

**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, Water Resources and Sustainability Director Dan Smith, Engineering Services Manager Bill Lindauer, Communications Manager Ann Cook, and City Clerk Melody Valiant,

SPECIAL ITEMS:

**PROCLAMATION:
AMERICAN RED
CROSS MONTH,
MARCH 2024:** Councilmember Dahlhoff read a proclamation declaring March 2024 as *American Red Cross Month*. The proclamation encourages all community members to observe the month of March with relevant programs, ceremonies, and activities, and to support the work of service of the American Red Cross.

Mayor Sullivan presented the proclamation to Kristin Mather, Regional Program Manager, American Red Cross Northwest Region. Ms. Mather thanked the Council for the proclamation recognizing the American Red Cross. American Red Cross responds to more than 60,000 disasters each year or one response every eight minutes to families that have experienced a disaster. Daily, the American Red Cross responds to 170 incidents helping individuals and families cope with disasters. Approximately 40% of the nation's blood supply is donated to the American Red Cross. The American Red Cross accepts 4.5 million blood donations annually. Over 1,500 services are provided to active duty military, their families, and veterans.

PUBLIC COMMENT: There were no public comments.

**CONSENT
CALENDAR:**

- a. Approval of Minutes: City Council Retreat, January 27, 2024
- b. Approval of Minutes: City Council, February 6, 2024
- c. Payment of Vouchers
- d. Interlocal Agreement with the Port of Olympia for the Bush Prairie Habitat Conservation Plan (HCP) Amendment No. 3
- e. Interlocal Agreement with the City of Lacey, the City of Olympia, the City of Tenino, City of Yelm, Thurston County, and Thurston Regional Planning Council to Support Housing Element Updates
- f. 2023-2025 Stormwater Capacity Grant from the Washington Department of Ecology
- g. Israel Road and Linderson Way Pedestrian and Bicycle Improvements Project, Local Agency Federal Aid Prospectus

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

Mayor Sullivan reviewed the items approved on the consent calendar.

**COUNCIL
CONSIDERATIONS:**

**SERVICE
PROVIDER
AGREEMENT WITH
RH2 ENGINEERING
FOR THE
SOUTHEAST
WATER RESERVOIR
DESIGN PHASES I,
II, AND III:**

Director Smith reported the proposal was presented to the Public Works Committee earlier in the month. The project is one of the largest projects by the Water Utility in many years. The project includes construction of a three-million gallon potable water storage reservoir located in the southeast area of the City. The site selection is based on the last two Water System Plan forecasts of a high level of growth in that area of the City. The reservoir project is similar to existing reservoirs in the City. The City currently has two welded steel standpipe storage tanks and one above ground cement concrete storage tank. The storage tanks contain operational volume or the amount of water pumped between wells, equalization storage to meet peak hour demand during peak seasons, fire suppression for community safety, and emergency storage serving as a buffer. Additionally, the City's Airport Reservoir Tank located near the airport is inactive but houses telecommunications equipment.

The proposed project was originally included in the 2010 Water System Plan based on forecasted modeling accounting for growth and demand on the system. The project was reviewed and resized in the 2021 update of the Water System Plan to a three-million gallon tank. In addition to the new reservoir, a number of new water sources are proposed over the next several years. As the new sources are developed and become operational, a new storage tank is necessary to provide additional capacity to manage the system as it expands.

The City's service area is the urban growth boundary in addition to the City limits. The benefits of the project is increasing potable water storage, increasing the City's ability to serve on a daily basis, and stabilizing water pressure in the 350 zone, which serves as an elevation mark for the City's greatest number of customers.

The City acquired property southeast of 93rd Avenue where growth was anticipated to occur in the future. The location was deemed ideal to balance the City's water system.

Councilmember Althausser asked staff to address the possibility of latecomer fees from future development along 93rd Avenue to help

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recoup project costs. Director Smith replied that in addition to connection fees assessed for properties connecting to the water main, special fees could be assessed to developing properties adjacent to a water main to assist the City in recouping costs. A City latecomer agreement never expires; however, a developer latecomer agreement expires after 20 years.

Councilmember Cathey asked for additional information surrounding a possible water lease with an industrial user on Port property. Director Smith said any leases would be with the Port of Olympia. The City, as a water provider, provides the water based on whether the City has the capacity to provide water, whether the use is legal, and whether the City can serve the property. As long as the use of water is legal and appropriate and the City has the capacity to serve, the City must provide water service. He is aware of a large industrial user considering locating on Port property; however, staff has not received an application for consideration of service. During the last two updates of the Water System Plan, two one-million gallon a day industrial users were included in the plan. The City plans for growth by expanding capacity, acquiring water rights, and implementing conservation measures to ensure the City can serve future growth.

Councilmember Cathey asked whether the provision of water service considers any environmental impacts caused by a user. Director Smith said environmental impacts are considered during the SEPA review process through application of zoning and the community development process. If the use is located within a legal zone for the particular use, the City's Water Utility has a duty to serve. Any new use in the City is required to complete a permitting review process through the Community Development Department that evaluates the use for impacts such as traffic impacts, park impacts, school impacts, environmental impacts, air, water, and soil quality, and other types of impacts.

Councilmember Cathey asked whether staff consider the impacts to underground water sources. Director Smith explained that when the City applies for a new water right, the City undergoes an extensive process including a mitigation analysis that considers the impacts to aquifers, surface waters, and creeks and rivers. Currently, staff is exploring source development over the next 10 years with the assistance of a consultant to provide a new source of water for the City. Concurrently, staff also explores other conservation programs to save water including recycled water opportunities. The City is located within a closed basin and cannot withdraw water affecting surface water supplies between peak demand periods.

Manager Lindauer reviewed the specifications of the project. The

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project consists of a storage tank, access road, and system upgrades to connect the new water tank to the existing water main on 93rd Avenue. The second phase of the project is creation of a loop water system connecting from 93rd Avenue to Old Highway 99 and connecting to segments of water main that have been constructed over time to serve new and existing development. The project completes infill sections on 93rd Avenue and Old Highway 99 to create a water loop to tie into the new reservoir. A 16-inch water main will be installed along 93rd Avenue constructed from Kimmie Road to the water tower site with a tie to existing segments.

The tank site property is owned by the City, which is located in Thurston County. An easement was granted on privately owned property in 2012 to provide sufficient area to construct a maintenance access road from the tank to 93rd Avenue.

The proposal is a Service Provider Agreement with RH2 Engineering, Inc. for the Southeast Water Reservoir Design Phases I, II, and III. The company is very qualified and has completed similar work for other jurisdictions as well as for the City. The company will serve as the prime consultant on the project and will work with several subconsultants to provide permitting and pre-design services, geotechnical work, and completion of a topographic survey.

The project consists of three phases with the first phase involving water tank design, site improvements, construction of the access road, and connecting a water main from the tank to the main line along 93rd Avenue. The Phase II scope includes the water main work on 93rd Avenue from Kimmie Street to the new reservoir. Phase III work is the installation of a 16-inch water main and connection to existing infrastructure on Old Highway 99 from 93rd Avenue. The project was phased to provide the ability to work on specific phases when funding becomes available. All three phases must be completed in order for the entire system to function; however, it is possible to install the water tank and connect the tank to the water main along 93rd Avenue and delay connection along Old Highway 99 until funding becomes available.

The scope of work for the service provider agreement includes a survey component, hydraulic modeling of the water tank to identify affects of pressure and storage capacities within the water system, a preliminary design component to enable value engineering to determine the water tank type to achieve greater savings, geotech investigation and recommendations, permitting through Thurston County, pocket gopher study, and a cultural resources review. A number of permits are required for the project. The water tank design includes the structural components and an outbuilding for mechanical

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devices. The agreement includes construction support service during construction of the project. The design schedule requires approximately 12 months to complete by early 2025. Total consultant fees are \$1,658,845.00 allocated between the three phases of the project.

Director Smith said the project was first scoped in 2010. At that time, the project was projected to cost approximately \$9 million for the reservoir. The cost today has increased substantially to more than \$30 million to construct the entire project. As the project includes the installation of 12,000 feet of water main and construction of a three-million gallon reservoir, staff identified a 20/80 funding scenario with funds from operating income (water rates) to fund the design components (20%) and 80% for construction from growth funding sources. Staff recommends considering loans or bonds to support the project. Current ratepayers should not necessarily support the large financial burden that will benefit new customers. The City currently is not encumbered with any debt in any of the utility accounts. No debt funding options have been solidified at this time.

Director Smith reported the Public Works Committee reviewed the proposal and recommends the City Council authorize the Mayor to sign the Service Provider Agreement with RH2 Engineering for the Southeast Water Reservoir Design Phases I, II, and III.

Councilmember Cathey asked whether the property is owned by the City. Director Smith affirmed the property is owned by the City. Councilmember Cathey inquired as to the location of the property with respect to its location within an urban forest. Director Smith clarified that the City owns the site for the reservoir as well as the easement for the access road from the reservoir to 93rd Avenue. The City does not own surrounding property outside of the roadway easement. The project site is located on the south side of 93rd Avenue.

Councilmember Cathey cited a prior question about the removal of trees and any mitigation for the loss of trees as the area is heavily forested. Director Smith replied that the site of the reservoir has been used for grazing cattle. A number of trees are located within the easement area; however, the topography of the site only enables a specific alignment of the access road. The City will complete a permitting process with the county and would be required to identify trees slated for removal and mitigation measures.

Councilmember Dahlhoff said that she is unaware of the county requirements for mitigating the loss of trees in terms of species and size. She asked whether it is possible for the City to impose additional measures if the county requirements are less stringent to align with

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City requirements. Director Smith advised of the need to follow-up with staff to ascertain any differences in permitting requirements between the City and Thurston County. If a difference exists, the Council could direct additional actions.

Councilmember Cathey asked whether new customers would pay higher rates than current customers. Director Smith said the equation actually is the increase of rates, which the City prefers not to substantially increase to cover the cost of the project. The Water Utility would increase rates incrementally over time. Existing ratepayers would pay less in rates with new customers paying a higher rate and connection fees or assessments for the installation of the main lines. The concept of growth paying for growth considers rates, which will increase to some degree to account for increased costs and inflation. However if the City determined a rate increase of 30% would be necessary to cover the cost of the project, the City would actually raise rates by 3% annually over the next 10 years to cover the project cost. New customers would pay a higher rate than an existing ratepayer would pay.

Councilmember Swarthout asked whether the design process includes a survey of existing trees to determine age and species of trees. Director Smith responded that the preliminary surveys to identify current conditions and the totality of the permitted development would include some general classifications of existing trees in terms of diameter and location of larger stands to identify mitigation measures if some trees are removed for the access road.

Manager Lindauer added that the easement area would be flagged and defined for surveying. During the surveying process, trees are measured and identified. Staff will have information in terms of what trees might be impacted. The easement for the road is 40 feet wide with the additional width due to sloping conditions on the property. The location is difficult to access straight from 93rd Avenue to the project site due to the topography of the area.

In response to questions about the proposed action, Director Smith explained that approval of the request would authorize staff to move forward with the design and permitting of the facility with opportunities to brief the Council during the course of the design and the status of progress. Following completion of design, permitting will be completed by the City, Thurston County, and the Washington State Department of Health. Following approval of all permitting processes, staff would be ready to release bids for construction of the project. The next Council action would be authorizing staff to solicit bids and authorizing the City to contract with the lowest responsible bidder.

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City Administrator Parks added that the Council would need to authorize any debt issued to move forward with any funding, as well as authorize the solicitation of bids and negotiating a contract.

Councilmember Cathey commented that it appears the Council's approval of the proposed action would essentially equate to approval of the project in light of the questions by the Council. Director Smith explained that the request is approval to move forward with design and permitting. As previously noted, the Council would receive briefings throughout the process on progress, but it would be difficult to move forward with design or permitting and respond to some of the questions and concerns without moving through the design phase.

Councilmember Cathey commented that the process is frustrating as there are many outstanding questions while the process proceeds through design. She questioned the extent of control by the Council over development in similar situations or in balancing environmental and other concerns.

Councilmember Althausser acknowledged the comments and characterized the action as establishing a path to proceed; however, in terms of the some of the concerns, staff has conveyed that it is impossible to provide the answers until due diligence of design is completed, which requires the expenditure of funds. It is difficult to identify the impact of the road until the road has been designed. The action authorizes staff to move forward during the next 12 months to scope those issues and other issues followed by presentations on the final design, environmental impacts, road design, and other project details unknown at this time because of the lack of a design.

Director Smith added that the package would be presented to the Council for approval to submit to the Department of Health for approval. Concurrently, staff will begin work on the funding package with construction moving forward only after all approvals are obtained and funding has been identified.

Councilmember Althausser commented on the importance of the project in the future. The Public Works Committee recognized the magnitude of the project and recommended placing the proposal for Council consideration rather than as a consent calendar item to discuss the project during a public meeting and afford a more thorough discussion by the Council.

Councilmember Jefferson recommended receiving periodic updates on the project every quarter or every six months.

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MOTION: Councilmember Swarthout moved, seconded by Councilmember Jefferson, to approve and authorize the Mayor to sign the Service Provider Agreement with RH2 Engineering, Inc., for the Southeast Water Reservoir Design Phases I, II, and III. This agreement was recommended for consideration at the February 6, 2024 Public Works Committee meeting. A voice vote approved the motion. Councilmember Cathey opposed the motion.

**THURSTON
COUNTY OPIOID
ABATEMENT
COUNCIL
INDEPENDENT
SUBCOMMITTEE –
UPDATE:**

City Administrator Parks provided an update on progress for implementing the Thurston County Opioid Abatement Council Independent Subcommittee.

In April 2022, the City Council authorized the Mayor to sign One Washington Memorandum of Understanding (MOU) to include the City of Tumwater as a participant. The memorandum outlines how the opioid lawsuit funds are allocated to jurisdictions in the state that participate in the MOU.

In March 2023, the National Opioid Settlement Allocation Agreement #2 was authorized for participation by the City of Tumwater, which incorporated the settlements reached by the State of Washington with Walmart, Teva, Allergan, CVS, and Walgreens.

In July 2023, two partner interlocal agreements were signed. One agreement formed the Cascade Pacific Action Alliance Regional Organization as authorized and required by the One Washington MOU. The second agreement is the Thurston County and Cities Independent Subcommittee Interlocal Agreement. The first agreement includes Cowlitz, Lewis, Grays Harbor, Mason, Thurston, and Wahkiakum Counties and establishes the regional opioid abatement council for the Cascade Pacific Action Alliance Regional Organization and delegates local authority for each county in the organization to form an independent Opioid Abatement Council.

The Thurston County Interlocal Agreement specifically defines the duties of the Thurston County Opioid Abatement Council. Participating jurisdictions are to appoint an elected official to serve on the Abatement Council. The primary responsibility of the Abatement Council is to ensure the funds are used consistent with One Washington requirements.

Staff has been working on details for how the Thurston County Opioid Abatement Council will operate and its formation. Mayors and councils have been working through processes for appointing members for their respective jurisdiction. Mayor Sullivan appointed Councilmember Dahlhoff to serve as the City of Tumwater's representative.

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Since 2022 and continuing to summer 2023, several discussions have been held at the executive staff level about the benefits of potentially pooling each jurisdiction's settlement amount. One option is whether pooling might create some benefits for the region, which could lead to more effective implementation of the One Washington Plan in Thurston County or maximize the impact on the opioid epidemic. Conversations were held on the process if resources were pooled as well as how the Abatement Council might operate similar to the Regional Housing Council if funds were pooled.

At this time, the Abatement Council is scheduled to convene and would be supported primarily by Thurston County staff. The likely first task is learning about the specific parameters for utilizing the funds, which are controlled by the One Washington MOU and One Washington Plan, as well as discuss the option of pooling resources. Should the parties agree to pool resources, the interlocal agreement would be amended to authorize the action.

City Administrator Parks said not all jurisdictions have finalized their respective appointments as each council has a different process.

**COMMITTEE
REPORTS:**

**PUBLIC HEALTH &
SAFETY:
*Peter Agabi***

The February 13, 2024 meeting was cancelled. The next meeting on March 12, 2024 at 8 a.m. includes briefings on Fire Mobilization Interagency Agreement and Non-represented Employee Physical Fitness Incentive.

**GENERAL
GOVERNMENT:
*Michael Althaus***

The committee met on February 14, 2024. Members received briefings and updates on a Interlocal Agreement between the City of Lacey, the City of Olympia, the City of Tenino, the City of Tumwater, City Yelm, Thurston County, and Thurston Regional Planning Council to Support Housing Element Updates, a 2025 Comprehensive Plan Periodic Update on community outreach, and a briefing on an Interlocal Agreement between the City of Tumwater and the Port of Olympia for the Bush Prairie Habitat Conservation Plan (HCP) Amendment No. 3.

**PUBLIC WORKS:
*Eileen Swarthout***

The next meeting is scheduled on Thursday, February 22, 2024 at 8 a.m. to consider an Interlocal Agreement Between Thurston County, Cities of Lacey, Olympia, & Tumwater 2024 Thurston Climate Mitigation Collaborative Regional Initiatives, a Grant Agreement with the Washington Department of Commerce for the City Hall Solar plus Storage Feasibility and Design Project, a Grant Agreement with the Washington Department of Commerce for the Tumwater Library

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Solar plus Storage Feasibility and Design Project, a review of the Barnes Lake Management District (BLMD) 2024 Budget and Work Plan, and an amendment to the 2024-2029 Six-Year Transportation Improvement Program.

**BUDGET AND
FINANCE:
*Debbie Sullivan***

There was no meeting and no report.

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

City Administrator Parks reported on the Community Conversation event with the community to discuss the proposed Parks ordinance amendments. Over 100 community members attended with many conveying concerns about the potential implications if the Parks ordinance amendments were adopted as proposed. Staff was able to share some accurate information and clarified information about the proposed amendments. Staff received much feedback as well as many questions that were addressed by City directors and other staff members. Staff is compiling the input received to help form the recommendation on the proposed amendments for the Council's consideration. A work session with the Council will be scheduled to review community input followed by a Council meeting for considering action on a Parks ordinance.

On February 13, 2024, the Tumwater Youth Performing Showcase was held at the Washington Center for Performing Arts. The event was the first time the Tumwater School District and the City of Tumwater joined together to showcase over 560 performing arts students to a sold-out crowd of nearly 1,000 people. The two-hour showcase featured elementary, middle, and high school students. Many of the performances by students were from different schools performing together. At the end of Act 1, 250 elementary, middle, and high school students performed *We are the World*.

The Council's Strategic Priorities Retreat is scheduled on Saturday, February 24, 2024 from 8:30 a.m. to 4:00 p.m. at the Mountain View Church.

Mayor Sullivan reported on her attendance to the Intercity Transit Authority Board meeting on February 7, 2024. Members were introduced to the new operator class of 2024. The Authority elected its chair and assigned new members to the Authority. Members reviewed the process for assessing the General Manager. The next meeting is scheduled on Wednesday, February 21, 2024.

Mayor Sullivan attended the Thurston Chamber of Commerce. Members received a presentation from a representative from the American Red Cross.

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Mayor Sullivan plans to attend the February 22, 2024 Association of Washington Cities Mayors Exchange serving as host in addition to the mayors of the City of Olympia and City of Lacey. She is conducting a tour of the City's Brewery District for mayors in the state attending the conference.

**COUNCILMEMBER
REPORTS:**

Eileen Swarthout: There were no meetings and no report.

Michael Althaus: The next meeting of the Regional Housing Council is scheduled on February 28, 2024.

Leatta Dahlhoff: Councilmember Dahlhoff attended the Thurston County Opioid Response Task Force meeting and Thurston County 911 Communications meeting. Members completed an evaluation of the Director, Wendy Hill. Councilmember Dahlhoff attended the Community Conversation representing the Council.

Peter Agabi: Councilmember Agabi reported on his recent police ride-along with Tumwater Police Officer Peter Navarro. Of particular interest was the number of incidents of mail theft and dumping of mail.

At the February 12, 2024 meeting of the Joint Animal Services Commission, members elected officers. Councilmember Agabi was elected as Vice Chair. Members reviewed shelter statistics for 2022. During 2023, the shelter experienced a significant number of assistance calls from City of Tumwater residents. He cited a new program the shelter is offering in July 2024.

At the last meeting of the Transportation Policy Board, members elected officers and received a presentation from a representative from Puget Sound Energy on the company's recent energy saving efforts in Thurston County.

Angela Jefferson: At the last meeting of Olympia and Beyond, members reviewed the results of the visioning workshop facilitated by a professional funded by a grant from Pacific Mountain. Members plan to utilize the report to finalize the organization's destination master plan during its Board retreat on June 18, 2024 at Olympia Country Club.

Councilmember Jefferson reported on the status of senior homelessness. During the last several weeks, she met with three non-profits to discuss rental assistance and the increase of homelessness among seniors, which is the fastest growing group of homeless people.

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Many of the homeless on the streets are seniors. Many seniors are cooking in City parks and many are living with their pets in the parks during the day. She personally has witnessed an increase in number of seniors with no housing. She spoke to several agency directors and encouraged them to apply for Tumwater's CDBG funding. She asked them how the City could partner to help solve problems as seniors need help today. Many of the directors shared that the issue is the lack of funds. She shared that she reviewed different options for assisting seniors with housing costs. She shared a story of an 80-year old woman receiving voucher assistance. Many seniors are living in their cars and many cannot afford food. She encouraged local non-profits to spread the word about the need for help from the state and federal government, as local budgets are limited.

Kelly Von Holtz:

Councilmember Von Holtz participated in tour of the Thurston Chamber of Commerce with other newly elected officials from the City of Olympia and City of Lacey. The Chamber provided information on several programs including Leadership Thurston County Youth, which is scheduled at New Market School in summer 2024.

Joan Cathey:

Councilmember Cathey reported on her attendance to the General Government Committee meeting and the Olympic Region Clean Air Agency meeting.

**RECESS TO
EXECUTIVE
SESSION:**

Mayor Sullivan recessed the meeting at 8:39 p.m. to an executive session to discuss Collective Bargaining pursuant to RCW 42.30.140(4)(b) for approximately 20 minutes. Action will follow the executive session. Mayor Sullivan extended the executive session for another four minutes at 8:56 p.m.

RECONVENE:

Mayor Sullivan reconvened the meeting at 9:00 p.m.

**COUNCIL
CONSIDERATIONS:**

**COLLECTIVE
BARGAINING
AGREEMENT WITH
THE CHAUFFEURS,
TEAMSTERS AND
HELPERS LOCAL
NO. 252
ENCOMPASSING
JANUARY 1, 2024
THROUGH
DECEMBER 31, 2026:**

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MOTION: Councilmember Dahlhoff moved, seconded by Councilmember Althausser, to approve the 2024-2026 bargaining agreement between the City of Tumwater and the Chauffeurs, Teamsters and Helpers Local No. 252. A voice vote approved the motion unanimously.

ADJOURNMENT: With there being no further business, Mayor Sullivan adjourned the meeting at 9:01 p.m.

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