



**CITY COUNCIL
MEETING AGENDA**

**Online via Zoom and In Person at
Tumwater City Hall 555 Israel Rd. SW
Tumwater, WA 98501**

**Tuesday, June 07, 2022
7:00 PM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Flag Salute**
- 4. Additions to the Agenda**
- 5. Special Items:**
 - [a.](#) Proclamation: Juneteenth, June 19, 2022
 - [b.](#) Proclamation: National Safety Month, June 2022
- 6. Public Comment:** (for discussion of items not having a public hearing on tonight's agenda)
- 7. Consent Calendar:**
 - [a.](#) Approval of Minutes: City Council Worksession, May 10, 2022
 - [b.](#) Approval of Minutes - City Council, May 17, 2022
 - [c.](#) Payment of Vouchers (Shelly Carter)
 - [d.](#) Thunder in the Valley 4th of July Fireworks Display (Brian Hurley)
 - [e.](#) Resolution R2022-008, Barnes Lake Roll of Rates & Charges (Dan Smith)
 - [f.](#) Interlocal Agreement Between the City of Tumwater and the Washington Department of Transportation for Maintenance of Palermo Treatment Lagoon (Dan Smith)
 - [g.](#) Right of Way Procedures - Updated (Mary Heather Ames)
 - [h.](#) Association of Washington Cities 2022 Annual Business Meeting Voting Delegates (John Doan)
 - [i.](#) Bush Prairie Habitat Conservation Plan (HCP) – Second and Third Amendments to WDFW Phase 2 Grant Agreement (Brad Medrud)
 - [j.](#) Second Amendment to Service Provider Agreement for Right of Way Legal Services (Brandon Hicks)
 - [k.](#) Reappointment of Chami Ro to the Lodging Tax Advisory Committee (Hanna Miles)
 - [l.](#) Agreement for the Purchase of LOTT House on Henderson – 2nd Contract Extension (Troy Niemeyer)

8. Public Hearings:

- [a.](#) Resolution No. R2022-007 Six-Year Transportation Improvement Program (TIP) 2023-2028 (Mary Heather Ames)

9. Council Considerations:

- [a.](#) Ordinance No. O2022-004, Binding Site Plans (Brad Medrud)
- [b.](#) Ordinance No. O2022-002, Trosper Island Annexation (Brad Medrud)
- [c.](#) Resolution No. R2022-010, Terminating the declared local emergency related to Novel Coronavirus (COVID-19) (John Doan)

10. Committee Reports

- a. Public Health and Safety Committee (Leatta Dahlhoff)
- b. General Government Committee (Michael Althausen)
- c. Public Works Committee (Eileen Swarthout)
- d. Budget and Finance Committee (Debbie Sullivan)

11. Mayor/City Administrator's Report

12. Councilmember Reports

13. Any Other Business

14. Adjourn

Hybrid Meeting Information

The public are welcome to attend in person, by telephone or online via Zoom.

The City of Tumwater broadcasts and livestreams City Council meetings on cable television and the internet. Council meetings can be viewed on Comcast Channel 26 or on the TCMedia website.

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Public and Written Comment

Attend in person to give public comment or register by 6:45 p.m. the day of the meeting to provide public comment using the web-based meeting platform:

https://us02web.zoom.us/webinar/register/WN_GiU6VVxqRGGgJIG47PsIng

After registering, you will receive a confirmation email with a login to join the online meeting.

As an alternative, prior to the meeting, the public may submit comments by sending an email to council@ci.tumwater.wa.us, no later than 5:00 p.m. on the day of the meeting. Comments are submitted directly to the Mayor and City Councilmembers and will not be read individually into the record of the meeting.

Post Meeting

Video recording of this meeting will be available within 24 hours of the meeting.

<https://tcmedia.org/channels.php>

Accommodations

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Proclamation

WHEREAS, our country is made up of people from every nation on earth, who are declared equal not only in freedom but also in justice, both of which are essential for a healthy human civilization; and

WHEREAS, on January 1, 1863, using his war powers as President, Abraham Lincoln signed the Emancipation Proclamation, providing that all persons held as slaves “shall be then, thenceforward, and forever free”. The Emancipation Proclamation made the permanent abolition of slavery and provided the legal framework for the emancipation of nearly four million slaves in states that had seceded from the United States; and

WHEREAS, on June 19, 1865, nearly nine decades after our Nation’s founding, and more than two years after President Lincoln signed the Emancipation Proclamation, enslaved African Americans in Galveston, Texas, finally received word that they were free; and

WHEREAS, celebration of Juneteenth began June 19, 1866, with parades, cookouts, prayer gatherings, musical performances and historical cultural readings. As freed families emigrated away from Texas, they carried the Juneteenth celebration with them, commemorating Juneteenth with celebrations across the country; and

WHEREAS, Juneteenth is a day of profound significance. Slavery has left a catastrophic and unrelenting legacy of trauma for generations of African Americans. Also known as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day, Juneteenth is a holiday that celebrates the emancipation of slavery and a day that reminds us of our incredible capacity to heal, hope, and emerge from our darkest moments with purpose, resolve, and unity; and

WHEREAS, members of the Fred U. Harris Lodge #70 have hosted a community-wide BBQ annually in celebration of Juneteenth for the last 40 years, drawing over 500 participants. With the formal recognition of Juneteenth as a federal, state and City holiday, members of the Lodge have invited the cities of Lacey, Olympia and Tumwater to join in the celebration of Juneteenth; and

WHEREAS, people in the Olympia-Lacey-Tumwater area are invited to join the Fred U. Harris Lodge #70 on Saturday, June 18th, from Noon to 4:00 p.m., at the Regional Athletic Complex (RAC) in Lacey to celebrate this African American cultural tradition with music, BBQ, and activities in a community-wide celebration of Juneteenth.

NOW THEREFORE, I, Debbie Sullivan, Mayor of the City of Tumwater, do hereby proclaim

Juneteenth
June 19, 2022

and I call on the people of Tumwater to join together on Juneteenth, to reflect on the past, to commit together to continue to eradicate systemic racism, to look to the future, and to work each day to lift each other up for collective prosperity and liberty.

Signed in the City of Tumwater, Washington, this 7th day of June in the year, two thousand twenty-two.



Debbie Sullivan
Debbie Sullivan
Mayor

Proclamation

WHEREAS, the City of Tumwater promotes the safety, health, and well-being of its employees and the public that they serve; and

WHEREAS, in 2020 the National Safety Council reported 4,113 preventable occupational-related deaths, and several million preventable work-related injuries; and

WHEREAS, the City of Tumwater supports national safety efforts and has taken a pro-active stance in providing a safe and healthy work environment for its employees; and

WHEREAS, the City of Tumwater has a Safety and Training Coordinator and Central Safety Committee tasked with reviewing work-related injuries and accidents, enforcing standards, providing training, and encouraging continual improvement in workplace safety and health; and

WHEREAS, in recognition of National Safety Month, the City of Tumwater and the Central Safety Committee will host a variety of interactive activities and opportunities for staff to increase their awareness and education in the areas of Musculoskeletal Disorders, Workplace Impairment, Injury Prevention, and Slips, Trips, and Falls in the workplace.

NOW THEREFORE, I, Debbie Sullivan, Mayor of the City of Tumwater, do hereby proclaim the month of

June 2022
National Safety Month

and I urge people to join me as I encourage all employees and residents to participate in raising awareness in the practice of safety and healthy behaviors in all aspects of their lives.

Signed in the City of Tumwater, Washington, this 7th day of June in the year, two thousand twenty-two.



A handwritten signature in blue ink that reads "Debbie Sullivan".

Debbie Sullivan
Mayor

TUMWATER CITY COUNCIL WORKSESSION
MINUTES OF VIRTUAL MEETING
May 10, 2022 Page 1

CONVENE: 5:30 p.m.

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

Staff: City Administrator John Doan, Water Resources and Sustainability Director Dan Smith, and Communications Manager Ann Cook,

2022 COMMUNITY SURVEY: Manager Cook introduced Dan Quatrocelli with GreatBlue Research, the City's consultant conducting the 2022 Community Survey.

Manager Cook reported the community survey focused on three areas of:

- Quality of Life
- Policing
- Supporting and assisting individuals experiencing houselessness

Additionally, an add-on benchmarking survey was included to learn about the perceptions of residents compared against other residents in the state to obtain information on how other individuals respond to similar questions.

Mr. Quatrocelli presented the results of the community survey conducted in early 2022. The survey was conducted digitally to capture the opinions of residents of Tumwater as well as benchmarking data from residents throughout the state.

The benchmark community survey focused on rating overall quality of life in Tumwater, perceptions of houselessness in the community, support for various potential initiatives related to aiding houselessness, general perceptions of safety in the community, confidence in police and comfortability dealing with police, current and preferred methods of communication with Tumwater, and demographic profiles of respondents.

The digital survey was completed by 1,339 community members answering 35 questions. No financial incentive was offered to respondents to participate. The sample of 1,339 represents a margin of error of 2.6% at a 95% competence level. The survey was conducted from January 19, 2022 through March 7, 2022.

Slightly more women than men participated in the survey with three quarters of respondents identifying as White or Caucasian. One-third of respondents had a bachelor's degree or a four-year college degree. Two-fifths of respondents indicated their household income was between \$100,000 and \$250,000 and more than four-fifths responded that they own their home. Two-fifths of the respondents indicated they were a couple with children in the household while two-thirds reported no children in the

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school system in Tumwater.

The Washington snapshot used the same digital survey methodology with a total of 1,008 participants completing surveys with 35 questions and no financial incentive to participate. Of those surveyed, the margin of error was 3.1% at a 95% competence level. The survey was conducted from February 2, 2002 through March 7, 2022. Slightly more women responded than men similar to the Tumwater survey. Approximately four-fifths of the respondents identified as part of a LGBTQ+ household, four-fifths of the respondents identify as either White or Caucasian, and approximately one-fifth of the respondents indicated some college but no college degree with 23.7% having a high school diploma or less. Approximately 22.7% reported household income between \$50,000 and \$74,999 and 46% reported they currently own their home. Less than one-third are currently single with no children and four-fifths of the respondents do not have any children in a school system.

Mr. Quatrocelli shared some of the Tumwater survey results. Approximately one-half of respondents rate the quality of life in Tumwater as either “very good” or “excellent.” The metric is 11.3 percentage points more than the Washington State benchmark, which was 40.4%. For Tumwater, only 3.4% of respondents rated quality of life as poor. The survey reflects there is a significant frequency of respondents who believe the City of Tumwater is growing too fast with two out of five respondents (40.3%) indicating the City is growing too fast while 44.2% indicated the growth rate is about right, and slightly less than one of every 10 residents indicating the City is not growing at a fast enough pace. Previous Tumwater surveys for comparison reflected that the number of respondents who believe the City is growing too fast increased this year from 40/4% from 26.3% in the 2016 survey but still remains below 44.7% in 2008.

Councilmember Schneider asked whether the survey includes any follow-up questions as to why the respondents believe the City is growing too fast. Mr. Quatrocelli said no follow-up questions were included; however, some demographic segmentation was completed involving a review of different demographic characteristics of the respondents. Follow-up information can be provided on those individuals or groups of individuals who indicated Tumwater is growing too fast.

Councilmember Schneider questioned whether the demographics of the respondents are representative of the City. Mr. Quatrocelli explained that some self-selection occurs in the survey process. A strict quota sample was not included that would have matched the census figures for Tumwater. The goal of the survey was to maximize responses from residents in the City and give as many people a voice to participate as possible in the survey.

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Manager Cook added that Thurston Regional Planning Council (TRPC) data and census data indicates 77% of residents reported as White. The respondents and data from the census and TRPC are close in ethnicity. African-Americans or Blacks are reported at 3% of residents with 2.5% participating in the survey. Other respondents elected not to answer the question on ethnicity or they selected “other” or “mixed race.” Additionally, according to benchmarking results, male respondents account for 32% to 35% of the participants whereas the Tumwater survey reflected 41% participation by males.

Councilmember Althausen noted that 83% of the respondents indicated they own a home, which reflects the survey was biased towards homeowners by at least 20% as Tumwater’s percentage of homeowners is approximately 50% to 60% of the population. In terms of outcomes of previous studies, it would be important to temper the findings by considering the survey generated many more homeowners as opposed to renters.

City Administrator Doan commented that in 2008, the City experienced a significant housing construction boom not dissimilar to what has been occurring in the last two years based on building permit revenue. Growth slowed tremendously in 2012 during the last years of the great recession. By 2016, the growth in housing stabilized but with less development occurring. In terms of respondent answers as to whether the City is growing too fast, too slow, or just right, the comparison from 2008 to the 2022 survey results reflect a higher percentage of people who believe the City was growing too fast, similar to the 2022 survey; however, in 2008, there were only 3.45% of respondents who indicated the City was not growing fast enough, whereas the 2022 survey reflected 9.5% believe the City is not growing fast enough. At both ends of the scale, the City moved up in numbers with more residents believing the City is growing too fast and more residents who believe it is not growing fast enough, which is interesting.

Mr. Quatrocelli reviewed survey responses to the question, “To create equity and opportunity for all, I believe a greater portion of my town/city resources should go to those who are in most need.” Survey results reflected that 46.6% of respondents indicated that they strongly or somewhat agree with the statement while 48.6% indicated that they either strongly or somewhat disagree with the statement. The Washington benchmark reflects respondents agreeing with the statement are higher than Tumwater respondents.

Councilmember Swarthout asked whether the question was included in other Tumwater surveys. Manager Cook advised the question was not included in prior surveys. Councilmember Swarthout commented that the responses are based on opinions rather than fact as respondents were not

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provided with other information. Manager Cook affirmed the question was an unaided question with no other information provided in which to base a response or form an opinion. The question is essentially a perception question. Mr. Quatrocelli added that the question was included to gauge the community's beliefs on the amount of resources that should be allocated rather than requesting input on whether the respondent would support a tax increase or create a new program or service to benefit the less fortunate.

Mr. Quatrocelli said the survey question on whether they agree or disagree that they have good opportunities to get ahead in the community reflected that more than two-thirds of the respondents (69.6%) either strongly or somewhat agree with the statement, which is elevated over the benchmark of 60.8% of all state respondents.

Councilmember Schneider shared that his concern surrounding the community survey is the lack of information as to why some respondents are not happy or satisfied versus those who are satisfied or happy. It appears the survey is based on generic basic questions but does not provide the Council with any kind of guideline as to how the Council could respond. Mr. Quatrocelli explained that the purpose of the survey focused on equity, policing, and their beliefs on interactions within the City and how the responses might differ from Washington State residents as a whole.

Mr. Quatrocelli reviewed other survey results:

- 30.2% of respondents believe homelessness in Tumwater is a significant problem, 37.6% indicated it was a moderate problem, and 2.4% indicated homelessness is not a problem, which is below the state benchmark of 6.5%. In the 2017 survey, results revealed 3% of respondents indicated homelessness is not a problem.
- 32.4% of Tumwater respondents and 24% of state benchmark respondents indicated the lack of visual signs of homelessness makes it a less significant problem. 17.4% of respondents indicated that the issue is present in surrounding cities or areas. It is also a less significant problem because there is a proactive effort and presence from the City, the police, and the community to help combat homelessness. The survey responses (14.4%) were elevated over the state benchmark of 3.8%.
- 12.7% of respondents indicate a less community problem because there are no services or resources for the homelessness. The state benchmark was less by 3.8%.
- One-fifth of survey respondents (26.1%) indicate homelessness is a general problem, 14.7% of respondents indicate the visibility and sitings of homeless populations contributes to their perception that it is

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a moderate or significant problem. The same response by state respondents was 24.7%.

- Support for subsidized housing and a .1% sales tax increase was opposed by approximately half of Tumwater survey participants. The survey reflected an increase in respondents who oppose versus support whereas the state benchmark response was a higher number of respondents supporting those initiatives.
- The main reason respondents would support a proposal was their perception for caring for vulnerable populations and helping those in need as important (2.6%) followed closely by the need for more affordable housing (1 of 5 agreed).
- The main reason for opposition to the subsidized housing proposal, 21.1% indicated they are overtaxed and there is no need to increase that financial burden. 12.2% of Tumwater respondents said it was not their job or responsibility and they do not want to do any more enabling or giving handouts.
- A majority of Tumwater respondents supported services not funded or sponsored by the City of Tumwater, such as food bank, tiny houses, more housing for community, day center, more housing for the houseless, & RV or car camp area.
- A majority (76%) of Tumwater respondents feel safe in their community (compared to 70.8% Washington State benchmark). Of those who reported not feeling safe, the top reason was high crime/corruption/violence (37.3%) Tumwater versus 49.6% Washington State benchmark, followed by those who expressed multiple reasons.
- Tumwater respondents rate police interaction more favorably than Washington State benchmark. Of survey respondents who indicated they have had contact with their police department in the past 12 months, 63.1% of Tumwater respondents indicated the quality of service they received was very good (compared to 31.7% of Washington State benchmark respondents. 7% of Tumwater respondents rated the quality of the interaction as very poor (compared to 12.5% of benchmark respondents).
- 77.1% respondents agreed the police have a difficult job and 56.9% agreed that they trust the police to make decisions that are good for everyone in the City. The lowest rated characteristic revealed 16.1% agreed that the police are not consistent in how they apply rules to people.
- A strong majority of survey responders indicated they would feel comfortable contacting the police department (more than 9 out of 10) compared to 74.5% of Washington State benchmark respondents.
- A strong majority of Tumwater respondents believe School Resource Officers (SROs) favorably impact the community. One of five respondents preferred to see tax dollars invested in other ways rather than funding SROs.

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- Nearly three-quarters of Tumwater respondents (73.7%) indicated they have a very high or high level of confidence in the police force to do their job and enforce the law.
- Over one-half of survey respondents, 56.1%, reported their confidence that Tumwater Police Department treat people of color and white people equally is “very high” (33.9%) or “high” (22.2%). The frequency of those who indicated very high was 11.7 percentage points high than the Washington State benchmark date of 19.2%. In Tumwater, more responders who did not identify as “White/Caucasian; (42.5%) indicated their confidence in equal treatment by the police is “very high” in comparison to “White/Caucasian” respondents (28.3%).
- More than three-quarters of Tumwater respondents, 76%, indicated they either feel “very safe” or “safe” in Tumwater. White 79.2% of Caucasian respondents and 78.3% of Hispanic/Latino(a) respondents indicated feeling safe. Only 64.7% of Black/African American respondents and 61.1% of Biracial or Multiracial respondents indicated feeling safe.
- Among those Tumwater respondents that have had contact with the Tumwater Police Department in the past 12 months, more than three-quarters, 77.2%, indicated the quality of service received during that interaction was either “very good” or “good” (response of 1 or 2 on a 5-point scale). While 90% of Native Hawaiian/Pacific Islander responders and 806% of Biracial or Multiracial respondents indicated the quality of service was “good,” only 72% of Black/African American respondents, 70% of Asian respondents and 67.7% of Native American Indian/Alaska Native respondents indicated the quality of interaction with police was “good.”
- More than three-quarters of Tumwater respondents, 77.1%, agreed with the statement, “The Police have a difficult job.” While 78.4% of Caucasian respondents agreed with this statement, only 68.8% of Native American Indian /Alaska Native respondents and 68% of Hispanic/Latino(a) respondents agree that Police have a difficult job.
- Nine of ten respondents, 90.3% indicated feeling either “very comfortable” or “comfortable” contacting the Tumwater Police Department. While 93.8% of Native Hawaiian/Pacific Islander responders and 90.1% of Caucasian respondents indicated feeling comfortable contacting Tumwater Police, 82.9% of Asian respondents and 82.4% of Black/African American respondents indicated being comfortable doing so.
- Nearly three-quarters of Tumwater respondents, 73.7% indicated being confident that the police do a good job enforcing the law. While 76.5% of Black/African American respondents and 75% of Native Hawaiian/Pacific Islander responders are confident the police do a good job enforcing the law, only 69.8% of Native American Indian /Alaska Native respondents and 63.4% of Asian respondents reported

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the same.

- Over one-half of Tumwater respondents, 56.1%, indicated being confident Tumwater Police officers treat people of color and white people equally. While 57.4% of Biracial/Multiracial respondents and 56% of Native American Indian /Alaska Native respondents are confident that the Police treat people of color and white people the same, only 52.9% of Black/African American respondents, 56.6% of Native Hawaiian/Pacific Islander responders reported the same.
- When asked to indicate the most preferred way to communicate with the City, 35.3% of Tumwater respondents ranked “email” number one (25.9% benchmark respondents), followed by “phone call” (33.2% Tumwater and 30.4% benchmark). Of note 87.3% of Tumwater respondents did not “participate in City forum” in the top three (86.3% benchmark).
- When asked to indicate the most preferred way to learn about what is happening in the City, 32.5% of Tumwater respondents ranked “email” as the number one method followed by visiting the website or social media.
- One-tenth of Tumwater respondents are not using social media. Respondents using social media use Facebook (three-quarters of respondents) followed by Instagram (two-fifths), and YouTube (one-third).

Mr. Quatrocelli reviewed some major considerations based on survey results in three major areas:

- Target efforts to aid the houseless. Respondents recognized that it is an issue and showed support for efforts to help the houseless.
- Consider marketing the positive police ratings.
- Digital communication is the preferred method for receiving content information either through the website, email, or social media platforms.

Mayor Sullivan commented on how the positive feedback on the Tumwater Police Department would benefit in filling officer vacancies in such a tight job market. She suggested including the positive ratings by the community within recruitment materials to increase the City’s recruitment competitiveness.

Councilmember Dahlhoff asked whether respondent demographics included age. Mr. Quatrocelli advised that he would need to follow-up as he does not believe age was included.

City Administrator Doan acknowledged the efforts of Manager Cook and Mr. Quatrocelli for their work on the survey. He cited the focus of previous surveys and how surveys tend to evolve. In terms of the

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broadness of some of the questions, the answers provide a task for the Council to discern and consider all the data derived from the survey, as well as from relationships with neighbors and contacts with community members and personal judgment in determining how to use the information to create outcomes benefitting the community.

Councilmember Dahlhoff recommended developing a pie chart of the positives and negatives to provide a snapshot of each topic outcome.

Councilmember Cathey agreed that the demographics on age would be very important for the Council as many of the City's surveys have been completed by older women, which is reflective in some of the responses. She recommended consideration of scheduling a worksession for further review of the survey results, as well as using the survey results to assist the Council when it establishes priorities during the Council's retreat.

Councilmember Jefferson supported the comments of Councilmembers.

**2022 - 2035 BARNES
LAKE
MANAGEMENT
DISTRICT (BLMD)
ASSESSMENT
INCREASE:**

Director Smith briefed the Council on the proposed 2022-2035 Barnes Lake Management District (LMD) assessment increase.

Manager Smith described the background on the establishment of the Barnes Lake Management District in 2004 in response to a petition submitted to the City by residents surrounding Barnes Lake. The district is a self-taxing entity managed and operated by the City of Tumwater. The district was formed for the purpose of treating and managing vegetation in the lake. He outlined how the lake was initially formed and has evolved over the years. The lake district is comprised of 109 properties within six different categories of property membership. Since the establishment of the district and lake treatments, open water space has increased. In 2020, open water is located throughout the majority of the lake resembling lake conditions present in 1970 before the introduction of the fragrant water lily. Over the years, lake aesthetics have slowly been restored.

Over the last 15 years, the City of Tumwater has worked with the LMD to implement contract services for treatments with Northwest Aquatics Systems. Director Smith outlined the treatment protocols on the lake and shorelines services provided to lakefront property owners. Additionally, the contractor surveys the lake electronically for vegetation distribution to determine the amount of vegetation in various areas. Over the years, the treatment has evolved to the recent installation of a water level transducer providing 15 minute information on water level.

Director Smith described earlier treatment methodologies, quality monitoring around the lake, lake level monitoring, and the increase in fish in the lake. Each year, the LMD committee and staff complete a planning exercise with the contractor to ensure documentation is completed of

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previous work and recommendations moving forward. Because of the decision to continue applications of an expensive herbicide, the LMD committee identified the need to evaluate costs required to continue treatments. The LMD has not raised rates since its formation.

Over the last past year, the LMD committee reviewed the forecast and the budget and agreed to recommend an increase in the assessment amount by forecasting costs through 2035 by 5% each year for the remaining life of the program. On March 2, 2022 following notification to each property owner, the committee hosted a listening session. Although lightly attended, property owners in attendance supported the proposal for the LMD continuing operations and increasing rates. On March 8, 2022 the LMD forwarded a formal recommendation to the City for the increase. On March 17, 2022, the Public Works Committee reviewed the proposal and recommended approval to the City Council. The Public Works Committee advertised and held a public hearing and to consider the proposal on May 5, 2022. None of the property owners attended the Public Works Committee public hearing.

Director Smith reviewed the different tiers of properties and corresponding assessment rates, the current level of annual contributions totaling \$17,305, projected expenditures, and the proposed assessment rates increasing the total contributions by \$113,842 in new revenue sufficient to cover forecasted expenses and treatments. The LMD committee supports the proposed increase in the assessment unanimously. The City received 10 letters and one email conveying support and one letter of opposition from a property owner who wants the lake to revert back to its prior historical conditions. The opposing property owner has requested an appeal if the City approves the increase in the assessment. The basis of the appeal contends the property does not have lake frontage or the ability to access the lake.

Director Smith addressed questions on the reasons for the City's involvement in the LMD.

The City Council supported moving the proposal to the Council's June 7, 2022 meeting for consideration on the consent calendar.

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

There were no reports.

ADJOURNMENT:

With there being no further business, Mayor Sullivan adjourned the meeting at 7:21 p.m.

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CONVENE: 7:01 p.m.

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

Staff: City Administrator John Doan, Community Development Director Michael Matlock, Communications Manager Ann Cook, Transportation Manager Mary Heather Ames, Utility Operations Manager Steve Craig, Planning Manager Brad Medrud, and City Clerk Melody Valiant.

SPECIAL ITEMS:

PROCLAMATION: Councilmember Swarthout read a proclamation declaring the week of May 15-21, 2022 as *Public Works Week*. The proclamation calls upon the people of the City of Tumwater to learn about Tumwater's public works facilities and services, and to recognize Water Resources and Sustainability and Transportation and Engineering employees for the substantial contributions they make to protect health, safety, comfort, and quality of life for community residents and businesses.

Transportation Manager Mary Heather Ames and Utility Operations Manager Steve Craig accepted the proclamation.

Manager Craig reported this year's theme for *Public Works Week* is *Ready and Resilient*. What that means for community members is the availability of clean water, roads and transportation networks, and emergency response during storms and other natural disasters. Because of the unexpected incidents that often occur in the community, public works employees are prepared to address environmental challenges, such as wind, snow, ice, floods, and earthquakes, as well as a pandemic as those occurrences have great impacts on daily lives. Other non-environmental needs can arise as well, such as leaking pipes, plugged sanitary or storm sewers, or traffic impacts involving signs, signals, roads, and sidewalks. City staff prepares to meet those challenges daily by responding to situations that might arise. Preparation includes ensuring staff receives training and that equipment is available and ready for service when the need arises day or night and in all weather conditions. In addition to responding to incidents and challenges, employees in the Transportation and Engineering and Water Resources and Sustainability Departments are working hard planning for growth, improving City infrastructure, and developing new and improved maintenance programs to be ready for the future. Public works employees work cooperatively with other City departments, local and state agencies, and the community to ensure the City is prepared to respond to incidents. Resiliency is best demonstrated through the commitment to identify solutions and problem solving. Teamwork, partnerships, planning, and training are how employees prepare

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for any situation. It is one reason why the community of Tumwater is so great and is ready and resilient.

Manager Ames thanked the Council for its continued support and recognition on behalf of the two departments and colleagues who work together to provide daily year-round public works services to the City of Tumwater and its residents and businesses.

**PROCLAMATION:
BICYCLE MONTH,
MAY 2022:**

Councilmember Dahlhoff read a proclamation declaring the month of May as *Bicycle Month*. The proclamation recognizes National Bike Month and Clean Air Month and encourages all residents to put forth their best effort to reduce single-occupant motor vehicle trips to reduce air pollution, energy consumption, and traffic congestion.

Duncan Green, Intercity Transit, reported the 35th Annual Bicycle Community Challenge will be held during the month of May 2022. The challenge is the longest running bike challenge in the region. For three and half decades the challenge has been encouraging people in the community to use a bicycle for some of their transportation needs instead of driving. Many things have changed since that time with local bicycling infrastructure improved and the number of people riding bikes for all reasons increasing. The pandemic brought public health into focus and bicycling can contribute to personal health. It is hoped that recreational riding will open the door to bicycling for transportation. This year's theme for the Bicycle Community Challenge is *Take Your Vitamin Bike* to bring health to the forefront along with the other benefits of bicycling. Community support for the challenge is strong with over 100 people participating in the Earth Day Market Ride in April and over 560 bicyclists logging nearly 29,000 miles in this year's challenge. The grand prize this year is a dream bike vacation with Adventure Cycling Association. Mr. Green encouraged the community to participate in the annual Bicycle Community Challenge to celebrate the 35th year of promoting bicycling in Thurston County. Community members can register at www.bbc.intercitytransit.com.

Councilmember Swarthout asked whether there has been a noticeable increase in the use of electric bikes in the region. Mr. Green said electric bikes and electric assist bicycles are definitely increasing. The community is encouraged to use electric bikes for commuting to work or running errands.

PUBLIC COMMENT: There were no public comments.

**CONSENT
CALENDAR:**

- a. Approval of Minutes: City Council, May 3, 2022
- b. Payment of Vouchers
- c. First Amendment to Nisqually Jail Service Agreement
- d. Resolution No. R2022-009 – Surplus City Equipment
- e. Appointment of Brian Schumacher to the Planning Commission

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
May 17, 2022 Page 3**

MOTION:

Councilmember Dahlhoff moved, seconded by Councilmember Schneider, 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:**

**ORDINANCE NO.
O2022-001, ELEVEN
COUNTY ISLAND
ANNEXATIONS:**

Manager Medrud introduced Lynne Watanabe with the Thurston County Auditor's Office. The proposal is consideration of Ordinance No. O2022-001 for annexation of 11 islands. If adopted, the ordinance annexes 11 of the 12 unincorporated county islands surrounded by the City of Tumwater. The largest county island is located between Littlerock Road and Trosper Road. The islands include 160 parcels totaling 161 acres. Seven of the islands are two lots or less in size and the Trosper Lake island represents the largest with 111 parcels totaling 132 acres. The ordinance applies only to the 11 county islands and not the Trosper Lake county island.

Manager Medrud identified and reviewed the 11 parcels:

1. 984 Liberty Street Annexation
2. Dennis Street Annexation
3. Linwood Avenue Annexation
4. Pioneer Street North Annexation
5. Pioneer Street South Annexation
6. Quince Street North Annexation
7. Quince Street South Annexation
8. Rural Road South Annexation
9. Sapp Road Annexation
10. Liberty Street Annexation
11. Rural Road North Annexation

The Council's Strategic Priority: "Provide and Sustain Quality Public Safety Services" includes a goal to annex unincorporated islands to enhance public safety. Prior to recent legislative changes, jurisdictions encountered difficulty in annexing islands. The City is taking advantage of the opportunity to follow a process of an interlocal agreement amendment process. Annexation of the county islands enables the provision of efficient fire and police services and paying for services they currently use.

Recognizing how county islands create inefficiencies in the delivery of public services, the Legislature passed a new law in 2020 enabling cities and counties to annex islands through a jointly approved Interlocal Agreement (ILA). As part of that process, notification is required of any other governmental jurisdiction that could be affected by the annexation. Staff contacted the McLane Black Lake Fire Department as the department serves

TUMWATER CITY COUNCIL MEETING
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May 17, 2022 Page 4

eight of the eleven islands. Initially, the Fire Department expressed interest in participating in the annexation process but later excluded itself from the process enabling the City and Thurston County to move forward with the process.

On December 1, 2021, Tumwater and Thurston County held a joint virtual open house on the proposed annexations. In November and December 2021 and in January 2022, the City issued public notices to inform residents and others of the open house, how to obtain a copy of the draft Interlocal Agreement, and how to participate in the public hearing on the Interlocal Agreement.

On January 18, 2022, the City Council and the Board of County Commissioners conducted a joint public hearing on the Interlocal Agreement with the City Council approving the Interlocal Agreement following the public hearing and the Board of County Commissioners approving the Interlocal Agreement on January 25, 2022.

On February 16, 2022, Notices of Intent to Annex were sent to the Thurston County Boundary Review Board for a state mandated review for each annexation area. On March 7, 2022, the Boundary Review Board returned nine of the annexations to the City for final action after completing its 21-day comment period. On April 4, 2022, the Boundary Review Board returned the remaining three annexations to the City for final action after completing its 45-day comment period.

On April 13, 2022, staff briefed the General Government Committee on the annexations. On April 26, 2022, during a worksession, the City Council reviewed and discussed the annexations and schedules for considering the two annexation ordinances.

Final action on the annexation occurs when the City Council adopts the proposed annexation ordinance. Next steps include the Council's consideration of Ordinance No. O2022-001 to annex the first 11 islands effective five days following the Council's adoption. On June 7, 2022, the City Council is scheduled to consider and approve Ordinance No. O2022-002 to annex the Trosper Lake Island.

Manager Medrud reported that with the exception of one public request asking for information on the applicable date of the annexation, the City did not receive any other public communication on the ordinance. Throughout the process, staff provided resources on annexation through the City's webpage, frequently asked questions, and pre- and post-cost comparisons, legal descriptions, maps of each annexation area, and all public meeting dates.

TUMWATER CITY COUNCIL MEETING
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Lynne Watanabe, Lead Elections Technician, Thurston County Auditor's Office, said she manages precincts and annexations. Auditor Hall supports the City's annexation of county islands as they create many challenges for the Auditor's Office precinct boundaries, as the boundaries must be wholly contained within a city or county. The islands require the Auditor's Office to create a unique precinct for each island, which is expensive and hampers the protection of each voter's secrecy. The Auditor's Office is required to produce a unique ballot style for each island precinct. Most islands have few voters and if they all vote similarly, it is difficult to protect the secrecy of the vote without manually combining precinct results with another precinct. Additionally, an election in Tumwater could result in county island voters receiving voter pamphlets because of USPS carrier routes, creating confusion for county voters. Currently, five island precincts are located in Tumwater. On behalf of Thurston County, Ms. Watanabe thanked the Council for annexing the islands.

MOTION:

Councilmember Swarthout moved, seconded by Councilmember Althausser, to approve Ordinance No. O2022-001, Eleven County Island Annexations. A voice vote approved the motion unanimously.

**COMMITTEE
REPORTS:**

**PUBLIC HEALTH &
SAFETY:**

Leatta Dahlhoff

The meeting on May 10, 2022 included a briefing on Veteran Post-Traumatic Stress Disorder, a District Court update on Tumwater activities and the Mental Health and Veterans Courts, and an update on Narcan distribution through Medic One reflecting a 29% increase in cardiac arrests in Thurston County from 2020 to 2021 attributed to the 40% increase in overdoses with cardiac arrests.

**GENERAL
GOVERNMENT:**

Michael Althausser

At its May 11, 2022 meeting, the committee was briefed on the update for binding site plans to increase utilization of the development tool. Members recommended passage of the proposed amendment for review by the Council during a worksession. The next meeting is scheduled on June 8, 2022 to review planned unit development options and the 2022 preliminary docket for General Development Code Housekeeping Amendments.

PUBLIC WORKS:

Eileen Swarthout

During the May 5, 2022 meeting, the committee conducted a public hearing on the 2022 - 2035 Barnes Lake Management District (BLMD) Assessment Increase and received an update on the status of the City's Operations and Maintenance Facility. The next meeting is scheduled on Thursday, May 19, 2022 at 8 a.m. to review an interlocal agreement between City of Tumwater and the Washington Department of Transportation for maintenance of the Palermo Treatment Lagoon, a review of the Six-Year Transportation Improvement Plan, and a briefing on the Percival Creek Fish Passage Barrier Replacement project.

TUMWATER CITY COUNCIL MEETING
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**BUDGET AND
FINANCE:**
Debbie Sullivan

There was no meeting and no report.

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

City Administrator Doan cited the important work completed by employees assigned to the City's Transportation and Engineering Department and the Water Resources and Sustainability Department. Both departments do an outstanding job, particularly during the last two difficult years.

Mayor Sullivan reported the next Intercity Transit Authority meeting is scheduled on Wednesday, May 18, 2022.

Mayor Sullivan plans to attend the Tumwater Baseball League final games and party at Pioneer Park on Saturday, May 21, 2022, as well as the public works celebration later in the week.

**COUNCILMEMBER
REPORTS:**

Leatta Dahlhoff:

Members of the Regional Fire Authority (RFA) Planning Commission continue to meet biweekly and are focusing conversations on the governance options, consideration of labor costs, and financing the RFA. Councilmember Dahlhoff asked the Council to review the meeting agendas and offer questions to enable the committee time to address questions prior to presenting a potential recommendation. It is also important for the Council to share feedback they may be receiving from the community.

At the last LOTT Clean Water Alliance Board meeting, members received information on the Reclaimed Infiltration Study. The 10-year study is tracking 134 chemicals. Approximately 20,000 FDA-approved prescription drugs and personal care products are used and discarded nationally. The study is tracking and analyzing chemicals in Lacey, Olympia, and Tumwater, and Thurston County. It is important for everyone to know the value the region places on its water and protecting and preserving water. The intent is to continue monitoring and provide future opportunities for staff and Council input regarding sampling efforts to pinpoint sources and targeted pretreatment and source control outreach.

Peter Agabi:

At the last Transportation Policy Board meeting, members discussed a consolidated grant process versus jurisdictions applying for grants separately. Previously, staff discussed hiring a consultant to assist in coordinating grant applications; however, the options have since been revised to either assign a staff member to coordinate applications for Lacey, Olympia, and Tumwater, or hire a contractor to avoid bias and competition within the process. Members did not vote on either of the options or the scope of duties; however, at the next meeting, members would likely select an option and define the scope of duties.

TUMWATER CITY COUNCIL MEETING
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Angela Jefferson: There was no report.

Michael Althaus: Members of the Regional Housing Council (RHC) offered several recommendations for funding awards to the Board of County Commissioners. At the prior meeting, membership approved the renewal of some biennial contracts for the second year of the contract. Members also approved recommendations for new investments at the most recent meeting for new service contracts. The Request for Proposal for those contracts was released in February 2022 with applications received by April 1, 2022. Councilmember Althaus thanked Councilmember Cathey for her work in evaluating and vetting the applications. The work is extensive in analyzing how much funding the RHC can afford to invest in services. The RHC received numerous applications totaling several millions of dollars requiring some tough funding decisions. The Habitat for Humanity Tumwater project requested \$540,000 in capital funds. RHC approved the entire funding amount for the project. Another project sponsored by the Low Income Housing Institute received \$460,000 of its \$1.6 million request. For cold and hazardous weather services, the RHC approved funding \$400,000 (non-capital funds). Approximately \$306,000 was available from the Consolidated Homelessness Grant for direct services for people experiencing homelessness. The next step is for the County Commission to approve the funding recommendations.

The RHC held its first retreat with the goal of devising ways to work with the Housing Action Team to create more efficiency between the bodies and to leverage some economies of scale and experiences. The Council also discussed shifting the philosophy on where investments should be directed and whether all the funds should be directed to homeless response or whether the Council should consider investing in prevention. Members also discussed the scope of the RHC and whether it should be larger with dedicated staff to provide support similar to other intergovernmental committees as opposed to a less formal setting that relies on staff from each jurisdiction. Members made some progress on the three issues and agreed ongoing conversations would be necessary.

The Capitol Lake Advisory Committee has not held a meeting but is scheduled to meet prior to the next Council meeting.

Charlie Schneider: Councilmember Schneider attended the last Public Works Committee meeting as well as the Tumwater HOPES Appreciation and Welcome event to promote membership by the community.

Councilmember Schneider, representing the City of Tumwater and serving with Dr. Heynderickx on the Thurston Economic Development Council, attended his retirement celebration from St. Martin's University and the launch of the Comprehensive Campaign to raise funds for the university.

TUMWATER CITY COUNCIL MEETING
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Councilmember Schneider attended the Black Hills High School Hall of Fame and Live Auction program hosted by the Black Hills High School Booster Club. The event raised over \$90,000.

Councilmember Schneider observed the annual opening day of boat celebration held yearly by the Olympia Yacht Club.

Eileen Swarthout:

At the last meeting of the Thurston Regional Planning Council, members received a report and an update on Transit Safety Performance Measure Targets for 2022 and discussed the Outreach Compensation Policy and Procedures. TRPC is considering a stipend for volunteers for some of TRPC's committees because of the time commitment required to serve on a committee. Staff provided an update on the Call for Projects for Set Asides, Funding Caps, and Public Process, as well as an update from Amy Hatch-Winecka on the WRIA 13 Salmon Habitat Recovery Lead Entity program.

Councilmember Swarthout attended the RFA Planning Committee meeting, Tumwater HOPES meeting, and on May 12, 2022, she attended the South Sound Military and Communities Partnership meeting, which meets twice a year. The meeting included remarks from Congresswoman Strickland and Pierce County, Thurston County, Joint Base Lewis-McChord, and legislative updates. One critical issue continues to be the lack of housing in and around the base. The partnership is launching another study on the economic benefits the base contributes to surrounding communities. Another issue discussed was professional licensing for spouses relocating to the base. An update was provided on Interstate 5 and federal funding, as well as climate change and endangered species living on the base. Of special note was information shared by base personnel on a childcare fee assistance program. Many families are turned away for childcare services because of the lack of daycare space for children. The program is Military Childcare in Your Neighborhood. Childcare facilities can receive certification to enable reimbursement by federal funds for military members to use for childcare.

Councilmember Swarthout reported she attended a Habitat for Humanity fundraiser event and received a wood stud. She offered to follow up with the Council for ideas on decorating and signing the board, which will be used in the construction of a Habitat for Humanity Tumwater townhouse.

The Tumwater Education Foundation Principal's Emergency Fund is hosting an event. Invitations will be mailed to the City.

Joan Cathey:

Councilmember Cathey reported she attended three meetings on May 11, 2022. During the Solid Waste Advisory Committee meeting, members discussed the impactful and dangerous release of methane gas from the landfill. Methane gas is worse than carbon dioxide in terms of affecting climate change. Other topics discussed included changes in infrastructure as

TUMWATER CITY COUNCIL MEETING
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climate becomes more important and the projection of population increase in Thurston County and the management of organic material. Approximately 30% of the landfill is comprised of food waste. Some emphasis will be placed on infrastructure but also some work on requirements or rulemaking for cities over 25,000 in population to compost on a mandatory basis.

At the last Olympic Region Clean Air Agency (ORCA) meeting, members shared facts about clean air and measures to keep air clean. ORCA received some positive responses from the public. Members conducted a three-month review of the new executive director, Jeff Johnson, who received an excellent review. Members also worked on the preliminary budget. The 2023 budget is projected to be the highest budget in the organization's history because of the increase in salaries to meet the needs of employees of the agency. Additionally, members discussed some rulemaking suggestions for campfires. One rule for consideration pertained to homeless or houseless individuals to allow them to have campfires only for the purpose of warmth or food. The issue is how to control or monitor the activity. Members discussed many different issues surrounding the issue. Councilmember Cathey said she did not realize ORCA is responsible for establishing the requirements, regulations, and rules within the three cities in Thurston County for open fires. Members discussed the inevitable question as to how to address community questions as to why the homeless could have open fires but residents cannot have open fires. The issue generated a lengthy discussion between members representing a five-county area. It is likely the rule will need to be revised moving forward. Members discussed the process of communicating with the public on any changes in rules and the reasons for the change but did not recommend any changes at this time. Councilmember Cathey requested input from Councilmembers on the potential for a rule change.

OTHER BUSINESS:

Councilmember Cathey inquired as to the status of registrations by the community to the City's Operations and Maintenance Facility public meeting on Wednesday, May 18, 2022. Manager Cook advised that 10 slots are available for the 5:30 p.m. session. All other sessions are full. To date the City has received 18 comments. Councilmember Cathey referred to a community comment received by the City earlier in the day regarding expectations for elected officials to attend and receive neighborhood feedback on the proposal firsthand. She emphasized her concern that the Council was not invited to attend and believes the lack of any member of the Council attending is a mistake. She believes the justification offered by staff for non-participation of the Council is weak.

Manager Cook thanked Councilmember Cathey for the input and stressed how the Council will have an opportunity hear feedback at a future meeting.

**TUMWATER CITY COUNCIL MEETING
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ADJOURNMENT: **Councilmember Dahlhoff moved, seconded by Councilmember Agabi, to adjourn the meeting at 8:20 p.m. A voice vote approved the motion unanimously.**

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

TO: City Council
 FROM: Shelly Carter, Assistant Finance Director
 DATE: June 7, 2022
 SUBJECT: Payment of Vouchers

1) Recommended Action:

Staff is seeking City Council ratification of the payment of vouchers 169971 to 170115 in the amount of \$1,375,823.17 dated May 13, 2022 and electronic payments 901585 to 901625 in the amount of \$292,276.78; and the payment of vouchers 170116 to 170203 in the amount of \$186,291.61 dated May 20, 2022 and electronic payments 901626 to 901647 in the amount of \$139,610.96; and the payment of vouchers 170204 to 170254 in the amount of \$977,338.79 dated May 27, 2022 and electronic payments 901648 to 901671 in the amount of \$160,292.87.

2) Background:

The City pays vendors monthly for purchases approved by all departments. The Finance Director has reviewed and released the payments as certified on the attached Exhibit(s). The full voucher listings are available by request to the Assistant Finance Director. The most significant payments* were:

Vendor	\$	Description
LOTT Wastewater Alliance	526,775.34	March 2022 LOTT Fees
OSW Equipment & Repair, LLC	76,268.75	Equipment for replacement vehicle #6070419
Thurston County	48,510.40	Qtr1 2022 Indigent Defense
Bobbie & Amanda's Cleaning Svc	20,011.74	All Facilities Janitorial Service - April
Visitor & Convention Bureau of	38,400.00	2022 Total LTAC Payment Experience Olympia & Beyond VCB of TC marketing
Shea, Carr & Jewell, Inc	57,290.28	Professional Services 4/3-4/30 – Cap Blvd/Israel to M Street
WA ST Dept of Revenue	47,139.68	Monthly Excise Tax
AWC Employee Benefit Trust	124,141.30	Monthly Premiums
ICF Jones & Stokes, Inc	30,403.22	Professional Services – Habitat Conservation Plan Phase 2LOTT Wastewater Alliance
LOTT Wastewater Alliance	602,065.34	April 2022 LOTT Fees
Tumwater 70 th Ave LLC	30,000	Refund of DOH Grant – Andersen Water Rights Connection Proj# 2020019
LEOFF Health & welfare Trust	49,182.17	Police Guild Medical Premiums

* Includes vouchers in excess of \$20,000, excluding routine utility payments.

3) Policy Support:

- Strategic Goals and Priorities: Fiscally responsible and develop sustainable financial

- strategies.
- Vision Mission Beliefs-Excellence: Efficient stewards of public resources, building public trust through transparency.

4) Alternatives:

- ☐ Ratify the vouchers as proposed.
- ☐ Develop an alternative voucher review and approval process.

5) Fiscal Notes:

The vouchers are for appropriated expenditures in the respective funds and departments.

6) Attachments:

- A. Exhibit A – Payment of Vouchers – Review and Approval

EXHIBIT "A"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

Voucher/Check Nos 169971 through 170115 in the amount of \$1,375,823.17
Electronic payment No 901585 through 901625 in the amount of \$292,276.78
Wire payments of \$194,859.05



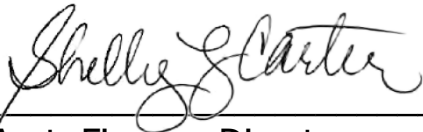
Asst. Finance Director, on behalf of the Finance Director

Checks dated 05/13/2022

EXHIBIT "B"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

Voucher/Check Nos 170116 through 170203 in the amount of \$186,291.61
Electronic payment No 901626 through 901647 in the amount of \$139,610.96



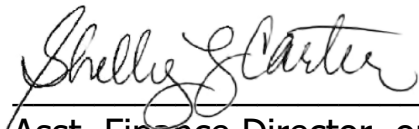
Asst. Finance Director, on behalf of the Finance Director

Checks dated 05/20/2022

EXHIBIT "C"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

Voucher/Check Nos 170204 through 170254 in the amount of \$977,338.79
Electronic payment No 901648 through 901671 in the amount of \$160,292.87
Wire payments of \$188,228.19



Asst. Finance Director, on behalf of the Finance Director

Checks dated 05/27/2022

TO: City Council
FROM: Brian Hurley, Fire Chief
DATE: June 7, 2022
SUBJECT: Thunder in the Valley 4th of July Fireworks Display

1) Recommended Action:

Request approval of the permit application by Alpha Pyrotechnics, sponsored by Tumwater Downtown Association, for the fourth of July Fireworks public display at the Tumwater Valley Golf Course

2) Background:

RCW 77.07 and TMC 8.30 require the Fire Chief to investigate the character and location of the potential display are for hazards to persons or property. Based on the investigation, the applicant meets the requirements of TMC 8.30 Display for Fireworks Requirements for operator license, insurance, and site safety plan. Based upon the vendor's past history of safe operation, the Fire Chief recommends approval of the application.

3) Policy Support:

2023-2024 Strategic Priority: Provide and Sustain Quality Public Safety Services.

4) Alternatives:

☐ Not to approve the permit.

5) Fiscal Notes:

There are no fiscal notes.

6) Attachments:

- A. Public Fireworks Display Permit
- B. Site Plan
- C. Pyrotechnic Operator License
- D. General Fireworks Display License
- E. Certification of Insurance

THIS FORM IS INTENDED TO BE USED AS A GENERIC PUBLIC DISPLAY PERMIT FOR THE AUTHORITY HAVING JURISDICTION AND PYROTECHNIC OPERATORS WITHIN THE STATE OF WASHINGTON

WASHINGTON STATE PUBLIC FIREWORKS DISPLAY PERMIT

Applicant

Name of Event Tumwater-Thurston Valley Fireworks
 Street Address 4611 Tumwater Valley Dr. SE Tumwater, WA
 City Tumwater County Thurston
 Event Date 7/4/22 Event Time 10:15 ☐ AM ☒ PM
 Applicant's/Sponsor's Name Tumwater Downtown Assoc. Phone No. 360-705-9795
 Pyrotechnic Operator Audrey Mihalyi License No. _____
 Experienced Assistant's Name Ken Desmarais
 General Display Company Name Alpha Pyrotechnics Phone No. 360-870-4802

Attach a separate piece of paper and/or copies of the following documents:

- The number of set pieces, shells (specify single or multiple break), and other items.
- The manner and place of storage of such fireworks prior to the display.
- A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the location of all buildings, highways, and other lines of communication; the lines behind which the audience will be restrained; and the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.
- Documentary proof of procurement of Surety bond or public liability insurance.

Local Fire Code Authority

Authority Having Jurisdiction City of Tumwater
 Name of Permitting Official Brian Hurley
 Title Fire Chief Phone No. (360) 239-3585

Permit Granted: ☐ Yes ☐ Yes, with Restrictions (see "Notations" below) ☐ No

Restrictions/Notations _____

Signature of Permitting Official _____

Date of Approval _____

Permit Number _____

If approved, this permit is granted for the date and time noted herein under the authority of the International Fire Code in accordance with Revised Code of Washington 70.77 and all applicable rules and ordinances pertaining to fireworks in this jurisdiction. This permit is INVALID unless in the possession of a properly licensed Pyrotechnic Operator, who is responsible for any and all activities associated with the firing of this show.

MUST BE APPROVED BY THE AUTHORITY HAVING JURISDICTION

Thunder Valley Fireworks

7/4/22

10:15 PM

Product Used (est.)

1 3/4" - 100 ea

2 1/2" - 110 ea

3" - 130 ea

4" - 170 ea

5" - 130 ea

6" - 100 ea

8" - 20 ea

multi-shot - 6 ea

8" - 560'



6" - 420'



5" - 350'



4" / 3" - 280'



multi-shot cakes

cut path

* To Be Delivered
7/4/22

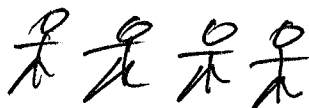
covered area

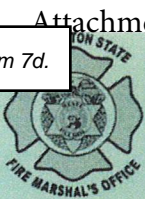
set back line

DO NOT

← spectators

Deschutes River

Tum
G.C.



Washington State Patrol Fire Protection Bureau
Office of the State Fire Marshal

10827

Pyrotechnic Operator License

Licensee Data

Andy Mihalyi
11525 Littlerock Road SW
Olympia, WA 98512
License Number: P-04256

Phone Number: (360) 870-4802
Email Address: andymihalyi@hotmail.com
Date of Issue: February 11, 2022
Date of Expiration: January 31, 2023

State Fire Marshal

Licensee Signature

3000-420-043 (10/18)

Licensee Wall Mount Card



Washington State Patrol Fire Protection Bureau
Office of the State Fire Marshal

10827

Pyrotechnic Operator License

Licensee Data

Andy Mihalyi
11525 Littlerock Road SW
Olympia, WA 98512
License Number: P-04256

Phone Number: (360) 870-4802
Email Address: andymihalyi@hotmail.com
Date of Issue: February 11, 2022
Date of Expiration: January 31, 2023

State Fire Marshal

Licensee Signature

3000-420-043 (10/18)

General Display Employer Portion

- 1) Cut along dotted lines to release the four license cards.
- 2) All four license cards are individually legal and valid evidence of licensing.
- 3) All four cards constitute an entire license for a single operator.
- 4) The Licensee must sign all four portions of the license.
- 5) ALL four license cards are legal and valid evidence of licensing.
- 6) The Licensee must carry either the wallet (landscape) or the lanyard card (portrait).

License Number: P-04256

Pyrotechnic Operator License



Washington State Patrol
Fire Protection Bureau

10827P

January 31, 2023
Current/Valid Until

Andy Mihalyi
Pyrotechnic Operator

State Fire Marshal
Licensee Signature

3000-420-043 (10/18)

10827P

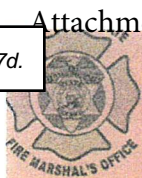
License Number: P-04256

**Washington State Patrol
Fire Protection Bureau**

Pyrotechnic Operator
Licensing Type
January 31, 2023
Current and Valid Until
Andy Mihalyi
Pyrotechnic Operator

Licensee Signature

State Fire Marshal



Washington State Patrol Fire Protection Bureau
Office of the State Fire Marshal

General Display Fireworks License

Licensee Data

Alpha Pyrotechnics
1109 Anderson Road
Ellensburg, WA 98926
License Number: C-04273

Operational Data

In State Agent: Jerel Brown
Phone Number: (855) 955-7976
Email Address: alphapyrotechnics@gmail.com

Date of Issue: March 3, 2022

Date of Expiration: January 31, 2023

State Fire Marshal

Licensee Signature

3000-420-041 (10/18)



Washington State Patrol Fire Protection Bureau
Office of the State Fire Marshal

General Display Fireworks License

Licensee Data

Alpha Pyrotechnics
1109 Anderson Road
Ellensburg, WA 98926
License Number: C-04273

Operational Data

In State Agent: Jerel Brown
Phone Number: (855) 955-7976
Email Address: alphapyrotechnics@gmail.com

Date of Issue: March 3, 2022

Date of Expiration: January 31, 2023

Licensee Signature

3000-420-041 (10/18)



Washington State Patrol Fire Protection Bureau
Office of the State Fire Marshal

General Display Fireworks License

Licensee Data

Alpha Pyrotechnics
1109 Anderson Road
Ellensburg, WA 98926
License Number: C-04273

Operational Data

In State Agent: Jerel Brown
Phone Number: (855) 955-7976
Email Address: alphapyrotechnics@gmail.com

Date of Issue: March 3, 2022

Date of Expiration: January 31, 2023

State Fire Marshal

Licensee Signature

3000-420-041 (10/18)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/3/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ryder Rosacker McCue & Huston (MGD by Hull & Company) 509 W Koenig St Grand Island NE 68801	CONTACT NAME: Kristy Wolfe PHONE (A/C, No, Ext): 308-382-2330 FAX (A/C, No): 308-382-7109 E-MAIL ADDRESS: Kwolfe@ryderinsurance.com																					
INSURED Alpha Pyrotechnics Inc dba Alpha Transport, Alpha Pyro, Alpha Fireworks 1109 Anderson Road Ellensburg WA 98926	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr> <tr> <td colspan="2">INSURER A : SCOTTSDALE INS CO</td><td>41297</td></tr> <tr> <td colspan="2">INSURER B :</td><td></td></tr> <tr> <td colspan="2">INSURER C :</td><td></td></tr> <tr> <td colspan="2">INSURER D :</td><td></td></tr> <tr> <td colspan="2">INSURER E :</td><td></td></tr> <tr> <td colspan="2">INSURER F :</td><td></td></tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A : SCOTTSDALE INS CO		41297	INSURER B :			INSURER C :			INSURER D :			INSURER E :			INSURER F :		
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INSURER E :																						
INSURER F :																						

COVERAGES

CERTIFICATE NUMBER: 816277753

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			CPS3994455	4/24/2022	4/24/2023	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	<input type="checkbox"/> OCCUR						\$
	<input type="checkbox"/> CLAIMS-MADE						
	DED RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below per attached form CG 24 04 when required by written agreement.

Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.

Regarding the General Liability coverage, Primary and Non-Contributory coverage applies to the entities listed below per attached form CG 20 01 when required by written agreement.

Additional Insured: Tumwater Downtown Association; Tumwater Valley Municipal Golf Course; City of Tumwater & Employees ATIMA

Date of Display: 7/4/22

Location: 4611 Tumwater Valley Drive SE., Olympia, WA

CERTIFICATE HOLDER

CANCELLATION

Tumwater Downtown Association
 PO Box 15033
 Tumwater WA 98511

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Samir Dore

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY
CG 24 04 05 09**WAIVER OF TRANSFER OF RIGHTS OF RECOVERY
AGAINST OTHERS TO US**

This endorsement modifies Insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART**SCHEDULE****Name Of Person Or Organization:**

Any person or organization with whom the insured has agreed to waive rights of recovery, provided such agreement is made in writing and prior to the loss.

Additional Premium is Included

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV - Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.



SCOTTSDALE INSURANCE COMPANY®

ENDORSEMENT
NO. _____

ATTACHED TO AND FORMING A PART OF POLICY NUMBER	ENDORSEMENT EFFECTIVE DATE (12:01 A.M. STANDARD TIME)	NAMED INSURED	AGENT NO.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BLANKET ADDITIONAL INSURED ENDORSEMENT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

With respect to this endorsement, **SECTION II—WHO IS AN INSURED** is amended to include as an additional insured any person or organization whom you are required to add as an additional insured on this policy under a written contract, written agreement or written permit which must be:

- a. Currently in effect or becoming effective during the term of the policy; and
- b. Executed prior to the "bodily injury," "property damage," or "personal and advertising injury."

The insurance provided to these additional insureds is limited as follows:

1. That person or organization is an additional insured only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by:
 - a. Your acts or omissions; or
 - b. The acts or omissions of those acting on your behalf.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

2. With respect to the insurance afforded to these additional insureds, the following exclusions are added to item 2. **Exclusions** of **SECTION I—COVERAGES**:

This insurance does not apply to "bodily injury," "property damage" or "personal and advertising injury" occurring after:

- a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
 - b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.
3. The limits of insurance applicable to the additional insured are those specified in the written contract, written agreement or written permit or in the Declarations for this policy, whichever is less. These limits of insurance are inclusive of, and not in addition to, the Limits of Insurance shown in the Declarations for this policy.
 4. Coverage is not provided for "bodily injury," "property damage," or "personal and advertising injury" arising out of the sole negligence of the additional insured.
 5. The insurance provided to the additional insured does not apply to "bodily injury," "property damage," or "personal and advertising injury" arising out of an architect's, engineer's or surveyor's rendering of or failure to render any professional services including:

- a. The preparing, approving or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and
 - b. Supervisory, inspection, architectural or engineering activities.
6. Any coverage provided hereunder will be excess over any other valid and collectible insurance available to the additional insured whether primary, excess, contingent or on any other basis unless a

written contract specifically requires that this insurance be primary.

When this insurance is excess, we will have no duty under **SECTION I—COVERAGES** to defend the additional insured against any "suit" if any other insurer has a duty to defend the additional insured against that "suit." If no other insurer defends, we will undertake to do so, but we will be entitled to the additional insured's rights against all those other insurers.

AUTHORIZED REPRESENTATIVE

DATE

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TO: City Council
FROM: Dan Smith, Water Resources and Sustainability Director
DATE: June 7, 2022
SUBJECT: Resolution R2022-008, Barnes Lake Roll of Rates & Charges

1) Recommended Action:

Staff recommends making a motion approving Resolution 2022-008, which will implement a 5% Barnes Lake assessment increase to support future lake management. A Public Hearing was held at the Public Works Committee meeting on May 5, 2022. Resolution No. R2022-008, was recommended for approval by the Public Works Committee, adopting a 5% annual increase to BLMD Roll of Rates and Charges for 2022-2035.

2) Background:

On March 2, 2022, the BLMD Committee held a public listening session and invited all members of the BLMD to learn more about the proposed assessment increase and future work plans. On March 9, 2022, the BLMD Committee voted unanimously to recommend City Council take action to implement the increase, which will result in a five percent (5%) annual increase for years 2022 - 2035 to support lake management efforts for the remainder of the BLMD's approved duration. The BLMD has not increased the rate of assessments since its inception in 2005.

Policy Support:

- Refine and Sustain a Great Organization
-

4) Alternatives:

- ☐ Do not authorize R2022-008.
-

5) Fiscal Notes:

The proposed assessment increase provides \$113,842 in new revenue to address long-term budget impacts due to increasing costs to manage vegetation impacts.

6) Attachments:

- A. Resolution R2022-008 – Barnes Lake Management Roll of Rates and Charges
- B. 2022-2035 Barnes Lake Assessment Increase Matrix
- C. Letters of Support/Opposition to Proposal

RESOLUTION NO. R2022-008

A RESOLUTION of the City Council of the City of Tumwater, Washington, approving and confirming the updated roll of rates and charges for Barnes Lake Management District No. 2004.01.

WHEREAS, February 12, 2004, a majority of property owners within the proposed boundaries of a lake management district petitioned the City to approve a lake management district for Barnes lake; and

WHEREAS, the Barnes Lake Management District No. 2004-01 was created by Ordinance No. O2004-041 adopted on December 7, 2004; and

WHEREAS, the Barnes Lake Management District has been formed to conduct aquatic vegetation management activities; and

WHEREAS, an initial roll of rates and charges to support aquatic vegetation management activities was adopted by Resolution R2005-013; and

WHEREAS, the Tumwater City Council adopted Ordinance No. 02004-042, designating the Public Works Committee as the Council Committee tasked with the responsibility to conduct public hearings and hearing objections to the proposed roll of rates and charges for Barnes Lake Management District No 2004-01; and

WHEREAS, notice of the time and place of the hearing on the roll of rates and charges for the Barnes Lake Management District, the location for public viewing of copies of the roll of rates and charges, and the procedure to appeal individual assessments was published and provided to all property owners within the district in compliance with RCW 36.61.140; and

WHEREAS, The Public Works Committee of the City of Tumwater conducted a public hearing on May 5, 2022, for the purpose of hearing objections to the proposed roll of rates and charges; and

WHEREAS, the Public Works Committee of the City of Tumwater has recommended that the City Council adopt R2022-008 approving and confirming the roll of rates and charges for Barnes Lake Management District No. 2004.01; and

WHEREAS, after consideration of the roll of rates and charges as confirmed by the Public Works Committee and any appeal, the City Council has determined to order the roll confirmed as presented.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:

Section 1. Assessment Roll Confirmed and Approved. The City Council of the City of Tumwater hereby confirms and approves the roll of rates and charges attached hereto as Exhibit "A". A copy of the roll of rates and charges shall be filed with the City Clerk.

Section 2. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 3. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 4. Corrections. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener/clerical errors, references, numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this ____ day of _____, 20____.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

CITY OF TUMWATER RESOLUTION NO. 2022-008
EXHIBIT "A"
BARNES LAKE MANAGEMENT DISTRICT #2004.01 - ROLL OF RATES AND CHARGES

Parcel	Last Name	First Name	Parcel Address	Area (Acres)	Front/ Ftg.	Class	2022 RATE	30 Yr. Total*	Mailing Address	City	State	Zip
58380000300	KLEIN	MARGUERITE	1004 LAKE TERRACE DR SW	0.29	122	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1004 LAKE TERRACE DR SW	TUMWATER	WA	98512
58380000400	TALMAGE	RONALD & CHERYL	1006 LAKE TERRACE DR SW	0.28	113	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	5635 140TH AVE SW	ROCHESTER	WA	98579
58380000500	NORDSTROM	CHUCK & SHARON	1008 LAKE TERRACE DR SW	0.29	110	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	PO BOX 283	OLYMPIA	WA	98507-0283
58380001000	WEAVER	CATHY W. & CECIL G.	1009 LAKE TERRACE DR SW	0.53	121	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1009 LAKE TERRACE DR SW	TUMWATER	WA	98512
58380000600	SWARTZ	JONATHAN	1010 LAKE TERRACE DR SW	0.34	110	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1010 LAKE TERRACE DR SW	TUMWATER	WA	98512
58380000900	WORKMAN	DEANN	1011 LAKE TERRACE DR SW	2.52	178	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1011 LAKE TERRACE DR SW	TUMWATER	WA	98512
58380001600	LOFT	ED	1012 LAKE PK DR SW	0.6	71	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1012 LAKE PARK DR SW	TUMWATER	WA	98512
58380000700	SHELTON	LALANI	1012 LAKE TERRACE DR SW	0.63	159	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1012 LAKE TERRACE DR SW	TUMWATER	WA	98512
58380000800	PREE	MARK	1014 LAKE TERRACE DR SW	4.09	198	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	PO BOX 4183	TUMWATER	WA	98501
58400000700	O'HARE	ROGER	1015 DAISY LN SW	1.28	114	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	6516 39TH AVE SW	TUMWATER	WA	98512
58400000800	MCCAFFERTY	SHARIE	1023 DAISY LN SW	1.21	143	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1023 DAISY LN SW	TUMWATER	WA	98512
58400001000	BODEUTSCH	GARY P	1027 DAISY LN SW	0.93	81	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1027 DAISY LN SW	TUMWATER	WA	98512
58400001100	JODY KEYS	JOHN SWANDER	1031 DAISY LN SW	1	97	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1031 DAISY LN SW	TUMWATER	WA	98512
58400001200	ONTIVEROS	MATTHEW & CHATARA	1035 DAISY LN SW	0.66	108	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	6516 39TH AVE SW	SEATTLE	WA	98136
80700002000	LYON	TERRY	1202 LAKE PK DR SW	1.24	232	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1202 LAKE PK DR SW	TUMWATER	WA	98512
80700001901	PERKINS	KEVIN	1220 LAKE PARK DR SW	0.62	141	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1220 LAKE PK DR SW	TUMWATER	WA	98512
80700001907	MADISON	JANAAN	1224 LAKE PK DR SW	0.26	57	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1224 LAKE PK DR SW	TUMWATER	WA	98512
80700001909	DENNEY	CHUCK & KELLI	1228 LAKE PK DR SW	0.57	139	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	1228 LAKE PARK DR SW	TUMWATER	WA	98512
09080020000	PETERSON	KATHY & JAMES	213 LARK ST SW	0.23	90	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	213 LARK ST SW	TUMWATER	WA	98512
9080021000	HOWE	AARON	215 LARK ST SW	0.65	174	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	215 LARK ST SW	TUMWATER	WA	98512
09080022000	HUA	KEN	219 LARK ST SW	0.46	167	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	2001 LAKEWOOD DR SE	OLYMPIA	WA	98501
9080023001	KARWAL	KAREN ANN	223 LARK ST SW	0.8	144	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	223 LARK ST SW	TUMWATER	WA	98512
09080025000	DAY	DANA	231 LARK ST SW	2.07	220	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	231 LARK ST SW	TUMWATER	WA	98512
58400000300	WADDINGTON	CAROLIN	823 LINWOOD AVE SW	0.43	150	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	823 LINWOOD AVE SW	TUMWATER	WA	98512
58400000200	QUARTANO	LARRY & JENNIFER	921 LINWOOD AVE SW	0.24	65	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	921 LINWOOD AVE SW	TUMWATER	WA	98512
58400000100	FRANKEL	MINDY	923 LINWOOD AVE SW	0.26	68	1: Residential with Frontage	\$ 252.00	\$ 9,018.86	923 LINWOOD AVE SW	TUMWATER	WA	98512
80700001900	PERKINS	KEVIN	1220 LAKE PK DR SW	0.38	77	2: Undevel. Res. w/Frontage	\$ 126.00	\$ 4,509.43	1220 LAKE PK DR SW	TUMWATER	WA	98512
80700001908	GILL	DOUGLAS	1226 LAKE PK DR SW	0.26	62	2: Undevel. Res. w/Frontage	\$ 126.00	\$ 4,509.43	233 Y ST SE	TUMWATER	WA	98501
09080083006	TUMWATER METHODIST CHURCH		1401 LAKE PK DR SW	2.5	512	2: Undevel. Res. w/Frontage	\$ 126.00	\$ 4,509.43	1401 LAKE PARK DR SW	TUMWATER	WA	98512
09080011002	WA ST DEPT OF TRANSPORTATION		1655 2ND AVE SW	6.51	329	3: Public / Commercial	\$ 504.00	\$ 18,037.71	PO BOX 47365	OLYMPIA	WA	98504-7365
09080004000	TUMWATER SCHOOL DISTRICT #33		621 LINWOOD AVE SW	19.17	428	3: Public / Commercial	\$ 504.00	\$ 18,037.71	621 LINWOOD AVE SW	TUMWATER	WA	98512
09080010000	TUMWATER RH LLC			8.08	594	3: Public / Commercial	\$ 504.00	\$ 18,037.71	845 106TH AVE NE STE 100	BELLEVUE	WA	98004
33070001000	SPARKS	TOM & ANNE	1500 LAKE PK DR #10 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #10 SW	TUMWATER	WA	98512
33080001100	KIM	MINJUNG	1500 LAKE PK DR #11 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	PO Box 698	VAUGHN	WA	98394-0698
33080001200	BODEUTSCH	MEGAN R	1500 LAKE PK DR #12 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #12 SW	TUMWATER	WA	98512
33080001300	PARSONS	VALERIE	1500 LAKE PK DR #13 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #13 SW	TUMWATER	WA	98512
33080001400	ROBERTS	SUSAN M	1500 LAKE PK DR #14 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PARK DR SW, APT 14	TUMWATER	WA	98512
33080001500	LEE	JANE & ESTHER	1500 LAKE PK DR #15 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	PO BOX 117	COPALIS BEACH	WA	98535
33060001600	DOMSCHOT	DENNIS	1500 LAKE PK DR #16 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #16 SW	TUMWATER	WA	98512
33060001700	MC BRIDE	MARY E	1500 LAKE PK DR #17 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1807 MAPLELEAF CT NE	OLYMPIA	WA	98506
33060001800	PATIENCE	TROY	1500 LAKE PK DR #18 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #18 SW	TUMWATER	WA	98512
33060001900	ZION SERVICES LLC		1500 LAKE PK DR #19 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	PO BOX 26998	FEDERAL WAY	WA	98093
33060002000	SEXSMITH	WILLIAM	1500 LAKE PK DR #20 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #20 SW	TUMWATER	WA	98512
33110002100	TREPANIER	JOHN	1500 LAKE PK DR #21 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #21 SW	TUMWATER	WA	98512
33110002200	KELLAM	STEVEN	1500 LAKE PK DR #22 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #22 SW	TUMWATER	WA	98512
33110002300	LORENTZEN	KJELD	1500 LAKE PK DR #23 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #23 SW	TUMWATER	WA	98512
33110002400	CHOATE	JASON	1500 LAKE PK DR #24 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #24 SW	TUMWATER	WA	98512
33060003700	GILLETTE	ROBERT & MAUDE	1500 LAKE PK DR #37 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PARK DR SW #37	TUMWATER	WA	98512
33060003800	LENT	LINETTE IRENE	1500 LAKE PK DR #38 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #38 SW	TUMWATER	WA	98512
33060003900	TRICORD INVESTMENTS LLC		1500 LAKE PK DR #39 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	4621 LACEY BLV SE	LACEY	WA	98503
33060004000	SAWYER	DAVID	1500 LAKE PK DR #40 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #40 SW	TUMWATER	WA	98512
33060004100	MILLER	DIANE	1500 LAKE PK DR #41 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PARK DR SW APT 41	TUMWATER	WA	98512
33060004200	PARVIN	CARISSA	1500 LAKE PK DR #42 SW	7.06*	726*	4: Condo w/Frontage & View	\$ 201.60	\$ 7,215.08	1500 LAKE PK DR #42 SW	TUMWATER	WA	98512
33120000400	NAKAGAWA	STEPHANIE	1500 LAKE PK DR #4 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #4 SW	TUMWATER	WA	98512

CITY OF TUMWATER RESOLUTION NO. 2022-008
EXHIBIT "A"
BARNES LAKE MANAGEMENT DISTRICT #2004.01 - ROLL OF RATES AND CHARGES

33120000100	FIOL	RALPH & DIANE	1500 LAKE PK DR #1 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #1 SW	TUMWATER	WA	98512
33120000200	WALSH	TREVOR	1500 LAKE PK DR #2 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LK PARK DR SW #2	TUMWATER	WA	98512
33060002600	SNOW	ANGELA	1500 LAKE PK DR #26 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #26 SW	TUMWATER	WA	98512
33060002700	BARNES	CHRISTOPHER	1500 LAKE PK DR #27 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR SW Unit #27	TUMWATER	WA	98512
33060002800	VANDEWEGE	STEPHEN & DANA	1500 LAKE PK DR #28 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #28 SW	TUMWATER	WA	98512
33060002900	LANDOWSKI	SUSAN	1500 LAKE PK DR #29 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	4112 114TH ST CT NW	GIG HARBOR	WA	98332
33120000300	KASHUK	MORGAN	1500 LAKE PK DR #3 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	2442 NW MARKET ST #61	SEATTLE	WA	98107
33060003000	ROMETT	JULIE	1500 LAKE PK DR #30 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR SW UNIT #30	TUMWATER	WA	98512
33060003100	GREGORY GRIFFITH	JULIE STIEHL	1500 LAKE PK DR #31 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #31 SW	TUMWATER	WA	98512
33060003200	DEJONG	LAURIE	1500 LAKE PK DR #32 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #32 SW	TUMWATER	WA	98512
33060003300	LISK	KENNETH & JOETTE	1500 LAKE PK DR #33 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	PO BOX 4122	TUMWATER	WA	98501
33060003400	IVANCHICH	TYLER	1500 LAKE PK DR #34 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #34 SW	TUMWATER	WA	98512
33060003500	BEAN	KARL R	1500 LAKE PK DR #35 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #35 SW	TUMWATER	WA	98512
33060003600	YOUNG	TINA MARIE	1500 LAKE PK DR #36 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #36 SW	TUMWATER	WA	98512
33090004300	PEARSON	KATHERINE & PAUL	1500 LAKE PK DR #43 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #43 SW	TUMWATER	WA	98512
33090004400	FELLING	MEGAN	1500 LAKE PK DR #44 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #44 SW	TUMWATER	WA	98512
33090004500	HOFF	BRADLEY	1500 LAKE PK DR #45 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PARK DR SW APT 45	TUMWATER	WA	98512
33140004800	TILT	JESSE	1500 LAKE PK DR #48 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	23807 60TH AVE W	MOUNTLAKE TERRACE	WA	98043
33140004900	BELUGA	YURIY & SVITLANA	1500 LAKE PK DR #49 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	22240 24TH AVE S UNIT E40	DES MOINES	WA	98198
33120000500	GRAHAM	JACK D.	1500 LAKE PK DR #5 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	0208 SW SWEENEY ST	PORTLAND	OR	97239
33140005000	FOSTER III	STANBERY	1500 LAKE PK DR #50 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #50 SW	TUMWATER	WA	98512
33140005100	GIBBS	STEVE	1500 LAKE PK DR #51 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	855 TROSPER RD #108-308 SW	TUMWATER	WA	98512
33140005200	TRUAX	LILLIAN	1500 LAKE PK DR #52 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #52 SW	TUMWATER	WA	98512
33140005300	SMITH	KATHERINE	1500 LAKE PK DR #53 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #53 SW	TUMWATER	WA	98512
33140005400	PURYEAR	LAURA	1500 LAKE PK DR #54 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #54 SW	TUMWATER	WA	98512
33140005500	COX, PATRICIA	PATRICIA	1500 LAKE PK DR #55 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #55 SW	TUMWATER	WA	98512
33140005600	ROEMHILD, WILLIAM	WILLIAM	1500 LAKE PK DR #56 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	16022 123RD AVE CT E	PUYALLUP	WA	98374
33140005700	HABERMAN, KEITH - MELISSA	KEITH & MELISSA	1500 LAKE PK DR #57 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	2323 SWECKER AVE SE	OLYMPIA	WA	98501
33140005800	SNELL, TAM	TAM	1500 LAKE PK DR #58 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	12413 W COCOPAH ST	AVONDALE	AZ	85323-3122
33140005900	DIMENSION TOWNHOUSES LLC		1500 LAKE PK DR #59 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1900 SOUTH PUGET DR STE 203	RENTON	WA	98055
33070000600	DOMSCHOT	DENNIS & LESA	1500 LAKE PK DR #6 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #16 SW	TUMWATER	WA	98512
33070000600	MATTHEW D & DIANA MACQUARRIE	MATTHEW KAMMINGA	1500 LAKE PK DR #60 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1699 ANTHEM LN SW	TUMWATER	WA	98512
33140006100	ZARAIAN	MOHAMMAD MEHDI	1500 LAKE PK DR #61 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #61 SW	TUMWATER	WA	98512
33140006200	SMITH	CHUCK & PERI	1500 LAKE PK DR #62 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	3503 SOUTHAMPTON CT SE	OLYMPIA	WA	98501
33140006300	LORENTZEN	KJELD	1500 LAKE PK DR #63 SW	7.06*	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #63 SW	TUMWATER	WA	98512
33070000700	TENNANT	JACOB & JASMINE	1500 LAKE PK DR #7 SW	7.06	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #7 SW	TUMWATER	WA	98512
33070000800	WEDIN	ALLISON M.	1500 LAKE PK DR #8 SW	7.06	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PARK DR SW APT 8	TUMWATER	WA	98512
33130000600	CULLEY	BRIDGET	1500 LAKE PK DR #80 SW	7.06	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR SW UNIT #80	TUMWATER	WA	98512
33130000500	K CLEVELAND	ALFRED PAPAS	1500 LAKE PK DR #81 SW	7.06	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PARK DR SW APT 81	TUMWATER	WA	98512
33130000400	GARRIDO	RAUL & LYNETTE	1500 LAKE PK DR #82 SW	7.06	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #82 SW	TUMWATER	WA	98512
33130000300	KLEIBER	MICHAEL	1500 LAKE PK DR #83 SW	7.06	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	55 CAMBRIDGE WAY	PIEDMONT	CA	94611-4320
33130000200	HOPSTAD	MICHAEL & TEREN	1500 LAKE PK DR #84 SW	7.06	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	4119 WOODLAND RETREAT BLVD	NEW PORT RICHEY	FL	34655-4597
33130000100	WEDIN	ALLISON	1500 LAKE PK DR #85 SW	7.06	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PARK DR SW UNIT #8	TUMWATER	WA	98512
33070000900	BRECHWALD	PAMELA	1500 LAKE PK DR #9 SW	7.06	726*	5: Condo w/Frontage, No View	\$ 100.80	\$ 3,607.54	1500 LAKE PK DR #9 SW	TUMWATER	WA	98512
58380000100	BROWNELL	MATTHEW & LIDIA	1000 LAKE PK DR SW	0.38	0	6: Residential with View Only	\$ 100.80	\$ 3,607.54	1000 LAKE PK DR SW	TUMWATER	WA	98512
58380000200	KANE	MICHAEL T.	1002 LAKE PK DR SW	0.18	0	6: Residential with View Only	\$ 100.80	\$ 3,607.54	1002 LAKE PK DR SW	TUMWATER	WA	98512
58400001300	MARCHEL JR.	ROBERT E.	1039 DAISY LN SW	0.28	0	6: Residential with View Only	\$ 100.80	\$ 3,607.54	1039 DAISY LN SW	TUMWATER	WA	98512
58400000600	ANDERSON	ROBBI D.	819 LINWOOD AVE SW	0.19	0	6: Residential with View Only	\$ 100.80	\$ 3,607.54	819 LINWOOD AVE SW	TUMWATER	WA	98512
58400000500	LEE	MARTI J	821 LINWOOD AVE SW	0.24	0	6: Residential with View Only	\$ 100.80	\$ 3,607.54	821 LINWOOD AVE SW	TUMWATER	WA	98512
09080024002	BARNES LAKE EAST CONDOMINIUM ASSOCIATION		229 LARK ST SW	0.23	0	7: Undevel. Res. w/View Only	\$ 50.40	\$ 1,803.77	227 LARK ST SW UNIT C	TUMWATER	WA	98512
33030000100	KRENIK	KIM M	227 LARK AVE SW, UNIT A	0.36	95*	8: Condo with View Only	\$ 80.85	\$ 2,893.55	227 LARK AVE SW UNIT A	TUMWATER	WA	98512
33030000200	ARCEYUZ	GLORIA	227 LARK AVE SW, UNIT B	.36*	95*	8: Condo with View Only	\$ 80.85	\$ 2,893.55	227 LARK AVE SW UNIT B	TUMWATER	WA	98512
33030000300	OLIVA	THOMAS MATTHEW	227 LARK ST SW, UNIT C	.36*	95*	8: Condo with View Only	\$ 80.85	\$ 2,893.55	PO BOX 15000	OLYMPIA	WA	98511-5000
33030000400	MCGILL	DONNA S	227 LARK ST SW, UNIT D	.36*	95*	8: Condo with View Only	\$ 80.85	\$ 2,893.55	227 LARK AVE SW APT D	TUMWATER	WA	98512
33030000500	KEMPH	AMANDA C	227 LARK ST SW, UNIT E	0.36*	95*	8: Condo with View Only	\$ 80.85	\$ 2,893.55	227 LARK ST SW UNIT E	TUMWATER	WA	98512

* Includes all amounts paid 2005-2021, plus 5% annual increases 2022 through 2035.

CLASS	5% ANNUAL INCREASE	TOTAL # OF UNITS	2021	2022	2023	2024	2025	2026	2027	2028	2029
1	Residential with Frontage	26	\$ 240.00	\$ 252.00	\$ 264.60	\$ 277.83	\$ 291.72	\$ 306.31	\$ 321.62	\$ 337.70	\$ 354.59
2	Undeveloped Residential w/ Frontage	3	\$ 120.00	\$ 126.00	\$ 132.30	\$ 138.92	\$ 145.86	\$ 153.15	\$ 160.81	\$ 168.85	\$ 177.29
3	Public / Commercial	3	\$ 480.00	\$ 504.00	\$ 529.20	\$ 555.66	\$ 583.44	\$ 612.62	\$ 643.25	\$ 675.41	\$ 709.18
4	Condominium w/ Frontage & View	21	\$ 192.00	\$ 201.60	\$ 211.68	\$ 222.26	\$ 233.38	\$ 245.05	\$ 257.30	\$ 270.16	\$ 283.67
5	Condominium w/ Frontage; No View	45	\$ 96.00	\$ 100.80	\$ 105.84	\$ 111.13	\$ 116.69	\$ 122.52	\$ 128.65	\$ 135.08	\$ 141.84
6	Residential w/ View Only	5	\$ 96.00	\$ 100.80	\$ 105.84	\$ 111.13	\$ 116.69	\$ 122.52	\$ 128.65	\$ 135.08	\$ 141.84
7	Undeveloped Residential w/ View Only	1	\$ 48.00	\$ 50.40	\$ 52.92	\$ 55.57	\$ 58.34	\$ 61.26	\$ 64.32	\$ 67.54	\$ 70.92
8	Condominium w/ View Only	5	\$ 77.00	\$ 80.85	\$ 84.89	\$ 89.14	\$ 93.59	\$ 98.27	\$ 103.19	\$ 108.35	\$ 113.76
		2005-2020	\$ 17,305.00	\$ 18,170.25	\$ 19,078.76	\$ 20,032.70	\$ 21,034.34	\$ 22,086.05	\$ 23,190.36	\$ 24,349.87	\$ 25,567.37
Total Revenue Collected:		\$ 276,880.00	\$ 294,185	\$ 312,355.25	\$ 331,434.01	\$ 351,466.71	\$ 372,501.05	\$ 394,587.10	\$ 417,777.46	\$ 442,127.33	\$ 467,694.70

CLASS	5% ANNUAL INCREASE	TOTAL # OF UNITS	2030	2031	2032	2033	2034	2035	TOTAL % CHANGE	TOTAL NEW \$\$/ Unit	TOTAL NEW \$\$/ All Units
1	Residential with Frontage	26	\$ 372.32	\$ 390.93	\$ 410.48	\$ 431.01	\$ 452.56	\$ 475.18	98%	\$ 1,578.86	\$ 41,050.24
2	Undeveloped Residential w/ Frontage	3	\$ 186.16	\$ 195.47	\$ 205.24	\$ 215.50	\$ 226.28	\$ 237.59	98%	\$ 789.43	\$ 2,368.28
3	Public / Commercial	3	\$ 744.64	\$ 781.87	\$ 820.96	\$ 862.01	\$ 905.11	\$ 950.37	98%	\$ 3,157.71	\$ 9,473.13
4	Condominium w/ Frontage & View	21	\$ 297.86	\$ 312.75	\$ 328.39	\$ 344.80	\$ 362.04	\$ 380.15	98%	\$ 1,263.08	\$ 26,524.77
5	Condominium w/ Frontage; No View	45	\$ 148.93	\$ 156.37	\$ 164.19	\$ 172.40	\$ 181.02	\$ 190.07	98%	\$ 631.54	\$ 28,419.39
6	Residential w/ View Only	5	\$ 148.93	\$ 156.37	\$ 164.19	\$ 172.40	\$ 181.02	\$ 190.07	98%	\$ 631.54	\$ 3,157.71
7	Undeveloped Residential w/ View Only	1	\$ 74.46	\$ 78.19	\$ 82.10	\$ 86.20	\$ 90.51	\$ 95.04	98%	\$ 315.77	\$ 315.77
8	Condominium w/ View Only	5	\$ 119.45	\$ 125.42	\$ 131.70	\$ 138.28	\$ 145.19	\$ 152.45	98%	\$ 506.55	\$ 2,532.75
			\$ 26,845.73	\$ 28,188.02	\$ 29,597.42	\$ 31,077.29	\$ 32,631.16	\$ 34,262.72			\$ 113,842.04
			\$ 494,540.43	\$ 522,728.45	\$ 552,325.87	\$ 583,403.17	\$ 616,034.33	\$ 650,297.04	TOTAL NEW REVENUE		

Tumwater City Council
c/o Water Resources & Sustainability Department
555 Israel Road SW
Tumwater, WA 98501

**RE: Proposed Barnes Lake Management District (BLMD)
2022-2035 Assessment Increase**

We are members of the Barnes Lake Management District, and fully support a proposed 5% annual increase to the LMD Roll of Rates and Charges. We have not had an increase in the rate of assessments since the LMD was formed in 2005.

Barnes Lake is a very fragile ecosystem, and residents around the lake have been working together since the mid-1980's to save the lake and preserve it from further deterioration. After the Barnes Lake Management District was officially formed in 2005, we have seen a much healthier lake that members can enjoy year-round. Additional funding is now needed so we can keep up with the inflationary costs to continue treating the lake. If we are unable to continue to treat this lake, it will surely become re-infested with non-native lily pads and other submerged vegetation.

Thank you for the many years you have worked closely with us and been an integral part of this successful neighborhood improvement.

Name Rusty and Cathy Weaver Date: 03.31.2022

Address: 1009 Lake Terrace Drive SW, TW 98512

City of Tumwater

Tumwater City Council
 c/o Water Resources & Sustainability Department
 555 Israel Road SW
 Tumwater, WA 98501

APR 05 2022

Water Resources &
 Sustainability

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Thank you for the many years you have worked closely with us and been an integral part of this successful neighborhood improvement.

*Let's continue the wonderful work we
 started many years ago. We are getting
 our lake back!*

Name:

Anna Dwy

Date:

3/29/2022

Address:

*231 Lark St. SW
 Tumwater, WA. 98512*

City of Tumwater

Tumwater City Council
 c/o Water Resources & Sustainability Department
 555 Israel Road SW
 Tumwater, WA 98501

APR 05 2022

Water Resources &
 Sustainability

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Thank you for the many years you have worked closely with us and been an integral part of this successful neighborhood improvement.

Living on Barnes Lake is an amazing privilege & its health and care is invaluable. We support an increase to continue the maintenance & healthy upkeep of the lake.

ERIN HOWER - ~~Call Over~~

Name:

AARON HOWE - ~~Call Over~~

Date: 3/24/22

Address:

215 LARK ST SW
 TUMWATER, WA 98512

City of Tumwater

Tumwater City Council
 c/o Water Resources & Sustainability Department
 555 Israel Road SW
 Tumwater, WA 98501

APR 05 2022

Water Resources &
 Sustainability

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Thank you for the many years you have worked closely with us and been an integral part of this successful neighborhood improvement.

*We are both delighted AND excited
 to see our lovely lake becoming
 more and more scenic, with great
 bird and fish life - such improvement on
 years ago!*

Name:

Judith Roth
Ruth Roth

Date: MAR 29 2022

Address:

*1012 Lake Park Dr. SW.
 TUMWATER WA 98512*

Tumwater City Council
c/o Water Resources & Sustainability Department
555 Israel Road SW
Tumwater, WA 98501

APR 05 2022

Water Resources &
Sustainability

**RE: Proposed Barnes Lake Management District (BLMD) 2022-2035
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Thank you for the many years you have worked closely with us and been an integral part of this successful neighborhood improvement.

We are very proud of what has been accomplished so far in restoring this beautiful lake. We are happy to continue our stewardship by investing in our Lake Management District. This very modest but necessary increase will help finance future progress.

Kathy Burns Peterson

Name:

James A. PetersonDate: March 29, 2022

Address:

213 Lark St. SW
Tumwater, WA 98512

Tumwater City Council
 c/o Water Resources & Sustainability Department
 555 Israel Road SW
 Tumwater, WA 98501

APR 05 2022

Water Resources &
 Sustainability

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Thank you for the many years you have worked closely with us and been an integral part of this successful neighborhood improvement.

*Barnes lake adds much to our neighborhood -
 enjoyment, recreation + a balance to our
 ecosystem.*

Name: Sandy Ward - Pastor
Tumwater UMC.

Date: 3/20/22

Address: 1401 Lake Park Dr., Tumwater, WA 98512

Tumwater City Council
c/o Water Resources & Sustainability Department
555 Israel Road SW
Tumwater, WA 98501

APR 12 2022

Water Resources &
Sustainability

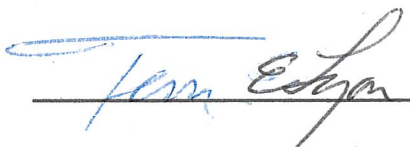
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Assessment Increase**

I am a member of the Barnes Lake Management District, and fully support a proposed 5% annual increase to the LMD Roll of Rates and Charges. We have not had an increase in the rate of assessments since the LMD was formed in 2005.

Barnes Lake is a very fragile ecosystem, and residents around the lake have been working together since the mid-1980's to save the lake and preserve it from further deterioration. After the Barnes Lake Management District was officially formed in 2005, we have seen a much healthier lake that members can enjoy year-round. Additional funding is now needed so we can keep up with the inflationary costs to continue treating the lake. If we are unable to continue to treat this lake, it will surely become re-infested with non-native lily pads and other submerged vegetation.

Thank you for the many years you have worked closely with us and been an integral part of this successful neighborhood improvement.

Name:



Date: 4-7-22

Address:

1202 Lake Park Dr. SW
Tumwater, WA 98512

April 8, 2022

APR 12 2022

Water Resources &
Sustainability

Tumwater City Council
c/o Water Resources & Sustainability Department
555 Israel Road SW
Tumwater, WA 98501

**RE: Proposed Barnes Lake Management District (BLMD) 2022-2035
Assessment Increase**

We are members of the Barnes Lake Management District, and fully support a proposed 5% annual increase to the LMD Roll of Rates and Charges. We have not had an increase in the rate of assessments since the LMD was formed in 2005.

Barnes Lake is a very fragile ecosystem, and residents around the lake have been working together since the mid-1980's to save the lake and preserve it from further deterioration. After the Barnes Lake Management District was officially formed in 2005, we have seen a much healthier lake that members can enjoy year-round. Additional funding is now needed so we can keep up with the inflationary costs to continue treating the lake. If we are unable to continue to treat this lake, it will surely become re-infested with non-native lily pads and other submerged vegetation.

Thank you for the many years you have worked closely with us and been an integral part of this successful neighborhood improvement.



Kim & Allan McInnis
227 Lark St. SW Unit A
Tumwater, WA 98512

April 12, 2022

Tumwater City Council
c/o Water Resources & Sustainability Department
555 Israel Road SW
Tumwater, WA 98501

RE: Proposed Barnes Lake Management District (BLMD) 2022-2035 Assessment Increase

I write in support of the Barnes Lake LMD Steering Committee's recommendation to increase the annual LMD assessment for the duration of the charter term.

By the time I moved to Barnes Lake in 2000, the noxious Eastern U.S. water lily had already invaded the lake. Thick vegetation smothered the surface by mid-summer, depriving the lake of essential sunlight and oxygen for supporting microorganisms, fish and the entire food chain for wildlife. Photos on the city's website (www.ci.tumwater.wa.us/BLMD) show the extent of lily infestation at that time.

The citizen-initiated Barnes Lake LMD was chartered by Council action in 2004. City staff scientifically monitor water clarity, water level, temperature, acidity, dissolved oxygen, nutrient load and other metrics in compliance with state regulations. Data gathered over the past 18 years show resounding success in improved water quality, noxious weed management and habitat restoration. Today the lake is teeming with fish, geese, heron, eagles, ducks and other fauna.

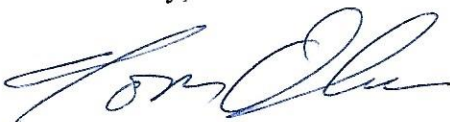
The LMD is a model partnership between the city and the neighborhood. The 100+ shoreline property owners in this self-taxing special purpose district have already invested nearly \$300,000 in private funds to restore the lake, or just under half of what the LMD will raise through its thirty-year term (assuming passage of the rate increase).

The annual assessment has not increased since it commenced in 2005. Because of inflation, the \$17,300 annual budget now only buys about 75% of what it originally purchased. It is imperative that the assessment catch-up and keep pace with the cost of stewarding this precious resource.

Watching Barnes Lake come back to life as a flourishing wildlife preserve has been a joy and one of the highlights of living in Tumwater. The LMD is a tool for empowering neighbors to save imperiled habitat in a rapidly urbanizing region. Strong neighborhoods create strong cities and a shared legacy to future generations.

Thank you for considering approval of the proposed modest increase in the LMD assessment.

Sincerely,



Tom Oliva
227 Lark Street
Tumwater, Wash.

APR 19 2022

Water Resources &
Sustainability

Tumwater City Council
c/o Water Resources & Sustainability Department
555 Israel Road SW
Tumwater, WA 98501

**RE: Proposed Barnes Lake Management District (BLMD) 2022-2035
Assessment Increase**

I am a member of the Barnes Lake Management District, and fully support a proposed 5% annual increase to the LMD Roll of Rates and Charges. We have not had an increase in the rate of assessments since the LMD was formed in 2005.

Barnes Lake is a very fragile ecosystem, and residents around the lake have been working together since the mid-1980's to save the lake and preserve it from further deterioration. After the Barnes Lake Management District was officially formed in 2005, we have seen a much healthier lake that members can enjoy year-round. Additional funding is now needed so we can keep up with the inflationary costs to continue treating the lake. If we are unable to continue to treat this lake, it will surely become re-infested with non-native lily pads and other submerged vegetation.

Thank you for the many years you have worked closely with us and been an integral part of this successful neighborhood improvement.

Name: Jody Keys

Date: 4/14/2022

Address:

1031 Daisy Ln SW, Tumwater

Dan Smith

From: Carolin W. <carolinwaddington@gmail.com>
Sent: Monday, April 25, 2022 10:24 AM
To: Dan Smith
Subject: Barnes LMD fee increase - support

This email is to register our support for the proposed fee increase so that the Barnes LMD can continue to do its work.

Thank you.

Sincerely,

Carolin & Jeff Waddington
823 Linwood Ave SW
Tumwater, WA 98512

Dan Smith

From: Dan Smith
Sent: Monday, May 2, 2022 4:18 PM
To: r-ctalmage@reachone.com
Cc: David Kangiser
Subject: RE: BARNES LAKE MANAGEMENT ASSESSMENT APPEAL

Thank you Cheryl, we will enter your comments into the Hearing record.

Dan Smith, CSM | (he/him)
Director, Water Resources & Sustainability
City of Tumwater
555 Israel Road SW | Tumwater, WA 98501
Office: (360)754-4140
desmith@ci.tumwater.wa.us | www.ci.tumwater.wa.us

From: r-ctalmage@reachone.com <r-ctalmage@reachone.com>
Sent: Thursday, April 28, 2022 2:41 PM
To: Dan Smith <DESmith@ci.tumwater.wa.us>
Subject: BARNES LAKE MANAGEMENT ASSESSMENT APPEAL

My name is Cheryl Talmage and I own the house at 1006 Lake Terrace Drive. My father built this house in 1965 and my family has owned this house since then. I am writing with regards to the Barnes Lake Management District Property Assessments. I have paid the annual assessment for a residential lakefront property annually since purchasing the property from the estate of my mother, Edna Van Meter in 2005. Although I agree that Barnes Lake is a fragile ecosystem, I do not agree with the idea that the lake management district should continue to treat the lake for recreation and aesthetic value. The idea of an aesthetic value pristine lake is only true of a handful of residences around the lake. My feeling is that the lake should be allowed to slowly progress to a pond/marsh ecosystem. No treatment necessary.

I would also like to petition to have our assessment property type changed from residential Lakefront to residential with view only. I have done some research looking at the lake area with Google maps and also using the plot map from when the Lakeside addition was plotted. See attached.

Our house is located on plot 4 (58380000400). Please note that the "lakeside" property line does not touch the lake and that the lakefront property is actually owned by the owners of plot 9, Lakeview addition (5840000800). Please see the attached plot map and Google earth map showing the property line.

I will be traveling and unable to testify at the Public Hearing

Please consider my appeal and if the results from the public hearing is to go forward on the assessment, please change my assessment property type to residential with view only.

Thank you.

Cheryl Talmage (Van Meter)

TO: City Council

FROM: Dan Smith, Water Resources & Sustainability Director

DATE: June 7, 2022

SUBJECT: Interlocal Agreement Between the City of Tumwater and the Washington Department of Transportation for Maintenance of Palermo Treatment Lagoon

1) Recommended Action:

Staff recommends approving the Interlocal Agreement between the City of Tumwater and the Washington Department of Transportation for the maintenance of Palermo Treatment Lagoon. The Interlocal Agreement was recommended for approval by the Public Works Committee at their May 19, 2022 meeting.

2) Background:

The Palermo Treatment Lagoon serves to further treat surface waters impacted by contaminants associated with the “Palermo Superfund” site. Since the late 1990’s when contamination was discovered at the Palermo Wellfield through its Wellhead Protection Program, the City has cooperated with various agencies, such as the US Environmental Protection Agency and WA Department of Ecology to support clean-up efforts and protect drinking water, and remains responsible for routine maintenance within the Palermo neighborhood. The WA Department of Transportation (WSDOT) is the primary responsible party for clean-up efforts.

3) Policy Support:

- Be a leader in Environmental Sustainability: Reduce ground and surface water impacts associated with street and freeway runoff and urban activity
-

4) Alternatives:

- ☐ No alternatives identified; maintenance is necessary to maintain adequate levels of treatment.
-

5) Fiscal Notes:

This agreement provides for 100% reimbursement of third party costs for clean-up efforts, not expected to exceed \$100,000.00. As the City is required to provide routine maintenance, which includes management of the treatment lagoon, the City agrees to provide project management at no additional cost to WSDOT.

6) Attachments:

- A. Interlocal Agreement – Maintenance of Palermo Treatment Lagoon
- B. Scope of Services

**INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF TUMWATER
AND
THE WASHINGTON DEPARTMENT OF TRANSPORTATION (GMB 1076)
FOR MAINTENANCE OF THE PALERMO TREATMENT LAGOON**

THIS AGREEMENT is made and entered into by the City of Tumwater, a municipal corporation of the State of Washington ("CITY") and the Washington Department of Transportation, a governmental agency of the State of Washington ("WSDOT") individually the "Party" and collectively the "Parties."

WHEREAS, the CITY is responsible for routine maintenance of the Palermo Treatment Lagoon per the Cooperative Agreement and Scope of Work for the Palermo Wellfield Superfund Site Subdrain/Aeration Lagoon System ("Aeration Lagoon") dated December 16, 2002; and

WHEREAS, the WSDOT and the CITY acknowledge that the Work considered under this Agreement is not considered to be routine maintenance given the complexity, cost, and scope of the project; and

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to RCW 39.34.080, each Party is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: provided, that such contract shall be authorized by the governing body of each Party to the contract and shall set forth its purposes, powers, rights, objectives and responsibilities of the contracting parties

NOW THEREFORE, pursuant to chapter 39.34 RCW the above recitals that are incorporated herein as if fully set forth below, in consideration of the mutual terms, provisions, and obligations contained herein, it is agreed by and between the CITY and WSDOT as follows:

1. Purpose/Objective

The purpose of this Agreement is to allow the CITY, through its Water Resources & Sustainability Department, to provide and solicit services to restore the aeration lagoon to its original designed condition through the dredging, removal and disposal of accumulated sediments, as identified in Exhibit A, Scope of Services and herein after referred to as Work. The CITY does not have sufficient resources to provide such services and desires to have such services performed by a third-party vendor, to be paid for by WSDOT.

2. Scope of Agreement

A. Responsibilities of CITY shall be as follows:

1. Project Management: CITY shall provide sufficient resources to effectively implement, maintain, and oversee the project as described in Exhibit A.
2. Vendor Contracts: CITY shall manage all third-party vendors in support of the Agreement. CITY shall provide WSDOT thirty (30) days' notice prior to Work being

performed and shall provide all documentation as requested by WSDOT regarding the execution of this project.

3. Permitting: CITY shall prepare and submit all necessary permit applications.
4. Maintenance and Repair Limitations: CITY agrees to attempt to complete all maintenance and repair request within the time WSDOT requests or has scheduled with CITY. WSDOT is aware that there may be times when CITY cannot meet the desired timeline.
5. Hours of Work: CITY's normal working hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays.

B. Responsibilities of WSDOT shall be as follows:

1. Notification of Repair and/or Maintenance: WSDOT agrees to notify CITY via CITY designated contacts below when the Aeration Lagoon needs repair and/or maintenance
2. Water and Sediment Quality Assessment: Prior to any requested maintenance Work on the Aeration Lagoon, WSDOT agrees to analyze the treatment lagoon sediment to determine public health and disposal needs.
3. Funding: WSDOT shall pay for all permit fees and third party dredging and disposal costs, as invoiced by CITY.
4. WSDOT may, if it desires, furnish an inspector on the project. Any costs for such inspection will be borne solely by WSDOT. All contact between said inspector and the CITY's contractor shall be through the CITY's representative.

3. Payment (Funding/Costs/etc.)

WSDOT, in consideration of the faithful performance of the Work to be performed by the CITY, agrees to reimburse the actual direct and related indirect costs of the Work. The parties have estimated that the cost of accomplishing the Work herein will not exceed \$100,000. Payment for satisfactory performance of the Work shall not exceed this amount unless the parties mutually agree to a higher amount prior to the commencement of any Work that will cause the maximum payment to be exceeded. Costs shall include, but not be limited to the following:

- A. CITY will provide labor and other CITY resources necessary to manage and oversee the project.
- B. WSDOT will pay all permit fees and third-party invoices for the removal and disposal of sediments.

4. Method of Payment

- A. CITY will submit a monthly itemized invoice to WSDOT for third-party services related to the Work defined in Exhibit A as provided under this Agreement.
- B. WSDOT will make payment to the CITY within thirty (30) days of receipt of an invoice.

5. Amendments

Either Party to this Agreement may request an amendment or term extension. Any amendment shall be negotiated and agreed to by both Parties prior to implementation. Any amendments to

this Agreement shall be made in writing and shall be presented to each Party's designated contract authority for approval and signature prior to implementation.

6. Indemnification

6.1 To the extent permitted under the law, each Party to this Agreement will protect, defend, indemnify, and save harmless the other Party, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgments, and/or awards of damages (both to persons and property), arising out of, or in any way resulting from, each Party's negligent acts or omissions with respect to the provisions of this Agreement. Neither Party will be required to indemnify, defend, or save harmless the other Party if the claim, suit, or action for injuries, death, or damages (both to persons and property) is caused by the sole negligence of the other Party. Where such claims, suits, or actions result from the concurrent negligence of the Parties, their agents, officials or employees, and/or involve those actions covered by RCW 4.24.115, the indemnity provisions provided herein will be valid and enforceable only to the extent of the negligence of the indemnifying Party, its agents, officials or employees.

6.2 The Parties agree that their obligations under this section extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of their officers, officials, employees or agents. For this purpose only, the Parties, by mutual negotiation, hereby waive, with respect to each other only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW.

6.3 This indemnification and waiver will survive the termination of this Agreement.

7. Insurance

The CITY shall maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the Work hereunder by the City or its employees. Before beginning the Work described in this Agreement, the City and its selected contractor shall provide proof of coverage to WSDOT that includes:

- A. Automobile Liability insurance with limits no less than \$1,000,000 combined single limit per accident for bodily injury and property damage; and
- B. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence and aggregate.
- C. Excess Liability insurance shall be written with limits no less than \$1,000,000 each occurrence and aggregate.

8. Duration of Agreement

This Agreement for maintenance of the Palermo Treatment Lagoon is hereby entered into between the City of Tumwater and the Washington Department of Transportation and shall take effect on the date of the last authorizing signature affixed hereto. This Agreement shall be effective until December 31, 2023, unless otherwise terminated in the manner described under the Termination of Agreement section.

9. Termination of Agreement

Should either Party choose to terminate this Agreement, the Party desiring to terminate the Agreement must provide a thirty (30) day advance written notice to the other Party, unless otherwise set forth in this Agreement.

10. Notice of Default

In the event WSDOT is dissatisfied with the CITY's performance of its responsibilities under this Agreement, WSDOT shall provide CITY with a written notice of dissatisfaction that specifically identifies the details of the CITY's alleged performance deficiencies. CITY shall have ninety (90) days from the date of the notice of dissatisfaction to remedy the performance deficiencies specifically noted. In the event WSDOT remains dissatisfied at the end of the ninety (90) day period, WSDOT may terminate the Agreement by providing CITY with an additional ninety (90) days written notice.

11. Dispute Resolution

The Parties shall work collaboratively to resolve disputes and issues arising out of, or related to, this Agreement. Disagreements shall be resolved promptly and at the lowest level of hierarchy. To this end, following the dispute resolution process shown below shall be a prerequisite to the filing of litigation concerning any dispute between the Parties:

A. The designated representative in this Agreement shall use their best efforts to resolve disputes and issues arising out of or related to this Agreement. They shall communicate regularly to discuss the status of the tasks to be performed hereunder and to resolve any disputes or issues related to the successful performance of this Agreement. They shall cooperate in providing staff support to facilitate the performance of this Agreement and the resolution of any disputes or issues arising during the term of this Agreement.

B. A Party's representative shall notify the other Party in writing, with email being acceptable of any dispute or issue that they believe may require formal resolution contained herein. They shall meet within five (5) working days of receiving the written notice and attempt to resolve the dispute.

C. In the event the CITY and WSDOT's respective designees, cannot resolve the dispute or issue, the CITY and WSDOT shall each appoint a member to a Dispute Board. These two members shall then select a third member not affiliated with either Party. The three-member board shall conduct a dispute resolution hearing that shall be informal and unrecorded. All expenses for the third member of the Dispute Board shall be shared equally by both Parties; however, each Party shall be responsible for its own costs and fees.

12. Interpretation and Venue

This Agreement shall be governed by the laws of the State of Washington as to interpretation and performance. Venue for any action that cannot be resolved through mediation may be brought only in the Superior Court of Thurston County, Washington.

13. Independent Capacity

The employees or agents of each Party who are engaged in the performance of this Agreement shall continue to be employees or agents of that Party and shall not be considered for any purpose to be employees or agents of the other Party.

14. Legal Relations

It is understood and agreed that this Agreement is solely for the benefit of the Parties hereto and gives no right to any other Party. No joint venture or partnership is formed as a result of this Agreement.

15. Waiver

A failure by a Party to exercise its rights under this Agreement shall not preclude that Party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in writing signed by an authorized representative of the waiving Party and attached to the original Agreement.

16. Severability

If any term or condition of this Agreement is held invalid, such invalidity shall not affect the validity of the other terms or conditions of this Agreement.

17. Entire Agreement

This Agreement sets forth all terms and conditions agreed upon by the City and WSDOT and supersedes any and all prior agreements oral or otherwise with respect to the subject matter addressed herein.

18. Filing

Prior to its entry into force, this Agreement shall be posted upon the websites or other electronically retrievable public source as required by RCW 39.34.040.

19. Notice

Any notice required under this Agreement shall be provided in writing, with email being acceptable to the Party at the address listed below. The contacts below for each Party are the Agreement representatives.

CITY OF TUMWATER

Dan Smith, Director
Water Resources & Sustainability Department
555 Israel Road SW
Tumwater, WA 98501

**WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION**

Norm Payton, Environmental Policy Manager
Maintenance Operations Division
310 Maple Park Ave SE
Olympia, WA 98501
Phone: 360-705-7848
Email: paytonn@wsdot.wa.gov

20. Records and Audit

All records related to the Work performed under this Agreement shall be held and kept available for inspection and audit for a period of six (6) years from the date of termination of this Agreement or any final payment authorized under this Agreement, whichever is later. Each Party shall have full access to and right to examine said records, during normal business hours and as often as it deems necessary. In the event of litigation or claim arising from the performance of this Agreement, the CITY and WSDOT agree to maintain the records and accounts until such litigation, appeal or claims are finally resolved. This section shall survive the termination of this Agreement.

21. Counterparts and Electronic Signature

This Agreement may be executed in counterparts or in duplicate originals. Each counterpart or each duplicate shall be deemed an original copy of this Agreement signed by each party, for all purposes. Electronic signatures or signatures transmitted via e-mail in a "PDF" may be used in place of original signatures on this Agreement. Each party intends to be bound by its electronic or "PDF" signature on this Agreement and is aware that the other parties are relying on its electronic or "PDF" signature.

CITY OF TUMWATER

WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION

Debbie Sullivan, Mayor

Pasco Bakotich III, State Maintenance
Engineer

Dated:

Dated:

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM on Behalf of
WSDOT:

Karen Kirkpatrick, City Attorney

Assistant Attorney General

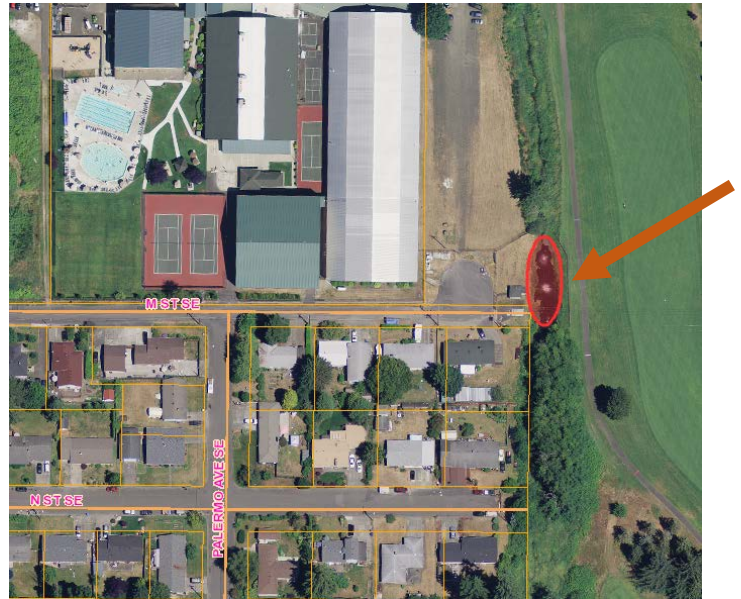
EXHIBIT A: SCOPE OF SERVICES

PROJECT BACKGROUND:

The U.S. Environmental Protection Agency constructed the Palermo Aeration Lagoon as one component of the remedy selected for the Palermo Wellfield Superfund Site to remediate tetrachloroethylene and trichloroethylene in the ground water supply. Periodic maintenance of the lagoon is required to keep the system functioning properly. This scope of work is intended to help guide the contractor through bidding and execution of the project. The accompanying diagrams are profiles of the lagoon to aid in estimating the volume of sediment to be removed.

Figure 1: Aeration Lagoon Project Area

The aeration lagoon is located at the end of M Street SW in Tumwater, WA, on the west side of parcel No. 09470051000.



SCOPE OF SERVICES TO BE PROVIDED BY CITY

Task 1	Permitting: City shall coordinate with contractor to secure all required permits, including but not limited to, Hydraulics Projects Approval and SEPA Checklist
Task 2	Contractor Acquisition & Management: City will solicit and hire an appropriate contractor to assist with the execution of the project. Anticipated deliverables include: <ul style="list-style-type: none"> • Health and Safety Plan • Construction Site Work Plan <ul style="list-style-type: none"> ○ Construction Procedures ○ Environmental Protection Procedures • Fish Protection and Relocation Plan • Water Quality Monitoring Plan • Sediment Disposal Plan
Task 3	Dredge aeration lagoon: City will work with contractor to restore aeration lagoon profiles to the 2001 original profile as noted in figures 2- through 4, below. City will also work with contractor to reestablish the staff gauge in the lagoon at the correct depth, if needed.
Task 4	Dispose of sediment properly: City will dewater the dredged sediment, and ensure all sediments removed from aeration lagoon are properly disposed.
Task 5	Project Summary Report: City will prepare a project summary report for WSDOT detailing key project elements and demonstrating compliance with US EPA requirements for maintenance.

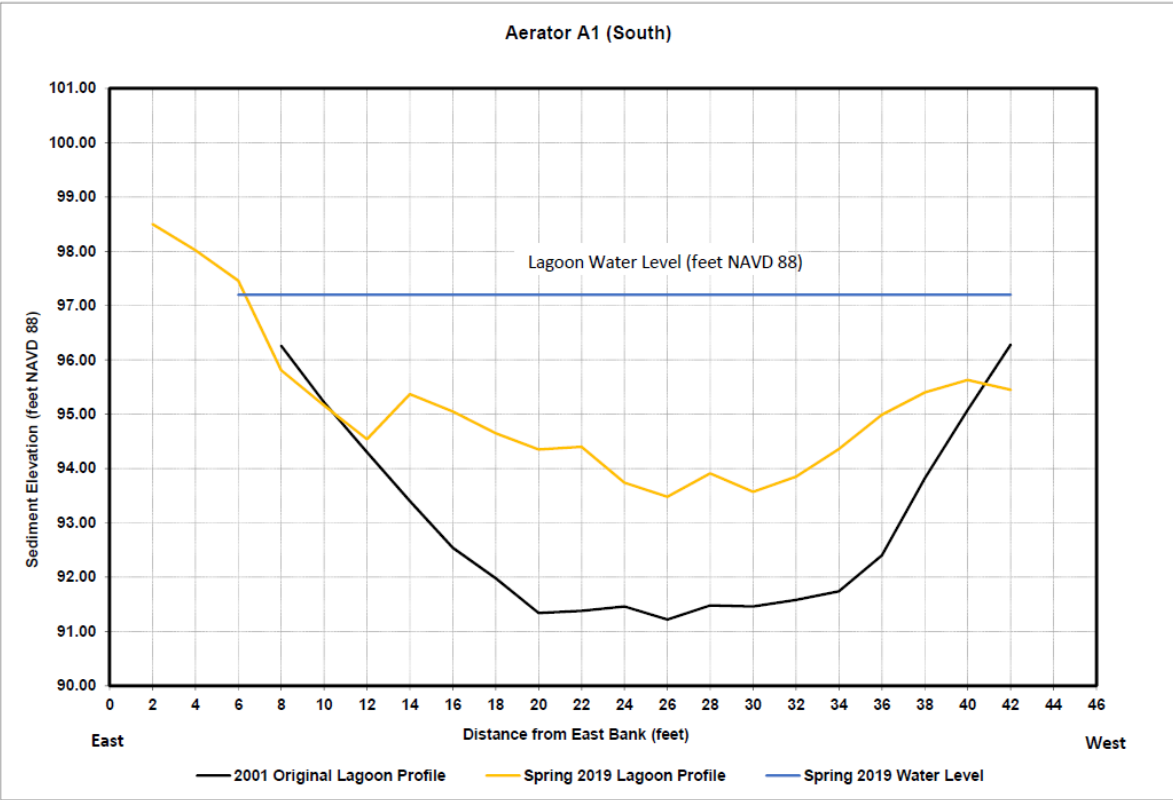


Figure 2: South transect of aeration lagoon.

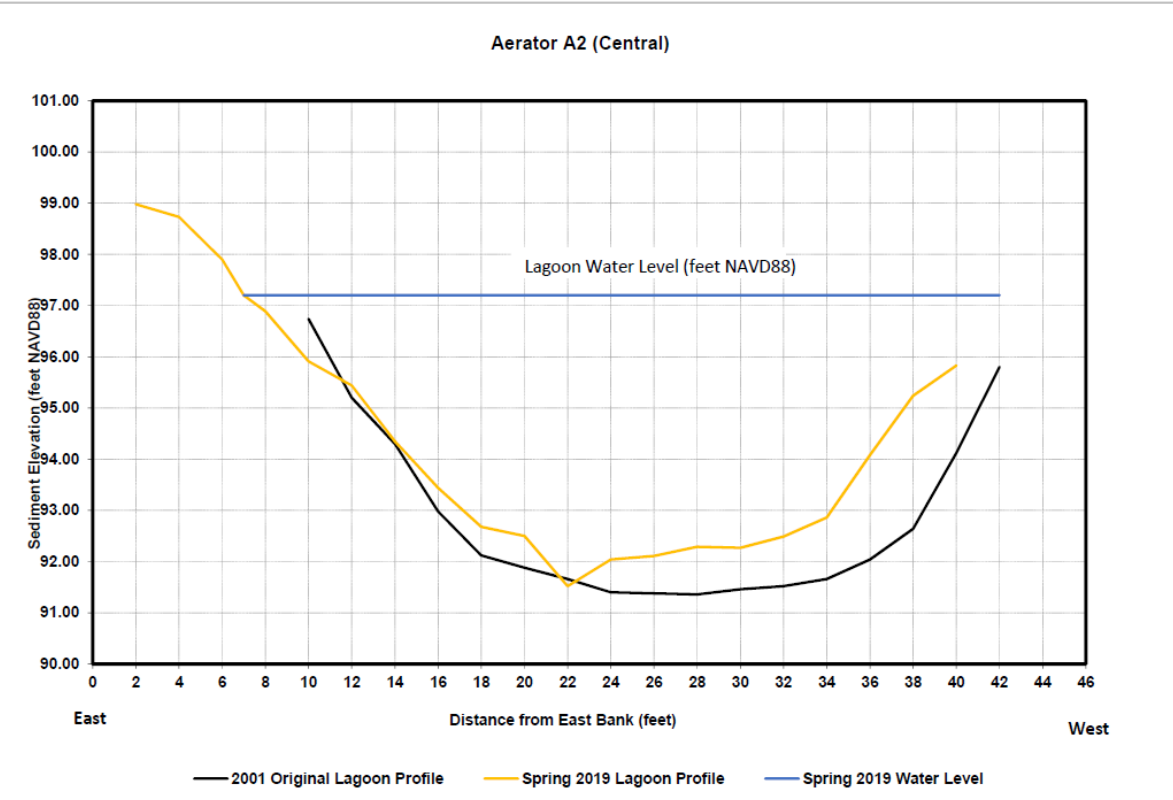


Figure 3: Central transect of aeration lagoon.

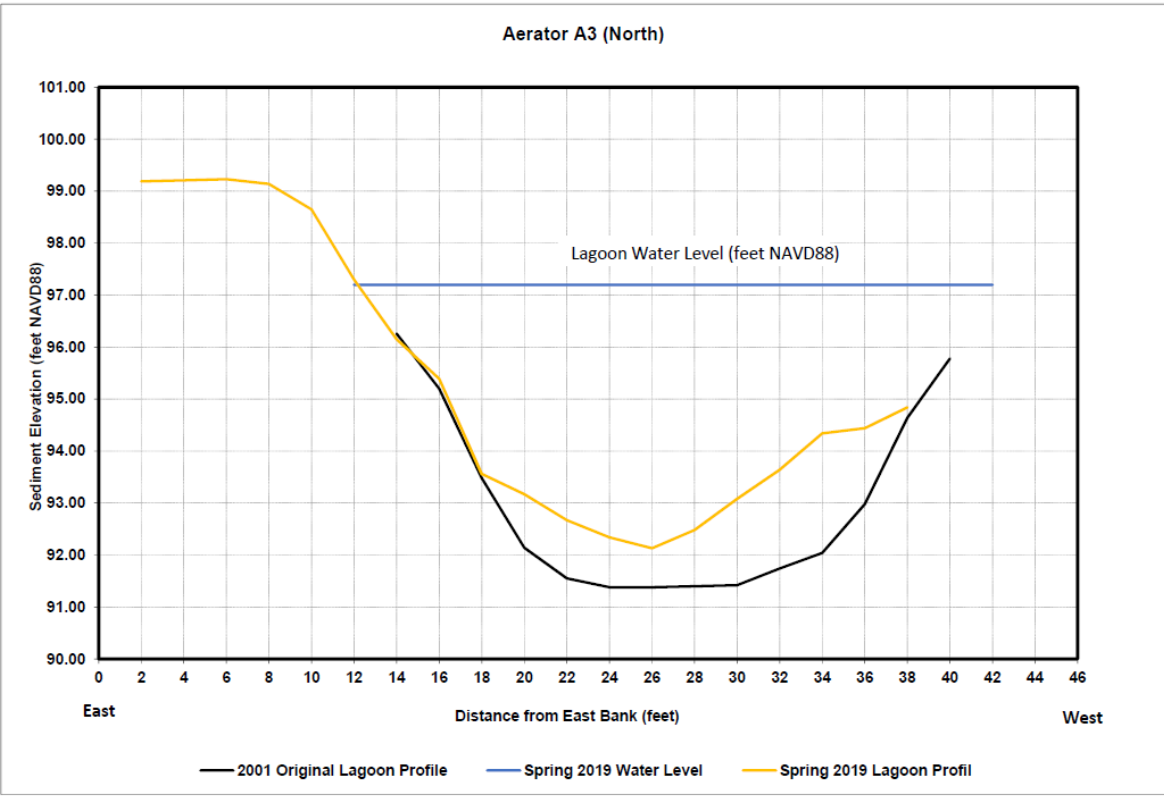


Figure 4: Northern transect of aeration lagoon.

TO: City Council
 FROM: Mary Heather Ames, Transportation Manager
 DATE: June 9, 2022
 SUBJECT: Right of Way Procedures - Updated

1) Recommended Action:

Staff requests the City Council approve and authorize the Mayor to sign the updated Right of Way Procedures, Administrative Settlement Policy, and Waiver of Appraisal Procedure, to be forwarded to the Washington State Department of Transportation for their approval.

2) Background:

As part of the Certification Acceptance (CA) Agreement with the Washington State Department of Transportation (WSDOT), the City must comply with certain requirements per the WSDOT Local Agency Guidelines (LAG). These guidelines allow for the City to acquire property rights needed for completion of projects. In order to perform right of way activities per the LAG, it is necessary to have these procedures in place.

This update reflects no change from the existing approved procedures except for using the new WSDOT form and updating staff resumes, which will be forwarded along with the form to WSDOT for their files.

The document is made up of three parts:

Right of Way Procedures: Sets forth the statutory requirements and the City's responsibilities for right of way acquisition including the staff positions, or others, responsible for the various acquisition activities.

Administrative Settlement Policy: Sets forth the conditions and requirements for negotiating settlements where the settlement amount is in excess of the fair market value, and establishes the City's authority, by position, of who has responsibility for approving the settlement depending on the amount of the settlement.

Waiver of Appraisal Procedure: Sets forth the conditions under which the City may elect to waive the requirement for an appraisal.

3) Policy Support:

Create and Maintain a Transportation System Safe for All Modes of Travel
 - Ensure sustainable funding to maintain and improve streets and sidewalks

4) Alternatives:

☐ Make changes to the procedures.

5) Fiscal Notes:

None as a direct result of this item.

6) Attachments:

A. Right of Way Procedures 2022

Right of Way Procedures

The City of Tumwater (Agency), needing to acquire real property (obtain an interest in and/or possession of) in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and applicable federal regulations (49 CFR Part 24) and state law (Ch. 8.26 RCW), and state regulations (Ch. 468-100 WAC) hereby adopts the following procedures to adhere to all applicable laws, statutes, and regulations. The Agency is responsible for the real property acquisition and relocation activities on projects administered by the Agency and must acquire right of way (ROW) in accordance with the policies set forth in the Washington State Department of Transportation Right of Way Manual M 26-01 and Local Agency Guidelines (LAG).

Below is a list of Agency staff, by names and position titles, that are qualified to perform specific ROW functions. Attached to these procedures are resumes for everyone listed within these procedures, which provides a summary of their qualifications. The procedures shall be updated whenever staffing changes occur.

1. The Agency has the staff with the knowledge and experience to accomplish the following ROW Disciplines:
 - i. **PROGRAM ADMINISTRATION:**
 Oversee delivery of the ROW Program on federal aid projects for the Agency.
 Ensures ROW functions are carried out in compliance with federal and state laws, regulations, policies, and procedures.

Responsibilities/Expectations:

 - Ensures Agency's approved ROW Procedures are current, including staff qualifications, and provides copies to consultants and Agency staff;
 - Oversight of ROW consultants;
 - use of consultant contract approved by WSDOT
 - management of ROW contracts
 - management of ROW files
 - reviews and approves actions and decisions recommended by staff & consultants
 - Overall responsibility for decisions that are outside the purview of consultant functions
 - Sets Just Compensation prior to offers being made;
 - Oversight and approval of Administrative Offer Summaries (AOS) per policy;
 - Oversight and approval of Administrative Settlements per policy;
 - Ensure Agency has a relocation appeal process in place prior to starting relocation activities;
 - Obligation authority for their Agency;
 - Obtain permits (Non-Uniform Relocation Act (URA));
 - Ensures there is a separation of functions to avoid conflicts of interest.

- Verifies whether ROW is needed, and that the property rights and/or interests needed are sufficient to construct, operate and maintain the proposed projects (see LAG Appendix 25.174, 25.175, & 25.176).

Brandon Hicks, Transportation and Engineering Director OR Bill Lindauer, Engineering Services Manager OR Mary Heather Ames, Transportation Manager OR Nhan Vo, Senior Engineer

Note: Staff included under Program Administration must have completed the eLearning Administrative Settlement and No ROW Verification training available at <http://www.wsdot.wa.gov/LocalPrograms/ROWServices/Training.htm>

ii. APPRAISAL

Prepare and deliver appraisals on federal aid projects for the Agency. Ensures that appraisals are consistent and in compliance with state and federal laws, regulations, policies, and procedures.

Responsibilities/Expectations:

- Use only qualified agency staff approved by WSDOT to perform appraisal work;
- Use Appraiser from WSDOT's Approved Consultant List if Agency does not have qualified staff;
- Prepare ROW Funding Estimate (not required to be completed by an appraiser & only when there are federal funds in the ROW Phase);
- Prepare AOS;
- Obtain specialist reports;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Contract with a qualified consultant.

iii. APPRAISAL REVIEW:

Review appraisals on federal aid projects for the Agency to make sure they are adequate, reliable, have reasonable supporting data, and approve appraisal reports. Ensures appraisals are adequately supported and represent fair market value and applicable costs to cure and are completed in compliance with state and federal laws, regulations, policies, and procedures.

Responsibilities/Expectations:

- Use only qualified agency staff approved by WSDOT to perform appraisal review work;
- Use review appraiser from WSDOT's Approved Consultant List if agency does not have qualified staff;

- Ensures project wide consistency in approaches to value, use of market data, and costs to cure;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Contract with a qualified consultant.

iv. **ACQUISITION:**

Acquire, through negotiation with property owners, real property, or real property interests (rights) on federal aid projects for the Agency. Ensures acquisitions are completed in compliance with federal and state laws, regulations, policies, and procedures.

Responsibilities/Expectations:

- Use only qualified staff to perform acquisition activities for real property or real property interests, including donations;
- To avoid a conflict of interest, when the acquisition function prepares an AOS, only acquires property valued at \$10,000 or less;
- Provide and maintain a comprehensive written account of acquisition activities for each parcel;
- Prepare AOS justification and obtain approval;
- Prepare Administrative Settlement and obtain approval;
- Prepare Right of Way Funding Estimate (when there are federal funds in the ROW Phase);
- Review title, and recommend and obtain approval for acceptance of encumbrances;
- Ensure acquisition documents are consistent with ROW plans, valuation, and title reports;
- Provide a negotiator disclaimer;
- Maintain a complete, well organized parcel file for each acquisition;
- Coordinate with engineering, program administration, appraisal, relocation, and/or property management as necessary.

Contract with a qualified consultant.

Note: Staff included under Acquisition must have completed the eLearning Administrative Settlement training available at
<http://www.wsdot.wa.gov/LocalPrograms/ROWServices/Training.htm>

v. **RELOCATION:**

Provide relocation assistance to occupants of property considered displaced by a federally funded projects for the Agency. Ensures relocations are completed in compliance with federal and state laws, regulations, policies, and procedures.

Responsibilities/Expectations:

- Prepare and obtain approval of relocation plan prior to starting relocation activities;
- Confirm relocation appeal procedure is in place;
- Provide required notices and advisory services;
- Make calculations and provide recommendations for Agency approving authority prior to making payment;
- Provide and maintain a comprehensive written account of relocation activities for each parcel;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the ROW;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary.

Contract with a qualified consultant.

vi. **PROPERTY MANAGEMENT:**

Establish property management policies and procedures that will assure control and administration of ROW, excess lands, and improvements acquired on federal aid projects for the Agency. Ensures property management activities are completed in compliance with federal and state laws, regulations, policies, and procedures.

Responsibilities/Expectations:

- Account for use of proceeds from the sale/lease of property acquired with federal funds on other title 23 eligible activities;
- Keep ROW free of encroachments;
- Obtain WSDOT/FHWA approval for change in access control along interstate;
- Maintain property records;
- Ensure occupants and personal property is removed from the ROW;
- Maintain a complete, well organized property management file;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary.

Brandon Hicks, Transportation and Engineering Director OR Bill Lindauer,
Engineering Services Manager OR Mary Heather Ames, Transportation Manager

OR Nhan Vo, Senior Engineer all with assistance from qualified consultant or WSDOT Staff as needed.

- b. Any functions for which the Agency does not have qualified staff, the Agency will contract with another local agency with approved procedures, a qualified consultant, or the WSDOT. An Agency that proposes to use qualified consultants for any of the above functions will need to work closely with their ROW Local Agency Coordinator (LAC) and Local Programs to ensure all requirements are met. When the Agency proposes to have staff approved to negotiate who have limited experience in negotiation for FHWA funded projects, the LAC must be given an opportunity to review all offers and supporting data prior to offers being made to the property owners.
 - c. The Agency's Administrative Settlement Procedures indicating the approval authorities and the procedures involved in making administrative settlement needs to be included with these procedures (see Exhibit A).
 - d. An Agency wishing to take advantage of the AOS process, properties valued up to \$25,000 or less, need to complete Exhibit B of these procedures.
2. All projects shall be available for review by the FHWA and WSDOT at any time and all project documents shall be retained and available for inspection during the plan development, ROW, construction stages, and for a three-year period following acceptance of the projects by WSDOT.
 3. Approval of the Agency's procedures by WSDOT Local Programs may be rescinded at any time the Agency is found to no longer have qualified staff or is found to be in non-compliance with the regulations. The rescission may be applied to all or part of the functions approved.

Debbie Sullivan, Mayor

Date

Washington State Department of Transportation

Approved By:

Local Programs Right of Way Manager

Date

EXHIBIT A

Agency's Administrative Settlement Policy

The City of Tumwater, WA ("AGENCY"), shall make every reasonable effort to expeditiously acquire real property by negotiation. Negotiation implies an honest effort by the AGENCY to resolve differences with property owners. Offers can be flexible and negotiations should recognize the inexact nature of the process by which just compensation is determined. The AGENCY shall endeavor to expedite the acquisition of real property by agreements with owners and to avoid litigation and relieve congestion in the courts.

1. The AGENCY shall carefully consider and maximize the use of administrative settlements in appropriate situations. An administrative settlement or stipulated settlement is a negotiated settlement of a right of way acquisition case in which the AGENCY has administratively approved payment in excess of fair market value as shown on the AGENCY's approved determination of value (review appraisers' certificate). The AGENCY shall carefully consider and maximize the use of administrative settlements in appropriate situations.
2. Administrative settlements may be approved when it is determined that such action is in the public interest. In arriving at a determination to approve an administrative settlement, the following nonexclusive factors may be considered:
 - a. All available appraisals, including the owner's comparable sales not included in an appraisal, and the probable range of testimony in a condemnation trial.
 - b. Ability of the City to acquire the property, or possession, through the condemnation process to meet the construction schedule.
 - c. Impact of construction delay pending acquisition.
 - d. The negotiators recorded information, including parcel details and the owner's rationale for increased compensation.
 - e. Recent court awards in cases involving similar acquisition and appraisal problems.
 - f. Likelihood of obtaining a favorable jury results in local jurisdiction, opinion of legal counsel where appropriate.
 - g. Estimate of trial cost weighed against other factors

3. Authority – The AGENCY authority of administrative settlements in right of way acquisitions is as follows:

Position(s)	Current Applicable Staff	Maximum Settlement
Engineering Staff	Bill Lindauer, Mary Heather Ames, Nhan Vo	Just Compensation plus up to an additional \$5,000
Transportation & Engineering Director	Brandon Hicks	Just Compensation plus up to an additional \$25,000
Mayor	Debbie Sullivan	Just Compensation plus any additional amount

Prior to any written offer of final settlement made to the property owner or their representative, the administrative settlement shall be stated in a memorandum signed by the appropriate approving authority and placed in the parcel acquisition file. The memorandum shall be in accordance with Chapter 6 of the Washington State Department of Transportation Right of Way Manual. If the services of a consultant acquisition negotiator are utilized, the appropriate AGENCY staff person or official will be required to sign the administrative settlement memorandum.

4. The City Council considers approval of all warrants prior to providing payment.

Debbie Sullivan, Mayor

Date

Washington State Department of Transportation

Approved By:

Local Programs Right of Way Manager

Date

EXHIBIT B
Waiver of Appraisal
Agency's Administrative Offer Summary (AOS)

The City of Tumwater , hereinafter (Agency), desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State directives, and desiring to take advantage of the \$25,000.00 appraisal waiver process approved by the Federal Highway Administration (FHWA) for Washington State, hereby agrees to follow the procedure approved for the Washington State Department of Transportation (WSDOT) as follows:

Rules

- A. The Agency may elect to waive the requirement for an appraisal if the acquisition is simple and the compensation estimate indicated on the ROW Funding Estimate is \$25,000.00 or less including cost-to cure items. A True Cost Estimate shall not be used with this procedure.
- B. The Agency must make the property owner(s) aware that an appraisal has not been completed on the property for offers \$10,000 or less.
- C. The Agency must make the property owner(s) aware that an appraisal has not been completed on the property for offers over \$10,000 and up to \$25,000, and that an appraisal will be prepared if requested by the property owner(s).
- D. Special care should be taken in the preparation of the AOS as no review is mandated, the preparer needs to assure that the compensation is fair and that all the calculations are correct.

Procedures

- A. An AOS is prepared using comparable sales found at the time of preparation.
- B. The AOS is submitted to the Transportation and Engineering Director for approval. Upon signature a first offer to the property owner(s) is authorized.

 Debbie Sullivan, Mayor

 Date

Washington State Department of Transportation

Approved By:

 Local Programs Right of Way Manager

 Date

TO: City Council
FROM: John Doan, City Administrator
DATE: June 7, 2022
SUBJECT: Association of Washington Cities 2022 Annual Business Meeting Voting Delegates

1) Recommended Action:

Confirm the selection of Councilmember Agabi, Councilmember Dahlhoff, and Councilmember Swarthout as voting delegates at the Association of Washington Cities (AWC) 2022 Annual Business Meeting.

2) Background:

Councilmember Agabi, Councilmember Dahlhoff, and Councilmember Swarthout have volunteered to represent the City at the AWC Annual Conference this year as voting delegates. The AWC Annual Conference is scheduled for June 21-24, 2022, in Vancouver, Washington. Each city has the opportunity to designate up to three voting delegates for the AWC Business Meeting. Voting delegates can be staff or elected officials. Mayor Sullivan and City Administrator Doan will be attending the conference also.

3) Policy Support:

VISION | MISSION | BELIEFS

Partnership | We work collaboratively with residents, businesses, and community organizations. We also actively partner with other jurisdictions to address regional, state, and even broader issues.

Learning | We are a learning organization which strives to benefit from past experience, foresight, and innovation to seek new ways to enhance the community and improve City operations and services.

4) Alternatives:

☐ Select different delegates.

5) Fiscal Notes:

Cost for attendance at the conference are included in the budget and provided for in Council Rules.

6) Attachments:

None.

TO: City Council
 FROM: Brad Medrud, Planning Manager
 DATE: June 7, 2022
 SUBJECT: Bush Prairie Habitat Conservation Plan (HCP) – Second and Third Amendments to WDFW Phase 2 Grant Agreement

1) Recommended Action:

Approve the second and third amendments to the WDFW Phase 2 HCP Grant Agreement.

2) Background:

Working together with the Port of Olympia and large group of stakeholders, the City is in Phase 2 of the process of preparing the Bush Prairie Habitat Conservation Plan (HCP) with consultant assistance to identify appropriate mitigation for take of the Mazama Pocket Gopher, the Streak-Horned Lark, the Oregon Spotted Frog, and the Oregon Vesper Sparrow.

City staff has been working with WDFW staff to prepare the second and third amendments to the WDFW Phase 2 HCP Grant Agreement.

The second amendment would extend the period of performance for the grant from March 31, 2022 to April 1, 2023.

The third amendment would move \$191,932 in funding from Objective 4 and transfer it to Objective 3. The third amendment adjusts the costs for Objective 3 to \$348,458 and Objective 4 to \$127,955. The third amendment modifies and replaces the grant statement of work in its entirety with a new statement of work. This is a no cost amendment resulting in the total Grant award remaining the same at \$1,146,000.

No other changes authorized aside from these amendments.

3) Policy Support:

Comprehensive Plan Conservation Element Goal C-1: Recognize the significant role played by natural features and systems in determining the overall environmental quality and livability of Tumwater.

Comprehensive Plan Conservation Element Policy C-2.16: Protect and preserve habitats for species, which have been identified as endangered, threatened, or sensitive by the state or federal government, giving “special consideration: to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

4) Alternatives:

☐ None

5) Fiscal Notes:

This is a federal grant and an internally funded work program task.

6) Attachments:

- A. Bush Prairie Habitat Conservation Plan (HCP) – Second and Third Amendments to WDFW Phase 2 Grant Agreement



CONTRACT AMENDMENT

TITLE: City of Tumwater HCP Phase 2

WDFW NUMBER: 18-11088

CONTRACTOR: City of Tumwater

AMENDMENT NUMBER: 2

AMENDMENT VALUE: \$0.00

AMENDMENT EFFECTIVE DATE:
03/13/2022

CONTRACT END DATE:
04/01/2023

The above-referenced Contract between the State of Washington, Department of Fish and Wildlife (WDFW); and the City of Tumwater is hereby amended as follows:

AMEND Section D | Period of Performance

The period of performance is extended from March 31, 2022 to **April 1, 2023**.

This no cost time extension will allow more time to complete all objectives required under the Agreement.

AMEND Attachment C | Statement of Work

Funding in the amount of \$191,932 is removed from Objective 4 and transferred to Objective 3.

This Amendment adjusts the costs for Objective 3 to \$348,458; and Objective 4 to \$127,955.

Reporting terms are updated to reflect the extended grant term.

This Amendment modifies and replaces the Statement of Work in its entirety with the attached Statement of Work.

This is a no cost Amendment resulting in the total Grant award remaining the same at \$1,146,000.

No other changes authorized under this Amendment.

All other terms and conditions of this Contract remain in full force and effect.

THIS AMENDMENT is executed by the persons signing below, who warrant that they have the authority to execute this Amendment.

CITY OF TUMWATER

**WASHINGTON DEPARTMENT OF
FISH AND WILDLIFE**

SIGNATURE DATE

SIGNATURE DATE

PRINTED NAME AND TITLE

PRINTED NAME AND TITLE

Amendment 2

Attachment C
Statement of Work
City of Tumwater Habitat Conservation Plan Phase 2

REQUEST SUMMARY

The City of Tumwater (City) and the Port of Olympia (Port) in cooperation with the Washington State Department of Fish and Wildlife (WDFW) received a Cooperative Endangered Species Conservation Fund (Section 6) Habitat Conservation Plan (HCP) Planning Assistance grant in the amount of \$900,000 (75% of the anticipated project cost; 94% or \$846,000 to the City of Tumwater, and 6% or \$54,000 to WDFW) to complete Phase 2 of the HCP development.

Phase 2 grant funds would be used to develop a public draft of the Bush Prairie HCP to cover urban residential, commercial, industrial, and institutional development activities conducted in the City and on Port properties within the City's urban growth boundary that affect listed and other special-status species and their supporting habitats.

The City and Port will complete the following tasks in the second phase of HCP development:

- Review and refine mitigation issues and opportunities identified in Phase 1 specific to the City and the Port for effective management of affected species and prairie ecosystems across private and public lands.
- Continue collaborative Plan development with participation by the Stakeholder group, comprised of property owners, businesses, conservation organizations, and federal, state, and local agencies. The Stakeholder group, convened in Phase 1, has helped to establish criteria for selecting and implementing policies, programs, and projects that seek to conserve and preserve affected species and prairie ecosystems.
- Develop and initiate a broad public process that builds on the work of the Stakeholder group to seek feedback on policies, programs, and projects aimed at conserving and preserving affected species and prairie ecosystems.
- Complete a draft HCP leveraging information collected, memoranda developed, and stakeholder feedback received in Phase 1.
- Develop information to support the US Fish and Wildlife Service (USFWS) in conducting National Environmental Policy Act (NEPA) scoping and defining the issues and anticipated actions for the public, including stakeholders.
- With the City as Lead Agency, develop information to support USFWS in conducting Washington State Environmental Policy Act (SEPA) scoping and defining the issues and anticipated actions for the public, including stakeholders.
- Complete the draft Environmental Impact Statement (EIS) for combined NEPA and SEPA compliance and publication in the Federal Register.
- Receive and review public comments on the draft HCP and EIS. Organize comments to identify themes and significant issues to aid the City and Port in the final stages of HCP development.

OBJECTIVES

The goals for Phase 2 of the HCP planning process are to (for more detail, please refer to "Objectives" and associated "Tasks" described later in the document):

- Continue to educate, inform and involve the public in conservation planning for endangered species.
- Continue to build on other local efforts by Thurston County, WDFW, Center for Natural Lands Management, Department of Defense, and USFWS to maintain and restore the South Puget Sound prairie ecosystem.
- Continue to hold regular meetings of the HCP development team convened in Phase 1 including representatives from the City, the Port, USFWS, the consultant, and other key contributors.
- Continue to seek feedback from stakeholder group convened in Phase 1.
- Incorporate the initial framework for management tools such as regulations, incentives and acquisition strategies that result in protection of contiguous properties to provide for the long-term preservation of endangered species developed in Phase 1 into a draft HCP.
- Integrate features of priority properties identified in Phase 1 as a basis for minimization and mitigation measures into the draft HCP.
- Assemble the elements of an implementation strategy that:
 - Builds partnerships to implement the strategy,
 - Establishes conservation milestones, and
 - Recommends the roles and actions needed for effective conservation and mitigation from conservation partners.
- Complete a draft HCP.
- Develop a long-term HCP implementation funding strategy.
- Provide the Service with resources necessary to continue the NEPA process.
- Conduct the Washington SEPA process concurrent to the NEPA process.
- Provide information and support to complete a draft EIS on the HCP.

The City and the Port have identified the following specific tasks to achieve Phase 2 objectives. Funding obtained for FY17 is critical for continuing the planning efforts begun in FY15. The requested funding will enable achievement of the following tasks to be completed as soon as possible, within one to two years of receipt of grant funds from USFWS:

Objective 1 | Continue to engage stakeholder group and the public to ensure awareness and support of the process and long-term commitment to implementation of the HCP.

Tasks include:

1. Convene quarterly stakeholder group meetings to seek general public feedback on the process and outcomes.
2. Convene public meetings to seek general public feedback on the process and outcomes.

Objective 1 deliverable: Regular meetings with both stakeholder group and general public with feedback received and taken into consideration by project team.

Cost: \$180,644

Schedule: September 2018 – April 2023

Completion Date: April 2023

Objective 2 | Use data collected during Phase 1 of the project to develop a draft HCP.

Tasks include:

1. Combine information from the Phase 1 memoranda with data related to current and planned land use, existing permit requests, land development potential, and management and mitigation strategies.
2. Describe the covered activities and environmental conditions relevant to the covered species.
3. Conduct the impact analysis and develop the conservation strategy.
4. Develop the adaptive management and monitoring program.
5. Estimate HCP implementation costs and funding sources.
6. Define the implementation structure, implementation schedule, and changed and unforeseen circumstances and remedial measures.
7. Describe alternatives to take.
8. Present and seek feedback on the administrative draft HCP to the stakeholder group and the public.
9. Incorporate feedback, where appropriate, into the draft plan.

Objective 2 Deliverable: Draft HCP.

Cost: \$188,943

Schedule: September 2018 – April 2023

Completion Date: April 2023

Objective 3 | Complete final draft of HCP

Tasks include:

1. Complete First and Second Administrative Draft HCPs.
2. Complete Public Draft HCP

Objective 3 Deliverable: Final HCP for publication, provided electronically only..

Cost: \$348,458

Schedule: February 2019 – April 2023

Completion Date: April 2023

Objective 4 | Complete the draft state and federal environmental review on the draft HCP.

Tasks include:

1. If NEPA/SEPA review results in a Determination of Significance, initiate an EIS
2. Define Proposed Action, Purpose and Need, and Alternatives to the Proposed Action.
3. Document the environmental baseline conditions.
4. Conduct the environmental impact assessment for all applicable resource topics.
5. Complete the public draft EIS.

Objective 4 Deliverable: Draft NEPA and SEPA decision documents...

Cost: \$127,955

Schedule: February 2019 – April 2023

Completion Date: April 2023

LOCATION (PLAN AREA)

Based on the Plan Area and Permit Term Memorandum developed in Phase 1, the HCP plan area (Figure 1) covers the lands within the City boundaries, lands within the City's UGA that are under direct control of the Port, and any additional lands that are to be managed by the permittees for the purposes of covered species conservation. The HCP plan area will be at least 17,000 acres. The plan area may be expanded if suitable mitigation areas are identified outside this area.

ESTIMATED COST

Thurston County received \$846,000 of a \$900,000 pass-through grant funding in partnership with WDFW. A non-federal match of \$150,000, or 12.5% will be provided by the City of Tumwater. The remaining \$150,000 non-federal match will be provided by the Port through an annual entitlement grant. As a key stakeholder in the development of the HCP, the Federal Aviation Administration (FAA) will ask the Port to use this \$150,000 annual entitlement grant to offset the cost of the Port's \$150,000 (12.5%) match.

REPORTING REQUIREMENTS

Report Title	Report Period	Due Date
Interim Federal Financial Report (SF-425)	March 31, 2019	May 31, 2019
Interim Performance Report	March 31, 2019	May 31, 2019
Interim Federal Financial Report (SF-425)	March 31, 2020	May 31, 2020
Interim Performance Report	March 31, 2020	May 31, 2020
Interim Federal Financial Report (SF-425)	March 31, 2021	May 31, 2021
Interim Performance Report	March 31, 2021	May 31, 2021

Additional reports amended to contract:

• Interim Federal Financial Report (SF-425)	March 31, 2022	May 31, 2022
• Interim Performance Report	March 31, 2022	May 31, 2022
• Final Federal Financial Report (SF-425)	April 1, 2023	April 1, 2023
• Final Performance Report	April 1, 2023	April 1, 2023

All reports should be sent to the WDFW Project Manager.

Tables and Figures

Table 1. Species that will likely be covered by HCP

Common Name	Scientific Name	Federal Status	State Status
Olympia pocket gopher	<i>Thomomys mazama pugetensis</i>	FT	ST
Streaked horned lark	<i>Eremophila alpestris strigata</i>	FT	SE
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>	FSC	SC
Oregon spotted frog	<i>Rana pretiosa</i>	FT	SE
Roy Prairie pocket gopher	<i>Thomomys mazama glacialis</i>	FT	ST
Tenino pocket gopher	<i>Thomomys mazama tumuli</i>	FT	ST
Yelm pocket gopher	<i>Thomomys mazama yelmensis</i>	FT	ST
Taylor's checkerspot butterfly	<i>Euphydryas editha taylori</i>	FE	SE
Golden paintbrush	<i>Castilleja levisecta</i>	FT	ST
Kincaid's lupine	<i>Lupinus sulphureus ssp. kincaidii</i>	FT	SE
Nelson's checkermallow	<i>Sidalcea nelsoniana</i>	FT	SE
Hoary elfin butterfly	<i>Callophrys polios obscurus</i>	[none]	SM
Mardon skipper butterfly	<i>Polites mardon</i>	[none]	SE
Oregon branded skipper butterfly	<i>Hesperia colorado oregonia</i>	[none]	SM
Puget blue butterfly	<i>Icaricia icarioides blackmorei</i>	[none]	SC
Valley silverspot butterfly	<i>Speyeria zerene bremnerii</i>	[none]	SC

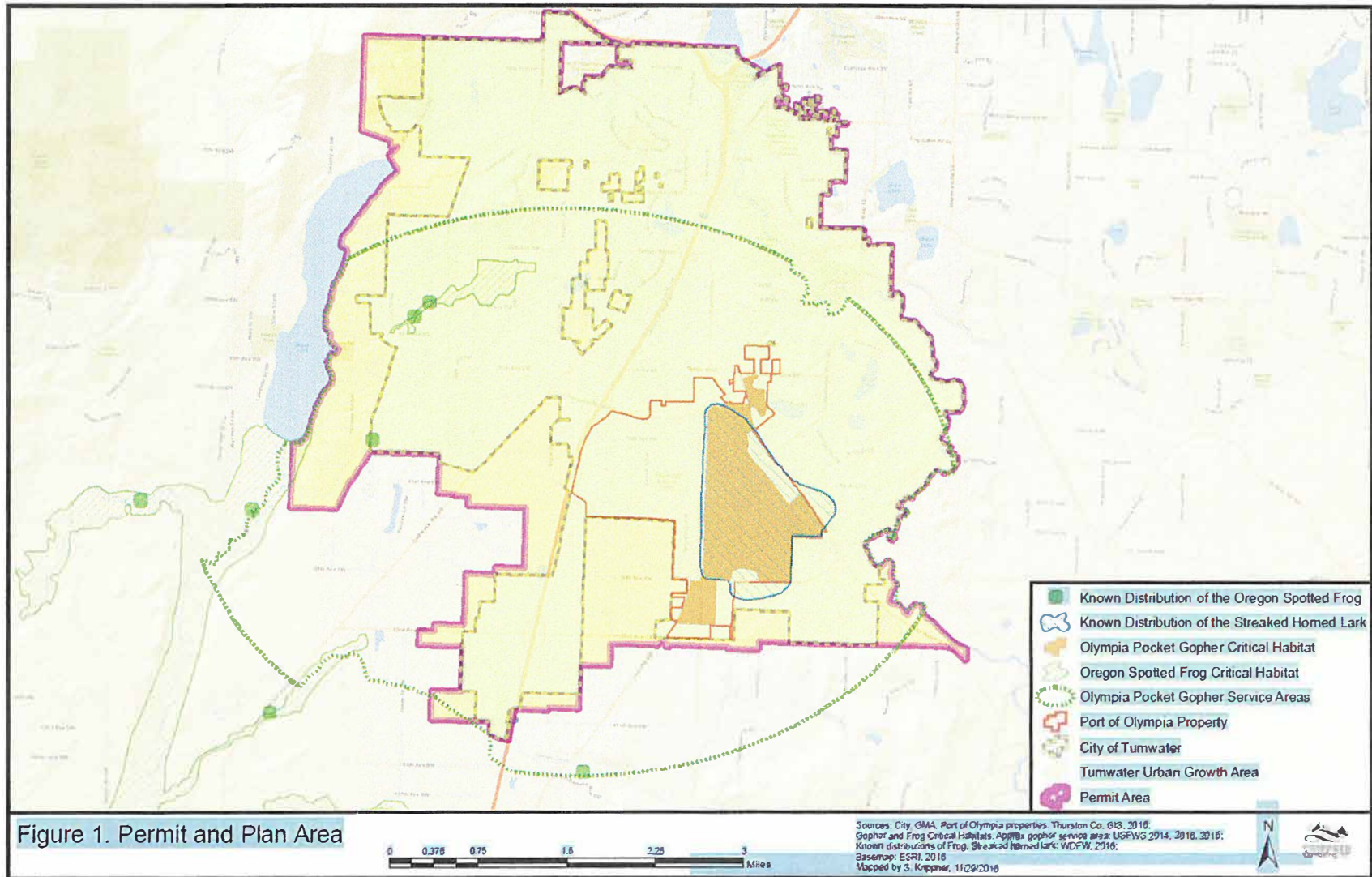
Table 2. Tasks and Deliverables of the Responsible Parties.

Responsible Party	Task	Deliverable
City and Port	Continue to hold regular meetings of HCP development team convened in Phase 1.	Bi-monthly meetings convened to move effort forward.
City and Port	Continue to convene stakeholder group to receive feedback on work products.	Quarterly meetings convened; feedback received, considered, and integrated into work products.
Consultant, City, and Port	Incorporate memoranda developed in Phase 1 into a draft HCP. HCP will: <ul style="list-style-type: none"> • Include reference to management tools developed in Phase 1. • Integrate features of priority properties identified in Phase 1. • Include elements of implementation strategy. • Include funding strategy for long-term implementation. 	Draft HCP.
Consultant, City, and Port	Compile information necessary to initiate NEPA/SEPA efforts.	NEPA/SEPA review documents.
Consultant, City, and Port	Host public meetings to ensure the impacted public has opportunity to learn about and provide input into the draft HCP.	Public meetings.

Table 3. Benefits to covered species and quality of project area

Covered Species	Expected Benefit	Degree of Benefit	Justification
Olympia pocket gopher	The HCP will protect a major population necessary for recovery, including a source population that provides individuals for future emigration, and the HCP will mitigate for development threats to remaining habitat.	High	More than 75% (nearly all) of the range of the Olympia Distinct Population Segment of the Mazama pocket gopher is in the plan area. Conservation of this species will provide additional prairie ecosystem benefits and benefits to other species (page 11).
Streaked horned lark	The HCP will provide management to maintain large treeless expanses necessary for breeding, feeding, and nesting behaviors.	High	The largest breeding population in the South Puget Sound Region is in the plan area. ¹ The breeding population in the plan area is believed to be essential for recovery of the species.
Oregon vesper sparrow	Prairie restoration will benefit this species by maintaining habitat necessary for feeding, breeding, and/or sheltering behaviors.	Low	The plan area represents a small portion of the range of the species but contains all of the habitat features necessary for breeding, sheltering and feeding. This rarely recorded species has been documented to occur in the plan area.
Oregon spotted frog	Critical habitat for this species is in the plan area and the species will benefit from conservation activities at mitigation sites in the Black Lake drainage basin.	Medium	The plan area represents a small portion of the range of the species but contains all of the features necessary for breeding, sheltering and feeding. This rarely recorded species has been documented to occur in the plan area.
Roy Prairie pocket gopher Tenino pocket gopher Yelm pocket gopher Taylor's checkerspot butterfly	These species do not occur in the expected impact area; however, they may occur on mitigation sites in the plan area.	Low	Mitigation sites in these species' range will be managed to benefit prairie ecosystems, maintaining species productivity.
Golden paintbrush Kincaid's lupine Nelson's checkermallow	The HCP will provide opportunities for reintroduction of native prairie plants at mitigation sites.	Low	Mitigation sites in these species' range will be managed to benefit prairie ecosystems. Although none of these species are known to occur within the plan area, each of them could establish in suitable habitat at mitigation sites.
Hoary elfin butterfly Mardon skipper butterfly Oregon branded skipper butterfly Puget blue butterfly Valley silverspot butterfly	The HCP will conserve and restore feeding, breeding, and/or sheltering habitat for each of these prairie butterfly species. HCP implementation will include routine monitoring of mitigation sites so we may learn more about the species' distribution.	Low	It is not currently known if any of these species occur within the plan area. If any of them do, impacts might result from covered activities or the species may benefit from prairie conservation and restoration at mitigation sites.

¹ Estimated number of streaked horned lark pairs in South Puget Sound nesting areas based on survey information collected by WDFW and CNLM, compiled in Table 2 of the Kaufman Properties HCP (2015).



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TO: City Council
FROM: Brandon Hicks, Transportation and Engineering Director
DATE: June 7, 2022
SUBJECT: Second Amendment to Service Provider Agreement for Right of Way Legal Services

1) Recommended Action:

Staff recommends City Council approve and authorize the Mayor to sign the Second Amendment to Professional Services Agreement for Right of Way Legal Services – Capitol Blvd / Trospers Rd Improvements Project with Kenyon Disend, PLLC, for a total compensation not to exceed \$150,000.

2) Background:

Kenyon Disend, PLLC has been providing legal services for acquisition of right of way needed for the I-5 / Trospers Rd / Capitol Blvd Reconfiguration project. The original Agreement in 2020 provided for \$50,000 in compensation. The First Amendment increased the contract amount by \$25,000 for a total compensation of \$75,000. This Second Amendment increases the contract amount by \$75,000 for a total compensation not to exceed \$150,000.

3) Policy Support:

C. Create and maintain a transportation system safe for all modes of travel.

4) Alternatives:

☐ Recommend a different total compensation amount.

5) Fiscal Notes:

Funds for this agreement are provided in the I-5 / Trospers Rd / Capitol Blvd Reconfiguration project included in the Transportation Capital Facilities Plan budget.

6) Attachments:

A. Second Amendment to Professional Services Agreement

**SECOND AMENDMENT
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
RIGHT OF WAY LEGAL SERVICES – CAPITOL BLVD / TROSPER RD
IMPROVEMENT PROJECT**

This Second Amendment ("Amendment") is dated effective this _____ day of _____, 2022, and is entered into by and between the CITY OF TUMWATER, a Washington municipal corporation ("CITY"), and KENYON DISEND, PLLC, a Washington professional limited liability company ("SERVICE PROVIDER").

A. The CITY and the SERVICE PROVIDER entered into a Service Provider Agreement dated effective February 10, 2020, and First Amendment dated November 23, 2021, whereby the SERVICE PROVIDER agreed to provide legal services ("Agreement").

B. Section 14 of the Agreement provided that the Agreement may only be amended by written agreement signed by the parties.

C. The CITY and the SERVICE PROVIDER desire to amend the Agreement by increasing the not to exceed agreement amount.

NOW, THEREFORE, the parties agree to the following terms and conditions:

1. COMPENSATION.

In consideration of the SERVICE PROVIDER continuing to provide the services described in Section 1 of the Agreement, Section 4.C. shall be amended to increase the contract amount by SEVENTY FIVE THOUSAND and 00/100 DOLLARS (\$75,000.00). The total amount payable to the SERVICE PROVIDER pursuant to the original Agreement, First Amendment and this Second Amendment, shall be an amount not to exceed ONE HUNDRED FIFTY THOUSAND and 00/100 DOLLARS (\$150,000.00).

*** Signatures on Following Page ***

2. FULL FORCE AND EFFECT.

All other terms and conditions of the Agreement not modified by this Amendment shall remain in full force and effect.

DATED the effective date set forth above.

CITY:
CITY OF TUMWATER
555 Israel Road SW
Tumwater, WA 98501

SERVICE PROVIDER:
KENYON DISEND, PLLC
11 Front Street South
Issaquah, WA 98027-3820

Debbie Sullivan, Mayor

Signature (Notarized – see below)

Printed Name: _____

Title: _____

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

STATE OF WASHINGTON

COUNTY OF THURSTON

I certify that I know or have satisfactory evidence that _____ (name) is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ (title) of _____ (company) to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Notary Public in and for the State of Washington,
My appointment expires: _____.

TO: City Council
 FROM: Hanna Miles, Executive Assistant/Deputy City Clerk
 DATE: June 7, 2022
 SUBJECT: Reappointment of Chami Ro to the Lodging Tax Advisory Committee

1) Recommended Action:

Make a motion to confirm Mayor Sullivan's reappointment of Chami Ro to the Lodging Tax Advisory Committee.

2) Background:

Chami remains the current owner of two hotel facilities in Tumwater and has volunteered her time on the Lodging Tax Advisory Committee since 2007. She is an active and involved Committee member. Upon Council confirmation, the annual term for Chami Ro on the Lodging Tax Advisory Committee will expire June 18, 2023.

3) Policy Support:

Vision | Mission | Beliefs

Our Vision: Tumwater of the future will be people-oriented and highly livable, with a strong economy, dynamic places, vibrant neighborhoods, a healthy natural environment, diverse and engage residents, and living connection to its history.

We Believe in PEOPLE:

Partnership | We work collaboratively with residents, businesses and community organizations.

4) Alternatives:

- ☐ Do not confirm the reappointment
 - ☐ Some other course of action
-

5) Fiscal Notes:

There is no fiscal impact associated with this report.

6) Attachments:

A. Supplemental information for Chami Ro.

Chami Joe Ro



Ambitious visionary entrepreneur with vast experience in property ownership, operations, P&L management, strategic positioning, development, and strategic planning with both startup and growth of real estate and manufacturing. Provide extraordinary leadership, skilled negotiating and business development success.

Experience

03/2007-present Comfort Inn and OYO Hotel

Tumwater, WA

President / General Manager

- Overall property management with company's established policies and procedures
- Responsible for directing hotel's general manager in areas of associate relations, guest service, profitability, product quality, and compliance to franchise standards.
- Maintain tight cost controls as established in the annual budget, coordinate preventive maintenance and capital programs, and discipline property management.
- Achieved franchise quality assurance inspection scores higher than average.
- In charge of all operations, including sales, public relations, purchasing, and revenue management.
- Ensure standards of guest services, décor, housekeeping, maintenance, food quality, guestroom and meeting room operations.

1/2016-2017 Korean American Hotel Association – WA State

President

- Promote communication & education to members.
- Products & services group negotiation.
- Promote business growth.

1/2016-2017 Korean American Hotel Association – National

Vice-President

- Promote communication & education to members.
- Products & services group negotiation.
- Promote business growth.

09/2008-present Thurston County Hotel Association

Board Member

- Creation of Tourism Promotion Area (TPA).
- TPA budget development and management.

8/2008-present Lodging Tax Advisory Committee – City of Tumwater

Advisory Committee Board Member

- Promote tourism in the city of Tumwater and its vicinities.
- Budget development and management.

12/2013-12/2015 Korean American Hotel Association – National

Franchise Liaison Board Member

- Enhance communication & relationship between members & franchises.
- Assist in problem resolution between members and franchisors.

9/2010-12/2013 Korean American Hotel Association – National

Secretary

- Communications membership management.
- Properly record proceedings of the meetings and carry in execution of all orders, votes and resolution of the association.

11/2008-present Korean American Hotel Association – NW Chapter

Secretary / Vice-President / Founding Member / Board Member

- Promote communication & education to members.
- Products & services group negotiation.
- Promote business growth.

04/2006-03/2007 Best Western Plaza by the Green Kent, WA

Assistant General Manager

- Increased revenue 25% in 2006 compared to 2005
- Increased BW QA inspection score from 900 to 950 points (max 1000)
- In charge of sales, public relations, and revenue management
- Approve expenditures
- Ensure expected standards of guest services, décor, housekeeping, maintenance, food quality, meeting room operations

12/2005-3/2006 NW Immigrant Rights Project Tacoma, WA

Volunteer Legal Assistant

- Complete intake forms to be reviewed by attorneys
- Interpret between Spanish speaking clients and attorney

- Interpret between Korean speaking clients and attorney
- Translate documents from Spanish to English
- Research, filing, photocopying, and phone duties

1999-2007 Han Joe Ro, LLC Tacoma, WA
 1999-2008 Northshore Plaza Ent., Inc. King County, WA

General Manager

- Property management
- Property evaluation, examination of loan, lease, purchase & sale, closing documents

1994-2005 Chami Design, Inc. Tacoma, WA

General Manager

- Increased sales from \$500K to \$3.8 million
- Negotiated contracts and sought new business opportunities
- Expanded business scale from working with small local firms to internationally recognized companies
- Managed the growth, purchase, and the move of the business property from 5,000 sq. ft. to 120,000 sq. ft. building
- Managed production schedule & quality, customer relations, and resolved production issues
- Implemented employees' handbook and safety program
- Managed booking responsibilities, constantly striving to expand the business, minimize waste, and improve efficiencies

Education

1988-1994 University of Washington Seattle, WA

- BA Spanish
- BA General Art
- BA Fiber Art

Certification

CHA, Certified Hotel Administrator by the American Hotel & Lodging Educational Institute

Skills

- Fluent in Spanish and Korean
- Good general computer skill & property management systems
- Digital Photography

Interests

Fine arts appreciation, meditation, and local politics

Personal Character

Dynamic, assertive, accountable, and out-going

Reference

Available upon request

TO: City Council
FROM: Troy Niemeyer, Finance Director
DATE: June 7, 2022
SUBJECT: Agreement for the Purchase of LOTT House on Henderson – 2nd Contract Extension

1) Recommended Action:

Authorize the Mayor to sign the purchase and sale agreement contract amendment.

2) Background:

We have been working on this project since August 2021. This is the house owned by LOTT on Henderson Blvd. We are in the process of purchasing this home, which will then be donated to Homes First to increase the supply of affordable housing in Tumwater. In December 2021 the Council approved the Mayor Pro Tem to sign the purchase and sale agreement. The date to close on the agreement was March 1, 2022. You approved an extension for time that lasted until June 1, 2022. Due to the boundary line adjustment it is taking longer than planned. This amendment is to extend the time needed to finalize the purchase.

3) Policy Support:

Affordable housing supports the health, safety and welfare of the residents of the City of Tumwater. This policy ties directly to the City of Tumwater's 2021-2026 strategic priority to "build a community recognized for quality, compassion and humanity"; "Work with government, non-profit, and private partners to develop and implement a performance-based plan for affordable housing and to address homelessness."

4) Alternatives:

☐ Do not authorize the Mayor to sign the purchase and sale agreement amendment.

5) Fiscal Notes:

The purchase price of the house is \$200,000, which was approved by Council in December 2021. This contract amendment is for time only.

6) Attachments:

A. Purchase and Sale Agreement Contract Addendum.

ADDENDUM/AMENDMENT TO PURCHASE AND SALE AGREEMENT

The following is part of the Purchase and Sale Agreement dated December 7, 2021 between LOTT Clean Water Alliance (Grantor/Seller) and City of Tumwater (Grantee/Buyer) concerning 6541 Henderson Blvd. SE, Olympia, Washington, County of Thurston, tax parcel number 12701230202 ("Property").

IT IS AGREED BETWEEN THE SELLER AND BUYER AS FOLLOWS:

To amend Section VI., A of the Purchase and Sale Agreement to extend the closing date to August 1, 2022.

Parties agree all other terms and conditions of said agreement remain unchanged.

GRANTOR/SELLER**GRANTEE/BUYER:**

LOTT CLEAN WATER ALLIANCE

CITY OF TUMWATER

By: _____
Michael D. Strub, Executive Director
Dated: _____

By: _____
Debbie Sullivan, Mayor
Dated: _____

TO: City Council
FROM: Mary Heather Ames, Transportation Manager
DATE: June 7, 2022
SUBJECT: Resolution No. R2022-007 Six-Year Transportation Improvement Program (TIP) 2023-2028

1) Recommended Action:

Staff recommends that, pursuant to testimony at the public hearing, the City Council make a motion to approve and authorize the Mayor to sign Resolution No. R2022-007, adopting the City's Six-Year Transportation Improvement Program for 2023-2028. The project list was reviewed by the Public Works Committee at their May 19, 2022, meeting.

2) Background:

RCW 35.77.010 requires that each city and town adopt annually, following a public hearing, a Six-Year Transportation Improvement Program detailing projected needs for city transportation improvements. Any project proposed for federal or state funding must appear in this program.

The proposed 2023-2028 TIP includes transportation projects included in the City's Comprehensive Plans, including the Capital Facilities Plan, Transportation Plan, and Recreation and Open Space Plan. It also includes projects that have been identified since the aforementioned plans were adopted. Projects are based on projected growth and available or projected funding. The time lines identified may change depending on growth and the availability of funding.

3) Policy Support:

Strategic Goal C. Create and Maintain a Transportation System Safe for all Modes of Travel
- Ensure sustainable funding to maintain and improve streets and sidewalks

4) Alternatives:

- ☐ Approve the project list as presented.
 - ☐ Modify the project list.
-

5) Fiscal Notes:

Fiscal impacts of the Six-Year TIP will be identified through the on-going Capital Facilities Plan and budget processes. Current projected funding needs and sources are identified in the TIP.

6) Attachments:

A. Resolution No. R2022-007

B. Project Map

RESOLUTION NO. R2022-007

A RESOLUTION of the City Council of the City of Tumwater, Washington adopting a Six-Year Transportation Improvement Program for 2023-2028.

WHEREAS, RCW 35.77.010 requires that each city and town adopt annually, following a public hearing, a Six-Year Transportation Improvement Program detailing projected needs for street construction; and

WHEREAS, the Tumwater City Council held a public hearing on June 7, 2022, to consider the 2023-2028 Six-Year Transportation Improvement Program detailing projected needs for street construction; and

WHEREAS, the Six-Year Transportation Improvement Program is consistent with the Comprehensive Plan, supports the health, safety, and welfare of the residents of Tumwater, and will benefit the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:

Section 1. Adoption. The City of Tumwater's Six-Year Transportation Improvement Program for 2023-2028, attached hereto as Exhibit "A", is hereby adopted.

Section 2. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 3. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this ____ day of _____, 2022.

CITY OF TUMWATER

ATTEST:

Debbie Sullivan, Mayor

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Resolution No. R2022-007



Six Year Transportation Improvement Program Summary 2023 - 2028

Map #	Project Name	Phase in TIP*				Description	6-Year TIP Planned Fund Source / Project Cost			TIP Cost Fully Funded
		PLN	PE	RW	CN		Grant	Local	Total	
CAPACITY										
1	I-5 / Trosper Rd / Capitol Blvd Reconfiguration				X	Realign northbound Interstate 5 on/off ramp, construct new extension of 6th Avenue between Trosper Road and Lee Street, construct three roundabouts.	\$5,334,416	\$665,584	\$6,000,000	Yes
2	E Street Connection		X	X		Engineering and right of way acquisition for E Street Connection. Construct new roadway with sidewalk, illumination, storm drainage, and intersection improvements connecting Capitol Boulevard and Cleveland Avenue.	\$6,600,000		\$6,600,000	No
3	Brewery District Plan - Streetscape Improvements		X		X	Implementation of select elements developed from the Brewery District Plan.	\$722,500	\$127,500	\$850,000	No
4	Henderson Boulevard Bridge		X			Design for future bridge replacement or widening to add capacity including non motorized facilities.	\$212,500	\$37,500	\$250,000	No
5	Old Highway 99 Corridor Improvements - 79th Avenue to 73rd Avenue		X		X	Design and construct urban road section and improvements determined from corridor plan. To include addition of traffic lanes, turn lanes, multi-modal facilities, illumination, storm drainage, landscaping, medians and intersection improvements.	\$1,750,000	\$1,750,000	\$3,500,000	No
6	Old Highway 99 / 79th Avenue Roundabout		X	X	X	Design and construct roundabout at the intersection of Old Highway 99 and 79th Avenue.		\$2,750,000	\$2,750,000	
7	Tumwater Boulevard Interchange		X	X	X	Design, acquire right-of-way, and construct improvements to the Tumwater Boulevard / I-5 Interchange. Phased project with an interim signal followed by a roundabout, a second roundabout, and overpass widening. Funds shown are for a temporary signal and one roundabout.	\$2,000,000	\$11,950,000	\$13,950,000	No

*PLN - Planning, PE - Design, RW - Right of Way, CN - Construction



Six Year Transportation Improvement Program Summary 2023 - 2028

Map #	Project Name	Phase in TIP*				Description	6-Year TIP Planned Fund Source / Project Cost			TIP Cost Fully Funded
		PLN	PE	RW	CN		Grant	Local	Total	
PRESERVATION / ENHANCEMENT / MAINTENANCE										
8	Pavement Maintenance Program		X		X	This program provides for the maintenance and preservation of city streets, including Transportation Benefit District (TBD) projects.		\$12,400,000	\$12,400,000	Yes
9	Capitol Boulevard Plan, Corridor Improvements			X	X	Right of way acquisition for properties on the alignment of the N-S Road between Linda and Ruby Streets along with design and construction of select ADA and neighborhood improvements per the Capitol Boulevard Corridor Plan.		\$955,500	\$955,500	No
10	Tumwater Town Center Connector Road		X		X	Portion of new street between Israel Road and Tumwater Boulevard derived from the Town Center Plan in partnership with the Port of Olympia or their tenants in order to provide additional access for the Town Center area.		\$380,000	\$380,000	No
11	Linwood Avenue Sidewalk, Susitna Lane to 2nd Avenue		X		X	Sidewalk infill and traffic calming on school walking routes in the vicinity of Michael T. Simmons Elementary School, in addition to pedestrian and vehicular safety improvements at the intersections of Linwood Avenue with 2nd Avenue and Lake Park Drive.	\$348,750	\$426,250	\$775,000	Yes
12	Safe Routes to School Program		X		X	Projects in this program seek to improve pedestrian and bicyclist safety near schools. Projects include sidewalks, lighting, ADA ramps, signage, markings, education, beacons and other improvements.	\$480,000	\$120,000	\$600,000	No
13	Traffic Signal Controller & Detection Upgrade		X		X	This project will replace the controllers and necessary associated hardware at eight intersections and will upgrade the detection equipment to current standard cameras at six intersections throughout Tumwater.	\$302,750	\$47,250	\$350,000	Yes
14	X Street Roundabout			X	X	Construction of a roundabout at the intersection of Capitol Boulevard and X Street as proposed in the Capitol Boulevard Corridor Plan.	\$952,936	\$5,147,064	\$6,100,000	Partially Funded
15	I-5 & SR 121/93rd Avenue SE Interchange Improvements Study	X				In partnership with WSDOT, study to examine safety and multimobility issues, analyze alternatives, and conduct an Intersection Control Evaluation (ICE) at the intersections, if applicable.	\$173,000	\$27,000	\$200,000	No
16	Capitol Boulevard and Dennis Street Roundabout		X	X	X	Construction of a roundabout at the intersection of Capitol Boulevard and Dennis Street as proposed in the Capitol Boulevard Corridor Plan.		\$3,500,000	\$3,500,000	No

*PLN - Planning, PE - Design, RW - Right of Way, CN - Construction



Six Year Transportation Improvement Program Summary 2023 - 2028

Map #	Project Name	Phase in TIP*				Description	6-Year TIP Planned Fund Source / Project Cost			TIP Cost Fully Funded
		PLN	PE	RW	CN		Grant	Local	Total	
MULTIMODAL										
17	Deschutes Valley Trail, Segment A2		X		X	Construction of a paved walking/bicycling trail connection from Tumwater Falls Park to E Street.	\$2,000,000	\$1,000,000	\$3,000,000	No
18	Deschutes Valley Trail, Segment B		X		X	Construction of a paved walking/bicycling trail connection from Tumwater Valley Golf Course to south of E Street.		\$750,000	\$750,000	No
19	Deschutes Valley Trail, Segment C		X		X	Construction of a paved walking/bicycling trail connection from Tumwater Valley Golf Course to T Street.		\$3,000,000	\$3,000,000	No
20	Deschutes Valley Trail, Segment D		X		X	Construction of a paved walking/bicycling trail connection from T Street to Pioneer Park.	\$3,800,000	\$1,000,000	\$4,800,000	No
21	Mottman Road Improvements		X		X	Installation of sidewalk and street improvements on portions of Mottman Road. The project will have similar improvements to City of Olympia's portion (joint project).	\$1,700,000		\$1,700,000	Yes
22	Multimodal Improvements and Traffic Calming		X	X	X	Miscellaneous pedestrian, ADA ramp, and traffic calming improvements at various locations throughout the city.		\$2,280,000	\$2,280,000	Yes
23	2nd Avenue Pedestrian Improvements		X	X	X	Curb ramp replacement and sidewalk infill along 2nd Avenue from Linwood Avenue to Desoto Street.	\$583,875	\$291,125	\$875,000	No
24	Rural Road Shoulder Improvements		X	X	X	Construct widened shoulder along Rural Road from 48th Avenue to Linwood Avenue.		\$400,000	\$400,000	No
25	Israel Road and Linderson Way Pedestrian and Bicycle Improvements		X		X	Roadway and multi-modal improvements at the intersection of Israel Road and Linderson Way including construction of refuge island(s), reconstruction of select sidewalk segments and curb ramps, add bike lanes, signal improvements, roadway and other improvements.	\$626,840	\$1,358,160	\$1,985,000	Yes
26	Sapp Road Ped/Bike Improvements				X	Sidewalk and bike lanes associated with the Percival Creek Fish Passage Barrier Removal project.		\$125,000	\$125,000	No
						Totals	\$27,587,567	\$50,362,933	\$77,950,500	

*PLN - Planning, PE - Design, RW - Right of Way, CN - Construction

Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
03	1	I-5 / Trosper Rd / Capitol Blvd Reconfiguration I-5, Trosper Rd, Capitol Blvd, 6th Ave (New), Linda St, local access road (New, unnamed) Multiple, See Project Description to Multiple, See Project Description Modify I-5 NB Off-Ramp and southern NB On-Ramp, construct RAB at I-5 / 6th Ave, construct new roadway between West Lee and Trosper, reconstruct Trosper from I5 to Capitol, extend Trosper east of Capitol, construct RAB at Trosper / Capitol, reconstruct Linda St from Capitol to a new local access road and construct new local access road from Ruby St to Trosper Rd extension. Termini: NB Off-Ramp and southern NB On-Ramp (I-5), I-5 to 470' east of Capitol (Trosper), Lee to Trosper (6th Ave), 100' north of Ruby to 340' north of Trosper (Capitol), Capitol to 425' east of Capitol (Linda St)	WA-07854	06/07/22	06/07/22		R2022-007	01	C G P S T W	0.910	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2023		0	TIB	2,269,760	3,730,240	6,000,000
Totals				0		2,269,760	3,730,240	6,000,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	6,000,000	0	0	0	0
Totals	6,000,000	0	0	0	0



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	2	E Street Connection E Street Extension Capitol Boulevard to Cleveland Avenue Engineering and right of way acquisition for implementation of E St Extension. Future project to include construction of new roadway including retaining walls, a bridge, sidewalk, illumination, and intersection improvements connecting Capitol Blvd and Cleveland Ave.	WA-06856	06/07/22	06/07/22		R2022-007	01	C G P S T W	0.600	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2025		0	OTHER	3,400,000	0	3,400,000
P	RW	2027		0	OTHER	3,200,000	0	3,200,000
Totals				0		6,600,000	0	6,600,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	1,000,000	1,000,000	1,400,000
RW	0	0	0	0	3,200,000
Totals	0	0	1,000,000	1,000,000	4,600,000

Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	3	Brewery District Plan - Streetscape Improvements Various Various to Various Implementation of select elements developed from the Brewery District Plan.	WA-06907	06/07/22	06/07/22		R2022-007	03	C G P S T W	1.300	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2026		0		0	100,000	100,000
P	CN	2026		0		0	750,000	750,000
Totals				0		0	850,000	850,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	100,000	0
CN	0	0	0	750,000	0
Totals	0	0	0	850,000	0

Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	4	Henderson Blvd Bridge Henderson Blvd Henderson Blvd to Henderson Blvd Design for future bridge widening or replacement to add capacity including non-motorized facilities.	WA-09927 079703000000000	06/07/22	06/07/22		R2022-007	10	C P T W	0.100	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2026		0	OTHER	212,500	37,500	250,000
Totals				0		212,500	37,500	250,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	250,000	0
Totals	0	0	0	250,000	0

Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	5	Old Highway 99 Corridor Improvements, 79th Avenue to 73rd Avenue Old Highway 99 79th Avenue to 73rd Avenue Design and construct urban road section and improvements determined from the Corridor Study. To include addition of traffic lanes, turn lanes, multi-modal facilities, illumination, storm drainage, landscaping, medians and intersection improvements.	WA-01364	06/07/22	06/07/22		R2022-007	03	C G P S T W	0.800	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2025		0	OTHER	250,000	250,000	500,000
P	RW	2026		0	OTHER	250,000	250,000	500,000
P	CN	2026		0	OTHER	1,250,000	1,250,000	2,500,000
Totals				0		1,750,000	1,750,000	3,500,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	300,000	200,000	0
RW	0	0	0	500,000	0
CN	0	0	0	1,000,000	1,500,000
Totals	0	0	300,000	1,700,000	1,500,000

Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	6	Old Hwy 99 / 79th Ave Roundabout Old Highway 99 Old Highway 99 to 79th Avenue Design and right of way acquisition for construction of a roundabout at the intersection of Old Hwy 99 and 79th Ave.	WA-11034	06/07/22	06/07/22		R2022-007	21	C G O P S T W	0.350	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2023		0		0	300,000	300,000
P	RW	2023		0		0	650,000	650,000
P	CN	2024		0		0	1,800,000	1,800,000
Totals				0		0	2,750,000	2,750,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	300,000	0	0	0	0
RW	650,000	0	0	0	0
CN	0	1,800,000	0	0	0
Totals	950,000	1,800,000	0	0	0



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
03	7	Tumwater Boulevard Interchange Tumwater Boulevard I-5 SB Ramps to I-5 NB Ramps Design, acquire ROW, and construct improvements to Tumwater Boulevard / I-5 Interchange.	WA-13558	06/07/22	06/07/22		R2022-007	03		0.250		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2023		0		0	1,700,000	1,700,000
P	CN	2025		0		0	12,300,000	12,300,000
Totals				0		0	14,000,000	14,000,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	300,000	500,000	50,000	750,000	100,000
CN	0	0	5,800,000	0	6,500,000
Totals	300,000	500,000	5,850,000	750,000	6,600,000



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	8	Pavement Maintenance Program Various Various to Various This program provides for maintenance and preservation of city streets.	WA-01380 Various	06/07/22	06/07/22		R2022-007	05		0.000	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2023		0		0	220,000	220,000
S	CN	2023		0		0	12,200,000	12,200,000
Totals				0		0	12,420,000	12,420,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	40,000	40,000	40,000	40,000	60,000
CN	3,960,000	2,460,000	2,460,000	1,660,000	1,660,000
Totals	4,000,000	2,500,000	2,500,000	1,700,000	1,720,000

Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
19	9	Capitol Boulevard Plan, Corridor Improvements Unnamed Local Access Linda Street to Ruby Street Right of way acquisition for properties on the alignment of the N-S Road between Linda and Ruby along with construction of select ADA and neighborhood improvements per the Capitol Blvd Corridor Plan.	WA-11038	06/07/22	06/07/22		R2022-007	01	C G P S T W	0.060	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	RW	2024		0		0	720,000	720,000
P	CN	2025		0		0	235,500	235,500
Totals				0		0	955,500	955,500

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
RW	0	360,000	0	360,000	0
CN	0	0	115,500	0	120,000
Totals	0	360,000	115,500	360,000	120,000



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
19	10	Tumwater Town Center Connection unknown Tumwater Boulevard to Israel Rd Portion of new street connection and associated improvements from Tumwater Blvd to Israel Rd derived from the Town Center Plan.	WA-10064	06/07/22	06/07/22		R2022-007	01	C G P S T W	0.200	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2027		0		0	30,000	30,000
P	RW	2027		0		0	75,000	75,000
P	CN	2028		0		0	275,000	275,000
Totals				0		0	380,000	380,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	30,000
RW	0	0	0	0	75,000
CN	0	0	0	0	275,000
Totals	0	0	0	0	380,000



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

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Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	11	Linwood Ave Sidewalk, Susitna Lane to 2nd Avenue Lake Park Dr to 2nd Ave Select sidewalk infill or reconstruction, curb ramp upgrades, various pedestrian safety enhancements, traffic calming, and intersection safety improvements on Linwood Ave from Lake Park Dr to 2nd Ave in the vicinity of Michael T Simmons Elementary School.	WA-11981	06/07/22	06/07/22		R2022-007	21		0.380	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	CN	2023		0	TIB	348,750	426,250	775,000
Totals				0		348,750	426,250	775,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	775,000	0	0	0	0
Totals	775,000	0	0	0	0



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	12	Safe Routes to School Program Citywide n/a to n/a Projects in this program seek to improve pedestrian and bicyclist safety near schools. Projects include sidewalks, lighting, ADA ramps, signage, markings, education, beacons and other improvements.	WA-03901	06/07/22	06/07/22		R2022-007	28	P T	0.000	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2024		0	SRTS	480,000	120,000	600,000
Totals				0		480,000	120,000	600,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	0	300,000	0	300,000	0
Totals	0	300,000	0	300,000	0

Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	13	Traffic Signal Controller & Detection Upgrade Citywide various to various Replacement of controllers, detection equipment, and necessary associated hardware at various intersections throughout the City.	WA-12860	06/07/22	06/07/22		R2022-007	44		0.000	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2024	CMAQ	34,600		0	5,400	40,000
S	CN	2025	CMAQ	268,150		0	41,850	310,000
Totals				302,750		0	47,250	350,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	40,000	0	0	0
CN	0	0	310,000	0	0
Totals	0	40,000	310,000	0	0

Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

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Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
03	14	X Street Roundabout Capitol Boulevard at X Street to at X Street Roundabout in keeping with Capitol Boulevard Corridor Plan.	WA-12858	06/07/22	06/07/22		R2022-007	16		0.000	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	RW	2023	STP(US)	1,135,970		0	1,675,630	2,811,600
P	CN	2025	STP(US)	1,380,000		0	2,120,000	3,500,000
Totals				2,515,970		0	3,795,630	6,311,600

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
RW	1,511,600	1,300,000	0	0	0
CN	0	0	3,500,000	0	0
Totals	1,511,600	1,300,000	3,500,000	0	0



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

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N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
04	15	I-5 and SR 121/93rd Avenue SE Interchange Improvements Study 93rd Avenue Lathrop Industrial Drive to Kimmie Street Study to examine safety and multimobility issues, analyze alternatives, and conduct an Intersection Control Evaluation (ICE) at the intersections, if applicable.	WA-12859	06/07/22	06/07/22		R2022-007	18		0.630	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PL	2025	STP	173,000		0	27,000	200,000
Totals				173,000		0	27,000	200,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PL	0	0	200,000	0	0
Totals	0	0	200,000	0	0



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
03	16	Capitol Boulevard and Dennis Street Roundabout Capitol Boulevard Dennis Street to Intersection Construction of a roundabout at the intersection of Capitol Boulevard and Dennis Street as proposed in the Capitol Boulevard Corridor Plan.	WA-14359	06/07/22	06/07/22		R2022-007	04				Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2027		0		0	200,000	200,000
P	RW	2027		0		0	800,000	800,000
P	CN	2028		0		0	2,500,000	2,500,000
Totals				0		0	3,500,000	3,500,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	200,000
RW	0	0	0	0	800,000
CN	0	0	0	0	1,250,000
Totals	0	0	0	0	2,250,000



Six Year Transportation Improvement Program

From 2023 to 2028

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MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	17	Deschutes Valley Trail, Segment A2 Deschutes Valley Trail E Street to Tumwater Falls Park Construction of a paved walking / bicycling trail connection from E Street to Tumwater Falls Park.	WA-11982	06/07/22	06/07/22		R2022-007	28		0.200	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2026		0	OTHER	2,000,000	1,000,000	3,000,000
Totals				0		2,000,000	1,000,000	3,000,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	0	0	0	3,000,000	0
Totals	0	0	0	3,000,000	0



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

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Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	18	Deschutes Valley Trail, Segment B Deschutes Valley Trail Tumwater Valley Golf Course to E St Construction of a paved walking / bicycling trail connection from Tumwater Valley Golf Course to south of E Street.	WA-11983	06/07/22	06/07/22		R2022-007	28		0.400	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2023		0		0	10,000	10,000
P	CN	2024		0		0	740,000	740,000
Totals				0		0	750,000	750,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	10,000	0	0	0	0
CN	0	740,000	0	0	0
Totals	10,000	740,000	0	0	0



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	19	Deschutes Valley Trail, Segment C Deschutes Valley Trail T Street to Tumwater Valley Golf Course Construction of a paved walking / bicycling trail connection from T Street to Tumwater Valley Golf Course.	WA-11984	06/07/22	06/07/22		R2022-007	28		0.900	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2023		0		0	20,000	20,000
P	CN	2024		0		0	2,980,000	2,980,000
Totals				0		0	3,000,000	3,000,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	20,000	0	0	0	0
CN	0	2,980,000	0	0	0
Totals	20,000	2,980,000	0	0	0



Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

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Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	20	Deschutes Valley Trail, Segment D Deschutes Valley Trail Pioneer Park to T Street Construction of a paved walking / bicycling trail connection from Pioneer Park to T Street.	WA-11985	06/07/22	06/07/22		R2022-007	28		0.600	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2024		0		0	100,000	100,000
P	CN	2026		0	OTHER	3,800,000	900,000	4,700,000
Totals				0		3,800,000	1,000,000	4,800,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	100,000	0	0	0
CN	0	0	0	4,800,000	0
Totals	0	100,000	0	4,800,000	0

Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

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Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	21	Mottman Road Improvements Mottman Road RW Johnson Blvd to Crosby Blvd Construction of sidewalk and street improvements on portions of Mottman Rd. The project will have similar improvements to City of Olympia's portion (joint project).	WA-06837	06/07/22	06/07/22		R2022-007	28	C G P S T W	0.340	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	CN	2024		0	OTHER	1,700,000	0	1,700,000
Totals				0		1,700,000	0	1,700,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	0	1,700,000	0	0	0
Totals	0	1,700,000	0	0	0



Six Year Transportation Improvement Program

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County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	22	Multimodal Improvements and Traffic Calming Citywide Various to Various Miscellaneous pedestrian, ADA ramp, and traffic calming improvements at various locations throughout the city.	WA-11035	06/07/22	06/07/22		R2022-007	28		0.000	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2023		0		0	150,000	150,000
S	CN	2023		0		0	2,130,000	2,130,000
Totals				0		0	2,280,000	2,280,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	25,000	25,000	25,000	25,000	50,000
CN	355,000	355,000	355,000	355,000	710,000
Totals	380,000	380,000	380,000	380,000	760,000



Six Year Transportation Improvement Program

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Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	23	2nd Avenue Pedestrian Improvements 2nd Avenue Linwood Avenue to Desoto Street Curb ramp replacement, sidewalk infill, and stormwater improvements along 2nd Avenue from Linwood Ave to Desoto Street.	WA-11037	06/07/22	06/07/22		R2022-007	28		0.750	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2025		0	SRTS	42,500	7,500	50,000
P	CN	2026		0	SRTS	701,250	123,750	825,000
Totals				0		743,750	131,250	875,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	50,000	0	0
CN	0	0	0	825,000	0
Totals	0	0	50,000	825,000	0

Six Year Transportation Improvement Program

From 2023 to 2028

Agency: Tumwater

County: Thurston

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Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	24	Rural Road Shoulder Improvements Rural Road 48th Avenue to Linwood Avenue Widen Rural Road to provide paved shoulder from 48th Ave to Linwood Ave.	WA-11039	06/07/22	06/07/22		R2022-007	21		0.200	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2027		0		0	35,000	35,000
P	RW	2027		0		0	30,000	30,000
S	CN	2028		0		0	335,000	335,000
Totals				0		0	400,000	400,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	35,000
RW	0	0	0	0	30,000
CN	0	0	0	0	335,000
Totals	0	0	0	0	400,000



Six Year Transportation Improvement Program

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Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
05	25	/ 5202(002) Israel Rd & Linderson Way Pedestrian and Bicycle Improvements Israel Road and Linderson Way 400' s/o Israel Rd to Capitol Blvd Roadway and multi-modal improvements including construction of refuge island(s), reconstruction of select sidewalk segments and curb ramps, extend bike lanes, signal improvements, roadway and other improvements.	WA-11046	06/07/22	06/07/22		R2022-007	28		0.500	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2023	TAP(US)	6,840		0	68,160	75,000
S	CN	2024	TAP(US)	620,000		0	1,290,000	1,910,000
Totals				626,840		0	1,358,160	1,985,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	75,000	0	0	0	0
CN	0	1,910,000	0	0	0
Totals	75,000	1,910,000	0	0	0



Six Year Transportation Improvement Program

From 2023 to 2028

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Y Inside

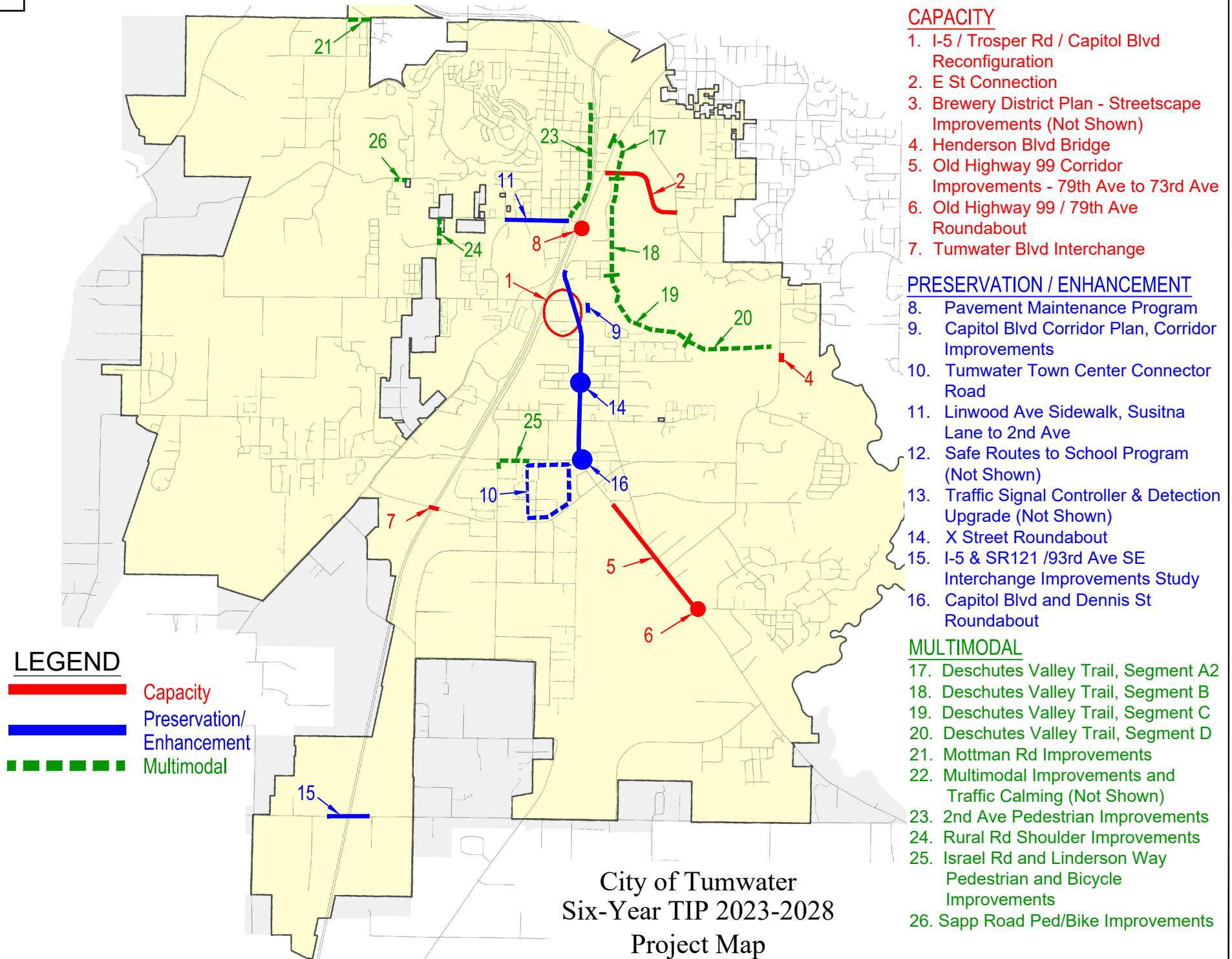
N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
05	26	Sapp Road Pedestrian and Bicycle Improvements to Sidewalk and bike lanes associated with the Percival Creek Fish Passage Barrier Removal project.	WA-14360	06/07/22	06/07/22		R2022-007	28				No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2024		0		0	125,000	125,000
Totals				0		0	125,000	125,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	0	125,000	0	0	0
Totals	0	125,000	0	0	0

	Federal Funds		State Funds	Local Funds	Total Funds
Grand Totals for Tumwater	3,618,560		19,904,760	54,833,780	78,357,100



TO: City Council
 FROM: Brad Medrud, Planning Manager
 DATE: June 7, 2022
 SUBJECT: Ordinance No. O2022-004, Binding Site Plans

1) Recommended Action:

Approve Ordinance No. O2022-004, Binding Site Plans

2) Background:

The intent of the ordinance is to clarify requirements for binding site plans in Tumwater Municipal Code (TMC) Titles 15 *Buildings and Construction* and 17 *Land Division*.

The current regulations for binding site plans have not been substantially updated since 1996. The regulations in TMC 17.08 *Binding site plans* do not clearly relate to the requirements for binding site plans found elsewhere in TMC Title 17 *Land Division* or to the vesting requirements contained in TMC Chapter 15.44 *Vesting of development rights*.

Binding site plans are an alternative method of land division authorized in RCW 58.17.035. Binding site plans may only be used for land divisions for:

- Industrial or commercial uses
- Lease of manufactured homes or travel trailers – typically a manufactured home park
- Condominiums

A binding site plan provides exact locations and detail for the type of information appropriately addressed as a part of land division, such as infrastructure and other requirements typical of subdivisions.

The Planning Commission conducted a public hearing on the ordinance on March 22, 2022 and left the record open for staff to review and respond to public comments received at the hearing at their April 11, 2022 meeting. The Planning Commission recommended approval of the ordinance at their April 11, 2022 meeting. The General Government Committee held a briefing on May 11, 2022 and the City Council held a worksession on May 24, 2022.

3) Policy Support:

Economic Development Plan Goal 1: “Establish a development climate that stimulates economic activity and desirable investment.”

Economic Development Plan Strategy 1.D: “Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater.”

Land Use Element Implementation Policy 11 of Section 3.3: “Modify the land use regulatory review, permitting, and approval system for consistency with the Growth Management Act and adopted plans to ensure predictability and allow processing of development permits in

a timely and fair manner.”

4) Alternatives:

- ☐ Modify Ordinance No. O2022-004 and approve
 - ☐ Reject Ordinance No. O2022-004
-

5) Fiscal Notes:

This is an internally funded work program task.

4) Attachments:

- A. Staff Report
- B. Binding Site Plans (Ordinance No. O2022-004)
- C. Presentation



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555 Israel Road SW
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**BINDING SITE PLAN AMENDMENTS
(ORDINANCE NO. O2022-004)
STAFF REPORT
CITY COUNCIL CONSIDERATION**

Issue

The City's current regulations for binding site plans have not been substantially updated since 1996. The regulations in TMC 17.08 *Binding site plans* do not clearly relate to the requirements for binding site plans found elsewhere in TMC Title 17 *Land Division* or to the vesting requirements contained in TMC Chapter 15.44 *Vesting of development rights*.

Summary

The proposed amendments are intended to establish clear requirements for the type of development that can utilize a binding site plan, the list of submittal requirements for a binding site plan application, and the criteria and process for review and approval of a binding site plan.

Background

Binding site plans are an alternative method of land division authorized in RCW 58.17.035 *Alternative method of land division—Binding site plans*. Binding site plans may only be used for land divisions for:

- Industrial or commercial uses
- Lease of manufactured homes or travel trailers – typically a manufactured home park
- Condominiums

A binding site plan provides exact locations and detail for the type of information appropriately addressed as a part of land division, such as infrastructure and other requirements typical of subdivisions.

The amendments are a part of the approved 2022 Long Range Planning work program.

Binding Site Plan Amendments

The following is a summary of the proposed binding site plan amendments found in Ordinance No. O2022-004:

1. Table 14.08.030 (Decision process)

In response to public comment received at the public hearing on March 22, 2022 concerning phasing in TMC 17.14.090, staff added the process for phased binding site plan approval to the decision process table. Staff's recommendation is that approval of binding site plans without phasing would be administrative, but phased binding site plan approval would require Hearing Examiner approval.

2. TMC Chapter 15.44 Vesting of Development Rights

Added "binding site plan" to sections that specify the type of land division that is vested to clarify how and when binding site plan applications are vested.

3. 17.08.010 Binding site plan

Added an "Intent" section which mentions the differences between binding site plans and the traditional platting process. Clarified that binding site plans can be utilized for manufactured home parks. The code already states that condominium and commercial and industrial developments are allowed to utilize binding site plans. State law allows manufactured home parks to use this method of land division as well. Also added references to the land division processes addressed in the other portions of TMC Title 17 Land Division.

4. 17.14.045 Review criteria for binding site plans

Added new section for criteria specific to binding site plans that deal with the following:

- Building envelopes and land uses
- Parking lot plans
- Access, roads, and utilities
- Previously approved uses
- Open space tracts, critical areas and buffers, and utility easements
- Uses allowed in the underlying zone district
- Development of the entire parcel or lot
- Adjacent properties and future development

Staff reviewed the public comment received at the public hearing on March 22, 2022 on new section TMC 17.14.045(H). Staff determined that new section TMC 17.14.045(H) does not create an obligation to develop a property or phasing when it is not proposed by the applicant, but proposes the following change to the section for clarification:

H. If there is adjacent property that is under the same ownership as the property being divided, then the location and sizing of shared and public

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amenities such as streets, access, utilities, and open space and recreation areas shall be taken into account so the development ~~is congruent with~~ does not preclude future adjacent development.

5. 17.14.050 Administrative consideration

Required findings for approval are added that are specific to binding site plans and include the following:

- Consistency with the Comprehensive Plan, the Tumwater Development Guide, the Tumwater Municipal Code, and state laws
- A statement that uses approved for the property and the conditions under which they are allowed are binding to the property
- A statement that a binding site plan may not create new nonconforming uses or structures or increase the nonconformity of existing nonconforming uses or structures
- A reference to the criteria in TMC 17.14.040 was also added

6. 17.14.080 Duration of approval

“Binding site plan” was added to the section to clarify that it applies to binding site plans. Like other land divisions, such as plats, short plats, etc., the initial period of approval is for five years with up to three additional one-year extensions are allowed.

7. 17.14.090 Phasing of development

Phasing of a residential binding site plan is allowed if it contains ten or more residential dwellings. This is consistent with the SEPA exemption threshold that Tumwater has adopted for short plats. Commercial or industrial binding site plans over 20 acres in size are allowed to phase development. Non-phased binding site plans are administratively approved whereas phased binding site plans require approval of the Hearing Examiner.

Public Approval Process

The Planning Commission held a briefing on the proposed amendments on February 8, 2022 and a worksession on February 22, 2022.

An Environmental Checklist for a non-project action was prepared on February 1, 2022 under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC and a Determination of Non-Significance was issued on February 17, 2022.

The ordinance was sent to the Washington State Department of Commerce on January 6, 2022 for the required 60-day review before the proposed text amendments were adopted, in accordance with RCW 36.70A.106.

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A Notice of Public Hearing for the Planning Commission was issued on March 11, 2022 prior to a public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*.

The Planning Commission held a public hearing for the proposed amendments on March 22, 2022. The public hearing was continued on April 12, 2022, to allow staff to review and respond to public comments and for further deliberations. Following the public hearing and deliberations, the Planning Commission made a recommendation that Council consider the proposed amendments in Ordinance No. O2022-004.

The General Government Committee reviewed the proposed amendments in a briefing on May 11, 2022 and recommended that the ordinance be discussed at a City Council worksession on May 24, 2022. The City Council is scheduled to consider the amendments on June 7, 2022.

Public Notification

A Notice of Public Hearing for the Planning Commission was issued, posted, mailed to interested parties, and published in *The Olympian* on March 11, 2022, after the Planning Commission set the public hearing date on February 22, 2022.

Staff Conclusions

1. The proposed text amendments are consistent with the goals of the Washington State Growth Management Act.
 - a. This ordinance is consistent with Goal 7 of the Growth Management Act which states:

“Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.”

The Ordinance establishes concise requirements for the application, review process, and approval of binding site plans.
2. The proposed amendments are consistent with the Economic Development Plan because the proposed amendments improve the clarity and specificity of the regulations for submittal, review, and approval of binding site plans.
 - a. Goal #1 of the Economic Development Plan states:

“Establish a development climate that stimulates economic activity and desirable investment.”
 - b. The text of the Economic Development Plan states that one of the ways to support Goal #1 is:

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“...by making ongoing improvements to existing development regulations, systems, and processes.”

c. Action item 1.D. of the Economic Development Plan states:

“Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater.”

This Ordinance improves the existing regulations for the application, review process, and approval of binding site plans.

3. Based on the above review and analysis, staff concludes that the proposed text amendments are consistent with the requirements of the Washington State Growth Management Act and the Tumwater Comprehensive Plan.

Planning Commission Recommendation

The Planning Commission recommends approval of the proposed amendments as shown in Ordinance No. O2022-004.

Effects of the Proposed Amendments

The proposed text amendments would necessitate changes to the Tumwater Municipal Code as shown in Ordinance No. O2022-004.

Staff Contact

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ORDINANCE NO. O2022-004

AN ORDINANCE of the City Council of the City of Tumwater, Washington updating binding site plan requirements by amending Tumwater Municipal Code (TMC) Titles 15, *Buildings and Construction*, and 17, *Land Division*, as more particularly described herein.

WHEREAS, TMC Title 17 *Land Division* contain the requirements for binding site plans; and

WHEREAS, TMC Chapter 17.08 *Binding site plans* has not been substantially updated since 1996; and

WHEREAS, TMC Chapter 17.08 *Binding site plans* does not clearly relate to the requirements for binding site plans found elsewhere in TMC Title 17 *Land Division*; and

WHEREAS, TMC Chapter 15.44 *Vesting of development rights* contains the requirements for vesting for preliminary plat or preliminary short plat applications but needs to be updated to address binding site plan applications; and

WHEREAS, TMC Chapter 15.44 *Vesting of development rights* has not been substantially updated since it was adopted in 2010; and

WHEREAS, the City is required to plan under Chapter 36.70A RCW, the Growth Management Act; and

WHEREAS, Goal #7 of the Growth Management Act states “...applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability”; and

WHEREAS, this ordinance establishes concise requirements for the application, review process, and approval of binding site plans; and

WHEREAS, this ordinance meets the goals and requirements of the Growth Management Act; and

WHEREAS, the City has adopted a Comprehensive Plan, in accordance with the Growth Management Act; and

WHEREAS, the Economic Development Plan and the Land Use Element are elements of the Comprehensive Plan; and

WHEREAS, Goal 1 of the Economic Development Plan is “Establish a development climate that stimulates economic activity and desirable investment”; and

WHEREAS, the Economic Development Plan mentions that one of the ways to support Goal 1 is “...by making ongoing improvements to existing development regulations, systems, and processes”; and

WHEREAS, Strategy 1.D of the Economic Development Plan is “Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater”; and

WHEREAS, clear and consistent development regulations support Goal 1 and Strategy 1.D of the Economic Development Plan; and

WHEREAS, the proposed amendments to TMC Titles 15, *Buildings and Construction*, and 17, *Land Division*, improve the clarity and specificity of the regulations for the submission, review process, decision making, and approval for binding site plans; and

WHEREAS, the proposed amendments to TMC Titles 15, *Buildings and Construction*, and 17, *Land Division*, are consistent with the Economic Development Plan; and

WHEREAS, Implementation Policy 11 of Section 3.3 of the Land Use Element states, “Modify the land use regulatory review, permitting, and approval system for consistency with the Growth Management Act and adopted plans to ensure predictability and allow processing of development permits in a timely and fair manner”; and

WHEREAS, this ordinance is consistent with Implementation Policy 11 of Section 3.3 of the Land Use Element because it clarifies and refines the process for reviewing and approving binding site plans; and

WHEREAS, this ordinance is consistent with the Comprehensive Plan; and

WHEREAS, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent to the State of Washington Department of Commerce and to other state agencies on January 6, 2022 to allow for a sixty-day review and comment period, which comment period ended prior to adoption of this ordinance; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW) on

February 1, 2022, pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance (DNS) was issued on February 17, 2022; and

WHEREAS, the Attorney General *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (September 2018) was reviewed and utilized by the City in objectively evaluating the proposed amendments; and

WHEREAS, the Planning Commission received a briefing on the proposed code amendments on February 8, 2022 and held a worksession on February 22, 2022; and

WHEREAS, a Notice of Public Hearing for the Planning Commission was issued on March 11, 2022 prior to the public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*; and

WHEREAS, the Planning Commission held a public hearing on March 22, 2022 and continued the discussion on April 12, 2022; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended the proposed code amendments to the Tumwater Municipal Code to the City Council; and

WHEREAS, the General Government Committee held a briefing on the proposed code amendments on May 11, 2022; and

WHEREAS, the City Council discussed the proposed code amendments in a worksession on May 24, 2022; and

WHEREAS, the City Council considered the proposed code amendments June 7, 2022; and

WHEREAS, the City Council finds that the provisions of this ordinance are in the best interest of and protect the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Table 14.08.030 of the Tumwater Municipal Code is hereby amended to read as follows:

Table 14.08.030

**Key: R = Recommendation to Higher Review Authority; D = Decision;
A = Appeal Decision; C = Closed Record Appeal Hearing;
OP = Open Record Predetermination Hearing**

	HISTORIC COMMISSION	COMMUNITY DEVELOPMENT DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
ZONING						
CONDITIONAL USE PERMITS			R	D(OP)		
VARIANCE			R	D(OP)		
SITE-SPECIFIC REZONES REQUIRED AS A RESULT OF A COMPREHENSIVE PLAN CHANGE					R(OP)	D(OP)
SITE-SPECIFIC REZONES NOT REQUIRING A COMPREHENSIVE PLAN AMENDMENT		R		D(OP)		
ZONING TEXT AMENDMENT (DEV. REG. CHANGES)					R(OP)	D(OP)
AREA WIDE MAP AMENDMENT					R(OP)	D(OP)
HOME OCCUPATION		D		A(OP)		
CERTIFICATE OF APPROPRIATENES S	D	R		A(C)		
COMPREHENSIVE PLAN						
COMPREHENSIVE -PLAN- TEXT AMENDMENT					R(OP)	D(OP)
COMPREHENSIVE -PLAN- MAP AMENDMENT					R(OP)	D(OP)
LAND DIVISION						
REPLAT			R	D(OP)		
PLAT VACATION			R	D(OP)		
BLA		D		A(OP)		
LOT CONSOLIDATION		D		A(OP)		
PRELIMINARY PLAT			R	D(OP)		
SHORT PLAT		D		A(OP)		
FINAL PLAT		D		A(OP)		

	HISTORIC COMMISSION	COMMUNITY DEVELOPMENT DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
PUD			R	D(OP)		
BINDING SITE PLAN			D	A(OP)		
BINDING SITE PLAN - PHASED			R	D (OP)		
PLAT TIME EXTENSION		D		A(OP)		
PLAT ALTERATION W/ HEARING		R		D(OP)		
PLAT ALTERATION W/O HEARING		D		A(OP)		
ENVIRONMENTAL						
WETLAND PERMIT		D		A(OP)		
TREE PLANS		D		A(OP)		
SEPA DET.		D		A(OP)		
SHORELINES						
SUB. DEV. PERMIT			R	D(OP)		
CONDITIONAL USE PERMIT			R	D(OP) (1)		
VARIANCE			R	D(OP) (1)		
EXEMPT		D		A(OP)		
OTHER						
DEV. CODE INTERPRETATIONS		D		A(OP)		
BUILDING PERMIT PER IBC		D		A(OP)		
ADMINISTRATIVE ORDERS		D		A(OP)		
CIVIL PENALTIES		D		A(OP)		
REASONABLE USE EXCEPTIONS		R		D(OP)		
BUILDING MOVING PERMIT		D		A(OP)		
GRADING PERMIT PER IBC		D		A(OP)		
IMPACT FEE DETERMINATIONS		D		A(OP)		
CONCURRENCY DETERMINATIONS		D		A(OP)		

Table 14.08.030 Explanatory Notes:

1. Decisions on shoreline conditional use permits are issued by the city and the local decision can be appealed. The city's decision is sent to the Washington State Department of Ecology for further review and approval or disapproval. After the city appeal process and Ecology's review processes are complete, appeals may be made to

the Shorelines Hearings Board within twenty-one days of the “date of filing” as defined in RCW 90.58.140(6).

Section 2. Section 15.44.020 of the Tumwater Municipal Code is hereby amended to read as follows:

15.44.020 Intent.

It is the intent of the city of Tumwater to comply with RCW 19.27.095 and 58.17.033 by defining when a valid and fully complete building permit application for a structure and a valid and fully complete binding site plan, preliminary plat, or preliminary short plat application exists for the purpose of establishing the point of vesting of development rights.

(Ord. O2010-017, Amended, 12/21/2010; Ord. 1332, Added, 07/07/1992)

Section 3. Section 15.44.030 of the Tumwater Municipal Code is hereby amended to read as follows:

15.44.030 Definition.

A. For the purpose of this code, a “valid and fully complete building permit application” means the following information has been provided for any construction project:

1. The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor.

2. The property owner’s name, address and phone number.

3. The prime contractor’s business name, address, phone number, and current state contractor registration number.

4. Either:

- a. The name, address and phone number of the office of the lender administering the interim construction financing, if any; or

- b. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project.

5. If any of the information required by subsection (A)(4) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

6. Plans, specifications and reports, as required by this title.

7. A completed environmental checklist for applicable projects.

8. Accompanying the building permit application, a completed application and all information required to be filed for:

- a. Preliminary site plan review application;
- b. Zoning conditional use permit;
- c. Zoning variance;
- d. Zoning planned unit development;
- e. Zoning certificate of appropriateness;
- f. Shoreline permit, conditional use permit or variance;
- g. Site development/grading permit;
- h. Land clearing permit;
- i. Wetland permit;
- j. Wireless communications facility permit;
- k. Wetland or fish and wildlife habitat protection reasonable use exception;
- l. Any other land use or environmental permit in effect on the date of application.

9. Payment of all fees, including but not limited to items listed in subsections (A)(7) and (8) of this section, plan check fees required under the provisions of the Tumwater Municipal Code, and resolutions setting forth fees.

B. For the purpose of this code, a valid and fully complete binding site plan, preliminary plat, or preliminary short plat application requires at a minimum that the following information has been provided:

1. Submittal of all plans, reports, and other materials required by the city's development guide, TMC Title 17, Land Division, and other applicable development regulations, and shall include the following general information:

- a. A completed binding site plan, preliminary plat, or preliminary short plat application form and intake checklist;
- b. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all the owners of the affected property;
- c. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
- d. The application fee;
- e. Evidence of adequate water supply as required by RCW 19.27.097;
- f. Evidence of sewer availability, or approval and authorization to construct a community or individual sewer or septic system.

(Ord. O2010-017, Amended, 12/21/2010; Ord. 1332, Added, 07/07/1992)

Section 4. Section 15.44.040 of the Tumwater Municipal Code is hereby amended to read as follows:

15.44.040 Vesting of development rights.

A. A valid and fully complete building permit application for a structure that is allowable under TMC Title 18, Zoning, or other land use control ordinances in effect on the date of the application shall be vested under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

B. A valid and fully complete binding site plan, preliminary plat, or preliminary short plat application that is allowable under TMC Title 17, Land Division, and TMC Title 18, Zoning, or other land use control ordinances in effect on the date of the application shall be vested under binding site plan, subdivision, or short subdivision ordinances and zoning or other land use control ordinances in effect on the date of application; provided, that the provisions of RCW 58.17.170 shall dictate the development regulations applicable to a preliminary plat application for development or use of land subject to an unexpired subdivision approval (this provision shall not apply to land subject to an unexpired short subdivision approval).

(Ord. O2010-017, Amended, 12/21/2010; Ord. 1332, Added, 07/07/1992)

Section 5. Section 17.08.010 of the Tumwater Municipal Code is hereby amended to read as follows:

17.08.010 Binding site plans.

A. The intent of this section is to provide an alternative method of land division for the sale or lease of commercial or industrial zoned properties, condominiums, and manufactured home parks that is more flexible than traditional land division procedures. Binding site plans allow for shared access, parking, streets and other required aspects of development such as park and open space areas. Binding site plans promote orderly and efficient growth and expedite the land use review process.

AB. Divisions of land into lots, parcels, or tracts zoned for industrial and/or commercial use or specifically intended for condominiums or manufactured home parks may be processed as a binding site plan. The city shall approve a binding site plan following the process in TMC Title 17, Land Division, when it has been shown to conform to the requirements of the zoning code; provided, that said lots, parcels or tracts shall not be sold or transferred unless the binding site plan and a record of survey map, which is prepared in compliance with Chapter 58.09 RCW, and which includes a legal description of each lot, parcel or tract being created, is approved by the department of community development and filed for record in the county auditor's office.

C. The department of community development shall certify that the survey map conforms to the requirements of the zoning code, land division code, and development standards, and affix its signature to the survey prior to recording; provided further, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel or tract; and provided further, that sale or transfer of such a lot, parcel or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of this title and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O96-004, Amended, 04/16/1996; Ord. 1308, Added, 10/15/1991)

Section 6. Section 17.14.045 of the Tumwater Municipal Code is hereby created and is to read as follows:

17.14.045 Review criteria for binding site plans.

In addition to the review criteria of TMC 17.14.040, binding site plans shall meet the following:

- A. A binding site plan shall depict building envelopes and all existing and proposed land uses if known.
- B. A parking lot plan is required for the binding site plan. The plan shall allocate parking to each lot or condominium unit or specify joint use parking. Proposed lots containing legally existing structures and uses need not meet current parking regulations. Proposed lots without legally existing structures or uses must meet current parking regulations.
- C. Access to each lot or condominium unit within the binding site plan shall be depicted. Existing access to legally existing structures and uses need not meet emergency vehicle access standards. Access to proposed lots and new development without legally established structures or uses shall meet current standards.
- D. Binding site plans shall be reviewed for storm drainage, roads, water supply, existing sanitary sewage disposal, access or easement for vehicles, survey requirements, utilities, and fire protection for any lot, tract, parcel or site, and for zoning requirements, previous decisions, accuracy of legal description, ownership, lot dimensions, and improvements on the lots.
- E. A binding site plan cannot amend or conflict with previously granted use permit approvals or conditions of approval.
- F. A binding site plan shall depict any open space tract, required recreational areas, critical area buffers, and utility easements.
- G. Proposed uses must be as allowed in the underlying zone district. Should the proposed use require a conditional use permit, said permit shall be requested and

reviewed concurrently or prior to approval of the binding site plan. Binding site plan approval does not constitute approval for other required use permits.

H. If there is adjacent property that is under the same ownership as the property being divided, then the location and sizing of shared and public amenities such as streets, access, utilities, and open space and recreation areas shall be taken into account so the development does not preclude future adjacent development.

I. Binding site plans shall account for the development of all of the land of a parcel or lot or parcels or lots under the same ownership.

Section 7. Section 17.14.050 of the Tumwater Municipal Code is hereby amended to read as follows:

17.14.050 Administrative consideration.

A. All preliminary short plats, binding site plans, and large lot subdivisions shall be reviewed by the development review committee based on the standards contained in this title and any other applicable ordinances or policies. If the proposed division is determined to meet the applicable standards and only if written findings that are appropriate, as provided in RCW 58.17.110, are made, it shall be approved.

B. Additional findings required for binding site plan approval.

1. The limitations and conditions for the uses depicted on the binding site plan are consistent with applicable ordinances, plans, and policies, including but not limited to, the comprehensive plan, the development guide, the municipal code, and state laws;

2. Specific use types and conditions shall be binding on the property and shall remain in effect for all future owners of the site unless altered in accordance with TMC 17.14.110; and

3. The binding site plan does not create a nonconforming use or structure or increase the nonconformity of any nonconforming uses or structures on the site in accordance with TMC 18.54.

(Ord. 1308, Added, 10/15/1991)

Section 8. Section 17.14.080 of the Tumwater Municipal Code is hereby amended to read as follows:

17.14.080 Duration of approval.

Approvals under RCW 58.17.140 are valid for a period of seven years if the date of preliminary plat approval is on or before December 31, 2014; five years if the preliminary plat or binding site plan approval is issued on or after January 1, 2015; and ten years if the project is located within city limits, not subject to the Shoreline Management Act, and the preliminary plat is approved on or before December 31, 2007.

A. An initial one-year extension, which has been filed at least thirty days prior to the expiration of the period of approval, may be granted by the community development director or his/her designee upon a finding that the applicant has attempted in good faith to submit the final plat or binding site plan within the period of approval. Submittal of complete engineering plans for the land division plat prior to the expiration of the approval period time limit shall constitute a good faith effort.

B. Two additional one-year extensions may be administratively granted, which shall be reviewed for compliance with the following:

1. The applicant has pursued submitting the final plat or binding site plan in good faith. Submittal of complete engineering plans for the plat-land division prior to the expiration of the approval period time limit shall constitute a good faith effort on the part of the applicant;

2. There have been no changes to the comprehensive plan, zoning ordinance, development standards or other applicable codes which are inconsistent with the approved preliminary plat or binding site plan, unless such changes can be incorporated into the existing plat-land division without significantly altering the plat as originally approved by the hearing examiner or binding site plan as originally approved administratively or by the hearing examiner; and

3. There are no other significant changed conditions that would render filing of the preliminary plat or recording of the binding site plan contrary to the public health, safety, or general welfare.

C. For preliminary plats approved prior to January 1, 2008, which are affected by the United States Fish and Wildlife Service's requirement for a habitat conservation plan protecting federally listed species, the community development director or his/her designee may issue time extensions in one-year increments until a citywide or individual habitat conservation plan is approved by the U.S. Fish and Wildlife Service, but in no case shall time extensions exceed three years. During such extensions granted pursuant to this subsection, the plat shall continue to be subject to the conditions of approval and vested rights that applied to the approved phased preliminary plat prior to the extension, with the exception of storm drainage standards, design guidelines and building and fire codes, unless it would significantly alter the plat as approved by the hearing examiner.

(Ord. O2016-022, Amended, 01/03/2017; Ord. O2016-010, Amended, 08/02/2016; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-004, Amended, 05/04/2010; Ord. O2000-004, Amended, 07/18/2000; Ord. O96-004, Amended, 04/16/1996; Ord. 1308, Added, 10/15/1991)

Section 9. Section 17.14.090 of the Tumwater Municipal Code is hereby amended to read as follows:

17.14.090 Phased development.

A. Residential ~~developments-preliminary plats~~ containing more than one hundred dwelling units and commercial or industrial ~~developments-preliminary plats~~ covering more than twenty acres are eligible to attain final plat approval in phases. Residential binding site plans containing ten or more dwelling units and commercial or industrial binding site plans covering more than twenty acres are eligible to attain approval in phases. Phased approval of final plats ~~and binding site plans~~ is limited to developments with at least two but not more than four phases.

Upon receipt of the recommendation from the development review committee, the hearing examiner shall hold a public hearing and shall review the phased land division in accordance with this title, the recommendations of the development review committee, reports of other agencies and officials, if any, and the hearing testimony. At the hearing, the hearing examiner shall consider and may alter any part of the proposed phased development. The hearing examiner may approve, approve with conditions, or disapprove the phasing plan. The phasing of binding site plans shall follow the procedures for Binding Site Plan-Phasing approval in Table 14.08.030.

The preliminary plat or binding site plan for a phased development shall show the number of phases, the area each phase encompasses, and the sequence for submission for recording of the various phases. A submittal for a phased development shall demonstrate how transportation, access, traffic, stormwater, parks and open space, critical areas, and utilities will be addressed for all phases of the development.

The period of time between the date of the preliminary approval of the phased land division by the hearing examiner and the date of filing for final plat approval for the first phase shall be consistent with TMC 17.14.080. The period of time between the date of preliminary approval of the phased land division by the hearing examiner and the completion of the first phase of a phased binding site plan, and the recording of such document(s) shall be consistent with TMC 17.14.080.

Construction plans for each phase of a phased development shall include stormwater management facilities that comply with all state and local requirements in effect at the beginning of the time period allotted for that phase.

Applications for final plat or binding site plan approval for each successive phase must be submitted within three years of the submittal for final plat or binding site plan approval on the previous phase, except as provided below.

B. For phased preliminary plats approved prior to January 1, 2008, which are affected by the United States Fish and Wildlife Service's requirement for a habitat conservation plan protecting federally listed habitat and/or species, the community development director or his/her designee may issue time extensions in one-year increments until a citywide or individual habitat conservation plan is completed, but in no case shall time extensions exceed three years. During such extensions granted

pursuant to this subsection, the plat shall continue to be subject to the conditions of approval and vested rights that applied to the approved phased preliminary plat prior to the extension, with the exception of storm drainage standards, design guidelines and building and fire codes, unless it would significantly alter the plat as approved by the hearing examiner.

C. Time extensions that are granted pursuant to these regulations shall continue to be subject to the conditions of approval and vested rights that applied to the approved phased preliminary plat or binding site plan prior to the extension, with the exception of stormwater management regulations and building and fire codes, except as provided under subsection B of this section. If time extensions are granted pursuant to these regulations, subsequent phases shall meet current stormwater management regulations and building and fire codes. The director's decision shall be a final decision of the city of Tumwater and not subject to administrative appeal.

(Ord. O2016-022, Amended, 01/03/2017; Ord. O2016-010, Amended, 08/02/2016; Ord. O2011-015, Amended, 12/20/2011; Ord. O2010-004, Amended, 05/04/2010; Ord. O2000-004, Added, 07/18/2000)

Section 10. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 11. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 12. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 13. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this _____ day of _____, 2022.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

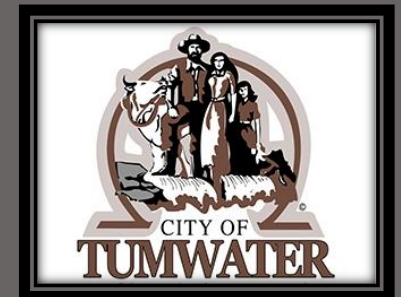
Effective Date:_____

Binding Site Plans

Ordinance No. O2022-004

June 7, 2022

City Council Consideration



Background

- Amendment work approved by City Council as part of the 2022 Long Range Planning Work Program
- Binding site plans are an alternative method of land division authorized by RCW 58.17.035 for:
 1. Industrial or commercial uses
 2. Manufactured home parks
 3. Condominiums

Background

The regulations for binding site plans are proposed to be updated because the current regulations :

1. Have not been substantially updated since 1996
2. Do not clearly relate to the requirements found elsewhere in Title 17 *Land Division*
3. Do not clearly relate to the requirements for vesting found in Chapter 15.44 *Vesting of Development Rights*

Proposed Amendments

The following sections of the code are being amended:

1. Table 14.08.030 (Decision process)
2. TMC 15.44 *Vesting of Development Rights*
3. TMC 17.08.010 *Binding site plans*
4. TMC 17.14.050 *Administrative consideration*
5. TMC 17.14.080 *Duration*
6. TMC 17.14.090 *Phasing of development*

Proposed Amendments

The following code section has been added:

1. TMC 17.14.045 *Review criteria for binding site plans*, which provides additional review criteria specific to binding site plans

Next Steps

City Council Review and Approval Process:

- June 7, 2022 – City Council Consideration

TO: City Council
 FROM: Brad Medrud, Planning Manager
 DATE: June 7, 2022
 SUBJECT: Ordinance No. O2022-002, Trosper Island Annexation

1) Recommended Action:

Approve Ordinance No. O2022-002, Trosper Island Annexation

2) Background:

Tumwater has twelve unincorporated “islands” within the City limits. These islands were formed over the last century as annexations occurred and some parcels were left out of the annexation for one reason or another. These parcels were usually excluded because the owner did not want to annex at that time. These islands continue to exist because there was no method available to annex them without a willing owner. The islands range in size from a single quarter acre residential lot to over a hundred acres. The largest island, Trosper Lake, has several hundred residents.

In 2020, the Washington Legislature enacted a new annexation process (Engrossed Senate Substitute Bill 5224) into that law specifically to address the issue of County islands, and City will be using this process for these annexations. This new legislation allows the City to annex County islands by entering into an Interlocal Agreement with the County.

The County Board of Commissioners and the City Council held a joint hearing on January 18, 2022 to approve an Interlocal Agreement setting out the process for annexing all twelve islands. The City Council approved the Interlocal Agreement on January 18, 2022 and the County Board of Commissioners approved the Interlocal Agreement on January 25, 2022.

Notice of Intent applications for the twelve annexations were submitted to the Boundary Review Board for Thurston County on February 16, 2022, by the City of Tumwater Thurston County Boundary Review Board Notice of Intent process.

The Boundary Review Board for Thurston County approved the waivers of the 45-day period allowed for the jurisdiction of the Boundary Review Board to be invoked and returned nine of the twelve annexations to the City of Tumwater for final action on March 7, 2022. The nine annexations included the following:

1. 984 Liberty Street Annexation
2. Dennis Street Annexation
3. Linwood Avenue Annexation
4. Pioneer Street North Annexation
5. Pioneer Street South Annexation
6. Quince Street North Annexation
7. Quince Street South Annexation
8. Rural Road South Annexation
9. Sapp Road Annexation

The Boundary Review Board for Thurston County returned the remaining three annexations to the City of Tumwater for final action on April 4, 2022 after the 45-day period allowed for the jurisdiction of the Boundary Review Board to be invoked was completed. The three annexations included the following:

1. Liberty Street Annexation
2. Rural Road North Annexation
3. Trosper Lake Annexation

The next step in the process is consideration and approval of two ordinances by the City Council.

The "Eleven County Islands" annexation ordinance (Ordinance No. O2022-001) was considered and approved by the City Council on May 17, 2022. The ordinance included the following annexation areas:

1. 984 Liberty Street Annexation
2. Dennis Street Annexation
3. Linwood Avenue Annexation
4. Pioneer Street North Annexation
5. Pioneer Street South Annexation
6. Quince Street North Annexation
7. Quince Street South Annexation
8. Rural Road South Annexation
9. Sapp Road Annexation
10. Liberty Street Annexation
11. Rural Road North Annexation

A second ordinance for the Trosper Lake Island annexation (Ordinance No. O2022-002) will be considered by the City Council on June 7, 2022.

3) Policy Support:

County-Wide Planning Policy III: Promotion of Contiguous and Orderly Development, Provision of Urban Services, and Protection of Rural Areas

Comprehensive Plan Land Use Element Policy LU-2.4: Ensure new annexations adhere to the goals and policies of the City's Annexation Policy.

Strategic Priority: Provide and Sustain Quality Public Safety Services
Goal: *"Annex the unincorporated islands to enhance public safety"*

4) Alternatives:

☐ None

5) Fiscal Notes:

This is an internally funded work program item. As primarily single family development, there are no significant revenue generators. Most services are already being provided by the City.

6) Attachments:

- A. Ordinance O2022-002, Trosper Island Annexations
- B. Exhibit "A" of Ordinance O2022-002 – Legal Descriptions and Maps for the Trosper Islands
- C. Exhibit "B" of Ordinance O2022-002 – Interlocal Agreement between the City of

Tumwater and Thurston County, Related to the Annexation of County Islands Located within the Surrounding Jurisdictions of the City

D. Presentation

ORDINANCE NO. O2022-002

AN ORDINANCE of the City Council of the City of Tumwater, Washington, annexing to the City of Tumwater certain contiguous properties referred to as the "Trosper Lake Island" located within the Tumwater Urban Growth Area, entirely surrounded by the City of Tumwater, in Thurston County, Washington, as more particularly described herein.

WHEREAS, County islands are those unincorporated Thurston County areas that are bounded on all sides by the City of Tumwater; and

WHEREAS, provision of services by the County to islands that are surrounded by the City results in an inefficient use of City and County resources; and

WHEREAS, there are currently twelve unincorporated County islands located within the boundaries of the City; and

WHEREAS, the annexation of these twelve unincorporated County islands will provide greater efficiency of services; and

WHEREAS, the City and County want to facilitate an orderly transition of services associated with the twelve unincorporated County islands proposed to be annexed, including, but not limited to emergency services, public works, and permit processing; and

WHEREAS, RCW 35A.14.296 authorizes any code city to annex unincorporated island areas pursuant to a jointly approved interlocal agreement with the county; and

WHEREAS, the legislative findings in RCW 35A.14.296 state, "The legislature finds that city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory"; and

WHEREAS, RCW 35A.14.296 requires that any affected adjacent jurisdictions, such as fire districts, be notified of the intent to annex any areas served by the fire district. Nine of the twelve County islands that the City are proposing to annex are within the service area of the McLane Black Lake Fire Department; and

WHEREAS, RCW 35A.14.296 empowered McLane Black Lake Fire Department to be a party to the interlocal agreement by providing written notice within 30 days of the May 20, 2021 letter from the City; and

WHEREAS, the McLane Black Lake Fire Department provided the City with written notice on September 5, 2021, that it does not wish to be a party to the interlocal agreement and had no objection to the annexation of the County islands; and

WHEREAS, on November 24, 2021, post cards were mailed to property owners and residents in all twelve of the proposed annexation areas letting them know about proposed interlocal agreement and the open house; and

WHEREAS, on December 1, 2021 the City and County held a virtual open house to present information regarding the proposed interlocal agreement and annexation process for all twelve of the proposed annexation areas; and

WHEREAS, on December 3, 2021 the City Clerk caused the Notice of Availability of the interlocal agreement to be posted, published four times in the manner provided by law, and mailed to all property owners and residents in all twelve of the proposed annexation areas; and

WHEREAS, on January 6, 2022 the Thurston County Clerk and the City Clerk caused Notice of Public Hearing on the interlocal agreement to be posted and published in the manner provided by law, and mailed to all property owners and residents in all twelve of the proposed annexation areas; and

WHEREAS, the Board of County Commissioners and the City Council held a duly noticed joint public hearing on the interlocal agreement on January 18, 2022 as required by RCW 35A.14.296(3); and

WHEREAS, the City Council approved the interlocal agreement on January 18, 2022; and

WHEREAS, the Board of County Commissioners approved the interlocal agreement on January 25, 2022; and

WHEREAS, Notice of Intent applications for all twelve annexations were submitted to the Boundary Review Board for Thurston County by the City on February 16, 2022; and

WHEREAS, the Boundary Review Board for Thurston County approved the waivers of the 45-day period allowed for the jurisdiction of the Boundary Review

Board to be invoked and returned nine of the twelve annexations to the City for final action on March 7, 2022. The nine annexations included the following:

1. 984 Liberty Street Annexation
2. Dennis Street Annexation
3. Linwood Avenue Annexation
4. Pioneer Street North Annexation
5. Pioneer Street South Annexation
6. Quince Street North Annexation
7. Quince Street South Annexation
8. Rural Road South Annexation
9. Sapp Road Annexation; and

WHEREAS, the Boundary Review Board for Thurston County returned the remaining three annexations to the City for final action on April 4, 2022 after the 45-day period allowed for the jurisdiction of the Boundary Review Board to be invoked was completed. The three annexations included the following:

1. Liberty Street Annexation
2. Rural Road North Annexation
3. Trosper Lake Annexation; and

WHEREAS, after the City and County approved the interlocal agreement and the Notice of Intent process for all twelve annexations was completed through the Boundary Review Board for Thurston County, the City Council considered adoption of annexation ordinances for the "Trosper Lake Island" and the remaining "Eleven County Islands"; and

WHEREAS, the "Eleven County Islands" annexation ordinance was considered first by the City and then the "Trosper Lake Island" annexation ordinance; and

WHEREAS, the "Trosper Lake Island" annexation ordinance considered the following annexation area:

1. Trosper Lake Annexation; and

WHEREAS, the "Trosper Lake Island" annexation is consistent with the City's adopted annexation policies, the County-wide Planning Policies, and the Joint Plan adopted by County and the City; and

WHEREAS, the City Council discussed the annexation ordinance in a worksession on April 26, 2022; and

WHEREAS, on May 6, 2022, notices of the City Council consideration of the ordinance were mailed to property owners and residents in the annexation areas; and

WHEREAS, on June 7, 2022, the City Council considered the annexation ordinance; and

WHEREAS, on June 7, 2022, the City Council, having determined that the annexation of the hereinafter described properties to the City of Tumwater would be in the public interest and for the public welfare and in the best interest of the City of Tumwater and the citizens thereof, approved the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Tumwater City Council hereby annexes the properties described and depicted of the "Trosper Lake Island" in Exhibit A attached hereto and by this reference incorporated as if fully set forth herein as of the effective date of this ordinance.

Section 2. It is hereby further declared that upon annexation, the properties described in Section 1 above shall be subject to existing indebtedness of the City of Tumwater.

Section 3. Zoning and land use designations shall be applied which are consistent with the Tumwater Comprehensive Plan and the Interlocal Agreement approved by the City of Tumwater and Thurston County in January 2022 in Exhibit B attached hereto.

Section 4. The Floodplain Overlay Zone, the Airport Overlay Zone, and Aquifer Protection Overlay Zone shall be applied pursuant to the Tumwater Municipal Code and the Tumwater Comprehensive Plan.

Section 5. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 8. Effective Date. This ordinance shall become effective five (5) days after passage, approval, and publication as provided by law.

ADOPTED this ____ day of _____, 2022.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

Exhibit “A”

Legal Descriptions and Maps for the "Trosper Lake Island"

[See attached Legal Descriptions and Maps.]

Exhibit “B”

***Interlocal Agreement between the City of Tumwater and Thurston County,
Related to the Annexation of County Islands Located within the
Surrounding Jurisdictions of the City***

[See attached Interlocal Agreement.]

TROSPER LAKE ISLAND ANNEXATION DESCRIPTION

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 33 AND 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM AND SECTIONS 3 AND 4, TOWNSHIP 17 NORTH, RANGE 2 WEST, WM;
 THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 33, NORTH 88°25'40" WEST, 660.15 FEET TO THE EAST LINE OF TRACT B OF THE PLAT OF LAKESIDE ESTATES AS RECORDED UNDER AUDITOR'S FILE NUMBER 3102840 AND THE POINT OF BEGINNING;
 THENCE NORTH ALONG SAID EAST LINE, 739.70 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF DRYER ADDITION AS RECORDED UNDER AUDITOR'S FILE NUMBER 8106090166;
 THENCE EASTERLY ALONG SAID SOUTH LINE AND ITS EXTENSION, 330.03 FEET TO THE EASTERLY LINE OF SAID DRYERS ADDITION;
 THENCE NORTHERLY ALONG SAID EASTERLY LINE, 560.57 FEET TO THE SOUTH RIGHT-OF-WAY MARGIN OF 54TH AVENUE SW;
 THENCE EASTERLY ALONG SAID SOUTH MARGIN, 329.99 FEET TO THE EAST LINE OF SAID SECTION 33;
 THENCE NORTHERLY ALONG SAID EAST LINE, 1346.58 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34;
 THENCE EASTERLY ALONG SAID NORTH LINE, 461.52 FEET TO THE WEST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
 THENCE SOUTHERLY ALONG SAID WEST MARGIN, 1345.55 FEET TO THE SOUTH RIGHT-OF-WAY MARGIN OF 54TH AVENUE SW;
 THENCE EASTERLY ALONG SAID SOUTH MARGIN, 129.71 FEET TO THE EAST LINE OF PARCEL C OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 4100655,
 THENCE SOUTHERLY ALONG SAID EAST LINE, 1237 FEET TO THE SOUTH LINE OF SAID PARCEL C;
 THENCE WESTERLY ALONG SAID SOUTH LINE, 137.58 FEET TO THE WEST LINE OF PARCEL B OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 4257426;
 THENCE SOUTHERLY ALONG SAID WEST LINE, 535.19 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL B, ALSO THE SOUTHEAST CORNER OF LOT 1 OF SHORT SUBDIVISION SS-1992 AS RECORDED UNDER AUDITOR'S FILE NUMBER 8411060022;
 HENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 1, 803.65 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;
 THENCE NORTH ALONG THE WEST LINE OF SAID SHORT SUBDIVISION, 470.08 FEET TO THE NORTH LINE OF SAID SECTION 4;
 THENCE WEST ALONG SAID NORTH LINE, 53.51 FEET TO THE EAST LINE OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE PLAT OF GLENWOOD PARK AS RECORDED UNDER AUDITOR'S FILE NUMBER 350665;
 THENCE SOUTH ALONG SAID EAST LINE AND EXTENSION, 1329.24 FEET TO THE SOUTHEAST CORNER OF LOT 4, BLOCK 4 OF SAID GLENWOOD PARK AND THE SOUTHWEST CORNER OF PARCEL A OF BOUNDARY LINE ADJUSTMENT BLA-7327, RECORDED UNDER AUDITOR'S FILE NUMBER 3005757;
 THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL A, 369.96 FEET TO THE EAST LINE OF SAID SECTION 4;
 THENCE SOUTH ALONG SAID EAST LINE, 804.48 FEET TO THE NORTH LINE OF THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 17 NORTH, RANGE 2 WEST, W.M., DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION; RUNNING THENCE EAST ALONG THE CENTERLINE OF SAID SECTION 235 FEET, MORE OR LESS, TO THE WESTERLY LINE OF

LITTLEROCK ROAD; THENCE NORTH 44° 30' EAST ALONG SAID WESTERLY LINE OF ROAD 100 FEET TO THE INITIAL POINT OF THIS DESCRIPTION; THENCE CONTINUING NORTH 44° 30' EAST ALONG SAID WESTERLY LINE OF ROAD 110 FEET; THENCE NORTH 45° 55' 57" WEST 400 FEET, MORE OR LESS, TO A POINT NORTH 44° 30' WEST 400 FEET FROM SAID WESTERLY LINE OF ROAD; THENCE NORTH 44° 30' WEST 125 FEET, MORE OR LESS, TO THE WEST LINE OF SAID SUBDIVISION; THENCE SOUTHERLY ALONG SAID WEST LINE OF SUBDIVISION TO A POINT NORTH 44° 30" WEST FROM SAID INITIAL POINT; THENCE SOUTH 44° 30' EAST 450 FEET, MORE OR LESS, TO SAID INITIAL POINT. EXCEPTING THAT PORTION CONVEYED TO CITY OF TUMWATER BY DEED RECORDED MARCH 12, 2006 UNDER AUDITOR'S FILE NO. 3815098;

THENCE SOUTHEASTERLY ALONG SAID NORTH LINE 137.70 FEET, MORE OR LESS, TO A POINT 400 FEET NORTHWESTERLY MEASURED PERPENDICULAR TO THE NORTHWESTERLY RIGHT-OF-WAY OF LITTLEROCK ROAD (WHEN LITTLEROCK ROAD RIGHT-OF-WAY WAS 60 FEET WIDE);

THENCE NORTHEASTERLY PARALLEL WITH SAID NORTHWESTERLY RIGHT-OF-WAY, 694.92 FEET TO THE MOST NORTHERLY CORNER OF LOT 2 OF SHORT SUBDIVISION SS-2538A AS RECORDED UNDER AUDITOR'S FILE NUMBER 9201240212;

THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 2, 400 FEET TO THE NORTHWESTERLY MARGIN OF LITTLEROCK ROAD;

THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY MARGIN, 900 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 AND THE NORTH LINE OF PARCEL C OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 3421988;

THENCE WESTERLY ALONG SAID NORTH LINE, 235.48 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 3 AND THE NORTHWEST CORNER OF SAID PARCEL C;

THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID PARCEL C, 83.51 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL C;

THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL C, 101.92 FEET TO AN ANGLE POINT IN SAID SOUTHWESTERLY LINE;

THENCE CONTINUING SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL C, 89.91 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF LITTLEROCK ROAD;

THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY MARGIN, 715.54 FEET TO THE SOUTHWESTERLY LINE OF LOT 2, BLOCK 7 OF SAID GLENWOOD PARK;

THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE, 195.00 FEET TO THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 195.00 FEET OF SAID LOT 2;

THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE, 71.50 FEET TO THE MOST SOUTHERLY CORNER OF LOT 6, BLOCK 7 OF SAID GLENWOOD PARK;

THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 6, 120.89 FEET TO THE WESTERLY LINE OF SAID PLAT AND THE EASTERLY LINE OF THE PLAT OF GOLD CREEK, AS RECORDED IN VOLUME 19 OF PLATS, PAGE 80 AND UNDER AUDITOR'S FILE NUMBER 991456;

THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID GOLD CREEK PLAT, 343.76 FEET TO THE SOUTH LINE OF PARCEL B OF BOUNDARY LINE ADJUSTMENT NO. BLA961418, AS RECORDED DECEMBER 5, 1996 UNDER AUDITORS FILE NO. 3065020 AND 3065021;

THENCE EAST ALONG THE SOUTH LINE OF SAID PARCEL B, 294.55 FEET TO THE WEST RIGHT-OF-WAY MARGIN OF GLENWOOD DRIVE;

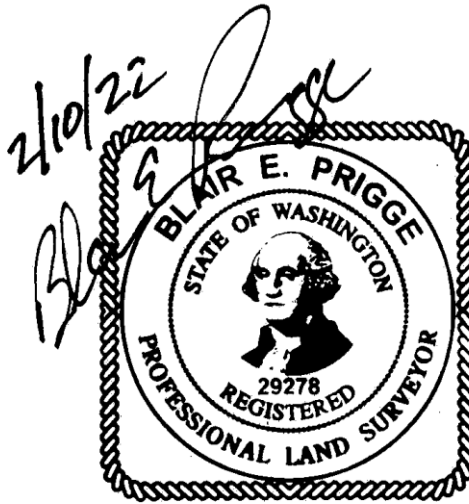
THENCE NORTHERLY ALONG SAID WEST MARGIN, 94.4 FEET TO THE NORTH LINE OF SAID PARCEL B;

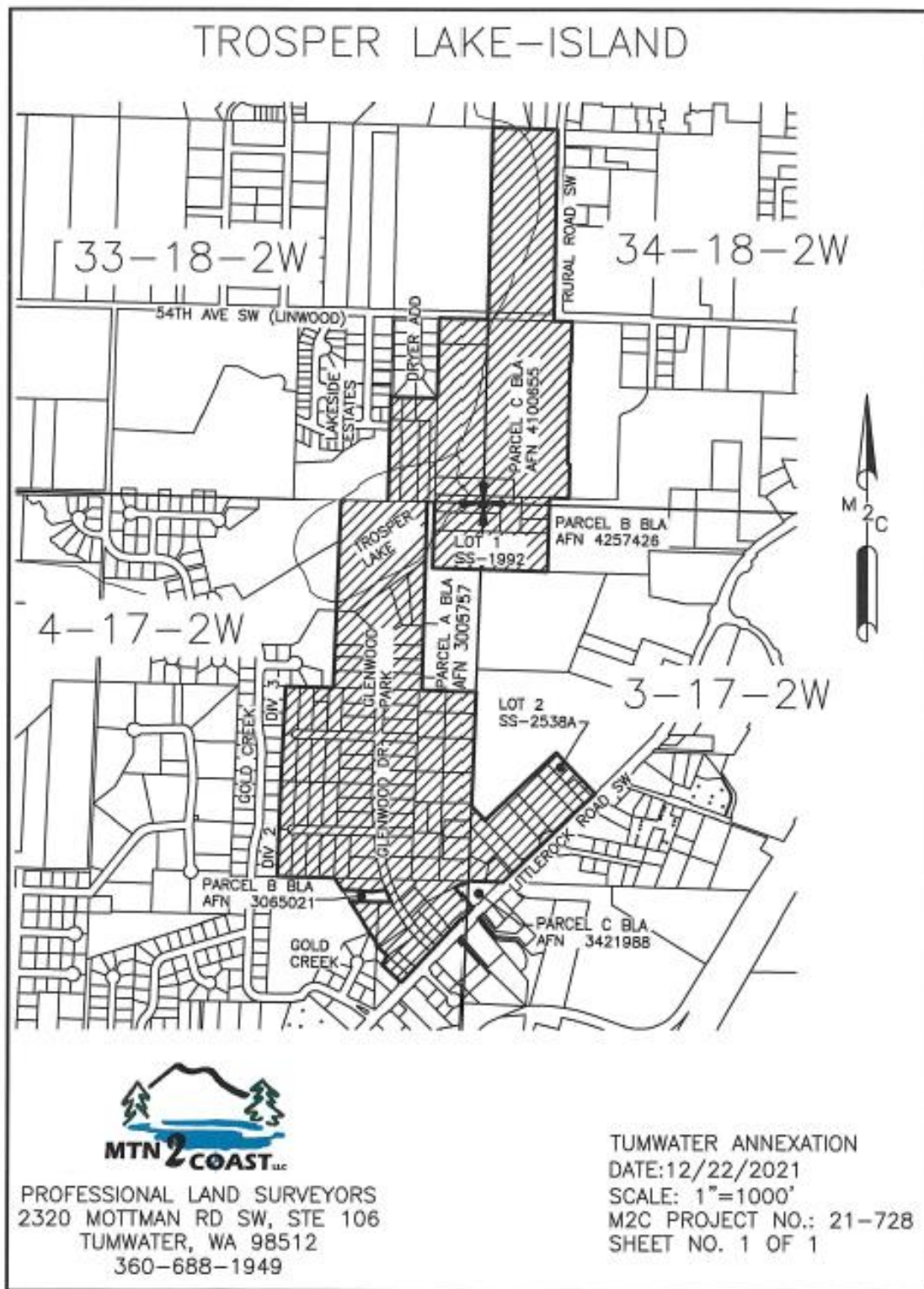
THENCE WESTERLY ALONG SAID NORTH LINE OF PARCEL B, SOUTH 80° WEST, 99.41 FEET;

THENCE CONTINUING WESTERLY ALONG SAID NORTH LINE OF PARCEL B, NORTH 87° WEST, 92.44 FEET;

THENCE CONTINUING WESTERLY ALONG SAID NORTH LINE OF PARCEL B, 110.47 FEET TO SAID EASTERLY LINE OF THE PLAT OF GOLD CREEK;

THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE, 101.82 FEET TO THE NORTH LINE OF SAID PLAT OF GOLD CREEK;
 THENCE WESTERLY ALONG SAID NORTH LINE, 398.87 FEET TO THE EAST LINE OF GOLD CREEK DIVISION 2 AS RECORDED IN VOLUME 20 OF PLATS, PAGE 110 AND UNDER AUDITOR'S FILE NUMBER 1080313;
 THENCE NORTH ALONG SAID EAST LINE AND THE EAST LINE OF GOLD CREEK DIVISION 3 AS RECORDED IN VOLUME 22 OF PLATS, PAGE 177 AND UNDER AUDITOR'S FILE NUMBER 8610150125, 1335.91 FEET TO THE NORTHEAST CORNER OF LOT 26 OF SAID DIVISION 3;
 THENCE EAST ALONG THE SOUTHERLY LINE OF SAID DIVISION 3, 199.01 FEET THE WEST LINE OF PARCEL A OF BOUNDARY LINE ADJUSTMENT NUMBER 04-111701-TC AS RECORDED UNDER AUDITOR'S FILE NUMBER 3675417;
 THENCE SOUTH ALONG SAID WEST LINE 100.00 FEET TO THE SOUTH LINE OF SAID PARCEL A;
 THENCE EAST ALONG SAID SOUTH LINE, 100.00 FEET TO THE EAST LINE OF SAID PARCEL A;
 THENCE NORTH ALONG SAID EAST LINE 100.00 FEET TO THE SOUTHERLY LINE OF SAID DIVISION 3;
 THENCE EAST ALONG SAID SOUTHERLY LINE OF DIVISION 3, 29.52 FEET TO THE EAST LINE OF SAID DIVISION 3;
 THENCE NORTH ALONG SAID EAST LINE OF DIVISION 3 AND ITS NORTHERLY EXTENSION, 1330.61 FEET TO THE NORTH LINE OF SAID SECTION 4;
 THENCE EAST ALONG SAID NORTH LINE, 331.45 FEET TO THE POINT OF BEGINNING;
 CONTAINING 132.9 ACRES, MORE OR LESS.





Attachment C
Exhibit B

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF TUMWATER AND THURSTON COUNTY, RELATED TO THE ANNEXATION
OF COUNTY ISLANDS LOCATED WITHIN THE SURROUNDING JURISDICTION OF THE
CITY**

THIS INTERLOCAL AGREEMENT ("Agreement") is entered into pursuant to the authority of Chapter 39.34 RCW in duplicate originals between the City of Tumwater, a State of Washington municipal corporation ("City") and Thurston County, a political subdivision of the State of Washington ("County"); collectively referred to as "Jurisdictions" and individually as "Jurisdiction."

In consideration of the terms, conditions, covenants, and performances contained herein, it is mutually agreed by the Jurisdictions as follows:

WHEREAS, annexations are routinely applied for and put forth by the City; and

WHEREAS, County islands are those unincorporated County areas that are bounded on all sides by the City; and

WHEREAS, provision of services by the County to islands that are surrounded by the City results in an inefficient use of City and County resources; and

WHEREAS, there are currently 12 unincorporated County islands located within the boundaries of the City; and

WHEREAS, the annexation of these 12 County islands will provide greater efficiency of services; and

WHEREAS, the Jurisdictions want to facilitate an orderly transition of services associated with the islands proposed to be annexed, including, but not limited to emergency services, public works, and permit processing; and

WHEREAS, the City and County want to ensure a seamless transition of review of permit applications that were initiated in the County, but then transferred to the City upon annexation; and

WHEREAS, RCW 35A.14.296 authorizes any code city to annex unincorporated areas pursuant to a jointly approved interlocal agreement with the county; and

WHEREAS, the legislative findings in RCW 35A.14.296 state, "The legislature finds that city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory"; and

WHEREAS, RCW 35A.14.296 requires that any affected adjacent jurisdictions, such as fire districts, be notified of the intent to annex any areas served by the fire district. Nine of the twelve County islands that the City is proposing to annex are within the service area of the McLane Black Lake Fire Department; and

WHEREAS, RCW 35A.14.296 empowers McLane Black Lake Fire Department to be a party to the Interlocal Agreement by providing written notice within 30 days of the May 20, 2021 letter from the City of Tumwater; and

WHEREAS, the McLane Black Lake Fire Department provided the City with written notice on September 5, 2021, that it does not wish to be a party to this interlocal agreement; and

WHEREAS, the County and City held a duly noticed joint public hearing on this interlocal agreement on January 18, 2022 as required by RCW 35A.14.296(3).

NOW, THEREFORE, it is hereby agreed as follows:

1. Areas to be Annexed.

The Jurisdictions agree that the City shall annex all 12 of the unincorporated County islands as depicted on the maps attached to and incorporated into this agreement in two separate annexation processes. The Jurisdictions agree that the boundaries of the annexation areas shall be as described and depicted in the attached Exhibits:

- A. The County island referred to as the "Trosper Lake Island" shall be annexed on May 17, 2022 separately from the other 11 islands via an ordinance adopted by the City Council. The boundaries of the Trosper Lake Island are described and depicted on the attached Exhibit [See Pages 1 – 4 in Attachment "A" Tumwater Island Annexation ILA Legal Descriptions and Maps].
- B. The remaining 11 islands will be annexed as a group on March 15, 2022 via an ordinance adopted by the City Council. The boundaries of the islands are described and depicted on the attached Exhibits [See Pages 5 – 20 in Attachment "A" Tumwater Island Annexation ILA Legal Descriptions and Maps] and named as follows:
 - a. Rural Road Island – North.
 - b. Rural Road Island – South.
 - c. 2247 Sapp Road Island.
 - d. 1300-1500 Block – Linwood Avenue Island.
 - e. Liberty Street Island.

- f. 984 Liberty Street Island.
- g. Pioneer Street Islands, North.
- h. Pioneer Street Islands, South.
- i. Quince Street Island, North.
- j. Quince Street Island, South.
- k. Dennis Street Island.

2. Compliance with Previous Interlocal Agreements.

The City and County entered into an Interlocal Agreement on January 28, 2008 and amended the Interlocal Agreement on January 7, 2014, to establish the orderly transition of services following an annexation. These Interlocal Agreements address several areas, including land use review, permit processing, records transfer, etc. These Interlocal Agreements will remain in effect and are attached to and incorporated into this Agreement.

3. Public Works Projects.

The County will provide the City a list and project descriptions for any ongoing or pending public works projects within the proposed annexation areas.

4. Open Permits.

The County will compile and transfer to the City a list of ongoing permits within the proposed annexation areas, including but not limited to land use and building permits.

5. Unexpended SEPA Mitigation Fees.

The County will compile a list of projects within the proposed annexation areas with unspent SEPA mitigation fees. Upon annexation, such fees shall be transferred to the City, except for fees collected for other agencies and school district. The City shall assume the responsibility for expending these fees to address the impact or complete the mitigation appropriate to the project for which they were collected. This shall not apply to school mitigation fees or agency fees.

6. Development Bonds.

The County will identify any development bonds that are active within the proposed annexation areas. Upon annexation and when identified for transfer under the terms of the January 28, 2008 Interlocal Agreement as amended on January 7, 2014, these bonds will be transferred to the City for administration in accordance with the terms of the bond.

7. Notification of Potentially Affected Jurisdictions.

Consistent with the requirements of RCW 35A.14.296, the City transmitted this Agreement to any potentially affected adjacent jurisdiction, including the appropriate fire district, to allow for a 30-day comment period on May 20, 2021.

8. Maintenance of Residential Zoning.

Consistent with the requirements of RCW 35A.14.296, the City agrees that for a period of five years, any parcel zoned for residential development within the annexed areas shall:

- A. Maintain a zoning designation that provides for residential development; and
- B. Not have its minimum gross residential density reduced below the density allowed for by the zoning designation for that parcel prior to annexation.

9. Public Outreach.

The City shall assume responsibility for completing all required public notifications pursuant to RCW 35A.14.296. In addition, the City shall assume responsibility for holding any public meetings, open houses, drafting of Frequently Asked Question flyers and other informational materials, and public hearings. The County shall attend the annexations meetings in support of city staff. The joint County and City public hearing shall be on January 18, 2022.

10. Effective Date of Annexation.

The jurisdictions mutually agree that the effective date of the annexation, as described and agreed to in this agreement, shall be the date of the City's adoption of its annexation ordinance.

11. Term.

The term of this Agreement shall be effective upon the Effective Date and shall expire two years after the Effective Date unless extended by the agreement of the Jurisdictions.

12. Indemnification and Hold Harmless.

- A. To the extent permitted by law, each Jurisdiction agrees to indemnify, defend, and hold harmless the other Jurisdiction, their officers, officials, employees, agents, and volunteers from and against any and all claims, demands, damages, losses, actions, liabilities, expenses, and judgments of any nature whatsoever, including without limitation, court and appeal costs and attorneys' fees, to or by any and all persons or entities, including without limitation, their respective agents, licensees, or representatives, caused by or arising out of any negligent act, errors, or omissions, of that Jurisdiction, its employees, agents, or volunteers or arising out of, in connection with, or incident to that Jurisdiction's performance or failure to perform any aspect of this Agreement.

- B. The Jurisdictions waive their immunity under the Washington State Industrial Insurance Act, Title 51 RCW, to the extent required by this indemnification and hold harmless provision. Provided, however, the foregoing waiver shall not in any way preclude a Jurisdiction from raising such immunity as a defense against any claim brought against a Jurisdiction by any of the Jurisdiction's respective employees. This waiver has been mutually negotiated by the Jurisdictions.
- C. The provisions of this section shall survive the completion or expiration of this Agreement or termination whether termination is by one or all Jurisdictions.
- D. The Jurisdictions agree to support each other in pursuing these purposes and responsibilities and operate in good faith and partnership in carrying them out. Risk and accountability shall be shared to the extent possible by the Jurisdictions.

13. Amendments.

This Agreement may be amended as needed by mutual written agreement of the Jurisdictions as executed by each Jurisdiction's authorized governing authority as provided in Chapter 39.34 RCW.

14. Termination.

This Agreement may be terminated when the terminating Jurisdiction provides written notice to the other Jurisdiction at least 90 days prior to its intended withdrawal from this Agreement. Following a termination, the Jurisdictions are mutually responsible for fulfilling any outstanding obligations under this Agreement incurred prior to the effective date of the amendment or termination.

15. Dispute Resolution.

The Jurisdictions mutually agree to use a formal dispute resolution process such as mediation, through an agreed-upon mediator and process, if agreement cannot be reached regarding interpretation or implementation of any provision of this Agreement. All costs for mediation services would be divided equally between the Jurisdictions. Each Jurisdiction would be responsible for the costs of their own legal representation. The jurisdictions must first seek a remedy under this section in good faith prior to any legal action in court to enforce the terms of this Agreement.

16. Jurisdiction Representative.

The following are designated as representatives of the respective Jurisdictions. Notice provided for in this Agreement shall be sent to the designated representatives by certified mail to the addresses set forth below. Notice will be deemed received three business days following posting by the U.S. Postmaster.

City of Tumwater, c/o City Administrator, 555 Israel Road SW, Tumwater, WA
98501

Thurston County, c/o County Manager, 2000 Lakeridge Drive SW, Olympia, WA
98502

17. Governing Law and Venue.

This Agreement has been and shall be construed as having been made and delivered within the State of Washington and it is agreed by the Jurisdictions hereto that this Agreement shall be governed by the laws of the State of Washington both as to its interpretation and performance. Any action of lawsuit in equity, or judicial proceeding arising out of this Agreement shall be instituted and maintained only in a court of competent jurisdiction in Thurston County, Washington or in the superior court of either of the two nearest judicial districts pursuant to RCW 36.01.050.

18. Severability.

If one or more of the clauses of this Agreement is found to be unenforceable, illegal, or contrary to public policy, the Agreement will remain in full force and effect except for the clauses that are unenforceable, illegal, or contrary to public policy.

19. Entire Agreement.

The Jurisdictions agree that this Agreement is the complete expression of its terms and conditions. Any oral or written representations or understandings not incorporated in this Agreement are specifically excluded.

20. Non-Waiver of Rights.


The Jurisdictions agree that failure to declare any breach or default immediately upon the occurrence thereof, delay in taking any action in connection with, or the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

21. Equal Opportunity to Draft.

The Jurisdictions have participated and had an equal opportunity to participate in the drafting of this Agreement. No ambiguity shall be construed against any Jurisdiction upon a claim that that Jurisdiction drafted the ambiguous language.

IN WITNESS WHEREOF, the Jurisdictions hereto have caused this Agreement to be executed by the dates and signature herein under affixed. The persons signing this Agreement on behalf of the Jurisdictions represent that each has authority to execute this Agreement on behalf of the Jurisdiction entering into this Agreement.

Thurston County



Carolina Mejia, Chair of the Board of County
Commissioners

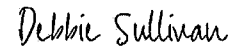
January 25, 2022

Date

Approved as to form:
Travis Burns, Deputy Prosecuting Attorney

By: _____

City of Tumwater

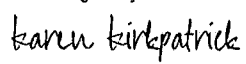
DocuSigned by:


691AEF6684BC44E...
Debbie Sullivan, Mayor of City of Tumwater

2/11/2022

Date

Approved as to form:
Karen Kirkpatrick, City Attorney

DocuSigned by:


9F0E9D38F34249E...
By: _____

Attachment "A" Tumwater Island Annexation ILA Legal Descriptions and Maps

TROSPER LAKE ISLAND
ANNEXATION DESCRIPTION

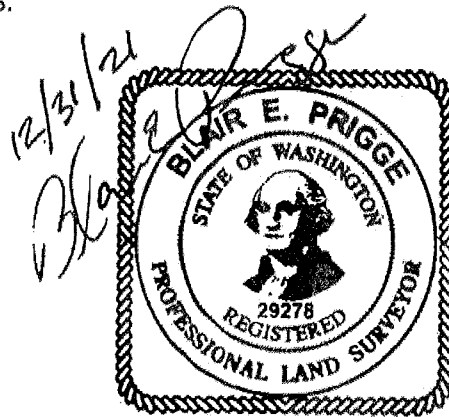
COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 33 AND 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM AND SECTIONS 3 AND 4, TOWNSHIP 17 NORTH, RANGE 2 WEST, WM;
THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 33, NORTH 88°25'40" WEST, 660.15 FEET TO THE EAST LINE OF TRACT B OF THE PLAT OF LAKESIDE ESTATES AS RECORDED UNDER AUDITOR'S FILE NUMBER 3102840 AND THE POINT OF BEGINNING;
THENCE NORTH ALONG SAID EAST LINE, 579.29 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF DRYER ADDITION AS RECORDED UNDER AUDITOR'S FILE NUMBER 8106090166;
THENCE EASTERLY ALONG SAID SOUTH LINE AND ITS EXTENSION, 330.03 FEET TO THE EASTERLY LINE OF SAID DRYERS ADDITION;
THENCE NORTHERLY ALONG SAID EASTERLY LINE, 560.57 FEET TO THE SOUTH RIGHT-OF-WAY MARGIN OF 54TH AVENUE SW;
THENCE EASTERLY ALONG SAID SOUTH MARGIN, 329.99 FEET TO THE EAST LINE OF SAID SECTION 33;
THENCE NORTHERLY ALONG SAID EAST LINE, 1346.58 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34;
THENCE EASTERLY ALONG SAID NORTH LINE, 461.52 FEET TO THE WEST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
THENCE SOUTHERLY ALONG SAID WEST MARGIN, 1345.55 FEET TO THE SOUTH RIGHT-OF-WAY MARGIN OF 54TH AVENUE SW;
THENCE EASTERLY ALONG SAID SOUTH MARGIN, 129.71 FEET TO THE EAST LINE OF PARCEL C OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 4100655,
THENCE SOUTHERLY ALONG SAID EAST LINE, 1237 FEET TO THE SOUTH LINE OF SAID PARCEL C;
THENCE WESTERLY ALONG SAID SOUTH LINE, 137.58 FEET TO THE WEST LINE OF PARCEL B OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 4257426;
THENCE SOUTHERLY ALONG SAID WEST LINE, 535.19 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL B, ALSO THE SOUTHEAST CORNER OF LOT 1 OF SHORT SUBDIVISION SS-1992 AS RECORDED UNDER AUDITOR'S FILE NUMBER 8411060022;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 1, 803.65 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;
THENCE NORTH ALONG THE WEST LINE OF SAID SHORT SUBDIVISION, 470.08 FEET TO THE NORTH LINE OF SAID SECTION 4;
THENCE WEST ALONG SAID NORTH LINE, 53.51 FEET TO THE EAST LINE OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE PLAT OF GLENWOOD PARK AS RECORDED UNDER AUDITOR'S FILE NUMBER 350665;
THENCE SOUTH ALONG SAID EAST LINE AND EXTENSION, 1329.24 FEET TO THE SOUTHEAST CORNER OF LOT 4, BLOCK 4 OF SAID GLENWOOD PARK AND THE SOUTHWEST CORNER OF PARCEL A OF BOUNDARY LINE ADJUSTMENT BLA-7327, RECORDED UNDER AUDITOR'S FILE NUMBER 3005757;
THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL A, 369.96 FEET TO THE EAST LINE OF SAID SECTION 4;
THENCE SOUTH ALONG SAID EAST LINE, 804.48 FEET TO THE NORTH LINE OF THE FOLLOWING DESCRIBED PARCEL:
THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 17 NORTH, RANGE 2 WEST, W.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION; RUNNING THENCE EAST ALONG THE CENTERLINE OF SAID SECTION 235 FEET, MORE OR LESS, TO THE WESTERLY LINE OF

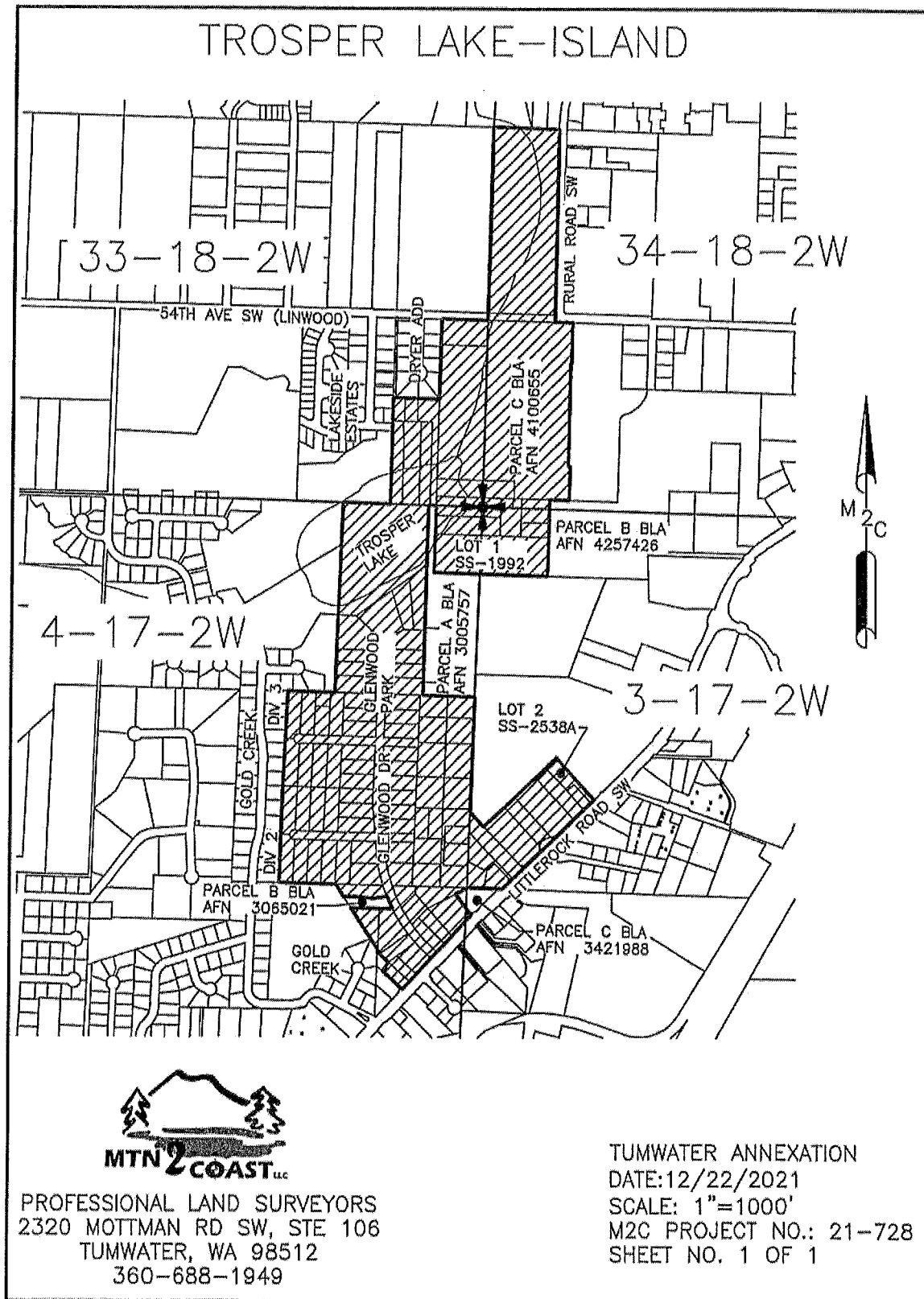
LITTLEROCK ROAD; THENCE NORTH 44° 30' EAST ALONG SAID WESTERLY LINE OF ROAD 100 FEET TO THE INITIAL POINT OF THIS DESCRIPTION; THENCE CONTINUING NORTH 44° 30' EAST ALONG SAID WESTERLY LINE OF ROAD 110 FEET; THENCE NORTH 45° 55' 57" WEST 400 FEET, MORE OR LESS, TO A POINT NORTH 44° 30' WEST 400 FEET FROM SAID WESTERLY LINE OF ROAD; THENCE NORTH 44° 30' WEST 125 FEET, MORE OR LESS, TO THE WEST LINE OF SAID SUBDIVISION; THENCE SOUTHERLY ALONG SAID WEST LINE OF SUBDIVISION TO A POINT NORTH 44° 30' WEST FROM SAID INITIAL POINT; THENCE SOUTH 44° 30' EAST 450 FEET, MORE OR LESS, TO SAID INITIAL POINT, EXCEPTING THAT PORTION CONVEYED TO CITY OF TUMWATER BY DEED RECORDED MARCH 12, 2006 UNDER AUDITOR'S FILE NO. 3815098;

THENCE SOUTHEASTERLY ALONG SAID NORTH LINE 137.70 FEET, MORE OR LESS, TO A POINT 400 FEET NORTHWESTERLY MEASURED PERPENDICULAR TO THE NORTHWESTERLY RIGHT-OF-WAY OF LITTLEROCK ROAD (WHEN LITTLEROCK ROAD RIGHT-OF-WAY WAS 60 FEET WIDE);
THENCE NORTHEASTERLY PARALLEL WITH SAID NORTHWESTERLY RIGHT-OF-WAY, 694.92 FEET TO THE MOST NORTHERLY CORNER OF LOT 2 OF SHORT SUBDIVISION SS-2538A AS RECORDED UNDER AUDITOR'S FILE NUMBER 9201240212;
THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 2, 400 FEET TO THE NORTHWESTERLY MARGIN OF LITTLEROCK ROAD;
THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY MARGIN, 900 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 AND THE NORTH LINE OF PARCEL C OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 3421988;
THENCE WESTERLY ALONG SAID NORTH LINE, 235.48 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 3 AND THE NORTHWEST CORNER OF SAID PARCEL C;
THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID PARCEL C, 83.51 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL C;
THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL C, 101.92 FEET TO AN ANGLE POINT IN SAID SOUTHWESTERLY LINE;
THENCE CONTINUING SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL C, 89.91 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF LITTLEROCK ROAD;
THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY MARGIN, 715.54 FEET TO THE SOUTHWESTERLY LINE OF LOT 2, BLOCK 7 OF SAID GLENWOOD PARK;
THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE, 195.00 FEET TO THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 195.00 FEET OF SAID LOT 2;
THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE, 71.50 FEET TO THE MOST SOUTHERLY CORNER OF LOT 6, BLOCK 7 OF SAID GLENWOOD PARK;
THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 6, 120.89 FEET TO THE WESTERLY LINE OF SAID PLAT AND THE EASTERLY LINE OF THE PLAT OF GOLD CREEK, AS RECORDED IN VOLUME 19 OF PLATS, PAGE 80 AND UNDER AUDITOR'S FILE NUMBER 991456;
THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID GOLD CREEK PLAT, 343.76 FEET TO THE SOUTH LINE OF PARCEL B OF BOUNDARY LINE ADJUSTMENT NO. BLA961418, AS RECORDED DECEMBER 5, 1996 UNDER AUDITORS FILE NO. 3065020 AND 3065021;
THENCE EAST ALONG THE SOUTH LINE OF SAID PARCEL B, 294.55 FEET TO THE WEST RIGHT-OF-WAY MARGIN OF GLENWOOD DRIVE;
THENCE NORTHERLY ALONG SAID WEST MARGIN, 94.4 FEET TO THE NORTH LINE OF SAID PARCEL B;
THENCE WESTERLY ALONG SAID NORTH LINE OF PARCEL B, SOUTH 80° WEST, 99.41 FEET;
THENCE CONTINUING WESTERLY ALONG SAID NORTH LINE OF PARCEL B, NORTH 87° WEST, 92.44 FEET;
THENCE CONTINUING WESTERLY ALONG SAID NORTH LINE OF PARCEL B, 110.47 FEET TO SAID EASTERLY LINE OF THE PLAT OF GOLD CREEK;

THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE, 101.82 FEET TO THE NORTH LINE OF SAID PLAT OF GOLD CREEK;
THENCE WESTERLY ALONG SAID NORTH LINE, 398.87 FEET TO THE EAST LINE OF GOLD CREEK DIVISION 2 AS RECORDED IN VOLUME 20 OF PLATS, PAGE 110 AND UNDER AUDITOR'S FILE NUMBER 1080313;
THENCE NORTH ALONG SAID EAST LINE AND THE EAST LINE OF GOLD CREEK DIVISION 3 AS RECORDED IN VOLUME 22 OF PLATS, PAGE 177 AND UNDER AUDITOR'S FILE NUMBER 8610150125, 1335.91 FEET TO THE NORTHEAST CORNER OF LOT 26 OF SAID DIVISION 3;
THENCE EAST ALONG THE SOUTHERLY LINE OF SAID DIVISION 3, 327.59 FEET TO THE EAST LINE OF SAID DIVISION 3;
THENCE NORTH ALONG SAID EAST LINE OF DIVISION 3 AND ITS NORTHERLY EXTENSION, 1330.61 FEET TO THE NORTH LINE OF SAID SECTION 4;
THENCE EAST ALONG SAID NORTH LINE, 331.45 FEET TO THE POINT OF BEGINNING;

CONTAINING 133.1 ACRES, MORE OR LESS.





PROFESSIONAL LAND SURVEYORS
2320 MOTTMAN RD SW, STE 106
TUMWATER, WA 98512
360-688-1949

RURAL ROAD ISLAND - NORTH ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW AND THE SOUTH LINE OF PARCEL A OF BOUNDARY LINE ADJUSTMENT, BLA-0960 AS RECORDED UNDER AUDITOR'S FILE NUMBER 9010020017;
THENCE WEST ALONG SAID SOUTH LINE, 289.49 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL A;
THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL A, 369.05 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A;
THENCE EAST ALONG THE NORTH LINE OF SAID PARCEL A, 289.49 FEET TO SAID WEST RIGHT-OF-WAY MARGIN;
THENCE CONTINUING EAST, 60.00 FEET TO THE EAST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY MARGIN, 407.41 FEET TO THE NORTH LINE OF PARCEL A OF BOUNDARY LINE ADJUSTMENT, BLA-7281 AS RECORDED UNDER AUDITOR'S FILE NUMBER 9304090104;
THENCE NORTHEASTERLY ALONG SAID NORTH LINE, 433.83 FEET TO THE EAST LINE OF SAID PARCEL A;
THENCE SOUTH ALONG SAID EAST LINE AND THE EAST LINE PARCELS M AND N OF BOUNDARY LINE ADJUSTMENT BLA-7214 AS RECORDED UNDER AUDITOR'S FILE NUMBER 8910060001, 794.51 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF LINWOOD AVE SW;
THENCE WEST ALONG SAID NORTH MARGIN, 434.13 FEET TO THE EAST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
THENCE SOUTH, 60.00 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY MARGIN OF LINWOOD AVENUE SW WITH THE EAST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
THENCE WEST, 60.00 FEET TO THE WEST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
THENCE NORTH ALONG SAID WEST MARGIN, 39.34 FEET TO THE BEGINNING;

CONTAINING 10.48 ACRES, MORE OR LESS.

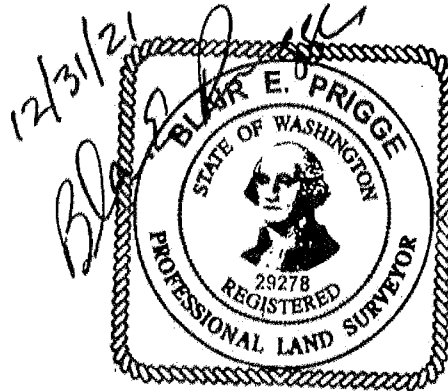


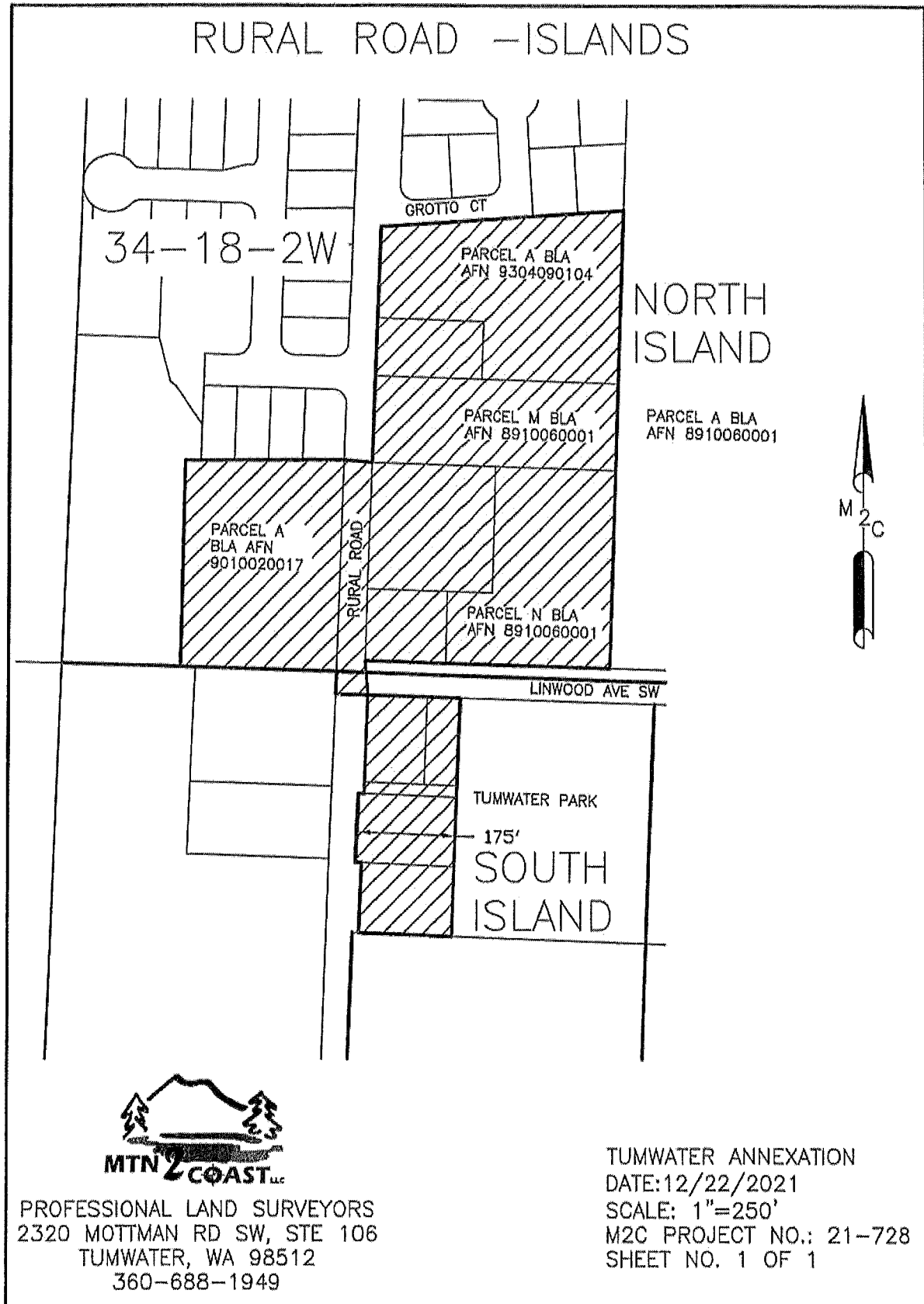
RURAL ROAD ISLAND - SOUTH ANNEXATION DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34,
TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THE WEST 175.00 FEET OF LOT 1 OF THE PLAT OF TUMWATER PARK AS RECORDED IN VOLUME 7
OF PLATS AT PAGE 6;

CONTAINING 1.52 ACRES, MORE OR LESS.

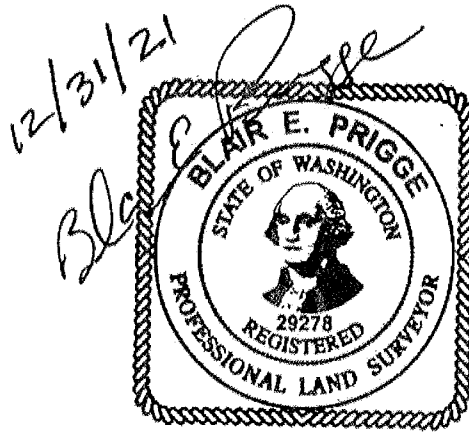


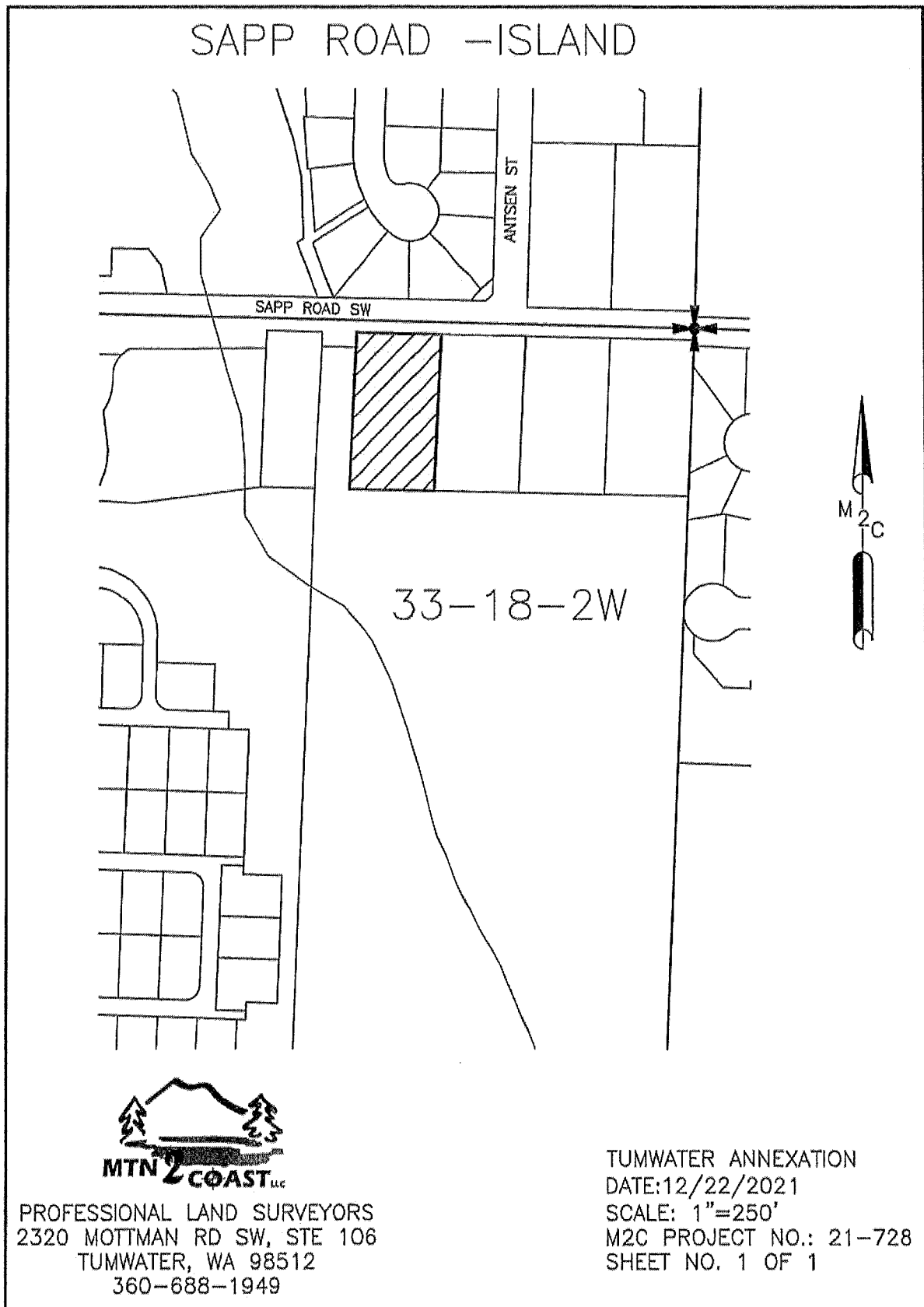


2247 SAPP ROAD ISLAND ANNEXATION DESCRIPTION

THE NORTH 290.4 FEET OF THE WEST 150 FEET OF THE EAST 600 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 WEST, W.M., EXCEPTING THEREFROM COUNTY ROAD KNOWN AS SAPP ROAD ALONG THE NORTH BOUNDARY.

CONTAINING 0.93 ACRES, MORE OR LESS.





1300-1500 BLOCK – LINWOOD AVENUE ISLAND ANNEXATION DESCRIPTION

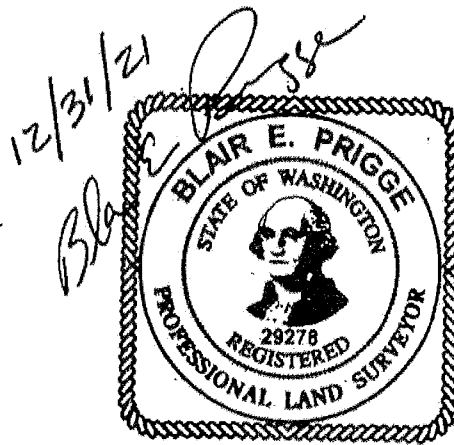
THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

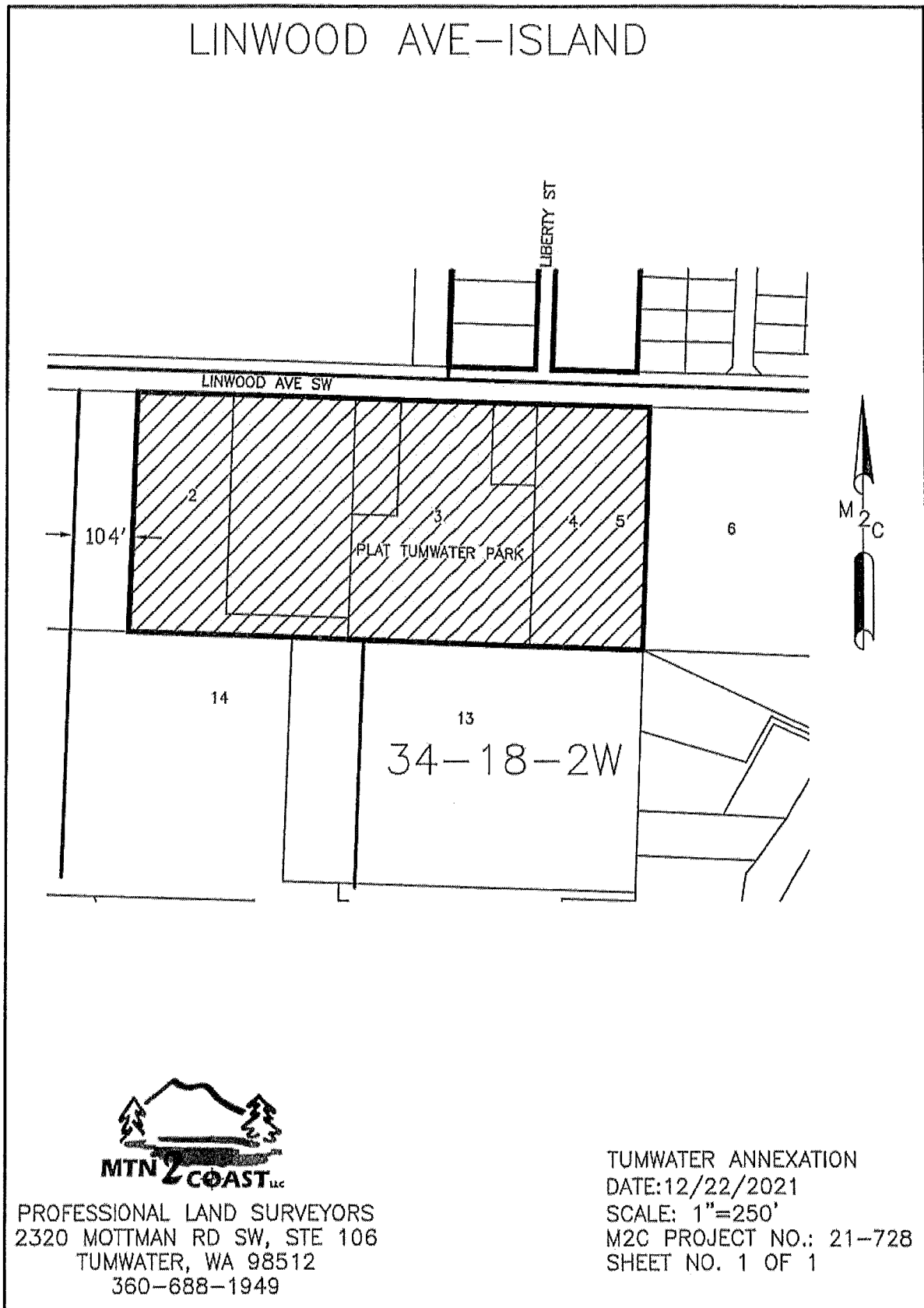
LOT 2, 3, 4 AND 5 OF THE PLAT OF TUMWATER PARK AS RECORDED IN VOLUME 7 OF PLATS AT PAGE 6;

EXCEPTING THEREFROM THE WEST 104 FEET OF SAID LOT 2;

AND EXCEPTING THEREFROM ANY PORTION WITHIN LINWOOD AVE SW;

CONTAINING 8.69 ACRES, MORE OR LESS.



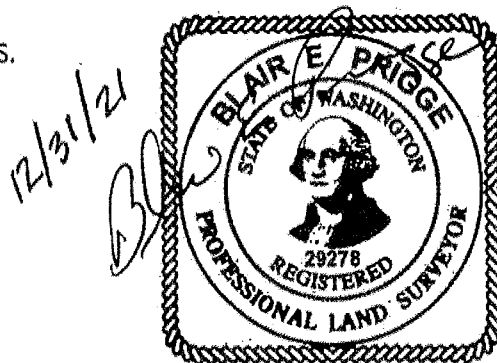


LIBERTY STREET ISLAND ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 34;
THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION, 1323.59 FEET TO THE NORTH 1/16 CORNER ON THE WEST LINE OF SAID SECTION 34;
THENCE EAST ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHWEST QUARTER, 1705.58 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF PARCEL B OF BLA-7214 AS RECORDED UNDER AUDITOR'S FILE NUMBER 8910060001;
THENCE NORTH ALONG SAID EXTENSION OF SAID PARCEL B, 22.30 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF LINWOOD AVE SW AND THE SOUTHEAST CORNER OF SAID PARCEL B AND THE POINT OF BEGINNING;
THENCE NORTH ALONG SAID EAST LINE OF PARCEL B AND THE WEST LINE OF PARCELS E, F, G, H, I AND J OF SAID BLA, 868.35 FEET TO THE NORTHWEST CORNER OF SAID PARCEL J;
THENCE EAST ALONG THE NORTH LINE OF SAID PARCEL J, 170.87 FEET TO THE EAST LINE OF PARCEL A OF SAID BLA;
THENCE NORTH ALONG SAID EAST LINE, 242.09 FEET TO THE NORTHEAST CORNER OF SAID PARCEL A AND THE NORTHWEST CORNER OF LOT 1 OF SHORT SUBDIVISION SS-2537 AS RECORDED UNDER AUDITOR'S FILE NUMBER 9303040346;
THENCE EAST ALONG THE NORTH LINE OF SAID LOT 1, 114.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1 AND LOT 2 OF SAID SUBDIVISION, 261.9 FEET TO THE NORTHEAST CORNER OF PARCEL A OF BLA-010624-TC AS RECORDED UNDER AUDITOR'S FILE NUMBER 3375676;
THENCE SOUTH ALONG THE EAST LINE OF SAID BLA, 382 FEET TO THE SOUTHEAST CORNER OF PARCEL B OF SAID BLA;
THENCE WEST ALONG THE SOUTH LINE OF SAID BLA, 197 FEET TO THE EAST LINE OF SAID BLA-7214;
THENCE SOUTH ALONG SAID EAST LINE, 108.05 FEET TO A 15.00 FOOT ANGLE POINT IN THE EAST LINE OF SAID BLA;
THENCE WEST 15.00 FEET ALONG SAID LINE TO ANOTHER ANGLE POINT IN THE EAST LINE AND THE WEST RIGHT-OF-WAY MARGIN OF LIBERTY AVENUE;
THENCE SOUTH ALONG SAID EAST LINE AND WEST MARGIN, 357.93 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF LINWOOD AVE SW;
THENCE WEST ALONG SAID NORTH MARGIN, 151.2 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.11 ACRES, MORE OR LESS.



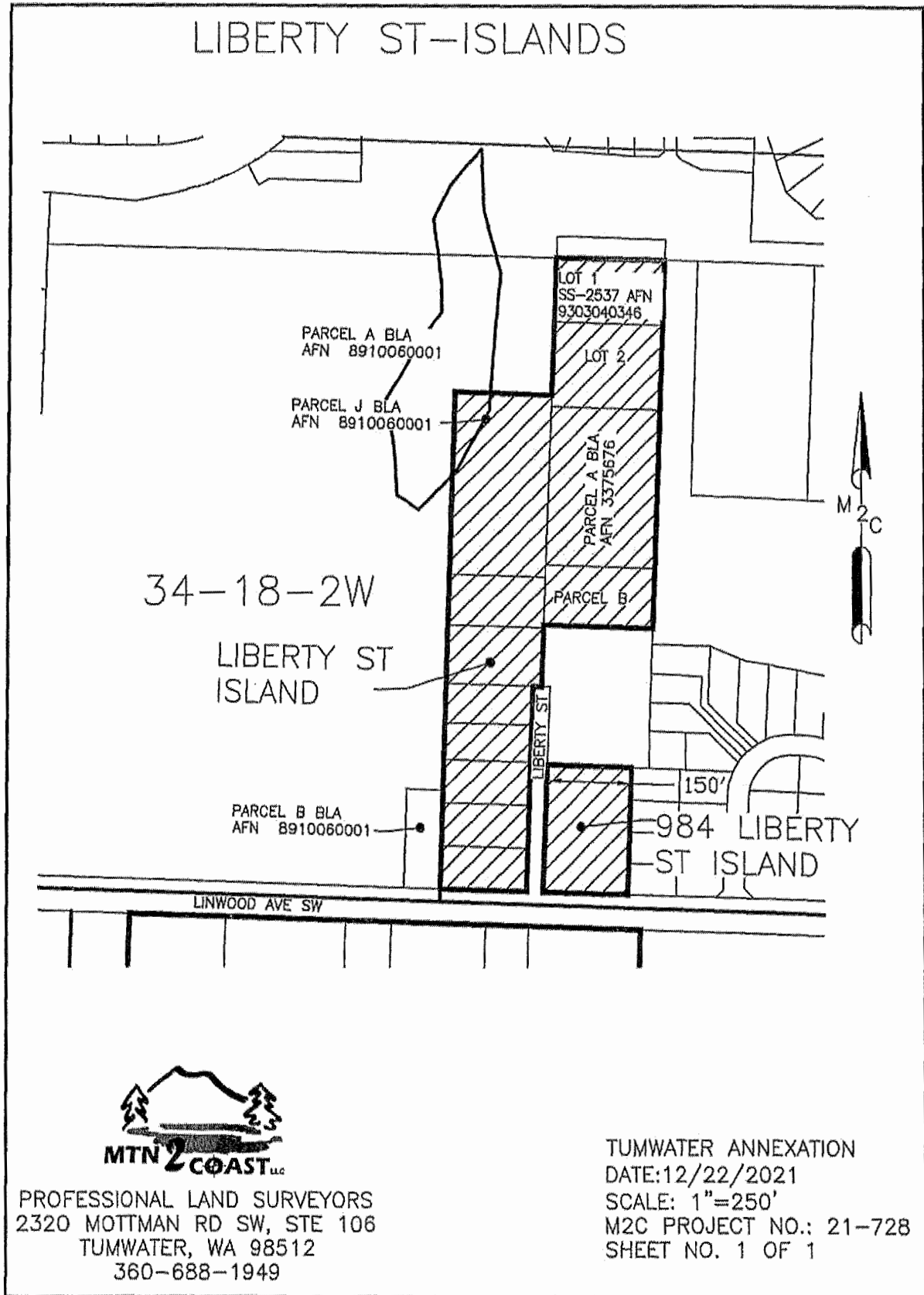
984 LIBERTY STREET ISLAND ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THE WEST 150 FEET OF LOT 3 IN BLOCK 43 OF SUPPLEMENTAL PLAT OF BARNES ADDITION TO TUMWATER, AS RECORDED IN VOLUME 6 OF PLATS, PAGE 5; EXCEPT THE NORTH 550 FEET THEREOF.

CONTAINING 0.76 ACRES, MORE OR LESS.



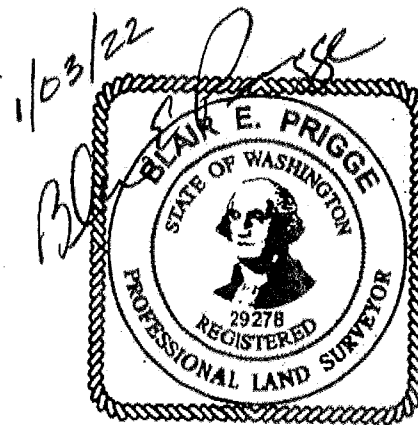


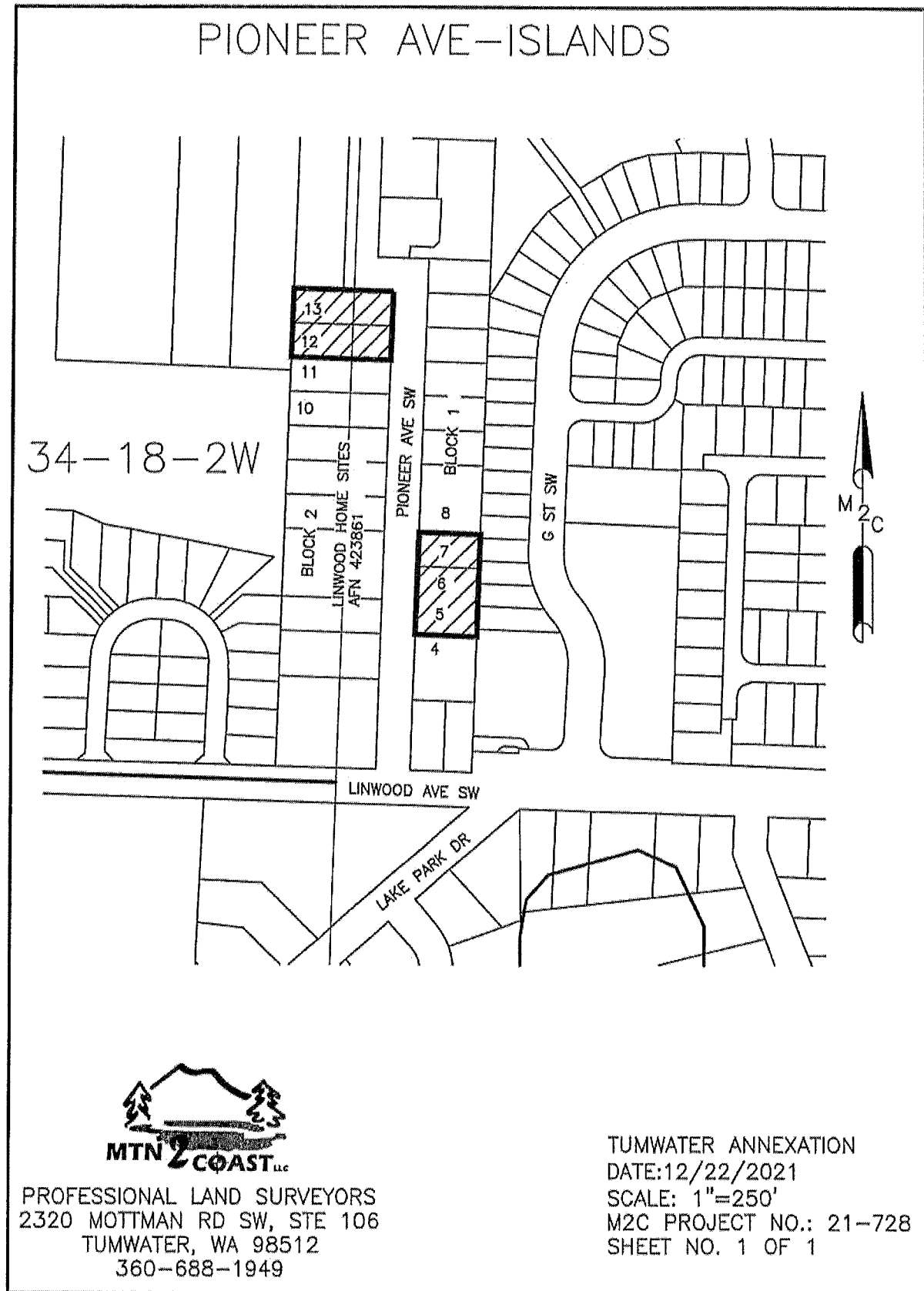
PIONEER AVENUE ISLANDS ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

LOTS 12 AND 13, BLOCK 2, AND LOTS 5, 6 AND 7, BLOCK 1, PLAT OF LINWOOD HOME SITES AS RECORDED IN VOLUME 11, PAGE 60 AND 61 AND RECORDED UNDER AUDITOR'S FILE NUMBER 423861;

CONTAINING 0.95 ACRES, MORE OR LESS.





QUINCE STREET ISLAND - NORTH ANNEXATION DESCRIPTION

THAT PORTION OF NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

LOT 1 OF SHORT SUBDIVISION NO. SS-1585, AS RECORDED NOVEMBER 24, 1980 UNDER AUDITOR'S FILE NUMBER 1129082;

CONTAINING 0.19 ACRES, MORE OR LESS.

QUINCE STREET ISLAND - SOUTH ANNEXATION DESCRIPTION

THAT PORTION OF NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THAT PART OF THE EAST HALF OF LOT 2 IN BLOCK 3 OF WARD'S HOMESTEAD, AS RECORDED IN VOLUME 2 OF PLATS, PAGE 63, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 2, 420 FEET SOUTH OF THE NORTHEAST CORNER THEREOF;

RUNNING THENCE WEST 140 FEET;

THENCE SOUTH 120 FEET;

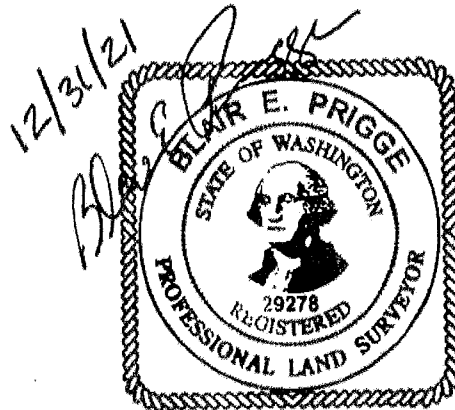
THENCE CONTINUING SOUTH 90 FEET TO THE NORTH LINE OF THE PLAT OF PARKWOOD SOUTH AS RECORDED UNDER IN VOLUME 20 OF PLATS AT PAGE 84, UNDER AUDITOR'S FILE NUMBER 1063408;

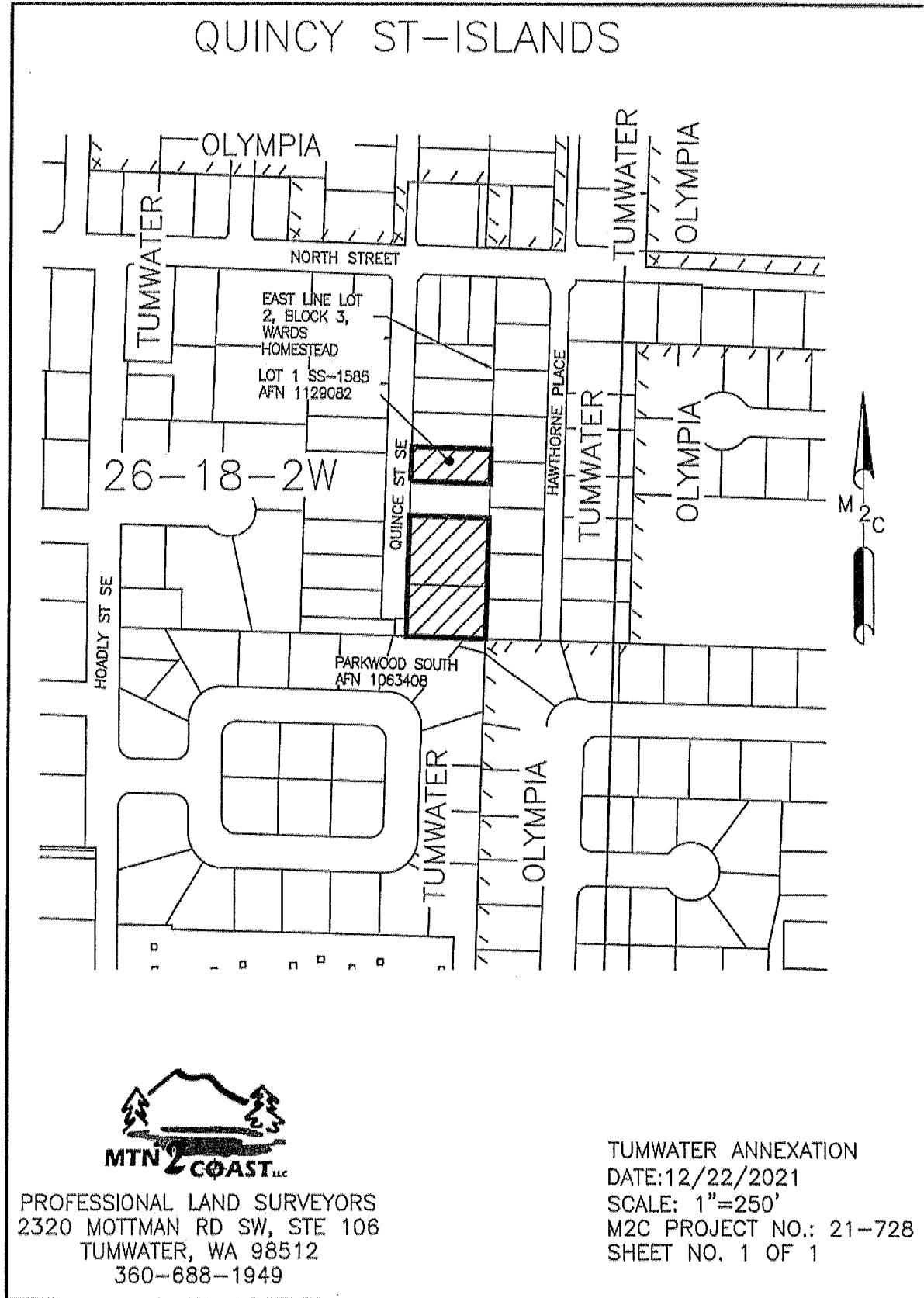
THENCE EAST ALONG SAID NORTH LINE, 140 FEET TO THE EAST LINE OF SAID LOT 2;

THENCE NORTH ALONG SAID EAST LINE, 210 FEET TO THE POINT OF BEGINNING.

SITUATED IN THE COUNTY OF THURSTON, STATE OF WASHINGTON.

CONTAINING 0.68 ACRES, MORE OR LESS.





DENNIS STREET ISLAND ANNEXATION DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP
17 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THE SOUTH 160.00 FEET OF THE WEST 190.00 FEET OF SAID SUBDIVISION; LESS THE SOUTH
30.00 FEET THEREOF FOR DENNIS STREET.
CONTAINING 0.57 ACRES, MORE OR LESS.



DENNIS ST-ISLAND



PROFESSIONAL LAND SURVEYORS
2320 MOTTMAN RD SW, STE 106
TUMWATER, WA 98512
360-688-1949

TUMWATER ANNEXATION
DATE: 12/22/2021
SCALE: 1"=250'
M2C PROJECT NO.: 21-728
SHEET NO. 1 OF 1

City of Tumwater City Council Consideration

Tumwater Troster Lake Island Annexation –
Ordinance No. O2022-002

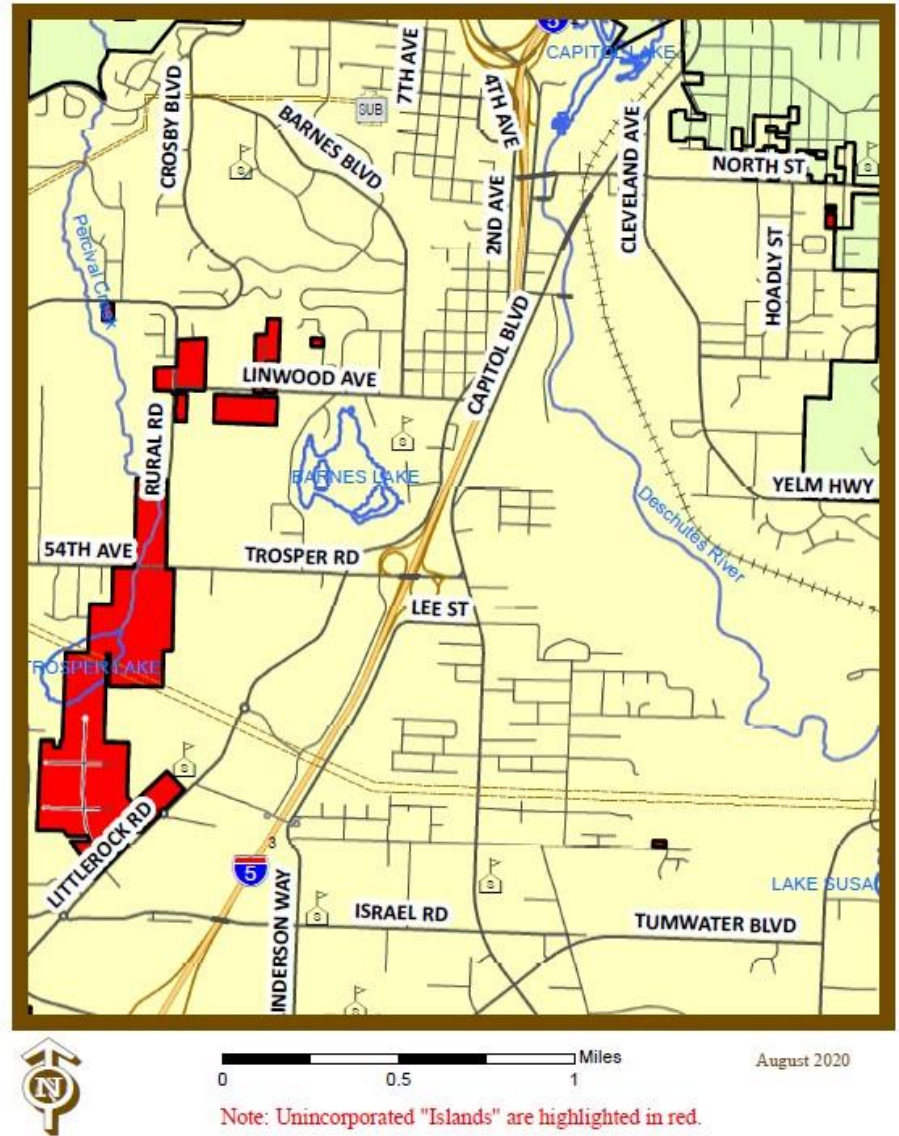
JUNE 7, 2022



Local Planning Solutions
Knowledge, Experience, Results

At the start of 2022, Tumwater surrounded 12 unincorporated County “islands”

UNINCORPORATED "ISLANDS" IN TUMWATER



Profile of the 12 Unincorporated Islands



- 160 parcels
- 161 acres
- 7 islands have 2 lots or less
- Trosper Lake Island represents 111 parcels and 132 acres
- The First 11 Islands were annexed by **Ordinance No. O2022-001** in May 2022
- The Trosper Lake Island will be annexed by **Ordinance No. O2022-002** in June 2022

Strategic Priority

The City Council has identified

“Annex the unincorporated islands to enhance public safety”

as one of its strategic priorities under

“Provide and Sustain Quality Public Safety Services”

in **City of Tumwater Strategic Priorities 2021-2026**

Strategic Priority & State Law

The strategic priority to annex County islands has been on the City Council list for a number of years

However, without recent amendments to State annexation law, the annexation process for many of the islands is difficult

Government Services

- Police and Fire
- Roads and Stormwater
- Building and Land Use Permits
- Code Enforcement
- Separate Voter Pamphlets

RCW 35A.14.296

Recognizing that County islands cause inefficiencies for the delivery of public services, in 2020 the Legislature passed a new law that allows cities and counties to annex these islands through a jointly approved Interlocal Agreement (ILA)

Legislative Findings

“The legislature finds that city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory.”

Key Milestones

- **September 5, 2021** – McLane Black Lake Fire Department does not object to the proposed annexations
- **December 1, 2021** – Tumwater and Thurston County hold a joint Open House on the proposed annexations

Key Milestones

- **November and December 2021 & January 2022** – The City issues public notices to inform residents and others of:
 - The Open House
 - How to obtain a copy of the draft Interlocal Agreement
 - How to participate in the public hearing on the Interlocal Agreement

Key Milestones

- **January 18, 2022** – The City Council and the Board of County Commissioners hold a joint public hearing on the Interlocal Agreement
- **January 18, 2022** – The City Council approves the Interlocal Agreement
- **January 25, 2022** – The Board of County Commissioners approves the Interlocal Agreement

Key Milestones

- **February 16, 2022** – Notices of Intent to Annex sent to the Thurston County Boundary Review Board for a state mandated review for each annexation area
- **March 7, 2022** – The Boundary Review Board returned nine of the annexations to the City for final action after completing their 21-day period
- **April 4, 2022** – The Boundary Review Board returned the remaining three annexations to the City for final action after completing their 45-day period

Key Milestones

- **April 13, 2022** – The General Government Committee is briefed on the annexations
- **April 26, 2022** – The City Council holds a worksession to discuss the annexations and schedules the two annexation ordinances for consideration
- **May 17, 2022** – City Council considered and approved Ordinance No. O2022-001 to annex the First 11 Islands. Five days after adoption, Ordinance No. O2022-001 became effective.

What is “Final Action?”

- The Final Action will be when the City Council adopts the proposed annexation ordinance
- After the effective date of the adopted ordinance, the annexation will be complete

What's Next?

- **June 7, 2022** – City Council considers and approves Ordinance No. O2022-002 to annex the Trosper Lake Island
- Five days after adoption, Ordinance No. O2022-002 became effective

Resources Available

City of Tumwater Annexation webpage has:

- Frequently Asked Questions
- Pre- and post-annexation cost comparisons
- Proposed annexation area legal descriptions and maps
- Dates of upcoming meetings or events

www.ci.Tumwater.wa.us/IslandAnnexation

TO: City Council
 FROM: John Doan, City Administrator
 DATE: June 7, 2022
 SUBJECT: Resolution No. R2022-010, Terminating the declared local emergency related to Novel Coronavirus (COVID-19)

1) Recommended Action:

Approve Resolution No. R2022-010, terminating the declared local emergency related to Novel Coronavirus (COVID-19).

2) Background:

On February 29, 2020, Governor Inslee declared a State of Emergency in all counties of the State due to the number of confirmed cases of COVID-19 in the State and directed implementation of the State Comprehensive Emergency Management Plan. The Thurston County Board of Commissioners declared the COVID-19 outbreak a local emergency on March 12, 2020. The City Council passed Resolution No. R2020-008 which declared a local emergency related to COVID-19 on March 17, 2020.

With significantly lower case counts and hospitalizations than were experienced in the past two years, availability of testing and vaccines, enhanced sanitization and health safety measures, and improved and available treatments of COVID-19, there is no longer sufficient justification to maintain the State of Emergency. Governor Inslee has repealed a number of his orders and proclamations. The City of Olympia and Thurston County are expected to terminate their emergency proclamations on June 30th. The attached resolution would terminate the City of Tumwater emergency at the end of the day on June 30th.

The City will continue to practice, encourage, and allow certain measures that came out of the pandemic, including reduced office hours (M-F; 10-4), teleworking, virtual public meetings, online transactions, sanitation, masking, and vaccine availability.

3) Policy Support:

2021-2022 Strategic Priorities:

“ Build a Community Recognized for Quality, Compassion and Humanity.”

“Provide and Sustain Quality Public Safety Services.”

“Refine and Sustain a Great Organization.”

“Promote employee safety”

4) Alternatives:

☐ Terminate the emergency on a different date.

5) Fiscal Notes:

There emergency has allowed greater flexibility in spending and procedures. With the

expiration of the emergency, regular procedures would be restored. The City received significant CARES and ARP funds that were used to cover costs of City equipment and supplies, business and housing support, lost revenue, and employee costs such as overtime.

6) Attachments:

A. Resolution No. R2022-010

RESOLUTION NO. R2022-010

A RESOLUTION of the City Council of the City of Tumwater, Washington, terminating the declared local emergency related to Novel Coronavirus (COVID-19) as provided herein.

WHEREAS, on February 29, 2020, Governor Inslee issued Proclamation 20-05 proclaiming a State of Emergency for all counties throughout Washington State as a result of the COVID-19 outbreak; and

WHEREAS, the City, following US, State, and County declarations of emergency, adopted Resolution R2020-008 declaring a local emergency related to COVID-19 and invoking emergency powers and authority; and

WHEREAS, the City amended and ratified Resolution R2020-008 throughout the emergency by adoption of R2020-010, R2020-017, R2020-027, and R2022-001, related to City services and actions taken in response to COVID-19; and

WHEREAS, on August 9, 2021, Governor Inslee issued Proclamation 21-14 requiring vaccination for certain state employees and contractors; and

WHEREAS, to protect employees and the public, on March 12, 2022, the City adopted an update to the December 13, 2021, vaccination policy requiring vaccination or testing for City employees and volunteers; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State and the City, measures taken over the past 24 months have made a difference and have altered the course of the pandemic; and

WHEREAS, vaccinations are readily available to anyone age 5 or older and 81.8% of the State population 5 and older has received at least one dose and 74.4% is fully vaccinated; and

WHEREAS, health experts and epidemiological modeling experts believe that as a State we have made adequate progress against COVID-19 to begin rescinding mandates related to COVID-19; and

WHEREAS, on March 11, 2022, the Washington State Secretary of Health issued Order 20-03.8 rescinding the requirement for the general public to wear face coverings indoors in public places or where others outside of their household are present; and

WHEREAS, on April 29, 2022, Governor Inslee issued Proclamation 20-28.16 terminating and rescinding the prohibitions on in-person meetings and the waivers and suspensions of laws and rules concerning open government effective June 1, 2022; and

WHEREAS, Proclamation 21-14 et. seq. requiring vaccination remains in effect for educational and health care workers until the state of emergency is rescinded; and

WHEREAS, Proclamation 20-05 et. seq. declaring an emergency in all counties throughout Washington State remains in effect until rescinded; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across the State to address the impact and long-term effects of the emergencies on Washington State and all its people; and

WHEREAS, a local declaration of emergency is no longer necessary for the protection of the health, safety and welfare of the residents of Tumwater, and it is in the best interests of the residents of Tumwater to terminate the local declaration of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:

Section 1. Termination. The declared local emergency is hereby terminated effective 12:01 A.M. on July 1, 2022. Resolutions R2020-008, R2020-010, R2020-017, R2020-027, and R2022-001 are terminated effective 12:01 A.M. on July 1, 2022. Any and all actions and authorizations, whether specifically identified herein or not, implemented pursuant to Resolution R2020-008, R2020-010, R2020-017, R2020-027, and R2022-001 shall hereby expire at Midnight on June 30, 2022.

Section 2. Vaccination Policy Terminated. The Tumwater Vaccination Policy adopted on December 13, 2021 and updated March 12, 2022, is hereby terminated effective 12:01 A.M. on July 1, 2022.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 4. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this _____ day of _____, 2022.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney