



The city is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at City Hall (Council Chambers), or virtually by using the meeting access link and additional information located on the city's website, and on tonight's meeting agenda.

Please click the link below to join the webinar:

<https://sumnerwa-gov.zoom.us/j/86390192946>

Or One tap mobile : US: +12532158782,,86390192946# or +13462487799,,86390192946#; or Telephone: +1 253 215 8782 Webinar ID: 863 9019 2946

CALL TO ORDER

Pledge of Allegiance

Invocation

Roll Call: Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

PRESENTATION

1. Sumner Alert
2. Sumner Resident Access (Utility Billing Portal)

The following items are distributed to Councilmembers in advance for study and review, and the recommended actions will be accepted in a single motion. Any item may be removed for further discussion if requested by a Councilmember.

CONSENT AGENDA

1. Approval of the Association of Washington Cities Conference Voting Delegates for Sumner
2. Approval of the minutes from the regular council meeting of May 2, 2022 and the May 9, and May 23, 2022, study session.
3. Approval of electronic checks and payments in the amount of \$906,162.46.
4. 902 Kincaid Avenue Acquisition--Purchase and Sale Agreement
5. Puget Sound Eenergy - Energy Conservation Grant Agreement (Ammonia Sensors)

PUBLIC HEARING

REGULAR BUSINESS

1. **Unfinished Business**
2. **Public Comment (Limit 3 minutes)**
Members of the community who wish to give public comment are strongly encouraged to join the meeting via the ZOOM link or by telephone. If you are unable to join the meeting, please submit your

public comment in writing via email to the City Clerk at Michellec@sumnerwa.gov no later than 5:30pm on the date of the meeting. Any written comments received will be read into the record and provided to the City Council. Please contact the City Clerk at 253-299-5590 with any questions.

3. New Business

- a. Appointment to Sumner Planning Commission – William Moody
- b. Appointment to Sumner Planning Commission – Vincent Stoneking
- c. Appointment to Sumner Planning Commission – Barry Walden

4. Reports

- a. Council
- b. City Administrator
- c. Mayor

5. Executive Session

6. Adjournment

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact the City Clerk at (253) 299-5590, 24 hours in advance.

SUMNER *ALERT*



Two Ways to Track

SUMNER
ALERT 



Monitor Set Location
(Home, Work)



Monitor Wherever You Are

Monitor Location

SUMNER
ALERT 



- Register specific Sumner address(es)
- Receive alerts for that address no matter where you are.
- Choose phone call, text, email.
- Choose different languages (assistance from SBLSD).
- Must be address-specific.

To Get: Register Online at
www.sumnerwa.gov

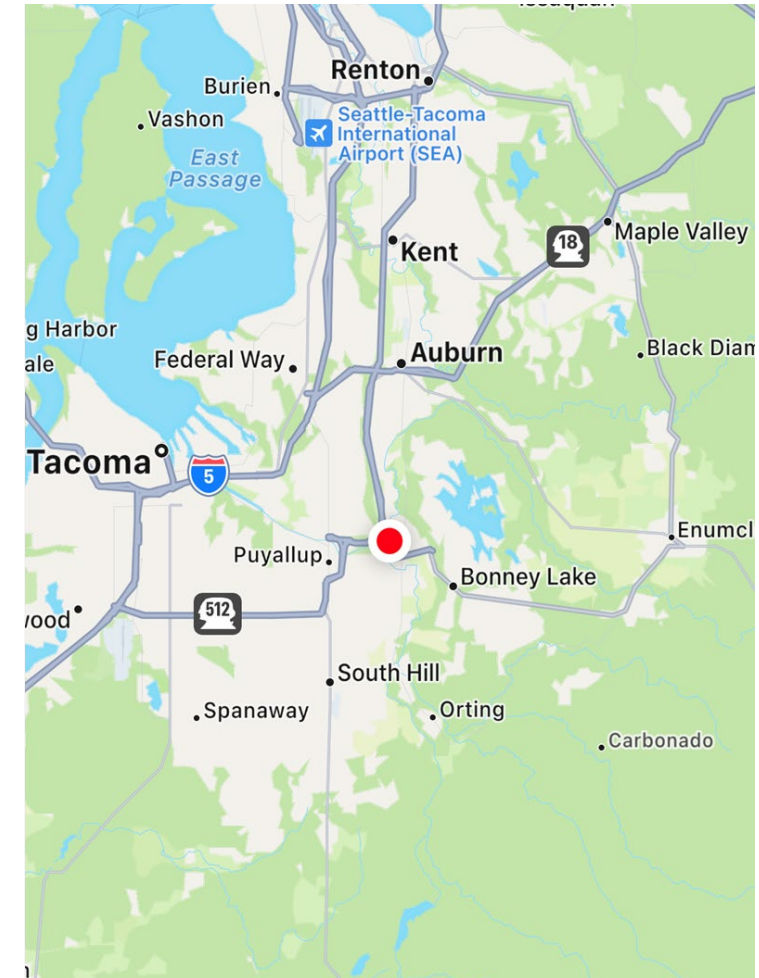


Monitor Where You Are



- CodeRED app alerts any phone within the radius.
- Register & select options.
- Get alerts where you are, including Tacoma, Puyallup, Lakewood, Sumner.
- Best for reaching commuters

Download the App & Register



Choose 2 Types of Alerts



Emergency



ACTION REQUIRED

- Evacuate
- Shelter in place
- Other life-saving instructions
- Scenarios include wildfire, lahar, flooding, earthquake, active shooter



Community



GOOD TO KNOW

- Major/planned road closure
- Response to extreme weather
- Update on potential
- Scenarios include snowstorm, construction, lahar drill, potential flooding/high water



Finding Balance

Silence

“Wolf!”



Internal Uses

- Call out staff
- Update neighbors/elected officials

SUMNER
ALERT 

Target Audiences



WHO SHOULD SIGN UP

- Live here
- Work here
- Commuters
- In Sumner a lot—Y, churches
- Relatives keeping track of loved ones
- Visitors
- Anyone (reminder: the address thing)

OUTREACH

- Print Newsletter
- E-newsletter
- Social media*
- Website*
- Video – PCTV
- Open House*
- Run for Your Life*
- Food Bank, Library*
- Speakers Bureau—Rotary, Senior Center

*translatable/offered in Spanish

Just one tool in a whole box

- PC Alert
- Other city alerts
- Social media
- Lahar sirens
- Traditional media
- Signage/barricades
- In-person notification
- Being prepared

SUMNER
ALERT 



SUMNER *ALERT*



SUBJECT: Approval of the Association of Washington Cities Conference Voting Delegates for Sumner

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT: Jason Wilson, City Administrator

SUMMARY BACKGROUND:

The Association of Washington Cities (AWC) Annual Conference is scheduled for June 21-24 in Vancouver, Washington. During the conference, AWC hosts their annual business meeting. At the business meeting, up to three delegates from each City have the ability to elect representatives to the AWC Board. Voting delegates may be elected officials or staff members from member cities.

Council Rule 21.2 states: "When the Mayor and/or Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternative voting delegate(s) during a public meeting, by a majority vote. When possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate."

Mayor Hayden, Councilmember Neuman and City Administrator Wilson are registered to attend the conference and business meeting.

At the May 23, 2022 Study Session, Council discussed this topic and recommended the three attendees be designated as the voting delegates for the upcoming conference.

COUNCIL COMMITTEE/STUDY SESSION: Study Session

MEETING/STUDY SESSION DATE: 5/23/2022

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Motion to designate Mayor Hayden, Councilmember Neuman and Administrator Wilson as voting delegates for the 2022 AWC Conference.



SUBJECT: Approval of the minutes from the regular council meeting of May 2, 2022 and the May 9, and May 23, 2022, study session.

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Regular Council Meeting Minutes - May 2, 2022
2. Study Session Minutes - May 9, 2022
3. Study Session Minutes - May 23, 2022

STAFF CONTACT: Michelle Converse, City Clerk

SUMMARY BACKGROUND:

Minutes from the previous two council meetings.

COUNCIL COMMITTEE/STUDY SESSION: MEETING/STUDY SESSION DATE: COMMITTEE RECOMMENDATION:
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STAFF RECOMMENDATIONS/MOTION:

Approve as written.

**CITY OF SUMNER
Council Meeting
Minutes – May 2, 2022**

The city conducted this public meeting using a hybrid model. The public was welcomed to attend tonight's meeting in-person at the Sumner City Council chambers, or virtually by using the ZOOM platform. Tonight's meeting was live streamed through YouTube.

CALL TO ORDER

The Sumner City Council met in regular session at 6:00pm, with Mayor Kathy Hayden presiding.

Staff present: City Administrator Jason Wilson, City Attorney Andrea Marquez, Administrative Services Director Jeff Steffens, Deputy City Attorney Maili Barber, Communications Director Carmen Palmer, Public Works Director Mike Dahlem, Police Chief Brad Moericke, Development Services Director Doug Beagle, and City Clerk Michelle Converse

Councilmember present: Councilmembers Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

PRESENTATION

East Pierce Fire and Rescue Update by Chief Parkinson.

PROCLAMATION

Mayor Hayden read the Police Week & Peace Officer Memorial Day proclamation into the record. Chief Moericke invited Council and the viewing public to the Annual Memorial Ceremony, Honoring Law Enforcement Officers killed in the line of duty and those who continue to serve Thursday, May 5, 2022, at 6:00 pm.

CONSENT AGENDA

MOVED BY HOCHSTATTER, SECONDED BY BITETTO TO APPROVE THE CONSENT AGENDA CONSISTING OF:

1. Approval of the minutes from the regular council meeting of April 18, 2022, and the April 25, 2022, study session.
2. Approval of checks and electronic payments in the amount of \$3,786,210.49
3. Resolution No. 1624 – Council Rules and Procedures

PASSED BY VOICE VOTE.

PUBLIC HEARING

None tonight.

UNFINISHED BUSINESS

None tonight.

PUBLIC COMMENT

None tonight.

NEW BUSINESS

2023 – 2024 Council Strategic Priorities

MOVED BY HOCHSTATTER, SECONDED BY COLE TO ADOPT THE 2023-24 COUNCIL STRATEGIC PRIORITIES.

City Administrator Jason Wilson addressed the Council.

Reviewing and updating the Council's Strategic Priorities is an important first step to developing Sumner's priorities for not only the next two-year budget cycle but setting the stage for the next several bienniums. As our community exits the pandemic, our community is emerging stronger. We are seeing the community begin to transition to meet the long-term vision adopted in multiple planning documents. Our business and housing sectors continue to expand, including the diversification of our sales tax base. These are exciting and transitional times to be in our community's leadership. These times make it more important to refocus on Council's Strategic Priorities to ensure that as a City we can adjust to the community transitions while maintaining all of the things that make Sumner a great community.

At the March 5, 2022, Council Retreat, Council participated in an exercise to review what is working well and what the City could improve on. From that exercise five Strategic Priorities were developed, including supporting policy statements. The updated Strategic Priorities were reviewed at the April 11, 2022 study session.

Discussion ensued.

PASSED BY ROLL CALL VOTE.

Ordinance No. 2819 – Amending Sumner Municipal Code 6.04 Dog License Fees

MOVED BY BITETTO SECONDED BY HOCHSTATTER TO PASS ORDINANCE NO. 2819 AS PRESENTED.

Presented by Chief Moericke.

Sumner Municipal Code section 6.04.030 establishing dog and cat licensing fees has not been updated since November 2014. Upon comparing the pet license fees of other local jurisdictions, it was determined that our current dog license fees are substantially less. This ordinance, if adopted, would increase the annual dog license fee for altered dogs by \$4.00 and the equivalent license fee for senior citizens by \$2.00. No other pet license fees are being increased by this ordinance. If adopted, the new license rate would go into effect June 1, 2022.

Discussion ensued.

PASSED BY ROLL CALL VOTE.

Resolution No. 1623 – Memorandum of Understanding Regarding Opioid Settlement Funds

MOVED BY REED SECONDED BY STUARD TO AUTHORIZE THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY.

City Attorney Andrea Marquez addressed the council.

Several Washington local governments initiated litigation against the "Big 3" opioid distributors (McKesson, Cardinal Health and AmerisourceBergen) and Johnson & Johnson to resolve claims by Washington local governments that these companies contributed to the opioid epidemic and caused the deaths of countless people. A settlement is likely to be reached, so the MOU establishes a framework for distributing and sharing the settlement figures throughout Washington counties and cities/towns. The MOU prioritizes regionalism, collaboration and abatement and pre-allocated the percentages that each local government would be entitled to. In order to receive the full settlement payments for all Washington, all of the litigating local governments must sign onto the MOU and strong participation by all remaining local governments (Sumner falls into this category as we are not an active named litigant) is necessary. The funds must be used by local governments for abatement strategies including expanding the availability of treatment, providing a full continuum of care for recovery services (housing, peer support, counseling, MH treatment, case management, etc) and support for children's services (supportive housing and services related to children who are removed from their home or placed in foster care due to custodial opioid use). Exhibit B to the attached MOU outlines each local jurisdiction's entitlement if the case(s) settles. The amount of the settlement remains unknown, but Sumner and its joint community court with the City of Bonney Lake could benefit greatly from receipt of these funds and the opportunity to better serve and help those suffering from substance abuse.

Council discussion ensued.

PASSED BY ROLL CALL VOTE

Appointment – Hearing Examiner

MOVED BY NEUMAN SECONDED BY HOCHSTATTER TO APPROVE THE HEARING EXAMINER APPOINTMENT FOR A TERM OF TWO YEARS.

City Attorney Andrea Marquez addressed the council.

The City's former hearing examiner, Steve Causseaux, retired in December 2021. Since that time, his pro tem hearing examiner, Steve Shelton, has served as the City's interim Hearing Examiner (HE) while the City prepared an RFQ for ad. On March 1st and March 8th the City advertised in the Tacoma News Tribune for Request for Qualifications for Professional Services for Hearing Examiner. In addition to publication, the RFQ was sent directly to numerous firms that are known to provide HE services to nearby jurisdictions. The City received 2 proposals (Stephen Shelton and Olbretchs & Associates) which were evaluated and scored by 3 City employees. Both respondents were extremely qualified, having provided HE services on land use and all other municipal matters for decades. Stephen Shelton was the unanimous selection of the scoring committee. Mr. Shelton's fee is \$150.00 per hour, and the remainder of his experience and qualifications are outlined in his submittal, attached to the packet. The term of the initial contract will be for 2 years. The hearing examiner is an appointment by the City Administrator that requires Council approval.

Discussion ensued.

PASSED BY ROLL CALL VOTE.

COUNCIL REPORTS

Councilmember Bitetto shared that the Sumner Rotary picked up garbage off of SR 410 on April 23 as a service project. She was surprised at the objects people toss out of their windows which can easily be thrown into their home garbage cans. She was impressed by the Lahar Drill on Friday. On Saturday, April 30th, she attended the YMCA's Healthy Kid Day.

Deputy Mayor Hochstatter noticed a cleaner SR410 and thanked the Rotary volunteers who participated in cleaning it up.

Councilmember Brown also shared his thanks.

Councilmembers Stuard, Cole and Neuman had no reports tonight.

Councilmember Reed shared information from the April 21st, Pierce County Regional Council Meeting. The topics included crime and regional growth.

CITY ADMINISTRATOR

City Administrator Jason Wilson reported on the following:

Upcoming Policy Issues:

- Next Week's Study Session:
 - Council Chambers Operations
 - Community Food Bank Update
 - Legislative Session Re-Cap
- Next Regular Council Meeting on May 16th:
 - Cemetery Facility Consultant Design Contract
 - A Public Hearing regarding the proposed expansion of the Multi Family Tax Exemption Target Area

Commission Updates:

- This Thursday at 6pm, the Planning Commission is holding a public hearing on the proposed 2022 Comprehensive Plan Amendments. There are three proposed amendments: 1) Limit gas stations to the Interchange Commercial (IC) and Industrial Zones (M1/M2/MICO); 2) Sign code update to allow Electronic Reader Board Signs (ERBS) on City or Library facilities on East Main Street; 3) Language clarification related to densities to align with existing code related to Planned Residential Developments.

The Planning Commission will also begin discussing proposed changes related to Accessory Dwelling Units as contemplated in our Housing Action Plan.

Visit our website for meeting login information as well as information on the proposed Comprehensive Plan Amendments.

Miscellaneous:

- Lahar Exercise: On April 29th the City participated in a large-scale regional evacuation and preparedness exercise for a short notice lahar. All Sumner, Puyallup and Orting schools in the lahar zones evacuated safely. The event was a huge success, and I want to extend a personal thank you to all the City of Sumner, Sumner Bonney Lake School District and City of Bonney Lake staff that helped ensure a safe event in Sumner.

MAYOR REPORT

Mayor Hayden enjoyed a ‘Coffee Talk’ at the Sumner Senior Center. It was good to hear different questions and ideas that people have. If you have some of your own, be sure to take the budget survey that’s currently available on our website. This is a great chance to tell us how we’re doing and offer your ideas/priorities for the next two years.

This Saturday is Sumner Shreds, from 10-1pm in the staff parking lot behind City Hall. You can bring up to three bags of documents to be shredded. McLendons will also be taking batteries and light bulbs and safely recycle them.

And last, mark your calendars for May 17th for the in-person Spring Open House. We’ll be here at City Hall from 5-7pm to talk about park updates, downtown road projects, Sound Transit’s parking garage and more. The idea is you can come once to hear about many different projects rather than having multiple open houses for each. It will also be offered online as well but this is our first time to be able to see you in person in two years, so we hope you’ll drop by.

EXECUTIVE SESSION

There was no Executive Session tonight.

ADJOURNMENT

With no further business before the Council, the Mayor adjourned the meeting at 7:05pm. Councilmembers concurred.

ATTEST:

Kathy Hayden, Mayor

Michelle Converse, CMC City Clerk

SUMNER CITY COUNCIL
Minutes – Study Session
May 9, 2022

In an effort to be diligent, the city is continuing to conduct all public meetings using a hybrid model via the ZOOM platform and in-person. Access information can be located on the city's website, and on each meeting agenda.

The Sumner City Council met in study session at 6:00pm, with Mayor Kathy Hayden presiding.

Councilmembers present: Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

Staff present: City Administrator Jason Wilson, Administrative Services Director Jeff Steffens, City Attorney Andrea Marquez, Public Works Director Mike Dahlem, Community Development Director Ryan Windish, Development Services Director Doug Beagle, Chief Financial Officer Cassandra Raymond, Communications Director Carmen Palmer and Police Chief Brad Moericke.

REGULAR BUSINESS

1. Council Chamber Technology Training
2. Sumner Community Food Bank Update
3. 2022 Legislative Recap

ADJOURNMENT

When there was no further business before the Council, the meeting adjourned at 7:17pm.

ATTEST:

City Clerk Michelle Converse, CMC

Mayor Kathy Hayden

SUMNER CITY COUNCIL
Minutes – Study Session
May 23, 2022

In an effort to be diligent, the City is continuing to conduct all public meetings using a hybrid model via the ZOOM platform and in-person. Access information can be located on the City's website, and on each meeting agenda.

The Sumner City Council met in study session at 6:01pm, with Mayor Kathy Hayden presiding.

Councilmembers present: Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

Staff present: City Administrator Jason Wilson, City Attorney Andrea Marquez, Development Services Director Doug Beagle, Community Development Director Ryan Windish, Communications Director Carmen Palmer and Administrative Services Director Jeff Steffens

REGULAR BUSINESS

1. Transit in Sumner
2. AWC Conference Voting Delegates

ADJOURNMENT

When there was no further business before the Council, the meeting adjourned at 6:47pm.

ATTEST:

City Clerk Michelle Converse, CMC

Mayor Kathy Hayden

SUBJECT: Approval of electronic checks and payments in the amount of \$906,162.46.

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Financial Cover Sheet

STAFF CONTACT:

SUMMARY BACKGROUND:

Electronic checks and payments from the previous check runs.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Pass as stated.



CLAIMS VOUCHER
APPROVAL
City of Sumner Finance
Department

The following check/electronic payments are approved for payment:

Accounts Payable Check #:	From: 28233	To: 28320	\$299,834.13 *
AP Electronic (EFTs) Payments:	From: 384	To: 389	\$51,151.62
AP Wire(s):	From: 15174	To: 15177	\$6,507.55
Payroll DD Numbers:	From: 51453	To: 51575, 4192	\$321,422.62
Payroll Check(s):	From: -0-	To: -0-	\$0.00
Payroll Wire(s):	From: 4190-4191,	To: 4193-4198	\$227,246.54
		TOTAL	\$906,162.46

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

DocuSigned by:

Kassandra Raymond

0A6D6E6EBAE64A6...

Chief Financial Officer

5/3/2022 | 9:05 AM PDT

Date

We, the undersigned Finance & Personnel Committee of the Sumner City Council, Sumner, Washington, do hereby certify that the check numbers and electronic payments listed above are approved for payment in the amount of \$906,162.46 this 2nd day of May 2022.

DocuSigned by:

Patrick Reed

708BA203DF904E7...

Chair

5/9/2022 | 6:03 PM PDT

Date

DocuSigned by:

Barbara Bitetto

74E2EC62EDD845C...

Member

5/2/2022 | 4:57 PM PDT

Date

DocuSigned by:

Patricia Cole

4B38614FF4684BF...

Member

5/2/2022 | 3:25 PM PDT

Date

* Includes \$50.70 in Use Tax and (\$200.18) in Check Voids.

SUBJECT: 902 Kincaid Avenue Acquisition--Purchase and Sale Agreement

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: Yes

Within Budget Allocation: Yes

ATTACHMENTS:

1. Purchase & Sale Agreement for 902 Kincaid Ave

STAFF CONTACT: Ryan Windish, Community Development Director

SUMMARY BACKGROUND:

The purchase of the property at 902 Kincaid Avenue in downtown Sumner is part of the implementation of the 2021 Main Street Visioning Plan and future expansion of the Reuben A. Knoblauch Heritage Park to include the entire City block. This expansion is necessary to accommodate a redesign of the park. The master planning of the park for future projects will be underway in summer 2022. The City had the property appraised and reviewed at \$850,000. The property owner counter offered at a price that the City's right-of-way acquisition agents determined to be reasonable and supported by objective evidence. The City reached a willing seller agreement with John Ester (Sumner Property, LLC) to acquire the building and land at 902 Kincaid Avenue for a total of \$1,000,000. Funds for the purchase of this property come from the General Fund and the Real Estate Excise Tax (REET). The City intends to utilize these purchase funds as match on applications for future RCO grant opportunities for additional City park improvement projects.

COUNCIL COMMITTEE/STUDY SESSION: CD Committee

MEETING/STUDY SESSION DATE: 5/25/2022

COMMITTEE RECOMMENDATION: Do pass

STAFF RECOMMENDATIONS/MOTION:

Move to authorize the Mayor to sign the Purchase and Sale Agreement for 902 Kincaid Avenue.

REAL ESTATE PURCHASE AND SALE AGREEMENT

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT (hereinafter "Agreement") is entered into by and between **Sumner Property LLC, an Alaska Limited Liability Company**, (hereinafter "Seller") and the **City of Sumner, a municipal corporation and political subdivision of the state of Washington** (hereinafter "Purchaser"). Seller and Purchaser may hereinafter collectively be referred to as "Parties" or individually as a "Party."

AGREEMENT

FOR AND IN CONSIDERATION of the mutual promises and covenants contained herein, the sufficiency of which is unconditionally acknowledged by Seller and Purchaser, the Parties agree as follows:

1. **The Property.** Seller is the sole owner in fee simple of certain real property located in Pierce County, Washington identified by parcel number 798500-0610 and legally described as:

That portion of the following described property:

Lots 4 and 5 in Block 3 of Sumner, as per plat recorded in Volume 1 of Plats, page 68, records of Pierce County, Washington.

Situate in the Town of Sumner, County of Pierce, State of Washington.

2. **Purchase and Sale.** Seller shall sell and convey to Purchaser, and Purchaser shall purchase and accept from Seller, upon the terms, covenants, and conditions set forth in this Agreement, all of Seller's right, title, and interest in and to the Property, including all after-acquired property. Seller warrants that Seller has full right, title, authority, and capacity to execute this Agreement and sell the Property. Purchaser warrants that Purchaser has full right, title, authority, and capacity to execute this Agreement and purchase the Property.

3. **Purchase Price and Payment.** The total purchase price for the Property (hereinafter "Purchase Price") is one million and 00/100 (\$1,000,000) Dollars and shall be paid by Purchaser to Seller by cashier's check, certified check, or wire transfer of immediately available funds to Seller at closing.

4. **Conveyance of Title.** Seller shall convey title to the Property legally described in item No. 1 to Purchaser by Warranty Deed (hereinafter "Deed").

5. **Closing; Possession.** Closing shall occur upon payment of the Purchase Price to Seller from Purchaser and delivery of the executed Deed from Seller to Purchaser (hereinafter "Closing Date"), but in no event later than June 17, 2022. The Parties agree to execute any and all documents necessary to effectuate the intent of this Agreement. Purchaser shall be entitled to possession of the Property legally described in item No. 1 as of the Closing Date.

6. **Approval by the Sumner City Council.** The Parties acknowledge that this Agreement shall not be deemed accepted by or binding on the Purchaser until approved by the Sumner City Council in an open public meeting.

7. **Risk of Loss.** Risk of loss of or damage to the Property shall be borne by Seller until the Closing Date. Thereafter, Purchaser shall bear the risk of loss. In the event of material loss of or damage to the Property prior to the Closing Date, Seller shall promptly notify Purchaser in writing and Seller shall not be obligated to restore the Property nor pay damages to Purchaser by reason of such loss or damage. Upon receipt of written notice pursuant to Section 10 below, Purchaser may within five (5) business days terminate this Agreement by giving written notice of such termination to Seller and such termination shall be effective immediately; provided, however, that Purchaser may elect to purchase the Property in the condition then existing; provided that, Purchaser delivers notice of such election pursuant to Section 10 below within five (5) business days of receipt of Seller's notice of a material loss of or damage to the Property as provided for in this Section 8.

8. **Closing Costs & Prorations.** Seller shall pay its own attorney fees. Purchaser shall pay the cost of recording the Deed, its own attorney fees, and all other costs and expenses allocated to Purchaser and Seller pursuant to the terms of this Agreement; excepting only the Seller's payment of its own attorney fees as provided for above in this Section 8 and any prorations for which it is responsible pursuant to the following sentence. Any taxes, liens, assessments, insurance, or charges imposed by law upon the Property shall be prorated as of the Closing Date, with such prorations to be a final settlement between the Parties.

9. **Notices.** Except as specifically set forth herein, any demand, request or notice which either Party desires or may be required to make or deliver to the other shall be in writing and shall be deemed given when personally delivered, or when delivered by private courier service (such as Federal Express), or three days after being deposited in the United States Mail first class, postage prepaid and addressed as follows:

PURCHASER	SELLER
City Administrator City of Sumner 1104 Maple Street Sumner, WA 98390	Sumner Property LLC 16931 Maplewild Avenue SW Burien, WA 98166-3165

The foregoing addresses may be changed by written notices to the other party as provided herein.

10. **Time.** Time is of the essence in every provision herein contained.

11. **Binding Agreement.** This Agreement shall inure to the benefit of and be binding upon the heirs, personal representative, successors, and assigns of the Parties.

12. **Attorneys' Fees.** In the event of any litigation regarding the rights and obligations of the parties under this Agreement, the prevailing party shall recover its costs and attorneys' fees, including such costs and attorneys' fees for appeals.

13. **Negotiation and Construction.** This Agreement was negotiated by the Parties and shall be construed according to its fair meaning and not strictly for or against either Party.

14. Entire Agreement. This Agreement contains the entire understanding between the Parties and supersedes any prior understandings and agreements between them regarding the subject matter hereof. There are no other representations, agreements, or understandings, oral or written, between the Parties relating to the subject matter of this Agreement. No amendment of, or supplement to, this Agreement shall be valid or effective unless made in writing and executed by the Parties.

15. Counterparts. This Agreement may be signed in two or more counterparts, which taken together shall constitute the complete Agreement.

16. Invalid Provision. If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable; this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement; and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by such illegal, invalid or unenforceable provision or by its severance from this Agreement.

[SIGNATURES & ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGES]

Approved as to legal form only:

Date: _____

Date: _____

STATE OF WASHINGTON)
) ss
COUNTY OF PIERCE)

(SEAL)

My commission expires _____

SELLER'S SIGNATURE PAGE

Dated: May 20th, 2022

Sumner Properties, LLC

By: WM John Ester

Its: Manager

STATE OF WASHINGTON)

County of King) : ss

On this 20th day of May, 2022, before me personally appeared William John Ester to me known to be the Manager of Sumner Properties, LLC, an Alaska Limited Liability Company that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that (he/she/they) (is/are) authorized to execute said instrument.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)



Kevin C. Jones / K. C. Jones
Notary Public in and for the State of
Washington, residing at King County
My commission expires NOV 16, 2025

SUBJECT: Puget Sound Energy - Energy Conservation Grant Agreement (Ammonia Sensors)

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Conservation Grant Agreement

STAFF CONTACT: Michael Kosa, City Engineer

SUMMARY BACKGROUND:

The City's Wastewater Treatment Facility has been participating in an energy savings program sponsored by Puget Sound Energy (PSE). This program has identified PSE grant funding available to implement energy conservation measures. This agreement would accept a grant of \$33,849.00 to be used to add four ammonia sensors. Using data from these sensors, WWTF staff can optimize the amount of time that air blowers need to run, which reduces energy costs.

COUNCIL COMMITTEE/STUDY SESSION: Public Works Committee

MEETING/STUDY SESSION DATE: 4/5/2022

COMMITTEE RECOMMENDATION: Do Pass

STAFF RECOMMENDATIONS/MOTION:

A motion approving the acceptance of \$33,849 in grant funds from Puget Sound Energy for use in the purchase and installation of four ammonia sensors, and authorizing the Mayor to execute any and all documents necessary to accept the funds, substantially in a form as approved by the City Attorney

CONSERVATION GRANT AGREEMENT

This AGREEMENT is made this 3rd day of May, 2022, by and between
PUGET SOUND ENERGY (“PSE”) and **CITY OF SUMNER** (“Participant”).

RECITALS

- A. Under PSE’s Electric Schedule 83 and Gas Schedule 183, as currently in effect and on file with the Washington Utilities and Transportation Commission (collectively, “Tariffs”), PSE offers grants for certain conservation measures installed or implemented at facilities that receive electric or natural gas service from PSE.
- B. Participant intends to install or implement conservation measures and is requesting a grant from PSE.

AGREEMENTS

PSE and Participant agree as follows:

1. **PROJECT PREMISES/METER LOCATION ADDRESS: 13114 63RD ST E SOLID SUMNER WA 98390 - WWFT AMMONIUM-BASED AERATION CONTROL SYSTEM** *(Please note: meter location/address may differ from the site mailing address).* Participant will install or implement the conservation measures listed in paragraph 2 (“Conservation Measures”) at the above located facilities (the “Premises”). Participant represents either (a) that it is the owner or otherwise has the lawful authority to make the statements herein on behalf of the owner of the Premises, or (b) that it is the lawful tenant of the Premises and that it has obtained written authorization from the owner of the Premises.
2. **Conservation Measures.** Participant represents that it will purchase equipment or materials or has entered or will enter into an agreement with one or more contractors (the “Contractor”) for the purchase and installation or implementation at the Premises of the Conservation Measures which may be detailed in **Attachment C: Attachment to Conservation Grant**, at the following costs:

	Conservation Measures	Measure Life	Total Cost	Eligible Grant
1.	Process - Modification - Custom	15	\$131,300.00	\$33,849.00
	TOTAL (includes sales tax)		\$131,300.00	\$33,849.00

Participant represents that the total cost of the Conservation Measures is the net amount of its obligation with respect thereto.

3. **Grant.** Upon the execution by both parties and PSE’s receipt of this Conservation Grant Agreement within **90 days** of the agreement date, PSE agrees to grant the Participant, after installation by Participant of the Conservation Measures, an amount equal to the Eligible Conservation Grant (“the Grant”) set forth in Attachment C. The parties agree that the Conservation Measures must be installed and the Grant paid within **36 months** of the signing of this

Conservation Grant Agreement. If for any reason the installed cost of the Conservation Measures is less than the amount shown above and on Attachment C, PSE may decrease pro rata the amount of the Grant. Participant shall be responsible for paying any amount in excess of the amount of the Grant.

4. **Separate Contract.** Participant acknowledges and agrees that PSE is not, and shall not be deemed to be, a party to any purchase or installation contract relating to Conservation Measures, which shall be installed pursuant to a contract between Participant and its Contractor(s). Participant expressly acknowledges that PSE's involvement with respect to any aspect of the Conservation Measures is limited to the furnishing of the Grant. **PSE HAS NOT MADE AND DOES NOT MAKE (AND PARTICIPANT ACKNOWLEDGES THAT PSE DOES NOT MAKE) ANY IMPLIED OR EXPRESS WARRANTY (INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS) REPRESENTATION, OR PROMISE WITH RESPECT TO EITHER (A) THE CONSERVATION MEASURES, (B) ANY MATERIALS AND LABOR REQUIRED FOR OR USED IN THE INSTALLATION OF THE CONSERVATION MEASURES, OR (C) THE INSTALLATION OF THE CONSERVATION MEASURES.**
5. **Final Cost Documentation, Access & Inspection:** Participant agrees to promptly provide PSE, upon request, and for a period no shorter than the longest applicable measure life: (1) documentation verifying equipment purchased and/or work performed in connection with the Conservation Measures installed; (2) reasonable access to and inspection of the Facility and Conservation Measures installed therein before, during and/or after implementation; and (3) reasonable access to, inspection and use of energy usage data related to the Conservation Measures including release of utility bills and Facility energy consumption information following implementation.
6. **Release.** Participant releases PSE from any and all claims, losses, harm, costs, liabilities, damages and expenses directly or indirectly resulting from or in connection with (a) the Conservation Measures, (b) any materials and labor required for or used in the installation of the Conservation Measures, (c) the installation of the Conservation Measures, or (d) the identification, handling and disposal of any associated hazardous waste materials.
7. **Disclaimer.** PSE conducts energy analyses at the request of its customers to determine the extent to which conservation measures are cost-effective. Any estimate of energy savings made by PSE in connection with any such analyses is solely for the purpose of determining the cost-effectiveness of the particular conservation measures and not to be used for any other purpose. PSE has not and does not make any promise, warranty or representation with respect to any savings in energy consumption from Conservation Measures.
8. **Termination.** In the event a Participant's contribution to PSE's recovery of energy efficiency program costs is affected by all or a portion of Participant's electric and/or gas delivery service being provided by a party other than PSE, then Participant shall refund to PSE an amount equal to the ratio of the unused Measure Life of the measure(s) to the total Measure Life of such Conservation Measure(s) multiplied by the dollar amount of the Grant with respect to such Conservation Measure(s).
9. **Incorporation of tariffs by reference.** This Agreement and the *Attachment To Conservation Grant* are subject to the terms of the Tariffs, incorporated herein by reference. Specific terms and conditions from one or more conservation schedules from similar filed tariffs may also apply, as determined by PSE at its sole discretion, based on various criteria. A complete list of conservation schedules is available at:
https://www.pse.com/-/media/Project/PSE/Portal/Rate-documents/Electric/elec_sch_250.pdf
https://www.pse.com/-/media/Project/PSE/Portal/Rate-documents/Gas/gas_sch_250.pdf
10. **Entire Agreement.** This Agreement and its attachments set forth the entire agreement between the parties and supersede any and all prior agreements with respect to the Conservation Measures. No change, amendment or modification of any provision of this Agreement shall be valid unless set forth in writing and signed by both parties.



Conservation Program:
Agreement No.:
Project No.:

IEM
2
P_1234757

PUGET SOUND ENERGY

PARTICIPANT
CITY OF SUMNER

By: Leslie D. Wright

By: _____

Name: Leslie Wright

Print Name: _____

Title: Mgr. Business Energy Management

Title: _____

Federal Tax I.D. No.: _____

ATTACHMENT C TO CONSERVATION GRANT

This is a grant revision and supersedes all previously issued grant agreements under this project number.

Conservation Measure(s) shall consist of the following:

City of Sumner's wastewater treatment facility (WWTF) treats water for the towns of Sumner and Bonney Lake. The WWTF must treat municipal waste resulting in effluent per criteria established by the National Pollution Discharge Elimination System (NPDES) permit. As is, the current WWTF employs a Modified Ludzack-Ettinger (MLE) activated secondary sludge treatment process. In-depth operational details and chemistry are provided in the attached Technical Memorandum provide by Grays & Osborne, Inc. Sumner WWT must meet BOD, ammonia, and dissolved oxygen parameters per regulation. To do so, samples of water are taken in order to predict the necessary operations and process adjustments retroactively. This project proposes the addition of four ammonia probes, transmitters, and respective instrumentation to the four aeration basins in order to integrate a cascade feedback control system to control water-processing operations were ammonia targets resulting in a more efficient process and subsequent energy savings.

The above specifications are sly for the purpose of defining energy-related components of Conservation Measure(s) for which the Grant is offered. Puget Sound Energy is not responsible for ensuring the health, safety, comfort, or well-being of workers or facility occupants or the suitability of equipment selected for the intended application. It is the responsibility of the grant Participant and the Participant's hired designers, contractors, consultants to ensure compliance of the Conservation Measure(s) with Participant's needs and all applicable codes and standards.

The following shall be submitted by Participant prior to Grant payment:

- ☐ Completed Request for Taxpayer I.D. Number ("W-9").
- ☒ Copies of invoicing (no purchase orders, quotes, or estimates) for all expenses, including but not limited to equipment, materials, and labor associated with installation of Conservation Measure(s).
- ☐ Other (specify):

ATTACHMENT C TO CONSERVATION GRANT

This is a grant revision and supersedes all previously issued grant agreements under this project number.

Conservation Measure(s) shall be verified as follows prior to Grant payment:

A PSE EME will verify that the blower energy consumption has been reduced resulting in energy savings.

If intended energy savings are not being achieved by Conservation Measure(s) because specified equipment efficiency parameters or performance parameters defined above are not used, Participant shall be required to correct such deficiencies prior to Grant payment. Failure to comply with specified equipment efficiency or performance parameters may result in forfeiture or reduction of Grant payment.

SUBJECT: Appointment to Sumner Planning Commission – William Moody

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Moody Application

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Mr. William Moody is semi-retired, and has been a science and mathematics educator, and business owner. He has lived in the Sumner area for over 40 years. He is interested in being involved in the Planning Commission to help shape a vision for Sumner's growth and to make a difference in the quality of life in Sumner.

The Sumner Planning Commission serves in an advisory capacity to the City Council. The Commission's main purpose is to assist in the implementation of the vision and policies in the Sumner Comprehensive Plan, including: Reviewing and making recommendations on various City plans, goals, and policies, and the Sumner Zoning Code and development regulations. The Planning Commission consists of 7 members who are appointed by the Mayor and confirmed by the City Council. A majority of the members must be residents of the City of Sumner, while two members may be nonresidents who have a demonstrated interest in the City of Sumner. The members of the Planning Commission are to be selected without respect to political affiliations and shall serve without compensation. Members are appointed for 4-year terms.

Currently we have 4 members on the Commission. Mayor Hayden recommends appointing Mr. Moody to fill a Planning Commission vacant seat through April 2026.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Confirm the Mayoral appointment of William Moody to the Sumner Planning Commission for a term beginning in June 2022 and expiring in April 2026.



COMMISSION APPLICATION

Thank you for your interest in serving on a City of Sumner commission. We value the contributions that volunteers make in keeping Sumner a great place. This application will help us better understand your background. **Please fill out electronically or print clearly.**

I am interested in serving on the following:

☐ ARTS & CULTURE ☐ CIVIL SERVICE ☐ DESIGN ☐ LODGING TAX ☐ PARKS/FORESTRY ☒ PLANNING

Name: William Moody Contact Phone: [REDACTED]

Address: [REDACTED] Sumner, WA.

Email: [REDACTED]

Occupation (if retired, please indicate former occupation or profession):

Semi Retired. Science and Mathematics educator. Business owner Financial Advisor.

Education: BA from PLU. Graduate studies U of W

Professional and / or Community Involvement:

Why are you interested in serving on this commission?

To help Give back To the community.
Help with the vision for Sumner's growth.
Make a difference in the quality of life in Sumner.

Have you previously served on a City commission? ☐ Yes ☒ No

If yes, which one(s): _____

William Moody

Please note that all information on this form becomes public information when submitted.

Return completed form to City of Sumner, 1104 Maple Street, Sumner, WA 98390

OR email: michellec@sumnerwa.gov

SUBJECT: Appointment to Sumner Planning Commission – Vincent Stoneking**CATEGORY:** Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Stoneking Application

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Mr. Vincent Stoneking's career background is in project management and business administration in government, and he has been involved in community organizations as well. He recently decided to call Sumner home because of the sense of place and quality of life. Mr. Stoneking has an interest in maintaining Sumner's small-town feel, while balancing appropriate growth and being business friendly.

The Sumner Planning Commission serves in an advisory capacity to the City Council. The Commission's main purpose is to assist in the implementation of the vision and policies in the Sumner Comprehensive Plan, including: Reviewing and making recommendations on various City plans, goals, and policies, and the Sumner Zoning Code and development regulations. The Planning Commission consists of 7 members who are appointed by the Mayor and confirmed by the City Council. A majority of the members must be residents of the City of Sumner, while two members may be nonresidents who have a demonstrated interest in the City of Sumner. The members of the Planning Commission are to be selected without respect to political affiliations and shall serve without compensation. Members are appointed for 4-year terms.

Currently we have 4 members on the Commission. Mayor Hayden recommends appointing Mr. Stoneking to fill a Planning Commission vacant seat through April 2026.

COUNCIL COMMITTEE/STUDY SESSION:**MEETING/STUDY SESSION DATE:****COMMITTEE RECOMMENDATION:****STAFF RECOMMENDATIONS/MOTION:**

Confirm the Mayoral appointment of Vincent Stoneking to the Sumner Planning Commission for a term beginning in June 2022 and expiring in April 2026.

I am interested in serving on the following:

Planning Commission

Name:

Vincent Stoneking

Phone Number:

[REDACTED]

Email Address

vincent.stoneking@gmail.com

Address:

[REDACTED] Sumner, WA 98390

Occupation (if retired, please indicate former occupation or profession):

Project Management Office Section Chief, WA DSHS

Education:

MS in Management, MBA University of Maryland system MA in Strategic Studies
US Army War College

Professional or community involvement:

Member of ARES (Ham Radio Emergency Response), 20 years in state government,
12 years Project Management, Former Member Lacey Timberland Library Board,
Secretary Capitol Scotch and Whiskey Club

Why are you interested in serving on this commission?

I'm concerned that Sumner grow in a way that honors its current residents and its small-town feel, while acknowledging that some growth is inevitable, and good if properly planned and managed. We need to balance both being business friendly and maintaining the uniqueness of Sumner.

Have you previously served on a City of Sumner commission?

No

▪

SUBJECT: Appointment to Sumner Planning Commission – Barry Walden

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Walden Application
-

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Mr. Barry Walden and his family have lived in Sumner for more than 30 years. He has a background in criminal and regulatory investigation. He is interested in contributing his experience to the Planning Commission.

The Sumner Planning Commission serves in an advisory capacity to the City Council. The Commission's main purpose is to assist in the implementation of the vision and policies in the Sumner Comprehensive Plan, including: Reviewing and making recommendations on various City plans, goals, and policies, and the Sumner Zoning Code and development regulations. The Planning Commission consists of 7 members who are appointed by the Mayor and confirmed by the City Council. A majority of the members must be residents of the City of Sumner, while two members may be nonresidents who have a demonstrated interest in the City of Sumner. The members of the Planning Commission are to be selected without respect to political affiliations and shall serve without compensation. Members are appointed for 4-year terms.

Currently we have 4 members on the Commission. Mayor Hayden recommends appointing Mr. Walden to fill a Planning Commission vacant seat through April 2026.

COUNCIL COMMITTEE/STUDY SESSION:
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MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Confirm the Mayoral appointment of Barry Walden to the Sumner Planning Commission for a term beginning in June 2022 and expiring in April 2026.

Rec'd 2/20/22 forwarded to
Ann Stegenthalder
Sle Benthalder



COMMISSION APPLICATION

Thank you for your interest in serving on a City of Sumner commission. We value the contributions that volunteers make in keeping Sumner a great place. This application will help us better understand your background. **Please fill out electronically or print clearly.**

I am interested in serving on the following:

☐ ARTS ☐ CIVIL SERVICE ☐ DESIGN ☐ PARKS/FORESTRY ☒ PLANNING ☒ PUBLIC SAFETY

Name: Barry M. Walden

Contact Phone: [REDACTED]

Address: [REDACTED] Sumner, WA 98390

Email: [REDACTED]

Occupation (if retired, please indicate former occupation or profession):

Retired KCSO Detective, Senior Investigator WAOIC

Education: See Attached Curriculum Vitea

Professional and / or Community Involvement:

Licensed and Bonded Private Investigator.

Why are you interested in serving on this commission?

I and my family have lived in Sumner for more than 30 years. I have 30 years ' experience as a criminal and regulatory investigator, and 10 years ' experience operating a private investigation agency. I believe that my life experience will be an asset to any Sumner public Commission.

Have you previously served on a City commission?

☐ Yes

☒ No

If yes, which one(s): —

Please note that all information on this form becomes public information when submitted.

Return completed form to City of Sumner, 1104 Maple Street, Sumner, WA 98390

OR email: michellec@sumnerwa.gov

Bmabel

Applicant' Signature

(if submitted electronically, we will obtain your signature later in the process)

JUNE 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4
		5:30PM Finance Committee (Virtual/FF Conf Room)	6:00PM Planning Commission (Virtual/Chambers)		
6	7	8	9	10	11
6:00PM Regular Council Meeting (Virtual/Chambers)	4:00 PM Public Works Committee (Virtual/FF Conf Room)	5:30PM American Rescue Plan Committee 6:30PM Design Commission (Virtual/FF Conf Room)	4:30PM Forestry/Parks Commission (Virtual/FF Conf Room)		
13	14	15	16	17	18
6:00PM Study Session (Virtual/Chambers)		5:30PM Public Safety (Virtual/FF Conf Room)			
20	21	22	23	24	25
RECOGNIZED HOLIDAY CITY HALL CLOSED	6:00PM Regular Council Meeting (Virtual/Chambers)	5:00PM CD Committee (Virtual/FF Conf Room)	5:30PM Arts Commission (Virtual/FF Conf Room)		
27	28	29	30		
6:00PM Study Session (Virtual/Chambers)					

*Meeting dates and times may change. Please contact City Hall to confirm this information prior to any meeting you plan to attend. **These meetings are accessible to persons with disabilities.** For individuals who require special accommodations, please contact City Hall at (253) 299-5500, 24 hours in advance.*

Name: Michelle Converse, CMC

Title: City Clerk

City of Sumner
1104 Maple Street
Sumner, Washington 98390
Ph: (253) 299-5500 Fax: (253) 299-5509
Website: **www.sumnerwa.gov**