



**PUBLIC WORKS COMMITTEE  
AGENDA**

**Online via Zoom**

**Thursday, February 03, 2022  
8:00 AM**

1. Call to Order
2. Roll Call
- [3.](#) Approval of Minutes: October 7, 2021 & January 6, 2022
- [4.](#) Single J Enterprises – Property License (Dan Smith)
- [5.](#) Drainage Design and Erosion Control Manual Revisions (Dave Kangiser)
6. Additional Items
7. Adjourn

**Remote Meeting Information**

To comply with Governor Inslee's Proclamation 20-28, the City of Tumwater meetings will be conducted remotely, not in-person, using a web-based platform. The public will have telephone and online access to all meetings.

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<https://us02web.zoom.us/j/88337990394?pwd=bm1wUVAvRzhzV3JuS05QR2x6VkI4dz09>

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**Accommodations**

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**TUMWATER PUBLIC WORKS COMMITTEE  
MINUTES OF VIRTUAL MEETING  
October 7, 2021 Page 1**

**CONVENE:** 8:00 a.m.

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

Staff: City Administrator John Doan, Transportation and Engineering Director Brandon Hicks, Water Resources & Sustainability Director Dan Smith, Water Educator Meridith Greer, and Administrative Assistant Cathy Nielsen.

**ACTION:**

**APPROVAL OF  
MINUTES: JUNE  
17, 2021 AND JULY  
8, 2021:**

**MOTION:** Councilmember Althausen moved, seconded by Councilmember Schneider, to approve the minutes of June 17, 2021 and July 8, 2021 as published. Motion carried unanimously.

**THURSTON  
COUNTY EQUITY  
INDEX SERVICE  
PROVIDER  
AGREEMENT:**

Water Educator Greer briefed the committee on the proposed Thurston County Equity Index Service Provider Agreement. The committee was briefed on the conceptual program in June.

The City's National Pollutant Discharge Elimination System (NPDES) permit requires the City to consider over-burdened communities within the City with a goal to improve service equity by providing equitable access and understanding to those who may lack the experience or background on stormwater education, programs, and projects. The intent of the program is developing ways to identify over-burdened communities in Tumwater. Staff explored efforts by other jurisdictions and identified the City of Tacoma's program as a good blueprint for an equity index. The City of Tacoma highlighted areas of higher and lower opportunity to guide a more equitable service delivery on a Citywide scale at a census block level. The City of Tacoma reviewed data for 29 different indicators across 5 different categories weighted based on the goals to attain from the program and how each city department would use the data. Overall, the City identified 197 census blocks across the City. The City of Tumwater's goal is to use the same framework the City of Tacoma used to create a Thurston County Equity Index.

The City is collaborating with the City of Olympia and Thurston County and contracting with the University of Washington-Tacoma's Action Mapping Program to complete the index. The result of the project would produce a geodatabase for each of the jurisdictions with data specific to each jurisdiction and a process for identifying, aggregating, and weighting data. The geodatabase would need to be updated every five years, which speaks to the importance of identifying a process for updating data.

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A stakeholder group was established in June with representatives from City departments to brainstorm the type of data to include in the index. The index would be used as a tool by most City departments for projects and programs. The group proposes to use 29 different indicators across four categories of environmental health, education, accessibility, and livability. The intent is to use all indicators to assist with stormwater outreach and education. Staff met with the Action Mapping Team. The team is also engaged in similar meetings with City of Olympia staff and Thurston County internal stakeholder teams. Within the next several weeks, all the jurisdictions will meet with the Action Mapping Team to come to consensus on the indicators to include. The goal is to use the same indicators across the county to enable comparison of programs countywide. In terms of stormwater education and outreach, much of the City's efforts are through the Regional Environmental Education Program offering countywide programs by examining countywide data for comparison across the cities. Completion of the project is anticipated by the end of the year. Completion of the geodatabase and a map will assist in moving to the next step of using the information to overlay current program locations to ascertain how well the City is achieving equity goals.

Staff requests the committee recommend the City Council approve and authorize the Mayor to sign the Thurston County Equity Index Service Provider Agreement. Water Educator Greer invited questions from the committee.

Chair Swarthout inquired about the timeline for completion of the project. Water Educator Greer advised that the intent is to complete the mapping component by the end of year as the City's permit deadlines are in March 2022 and could benefit from the mapping element.

Councilmember Althaus asked whether there would be any kind of nexus to community engagement such as utilizing the map to pursue targeted outreach or mailings. He asked how the project aligns with the City's communications strategy to seek more input from the community. Water Educator Greer explained that the intent is to apply the program Citywide. Identifying areas that have or do not have internet access as the City moves education and outreach to online venues is important to ensure all residents can access the information. Staff is also identifying areas of linguistic isolation as most of the City's outreach and education is in English. The program will help to identify homeowners and tenants to enable the City to tailor information to those areas in the City.

**CONSENSUS:**

**The Public Works Committee unanimously recommended the City Council approve and authorize the Mayor to sign the Thurston County Equity Index Service Provider Agreement.**

**BRIEFING ON**

Director Hicks reported the second supplement to the Craft District

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**RESOLUTION NO.**  
**R2021-012, SECOND**  
**AMENDMENT TO**  
**DEVELOPMENT**  
**AGREEMENT**  
**WITH CRAFT**  
**DISTRICT LLC:**

Development Agreement is tied to the request to schedule a public hearing for consideration of a right-of-way vacation.

The development is located on a 5.5-acre site at the intersection of Capitol Boulevard and E Street/Tumwater Valley Drive. The development is built around the South Puget Sound Community College (SPSCC) Craft Brewing and Distilling Program. The identity of the district is centered on craft brewing, cider, and distilling with plans for expansion of other uses, such as restaurants, retail, office, event space, and a 1,000-person amphitheater.

The City entered into the agreement to promote social and economic benefits for the area, as well as creating energy to attract investment to redevelop the old brewery property. The goal is to create a destination for visitors to the City, as well as a gathering place for the community. The original agreement was focused on cost share for City infrastructure serving both the City and the development. City funds included in the agreement were specific to elements included in the Brewery District Plan, the E Street Corridor project, and the Comprehensive Water System Plan.

Transportation infrastructure in the original agreement included realignment of Tumwater Valley Drive, construction of a new intersection, street lights, conversion of a partial area of Tumwater Valley Drive to a parking lot shared by the City and the development, provisions to ensure space to accommodate a future Deschutes Valley Trail segment, and a property swap between the City and the developer. The agreement also included utility infrastructure by extending the water main from 2<sup>nd</sup> Avenue to E Street and undergrounding private utility power and communications lines.

The first amendment at the end of 2020 was for a time extension to accommodate market changes during the pandemic. The developer has submitted plans for development review by the City for speculative commercial property development on the original site, as well as potential development of Lot 4. The parties are discussing a parking agreement and preparing for the construction of the trail abutting the old alignment of Tumwater Valley Drive constructed by the City. The developer is preparing for signal and road construction scheduled in 2022 in addition to construction for the shared parking lot in 2022 or 2023.

The proposed second amendment includes several new provisions. One is the construction of a 96-unit apartment building requiring the acquisition of right-of-way from the City. As compensation for the right-of-way, staff negotiated underground conversion of power and communication lines along an additional area. The developer would be responsible for construction of the trail segment along a remnant portion of Tumwater Valley Drive of approximately 1,000 linear feet, as well as dedicating right-of-way the City requires for a future roundabout at the Capitol Boulevard and Linwood Avenue intersection. The developer would reconstruct some storm lines

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through the apartment project meeting current plan design for a future regional stormwater facility. Additionally, for property from the City, development fee credits have been increased from the original development agreement to balance the cost share arrangement between the City and the developer.

Director Hicks displayed an aerial illustration depicting the original development agreement area and the trail segment the developer would construct under the proposed supplement to the agreement. Current right-of-way is depicted representing the City's excess right-of-way. A portion of the right-of-way was vacated by the City as part of the original agreement. The illustration identified dedicated property the City would receive from the developer for the planned roundabout and the area for the reconstruction of the storm system through the site. Because of the existence of steep slopes on the property, the developer would have been required to construct a substantial retaining wall costing over \$500,000 without the additional land from the City.

Director Hicks outlined the costs attributed to each party to the agreement. The City is receiving substantial value in the proposed agreement equating to approximately \$690,000 for the trail segment, underground conversion of power and communications lines, upgraded stormwater segment, dedication of property for the planned roundabout, and specific timelines for completion of some improvements. The Craft District will receive right-of-way and \$165,000 in additional development fee credits. Overall, the proposed amendment to the development agreement benefits the City by approximately \$300,000.

The City Council is scheduled to conduct a public hearing on the proposed amendment. Pursuant to the public hearing, staff plans to request adoption of the resolution.

Councilmember Schneider asked about the responsible party for construction of the realignment of Tumwater Valley Drive. Director Hicks said both parties are contributing to the cost. The City's portion of the road construction is nearly completed with the developer's development credits of \$190,000 remaining. The original agreement included the City purchasing the materials for electrical facilities with the remaining costs incurred by the developer.

Councilmember Schneider asked whether the cost for development of the amphitheater is a developer cost and whether timing for the development of the amphitheater has been identified. Director Hicks said the developer is responsible for the cost of the amphitheater. Timing for construction would likely occur in 2023 with an interim temporary set-up in 2022. Parking will not be completed until late 2022 or early 2023 because the road must be constructed prior to the parking area.

City Administrator Doan added that as part of the overall development agreement, the City is providing parking for the Craft District in the area of

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Tumwater Valley Drive. The City will receive some access to the amphitheater with the Craft District responsible for programming events, with a specific number of days allocated to the City for community events. The parking area will accommodate approximately 150 vehicles in the lower area and 150+ vehicles in the higher parking area.

Councilmember Althaus commented that a 25-foot tall retaining wall adjacent to residential appears to create some safety concerns for children. A retaining wall next to the building would appear to mitigate some of that risk because the building would prevent someone from falling from the wall. He asked whether the City is waiving any development safety codes to enable the construction of the wall or any fencing provisions in the agreement to ensure children playing behind the building do not climb over the wall and accidentally fall. Director Hicks said the City has issued no waivers for safety requirements. Based on the type of units planned, there likely would not be many children as the units will be small, high-end priced units.

Councilmember Althaus said he understood the original agreement with the Craft District assigned construction of the trail as the developer's responsibility. Director Hicks replied that in the original agreement, the developer was only responsible for providing space for the trail and was not required to construct the trail. During negotiations for the original agreement, there was an informal agreement that the developer would add a ribbon of asphalt along the trail; however, it was prior to the City's completion of a report identifying the floodway and areas that could include construction of the trail segment. The area was different after the survey was completed, which required relocation of the trail segment and substantial retaining walls and railings that were never anticipated either by the developer or the City. The original discussion anticipated a cost of \$20,000 for the ribbon of asphalt rather than costs exceeding \$300,000 for the trail segment.

Councilmember Althaus asked whether the City has an option to utilize tax increment financing to finance the trail portion across the river. Director Hicks said the trail segment was designated originally to be located under the bridge and has been redesigned to be located over the bridge during the interim period prior to construction of the E Street connection. At that time, the trail would be reconfigured. That element of the project would likely not qualify for tax increment financing as the City plans to seek federal funds to pay for the E Street Connection project.

City Administrator Doan added that tax increment financing is a tool and the City has engaged in some conversations with the owners of the historic brewery property as to whether they could utilize tax increment financing because of the potential of more development in that area than in the Craft District.

Chair Swarthout commented that her concerns surround the lack of parking to

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support the 1,000-seat amphitheater and the plan for parking overflow. Director Hicks replied that all events would likely require some traffic control and an application for a special events permit documenting how the event plans to accommodate all parking needs. It is likely the Craft District would need to acquire an agreement with LOTT for handle overflow parking.

City Administrator Doan added that funds are included in the Capital Facilities Plan to acquire and improve a section of parking used by the City during the Brewfest that could be available to support other activities at the golf course or the Craft District.

**RESOLUTION NO.**  
**R2021-013, SET**  
**PUBLIC HEARING**  
**FOR RIGHT-OF-**  
**WAY VACATION**  
**CONSIDERATION:**

Director Hicks reported the request is to recommend the City Council schedule a public hearing on November 16, 2021, with a request to adopt the resolution for the vacation of right-of-way following the public hearing.

The action of vacation terminates public interest in a right-of-way. Right-of-way is generally an easement for public travel. In most instances right-of-way is not fee simple property owned by the City. The underlying property is typically owned by the abutting property owner but fully encumbered as right-of-way for use by the public.

Director Hicks reviewed the six steps in the RCW for vacating right-of-way. The Tumwater Municipal Code includes 12 sections governing the right-of-way vacation process. Beyond the petition, notification, public hearing, and ordinance, the City's process can include the Council initiating the vacation process. The City has developed criteria in addition to RCW requirements for granting the vacation, compensation, and potential trade of properties. The development agreement includes a trade of property and funds pertaining to the vacation request.

The proposed vacation of right-of-way meets all the applicable criteria in the Tumwater Municipal Code. Several of the criteria are assurance the right-of-way would not provide a realistic public benefit if retained and that there are no negative impacts to abutting properties unless mitigated.

Director Hicks displayed the area of the proposed right-of-way vacation on a vicinity map located in front of Lot 4 of the Craft District property along Capitol Boulevard between Linwood Avenue and the future realigned Tumwater Valley Drive. Existing right-of-way is approximately 29 feet of land behind the sidewalk. The vacation area totals 12,238 square feet. If approved, approximately 12 feet of right-of-way would remain behind the existing sidewalk, which is adequate for underground utilities.

Typically, a vacation petition generates an appraisal of the land and the petitioner pays 50% of the appraised value. In this case, compensation is covered within the development agreement as part of a small property swap for land for a future roundabout, as well as some monetary exchange. The code

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requires payment of 50% of the fair market value. In the current agreement negotiations, the City would receive compensation for 100% of the appraised value.

Staff requests the Public Works Committee recommend the City Council approve and authorize the Mayor to sign Resolution No. R2021-013, establishing November 16, 2021, as the date for a public hearing to consider vacating a portion of right-of-way lying east of Capitol Boulevard, adjacent to Parcel No. 33870000400.

Councilmember Althaus asked about the intent of underground conversion of utilities if some high electrical transmission lines remain on poles. Director Hicks said the intent is to eliminate lines throughout the City because they are much more visible than the higher transmission lines. The lines obstruct views of trees and buildings. The cost of underground conversion of high transmission electric lines is extremely high. The goal is decreasing visual impacts throughout the City.

**CONSENSUS:**

**The Public Works Committee unanimously recommended the City Council approve and authorize the Mayor to sign Resolution No. R2021-013, establishing November 16, 2021, as the date for a public hearing to consider vacating a portion of right-of-way lying east of Capitol Boulevard, adjacent to Parcel No. 33870000400.**

City Administrator Doan pointed out that the property along Capitol Boulevard to include the La Quinta property from E Street to Linwood Avenue was approved in 2010 for a massive multi-family mixed- use project with 11 story buildings by Triway Enterprises, a local developer. The City was able to acquire right-of-way for Tumwater Valley Drive and when the project did not move forward because of the recession, the City acquired from the bank an entire tree stand for compliance with the City's tree protection code as part of that development. The Craft District development project was possible because the City saved those trees along the hillside and at the bottom of the slope.

**RESOLUTION NO.  
R2021-015,  
DECLARATION OF  
SURPLUS  
PROPERTY:**

Director Hicks reported the request involves the Capitol Boulevard Corridor Plan. The purpose of the plan is to relieve congestion, improve safety, and provide multimodal improvements. The total project cost is approximately \$14 million. The City received a \$6.6 million grant from the State Transportation Improvement Board. Staff continues to work through design and right-of-way acquisition. Construction on the project is scheduled during 2022 and 2023.

Director Hicks identified the location of the subject property on a vicinity map comprised of two parcels located at the southwest corner of Capitol Boulevard and Trosper Road. One of the properties houses a bank and the second property includes a restaurant building. He outlined the actual property



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required for acquisition by the City for the project, which is less than the entirety of both parcels. Those areas would become surplus property. Through the process of acquisition, the City contracts with an appraiser and a review appraiser to determine whether the remainder of the parcels are determined to be uneconomic and are of little value to the owner. The parcel containing the bank would be used for a future roundabout and the parcel was determined as uneconomic because the remaining parcel was too small for redevelopment. The second parcel containing the restaurant was determined uneconomic as well because the property's legal access is from Trosper Road, which would no longer be possible leaving the remaining property with no legal access. The Uniform Relocation Act and state law require the City to offer a purchase price for any uneconomic remaining property to the property owners. The purchase price is the difference between full property valuation minus the payment by the City for the portions of the parcels designated for the project. Both property owners accepted the offer of purchase for the parcels.

Staff proposes to sell the properties as they encumber an economic value because of an access easement for driving and parking. Selling both properties as one package creates economic value because the restaurant building would have legal access from Capitol Boulevard.

The City's cost to acquire the properties was approximately \$1,875,000 excluding any cost for relocating both businesses of approximately \$300,000. Selling both properties together would result in a three-quarter acre parcel located in one of the highest traffic areas in the county. Additionally, a 2,000+ square foot commercial building is located on the parcel that could be renovated. Revenue from the property sale would replenish the transportation project funds that were used for the unanticipated expense. The City has received five inquiries regarding the parcels and the intent is to declare the properties as surplus as quickly as possible to take advantage of buyers interested in purchasing the properties.

Staff requests that the Public Works Committee recommend the City Council approve and authorize the Mayor to sign Resolution R2021-015, declaring property as surplus.

Councilmember Schneider asked whether the City still plans to demolish the bank building. Director Hicks affirmed the City plans to demolish the building as the building is on property required to accommodate the new roundabout. The committee was recently requested to authorize the solicitation of bids for the building demolition project. Staff anticipates releasing a bid within the next several weeks.

Chair Swarthout asked whether staff plans to sell the lots as one consolidated lot or two parcels. Director Hicks explained that the lots are separate but the intent is to sell the properties together as one purchase.

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**CONSENSUS:**           The Public Works Committee unanimously recommended the City Council approve and authorize the Mayor to sign Resolution R2021-015, declaring property as surplus.

**ADJOURNMENT:**       With there being no further business, Chair Swarthout adjourned the meeting at 9:04 a.m.

Prepared by Puget Sound Meeting Services, [psmsoly@earthlink.net](mailto:psmsoly@earthlink.net)

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**CONVENE:** 8:00 a.m.

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

Staff: City Attorney Karen Kirkpatrick, Transportation and Engineering Director Brandon Hicks, Water Resources and Sustainability Director Dan Smith, Operations Manager Steve Craig, Water Resources Specialist David Kangiser, and Administrative Assistant Cathy Nielsen.

**APPROVAL OF  
MINUTES;  
DECEMBER 9,  
2021:**

**MOTION:** Councilmember Althausen moved, seconded by Councilmember Schneider, to approve the minutes of December 9, 2021 as presented. Motion carried unanimously.

**SELECTION OF** Chair Swarthout invited nominations for Chair.

**COMMITTEE  
CHAIR:**

*Councilmember Schneider nominated Eileen Swarthout to serve as Chair during 2022. Councilmember Althausen seconded the nomination.*

No other nominations were offered.

**VOTE:** By a unanimous voice vote, Eileen Swarthout was elected to serve as Chair during 2022.

**TUMWATER HILL  
PARK TRAIL –  
COSBY  
CONNECTOR,  
AUTHORITY TO  
SOLICIT BIDS AND  
RECOMMEND  
AWARD OF  
CONTRACT:**

Manager Carney reported the Tumwater Hill Park Hill Crosby Connector is a 1,200-foot gravel trail connecting Crosby Boulevard SW near Crosby Court to the Tumwater Hill Trail, originating at Ridgeview Court near Tumwater Elementary School. The new connector provides a permanent trail between the connections and improves the quality of life by providing outdoor activity and pedestrian access to Tumwater Elementary School for the neighborhood.

Project elements include development of the trail using methods to minimize impacts to vegetation over the 1,200 trail on a heavily wooded hillside with a 90-foot elevation gain by constructing switchbacks with timber treads to address elevation changes on a five-foot wide graveled path with a mid-trail rest landing.

The scope of work includes clearing of the trail footprint, installation of a culvert in a roadside ditch off Crosby Boulevard, placement of 2,500 tons of crushed rock, construction of switchbacks with pressure-treated timber, and construction of the landing for a mid-trail rest area. The engineer's estimate for the project is \$197,467. Manager Carney invited questions from the

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committee.

Councilmember Schneider asked about the funding source for the trail. Director Hicks reported the funds are from park impact fees.

Councilmember Schneider asked about the timeline for construction and the completion date. Manager Carney said staff is finalizing the contract documents and anticipates releasing a bid by mid-February with construction scheduled during drier conditions (end of April/early May). The contract is proposed to cover 20 days with potential completion of the trail by the end of May.

**CONSENSUS:**

**The Public Works Committee unanimously authorized staff to solicit bids for construction of the Tumwater Hill Park Trail - Crosby Connector project and recommended the City Council authorize the Mayor to sign a public works contract with the lowest responsible bidder.**

**ADDITIONAL  
ITEMS:**

Chair Swarthout referred to her request for the committee to receive an update on the recent spill occurring in Percival Creek.

Director Smith provided the update. Since 2008, the City has received 27 reported overflows. Staff acknowledges the dataset might be incomplete, emphasizing that overflows are not a frequent occurrence and some reporting of smaller spills might not be included. The 27 reported overflows were reported through the City's regional coordination with LOTT Clean Water Alliance and the Department of Ecology. The bulk of spills occur because of grease blockage. The City has implemented a grease/oil program to assist residents and business owners and to remind them not to put any type of grease down drains. Other contributing factors for overflows are plant roots from trees and shrubs penetrating pipes creating areas of blockages serving as catchment areas for the accumulation of grease and other materials. The City's operations and maintenance program routinely inspect systems to assess the system operationally and identify any root intrusions, leakage into and out of sewer lines, and overall pump station operations. The City has experienced one line break in the system. Since 2008, the estimated gallons spilled into the environment has been approximately 12,000 gallons.

Once staff has been notified of a spill, the response is quick. To help guide the response, the department has prepared an Emergency Overflow Emergency Response Plan to assist in guiding the City's response, coordination, and reporting efforts. The plan is typically updated every one to two years. The last update was completed in August 2020. The most recent spill afforded an opportunity to review the plan to ensure all issues are covered, and if not, staff plans to schedule another update.

The sewer spill first appeared in a manhole located on Somerset Hill Drive flowing from the manhole down the hill to the stormwater system. Once the

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spill enters the stormwater system, stormwater slows the flow avoiding an immediate direct discharge to the creek. However, once the flows reach a certain capacity, the spill discharges directly to Percival Creek.

Other more recent spills in Percival Creek occurred in May 2019 and November 2020 originating from a sewer outfall (manhole) located and obscured from the street. During the most recent incident, snow response staff notified the department of the spill enabling a quick identification and response to clean up the spill. The previous spill from the sewer outfall located off the street was not detected for some time because of its location. The City was notified of that spill by a citizen who was walking along a trail and noticed the spill.

Part of the response of cleanup includes containment, surface cleaning, and disinfection, as well as cleaning of soil around the area to the extent possible. An element of the response is water quality testing by examining background conditions to assess whether the cleanup response was successful. The spill resulted in E. coli in excess of 2,400 colonies, which exceeds environmental conditions and is indicative of a sewer spill. After several days following the cleanup, testing revealed normal conditions at the outfall of 115 to 179 E. coli colonies and downstream numbers within the state's accepted standards for recreational water of 320 E. coli colonies. Operations was able to clean up the spill to the extent possible to assist in returning the system to natural operating conditions.

Following containment and cleanup of the site, staff continues coordination activities. When a spill enters a stormwater system, Water Resources Specialist Kangiser becomes involved as part of the coordination with state and local agencies. The City also coordinates with Thurston County Health Department to advise of the spill and the quantity and level of discharge. Those efforts result in a coordinated public health response. Signs were posted at the site and a press release was published about the spill by another agency. Staff was able to identify some misstatements in the press release, which were quickly corrected by Communications Manager Cook. The original press release identified spill volume as 3,000 gallons when the actual spill volume was 750 gallons. Staff also coordinates closely with the LOTT Clean Water Alliance, as LOTT is technically the permit holder for the City's sewer system as LOTT treats all sewer flow from the City. LOTT is also required to notify the state of the spill and cleanup action.

Councilmember Schneider asked why the timeline was backdated to 2008 rather than another earlier date, such as 2006. Director Smith advised that the City's records only date back to 2008.

Councilmember Schneider asked about the process employed for containing the spill. Director Smith explained that in circumstances where it is possible, City crews can plug the system and install dikes around catch basins to contain

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the spill to prevent continued discharge to the creek or a street. The goal is to remove the obstruction causing the spill. In the last incident, a numatic plug used during a construction project to test water tightness of sewer lines was inadvertently left in the pipe. Over time, the plugs eventually lose inflation. In this case, the plug likely traveled through the system creating an obstruction causing an accumulation of debris and grease.

Director Smith added that staff has explored some technological solutions to prevent any future discharges from the manhole that is visually obscured. The area has experienced some spills in the past that were not discovered quickly because the site is obscured. Any solution would be extremely expensive and would require a remote telemetry operated fill-level alarm system at cost of approximately \$15,000 to \$20,000 per unit. Staff is evaluating the cost associated with response efforts versus the cost factor to install a unit. As some spill incidents still happen, staff is working with the Transportation and Engineering and Community Development Departments to identify any process changes or inspection changes that might help avert future spills. Although the incidents are not common, the number of incidents have warranted attention to explore the City's permitting and inspection processes.

Chair Swarthout inquired as to whether the pump station for the area located off Sapp Road is the station that serves the entire hill. Director Smith advised that a number of lift stations are located in the Tumwater Hill area. Operations Manager Craig explained that the lift station off Sapp Road pumps into and through the subject gravity line. The station serves as the last pump station from that point forward before connecting to LOTT's system.

**ADJOURNMENT:**      **With there being no further business, Chair Swarthout adjourned the meeting at 8:29 a.m.**

Prepared by Puget Sound Meeting Services, [psmsoly@earthlink.net](mailto:psmsoly@earthlink.net)

TO: Public Works Committee  
FROM: Dan Smith, Water Resources & Sustainability Director  
DATE: February 3, 2022  
SUBJECT: Single J Enterprises – Property License

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1) Recommended Action:

Staff is requesting that the Public Works Committee recommend the City Council approve and authorize the Mayor to extend the Property License with Single J Enterprises for an additional two years for the use of City property located south of 93<sup>rd</sup> Avenue.

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2) Background:

In 2012 the City acquired 20 acres of property located in the southeast part of our growth area for the purposes of locating a future water storage reservoir. Construction of the reservoir was not expected to occur until 2021 or later. Currently there are no new improvements on the site and construction is now projected to begin in 2024 or later.

The City entered into a five-year Property Use License with Single J Enterprises in 2016. The license allowed them to use the land for the grazing of livestock and provide maintenance of the property including the repair of fencing, mowing and vegetation management.

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3) Policy Support:

This partnership supports Water Utility Capital Project #8: Southeast Reservoir and System Expansion, documented by the 2020 Water System Plan.

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4) Alternatives:

☐ Deny or modify proposed Property License

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5) Fiscal Notes:

None. The licensee retains responsibility for any maintenance or repairs.

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6) Attachments:

A. Property License  
B. Vicinity Map

**CITY OF TUMWATER  
PROPERTY LICENSE  
Single J Enterprises**

THIS LICENSE is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the CITY OF TUMWATER, a Washington municipal corporation, hereinafter referred to as "Licensor" and Single J Enterprises, a Washington sole proprietor, hereinafter referred to as "Licensee".

**WITNESSETH:**

In consideration of the covenants, promises and terms contained herein, the parties hereby agree as follows:

1. **Licensed Premises.** The Licensor hereby licenses to Licensee and Licensee hereby licenses from Licensor the following described real property, hereinafter referred to as the "Property": Parcel 2 of Large Lot Subdivision No. LLS-0267, as recorded April 10, 1984 under Auditor's File No. 8404100023 and amended by instrument recorded January 22, 1986 under Auditor's File No. 8601220005. (Assessor's Tax Parcel ID#: 12724120100)

2. **Term.** The term of this license shall be two (2) years, commencing on the \_\_\_\_ day of \_\_\_\_\_, 2022 and terminating two (2) years thereafter on \_\_\_\_\_, 2024, unless sooner terminated according to the provisions herein.

3. **Fee.** Licensee shall pay the Licensor for the use of said Property the sum of NO dollars (\$0.00) total, for the two-year license period. This is a CARE License only. Consideration for use of the Property by the Licensee shall be in the form of repairs and maintenance according to the provisions herein.

4. **Use of Property.** Licensee shall use the Property for the following purposes only: Cattle grazing. Licensee is limited to having livestock on the property no earlier than March 1st and all livestock shall be off the property no later than November 15<sup>th</sup> of each year (known as the agreed grazing season). Licensee shall have access to the property the remainder of the year for care and maintenance as needed.

5. **Repairs and Maintenance.** Licensee agrees to maintain and repair the current fence line and re-establish an access road around the property which is currently present but overgrown. Licensee shall be allowed to control noxious weeds found on the property including/but not limited to Class B Noxious Weeds, Scotch Broom and Tansy Ragwort, which are currently found on a large portion of the property. Licensee agrees to drag and mow reasonably accessible ground at the end of each grazing season to facilitate native grass and vegetation growth.



6. **Ownership of Improvements.** No new improvements are to be erected by Licensee on the property as a result of this license. Repairs to existing fencing made by the Licensee shall be considered the property of the Licenser and shall remain on the Property at the termination of the license.

7. **Compliance with Law.** In the use of the Property, Licensee shall fully comply with all applicable federal, state, county and municipal laws, ordinances and regulations.

8. **Assignment and Sublicense.** Licensee shall not assign or transfer its interest in this Property, or sublet the Property or any parts thereof, or permit the Property to be used for any purpose not permitted by this license, without prior written consent of the Licenser.

9. **Indemnification – Liability.** Licensee hereby agrees to indemnify and hold harmless the Licenser from any and all claims, lawsuits, damages, or actions or liability, which may arise from the Licensee's use of said Property pursuant to this license. No employees or agents of Licensee shall be considered employees or agents of the Licenser.

10. **Insurance.** The Licensee shall procure and maintain for the duration of this license, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the use of the Property by the Licensee, their agents, representatives, employees or subcontractors.

The Licensee shall provide a *Certificate of Insurance* evidencing commercial general liability insurance written on an occurrence basis with limits no less than \$2,000,000 combined single limit per occurrence for personal injury, bodily injury and property damage.

The Licenser shall be named as an additional insured on the commercial general liability insurance policy, and a copy of the endorsement naming the Licenser as additional insured and identifying that the coverage extends to the Property shall be attached to the *Certificate of Insurance*. The Certificate of The Licenser reserves the right to request a certified copy of the insurance policies. The Licenser shall be given thirty (30) days prior written notice of any cancellation, suspension or material change in coverage.

11. **Termination.** Either party may terminate this license by furnishing to the other party, by registered mail, a notice of termination at least ninety (90) days prior to the intended date of termination. Licensee also acknowledges that Licenser holds the Property in trust for the benefit of the public and Licenser may require full use of the Property at any time for any reason. If Licenser requires the removal of Licensee's property (cattle, other property or improvements) for any reason, at Licenser's sole discretion, Licensee shall remove its property within thirty (30) days of receipt of written notification from Licenser. If Licensee defaults in the payment of the license fee, or breaches any other covenant or condition of this license, Licenser may immediately declare a forfeiture of this license for such default, reenter the Property, and take possession of all personal property.

LICENSOR:  
CITY OF TUMWATER

Debbie Sullivan, Mayor

Attest:

Melody Valiant, City Clerk

On this \_\_\_\_\_ day of \_\_\_\_\_,  
2022, before me personally appeared \_\_\_\_\_, to me  
known to be the individual described herein  
and who executed the within and foregoing  
instrument and acknowledged to me that  
he/she signed the same as his/her free and  
voluntary act and deed for the purposes  
therein mentioned.

IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed my official seal the  
day and year first above written.

City Property License -- \_\_\_\_\_  
Page 3 of 3



Imagery ©2016 Google, Map data ©2016 Google 500 ft

Google Maps

TO: Public Works Committee  
FROM: Dave Kangiser, Water Resources Specialist  
DATE: February 3, 2022  
SUBJECT: Drainage Design and Erosion Control Manual Revisions

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1) Recommended Action:

For information purposes only

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2) Background:

The Department of Ecology is requiring the City update its Drainage Design and Erosion Control Manual (DDECM) through a provision under the City's National Pollutant Discharge Elimination System (NPDES) Permit to direct stormwater management. The City's DDECM defines design and engineering standards for stormwater infrastructure, and best management practices to protect water quality during construction, industrial and municipal activities. The proposed Manual updates are currently available for public comment on the City's website until March 5. Administrative changes to update web links, contact information, and organizational changes are being done concurrently during the public comment period.

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3) Policy Support:

- Reduce ground and surface water impacts associated with street and freeway runoff and urban activity
  - Enhance salmon runs
- 

4) Alternatives:

- ☐ None. The action presented reflects compliance needs for the City's NPDES Permit.
- 

5) Fiscal Notes:

The actions presented do not create additional fiscal needs for the City. An increase to the Stormwater Bond from 15% to 25% does increase construction costs while providing additional security for the City and its customers to help protect investments made to develop private stormwater facilities during the performance period after construction.

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6) Attachments:

- A. 2022 DDECM Updates Reference Document



# City of Tumwater Drainage Design and Erosion Control Manual

July 1, 2022 Updates

(National Pollutant Discharge Elimination System Permit Phase II Appendix 10)

Find the revised manual here:

<https://www.ci.tumwater.wa.us/departments/public-works/utilities/stormwater/plans-program-guidance/drainage-design-and-erosion-control-manual>

*Ecology determined that the following list shall be used to amend any enforceable documents, including codes, ordinances, director's rules, public rules and/or manuals, to be functionally equivalent to Appendix I in the Western Washington Phase II Municipal Stormwater Permit (effective August 1, 2019) and the required portions of Ecology's 2019 Stormwater Management Manual for Western Washington (SWMMWW).*

1. Text throughout the SWMMWW has been updated to require continuous simulation models that include:

- The ability to directly model BMPs that may be used in LID applications, such as bioretention, permeable pavement, and green roofs.
- 15-minute time steps
- Incorporation of the van Genuchten algorithm to model bioretention.

*(Vol. III)*

2. **Replaced Hard Surfaces Redevelopment Threshold:** The Minimum Requirement Thresholds for non-road related commercial or industrial redevelopment projects have been updated to require the project proponent to compare the value of the proposed improvements to the value of the Project Site (the limits of disturbance) improvements, rather than the Site (the entire parcel) improvements.

*(To be included in Vol. III by Transportation and Engineering Department)*

3. **Equivalent Areas:** The Redevelopment Project Thresholds have been updated to allow a project proponent to provide Stormwater Management BMPs for an equivalent area. The equivalent area may be on-site, or off-site if the area drains to the same receiving water and the guidance for in-basin transfers is followed.

*(To be included in Vol. III by Transportation and Engineering Department)*

4. **Minimum Requirement 2:** The 13 Elements in Minimum Requirement 2 (Construction Stormwater Pollution Prevention) have been updated to incorporate changes that were made to the 2015-2020 Construction Stormwater General Permit.

- a. *SWPPP Element #3 Control Flow Rates (Vol. II pg. 2-14) - Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible.*
  - b. *SWPPP Element #9 Control Pollutants (Vol. II pg. 2-20)*
    - i. *Include Vol. IV Section A2.4 Mobile Fueling of Vehicles and Heavy Equipment as a suggested BMP*
    - ii. *Require spill kits with trained personnel to conduct re-fueling operations.*
    - iii. *Washout of small concrete handling equipment into pre-formed area awaiting concrete where it will not contaminate surface or ground water.*
    - iv. *Include food grade vinegar to adjust pH.*
    - v. *Wastewater management for water-based shaft drilling for construction activities.*
  - c. *SWPPP Element #11 (Vol. II pg. 2-23) - remove language regarding "Some temporary Construction SWPPP BMPs are biodegradable and designed to remain in place following construction, such as compost socks."*
  - d. *SWPPP Element #12 (Vol. II pg. 2-27) - Define "significant amount": Appropriate BMPs or design changes shall be implemented as soon as possible whenever inspection and/or monitoring reveals that the BMPs identified in the Construction SWPPP are inadequate, due to the actual discharge of/or potential to discharge ~~a significant amount~~ of any pollutant that will cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), groundwater quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), and human health-based criteria in the Federal water quality criteria applicable to Washington. (40 CFR Part 131.45).*
5. **Minimum Requirement 5:** Minimum Requirement 5 (On-Site Stormwater Management) has been updated to require BMP T5.13 (Soil Quality and Depth) when choosing to use the LID Performance Standard to meet Minimum Requirement 5 for Minimum Requirement 1-5 projects.  
*Minimum Requirement #5 already includes post construction soil quality and depth as a required BMP. See Vol. V Chapter 6. (Volume 1 pg. 2-17)*
6. **Minimum Requirement 7:** Minimum Requirement 7 (Flow Control) has been updated to ensure that a TDA discharging to a marine waterbody meets all exemption requirements before it can be determined to be Flow Control exempt.  
*Does not apply, no discharges to marine waters within the City of Tumwater.*
7. **Concrete Washout BMP:** BMP C154 (Concrete Washout Area) has been updated to clarify that auxiliary concrete truck components and small concrete handling equipment may be washed into formed areas awaiting concrete pour, while concrete truck drums must be washed either off-site or into a concrete washout area.

*Updated in Vol II pg. 3-62, BMP C154 and Vol. IV pg. 4-34 and 4-37, Section A3.*

8. **Source Control BMPs:** Volume IV (Source Control BMP Library) has been updated with Source Control BMPs for activities not listed in previous versions of the manual. The new activities with Source Control BMPs are:
  - S434 BMPs for Dock Washing *BMP A7.17 (new)*
  - S441 BMPs for Potable Water Line Flushing, Water Tank Maintenance, and Hydrant Testing *BMP A7.18 (new)*
  - S435 BMPs for Pesticides and an Integrated Pest Management Program *BMP A3.11, A3.6, S.8 6.5*
  - S444 BMPs for the Storage of Dry Pesticides and Fertilizers *BMP A4.10*
  - S449 BMPs for Nurseries and Greenhouses *BMP A3.12 (new)*
  - S450 BMPs for Irrigation *BMP A3.13 (new)*
  - S445 BMPs for Temporary Fruit Storage *BMP A4.3*
  - S439 BMPs for In-Water and Over-Water Fueling *BMP A2.5 (new)*
  - S436 BMPs for Color Events *BMP A7.18 (new)*
  - S438 BMPs for Construction Demolition *BMP A5.1*
  - S440 BMPs for Pet Waste *BMP 6.8*
  - S442 BMPs for Labeling Storm Drain Inlets On Your Property *Appendix IV-D*
  - S443 BMPs for Fertilizer Application *BMP A3.6*
  - S446 BMPs for Well, Utility, Directional and Geotechnical Drilling *BMP A3.14 (new)*
  - S447 BMPs for Roof Vents *BMP A7.19 (new)*
  - S451 BMPs for Building, Repair, Remodeling, Painting, and Construction *BMP A5.2*
  - S452 BMPs for Goose Waste *BMP A7.20 (new)*
  
9. **Wetlands Guidance:** Appendix I-C (Wetland Protection Guidelines) and Minimum Requirement 8 (Wetlands Protection) have been updated to require monitoring and modeling of high value wetlands, if the project proponent has legal access to them. The 2014 wetland guidance is retained, but refined, for modeling requirements for lower value wetlands (and high value wetlands that the project proponent does not have legal access to).
 

*(Vol. I pg. 2-30 through 2-32– Minimum Requirement #8) Updated with flow chart and reference to Appendix I-C in the 2019 SWMMWW.*

Other Drainage Design and Erosion Control Manual updates:

10. **Stormwater Bonds:** *Vol I Ch. 2.4.11 (pg. 2-34): Stormwater Bond amount changed from 15% to 25%*

