston County volunteered to serve as the contract holder for the greenhouse gas inventory. The duration of the agreement is until December 31, 2030.

Changes necessary in the administrative and technical support necessitated an annual retreat planned for the staff team and hosted on a rotating basis. The City of Lacey hosted the first retreat. The City of Lacey released a request for qualifications for administrative support to assist with the implementation process.

Councilmember Althausen asked whether administrative support would be provided by a consultant. Coordinator Jones Wood advised that a non-profit submitted a proposal. The non-profit provides similar services to other jurisdictions across the world.

Councilmember Swarthout acknowledged the efforts of Coordinator Jones Wood and other subject matter experts as the topic is difficult and having all jurisdictions involved with subject matter experts has created a productive process.

MOTION:

Councilmember Swarthout moved, seconded by Councilmember Althausen, to approve and authorize the Mayor to sign the Interlocal Agreement between Thurston County, City of Lacey, City of Olympia, and City of Tumwater to support regionally coordinated implementation of the Thurston Climate Mitigation Plan. A voice vote approved the motion unanimously.

COMMITTEE

REPORTS:

PUBLIC HEALTH &

The agenda for September 12, 2023 meeting included Thurston

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SAFETY:

Leatta Dahlhoff

County Prosecutor's Office providing an update on the Blake decision and new provisions and an amendment to an interlocal agreement with Lewis County for use of jail facilities. Criminal cases in 2022 not including domestic violence totaled 341. Domestic violence cases totaled 139 for 480 cases the Prosecutor's Office handled for the City of Tumwater. Up to June 2023, cases not related to domestic violence totaled 215 with 59 domestic violence cases for a total of 274 cases from January to June 2023. The City is on track to increase cases by 20% in 2023. The Prosecutor also provided an update on *State vs. Blake* from February 2021 to August 2023. Thurston County currently offers a Drug/DWI Court in Superior Court, a mental health court and veterans court in the District Court, a behavioral health alternatives court in the Juvenile Court, and a diversion program operated from both by Superior and Districts Courts. The newest program is the Law Enforcement Assisted Diversion (LEAD). All court programs are available for Tumwater residents who have been involved in the criminal justice system. The committee requested the Prosecutor's Office provide a similar update from the Public Defender's Office to provide an overall holistic review of the City's contract with the Thurston County Prosecutor's Office, as well as requesting an update from Tumwater's School Resource Officers with the advent of school beginning, and an update on the code violation process by the Tumwater Police Department.

GENERAL

GOVERNMENT:

Michael Althaus

At the Wednesday, September 13, 2023 meeting, the committee reviewed the 2025 Comprehensive Plan Update on the Housing and Land Use Elements.

PUBLIC WORKS:

Eileen Swarthout

The September 21, 2023 and the October 5, 2023 meetings were cancelled. The next scheduled meeting is on Thursday, October 19, 2023 at 8 a.m.

BUDGET AND

FINANCE:

Debbie Sullivan

There was no meeting and no report.

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

City Administrator Parks reported on three concurrent audits in progress. The first is an accountability audit from January 2020 through December 31, 2022. A financial statement audit covers the period from January 2022 through December 2022. The last audit is the Corona Virus State and Local Fiscal Recovery Funds covering January 2022 through December 2022. The last audit has been completed and the exit interview included the City Administrator and the Finance Director. The State Auditor's Office is issuing an unmodified clean audit with no concerns and no exit items.

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Following the discussion at a recent worksession on food sharing, Director Matlock plans to issue an administrative interpretation to help clarify the current zoning for small food pantries similar to the interpretation issued for little libraries. The interpretation will not change the current zoning code but will provide clarity. Staff plans to include in the draft 2024 Work Program, an option for completing a Food System Plan as discussed by the Council during the worksession. The draft plan would likely include recommendations for changes to zoning regulations and other applicable recommendations.

City Administrator Parks shared some communications from the public complimenting staff for providing helpful assistance and for being accommodating in different situations. The Community Development Department team received positive feedback from a tenant at the Craft Market building for the service received from the department.

With respect to new recent code requirements, the State Building Code Council voted recently to delay the effective date of the proposed code provisions until March 15, 2024. Staff will continue to monitor the process. Staff continues to meet with staff from the Building Code Council, Association of Washington Cities (AWC), and the City's lobbyist to identify next steps and potential implications of the code changes to the City of Tumwater, particularly the Wildland and Urban Land Interface Code.

The City recently received a \$334,000 grant from the U.S. Department of Agriculture Forest Service to support a program expected to cost \$670,000. Funds will support the hiring of an urban forester for the City in 2025, assist in the study of heat island affects by installing temperature data loggers in 2024, assist in developing a canopy equity program expanding the urban forest in low canopy areas or over-burdened areas by 2027, develop a tree assessment assistant program, and help launch the City's Street Tree Trimming grants supporting tree maintenance adjacent to low- and moderate- income properties.

Councilmember Cathey requested additional clarification as to the term of food pantries as food pantries are different from a food stand or tables with produce from residential gardens. City Administrator Parks explained that the administrative interpretation is to assist in clarifying the differences between a food pantry and residents selling or giving away produce from their gardens. The intent is to help staff and the community understand what the zoning code currently allows in a residential zone district with respect to food sharing opportunities. It will likely entail something similar to the little library structure in terms of scale, location, and the type of activities centered on the

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activity. Currently, the zoning code does not specifically speak to this type of use. However, the City established an interpretation for little libraries to identify instances that would be consistent with an accessory use for a residential zoning area. The Food System Plan discussed and recommended by staff at the Council's last worksession is intended to account for the entirety of the food system within the community and examples as provided by staff that included not only how food is distributed and how people are able to obtain food in some locations but also addressing production of food and where and how that could occur. Staff recommended completing an inventory of current codes related to the distribution and availability of food and identify with some specificity where the gaps exist in the current food system program. Staff will recommend actions that the City could pursue under the auspices of city government to help fill the gaps identified through the inventory process. Some changes would likely require amendments to zoning regulations. The amendment process can take several months and would be included in the work program for 2024.

Councilmember Cathey noted that food pantries only include non-perishable foods, such as canned food or packaged food. It is important to distinguish a resident with a table of produce from their garden in front of their home versus a food pantry. It is important for the community to understand the difference.

City Administrator Parks agreed and added that the zoning code currently lacks definitions for food sharing, food pantry, or other definitions that provide clarity in terms of how the zoning code addresses those types of uses.

Councilmember Cathey spoke to the status of amendments to urban forestry codes that was placed on hold due to the new code requirements from the State Building Code Council. She asked whether the City plans to place any amendments on hold as well because the new codes would not be implemented until March 2024. City Administrator Parks responded that the urban forestry grant the City received is intended to be a tool to help implement the provisions of the Urban Forestry Management Plan and assist with monitoring and implementation of urban forestry ordinances. The issue speaks to changes to any regulations and implementation of the Urban Forestry Management Plan that may include some code enforcement or code evaluation.

Councilmember Cathey noted that the City placed a hold on the update of the tree preservation code, which urgently needs an update. That work was paused until staff was able to identify the impacts of the new Wildland Urban Interface Code and how it might conflict

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with any new changes to the tree preservation code. She asked whether the City plans to continue working on proposed amendments to tree ordinances. City Administrator Parks reported the ordinances have been drafted and are ready for the review process. However, a decision was rendered to put those ordinances on hold because of the implementation of the codes as drafted would be inconsistent with the Wildland Urban Interface Code. Staff is working on reviewing the code and working with the State Building Code Council, AWC, and the City's lobbyist to understand how the regulations would apply to the City, as well as encouraging the Building Code Council to consider changes to the new codes related to the Wildland Urban Interface Code. It appears that although the Building Code Council had a laudable goal in reviewing and developing the Wildland Urban Interface requirements based on the increase in wildfires in Western and Eastern Washington, the Council likely did not understand the implications of the new codes. Cities are helping the Building Code Council understand those implications to help resolve some of the differences to enable the City to reinstitute the draft ordinance review process.

Councilmember Cathey said she has been contacted by some community members about concerns with neighbors cutting down legacy trees and the enforcement by the City of current codes. Director Matlock advised that community members concerned about tree violations should contact the City. Code enforcement will respond to those incidents immediately.

Mayor Sullivan reported on her attendance to the Intercity Transit Authority Board meeting. The Authority adopted the 2022 Annual Report and the 2023-2028 Transit Development Plan. Members received an update from HR staff about recruitment difficulties for bus drivers. IntercityTransit is collaborating with Work Source and on August 31, 2023, 61 individuals registered for a recruitment event. The event produced 14 contingent job offers. The next bus operator class scheduled for October 9, 2023 could include up to 20 individuals to train as a bus driver. It is important to graduate a class of bus drivers to assist the agency implement transit service to pre-pandemic levels. The agency's Community Advisory Committee is actively recruiting and is accepting applications until October 6, 2023. Positions are open on the 23-member committee along with a youth position for a high school student.

Mayor Sullivan attended the Senior Picnic at Tumwater Historical Park.

Upcoming events include the Kindred Park opening ceremony, Fall Fest on September 30, 2023, and Tumwater's Drop Off Clean Off Day

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on October 7, 2023. The Market Building at the Craft District off Capitol Boulevard is planning an opening event on October 14, 2023.

**COUNCILMEMBER
REPORTS:**

Leatta Dahlhoff:

The LOTT Clean Water Alliance Board received an update on the digester system improvement Phase 2 procurement process and the Budd Inlet Reclaimed Water Plant Piping Replacement Construction Contract. The Board is scheduled to begin a strategic plan overview at the end of the year, which overlaps with each jurisdiction's periodic update of comprehensive plans. An opportunity might exist with the City's Housing Element of the Comprehensive Plan with LOTT providing an affordable housing connection rate reduction. The strategic work plan speaks to LOTT's interest to discuss opportunities and ways to incentivize accessory dwelling units (ADUs). Should issues in the different Comprehensive Plan Elements be conducive to working with LOTT, it might result in potential partnerships that could benefit both the City and LOTT.

Charlie Schneider:

There was no report.

Joan Cathey:

At the last Solid Waste Advisory Committee meeting, members and staff discussed ways to communicate the goal of reducing food waste and increasing food composting. Some progress has occurred in terms of reducing waste and increasing composting. The City of Tumwater is working on goals to reduce food waste and increase composting.

Councilmember Cathey reported she, Councilmember Althausen, and Councilmember Dahlhoff attended the General Government Committee meeting. She also attended the last meeting of the Olympic Clean Air Agency on the same day.

Eileen Swarthout:

Councilmember Swarthout attended the retreat for TRPC. Members discussed the agency's strategic plan and received a presentation from Washington State Department of Transportation's Diverse, Equity, and Inclusion Plan Manager and the Environmental Justice and Healthy Manager on the Healthy Environment for All (HEAL). Members confirmed TRPC's vision, mission, and values.

Councilmember Swarthout chaired the Tumwater Lodging Tax Advisory Committee meeting. Fifteen applicants applied for funding of \$190,000. Members rendered funding decisions for consideration by the Council later in the year.

Angela Jefferson:

Councilmember Jefferson attended the Senior Picnic on September 13, 2023 at Tumwater Historical Park. Many seniors enjoyed the

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fellowship and good food. The chicken was donated by Safeway. The picnic theme next month is a chili competition.

At the September 14, 2023 Tumwater HOPES meeting, members were advised of a new organization to house the coalition. The coalition is no longer under the Thurston County Department of Health as of October 1, 2023. The new organization is ESD 113. When the coalition discussed the organization to choose of either ESD 113 or Family Support Center, members recommended ESD 113 because of medical employee benefits. Members also shared frustration over the constant change of managers with the organization led by three managers in three years. The current manager recently left the organization with a new manager to be identified soon. Health Department personnel explained why there has been such a high turnover rate and staff shortages experienced in the medical industry. The goal is for the organization to obtain some stability in Olympia.

At an earlier meeting in the day, Olympia and Beyond Board members discussed creating a destination management plan with a private consultant to assist the organization in making Thurston County a premier travel destination. The Destination Management Committee held its first meeting and all community stakeholders attended to include staff from the City.

Michael Althausen: The Regional Housing Council is scheduled to meet on Wednesday, September 27, 2023.

EXECUTIVE SESSION: Mayor Sullivan recessed the meeting at 8:20 p.m. for an executive session to discuss real estate acquisition pursuant to RCW 42.30.110(1)(b) for approximately 15 minutes.

RECONVENE & ADJOURNMENT: Mayor Sullivan reconvened the meeting at 8:35 p.m.

MOTION: Councilmember Swarthout moved, seconded by Councilmember Dahlhoff, to adjourn the meeting at 8:35 p.m. A voice vote approved the motion unanimously.