



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 below:

<https://sumnerwa-gov.zoom.us/j/87593493471>

Or One tap mobile :

+12532158782,,87593493471# US (Tacoma)

+12532050468,,87593493471# US

Or Telephone: +1 253 215 8782 US (Tacoma)

Webinar ID: 875 9349 3471

CALL TO ORDER

Pledge of Allegiance

Invocation

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

PROCLAMATION

1. Domestic Violence Awareness Month

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 meeting minutes of the September 18th, 2023 regular meeting and September 25th, and October 9th, 2023 study sessions.
2. Separation Agreement John Kaylor

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 provided link or by telephone. If you are unable to attend the meeting, please submit your public comment in writing via email to the City Clerk at Michelledc@sumnerwa.gov no later than 5:30pm on the day of the meeting. Any written comments received will be read into the record and/or distributed to the City Council. Please contact the City Clerk at 253-299-5590 with any questions.
3. **New Business**
 - a. Ordinance No 2872 2023/2024 Budget Amendment (Q3)
 - b. Appointment to Sumner Planning Commission – Adriann LaMear
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.



PROCLAMATION
Recognizing Domestic Violence Awareness Month

WHEREAS, domestic violence is a confrontation between family or household members involving physical harm, harassment, sexual assault, threats of physical harm, and stalking; and

WHEREAS, domestic violence is a crime that affects men, women, children, families, neighborhoods, and communities; and

WHEREAS, on average 1 in 3 women and 1 in 4 men in the US will experience domestic violence by an intimate partner during their lifetime; and

WHEREAS, according to the National Domestic Violence Hotline calls for domestic violence assistance were higher in 2022, due to the long-term effects of the pandemic's added stress, isolation, financial strain, substance use, and increased proximity to their abusers; and

WHEREAS, children who grow up in violent homes are likely to also be abused or neglected and are more prone to domestic violence as adults; and

WHEREAS, through its legal department, the City helps support victims and develop safety plans as well as prosecute crimes related to domestic violence to hold perpetrators accountable for their actions; and

WHEREAS, the City of Sumner believes that our community, including every residence, should be a place of safety for all individuals.

NOW, THEREFORE, be it proclaimed that the City of Sumner once again declares October as Domestic Violence Awareness Month and encourages all citizens to actively stand against domestic violence in our community.

Dated this 16th day of October 2023.

Kathy Hayden, Mayor

SUBJECT: Approval of the meeting minutes of the September 18th, 2023 regular meeting and September 25th, and October 9th, 2023 study sessions.

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. September 18, 2023 Minutes
2. September 25, 2023 Study Session Minutes
3. October 9, 2023 Study Session Minutes

STAFF CONTACT: Michelle Converse, City Clerk

SUMMARY BACKGROUND:

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

Approve as written.



The city conducted this public meeting using a hybrid model, in-person and on the Zoom platform.

Staff present: City Administrator Jason Wilson, City Attorney Andrea Marquez, Communications Director Carmen Palmer, Administrative Services Director Jeff Steffens, Public Works Director Mike Dahlem, Police Chief Brad Moericke, Community Services Manager Derek Barry, Chief Financial Officer Cassandra Raymond, Assistant City Attorney Maili Barber, City Engineer Michael Kosa, Engineering Specialists Courtney Littrell, Drew McCarty, Associate City Engineers Alisa O'Haver-Ayala, Andrew Leach, Joe Fessler and City Clerk Michelle Converse

THE REGULAR MEETING OF THE SUMNER CITY COUNCIL WAS CALLED TO ORDER BY MAYOR HAYDEN AT 6:00PM.

CALL TO ORDER

Pledge of Allegiance

Invocation

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

CONSENT AGENDA

MOVED BY HOCHSTATTER SECONDED BY NEUMAN TO APPROVE THE CONSENT AGENDA

1. Biosolids Dewatering Improvements - Project Acceptance
2. Town Center: Utility & Woonerf Project - Construction Management Services Amendment
3. Resolution No. 1661 - Pollution Prevention Assistance Partnership / Interagency Agreement Authorization
4. Approval of the electronic payments and warrants in the amount of \$1,498,704.06.
5. Cemetery Building - Construction Contract Award
6. Contract Approval - Stafford Suites
7. Contract Approval for Fiber Optic Services - Astound
8. Approval of the meeting minutes from the regular council meeting of August 7, 2023 and the August 14, 2023 study session.

PASSED BY VOICE VOTE

PUBLIC HEARING

There was no Public Hearing tonight.

REGULAR BUSINESS

1. Unfinished Business

There was no unfinished business tonight.

2. Public Comment

There was no public comment this evening.

3. New Business

a. Ordinance No. 2871 – 2023/2024 Budget Amendment – Rainier View Park

MOVED BY COLE SECONDED BY BITETTO TO APPROVE ORDINANCE NO. 2871 AMENDING THE 2023/2024 BIENNIAL BUDGET.

Chief Operating Officer Cassandra Raymond addressed the Council.

PASSED BY ROLL CALL VOTE.

b. Rainier View Park Playground Replacement Contract Approval.

MOVED BY BROWN SECONDED BY HOCHSTATTER TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE ALL NECESSARY CONTRACT DOCUMENTS WITH LANDSCAPE STRUCTURES, IN AN AMOUNT NOT-TO-EXCEED \$402,562.90 FOR THE RAINIER VIEW PLAYGROUND REPLACEMENT, SUBSTANTIALLY IN A FORM APPROVED BY THE CITY ATTORNEY.

Community Services Manager Derek Barry addressed the Council.

Discussion ensued.

PASSED BY ROLL CALL VOTE.

c. Rainier View Park Covered Court – Construction Contract Award

MOVED BY BROWN SECONDED BY HOCHSTATTER TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE ALL NECESSARY CONTRACT DOCUMENTS WITH ANDY JOHNSON & COMPANY, INC., IN AN AMOUNT NOT-TO-EXCEED \$1,416,163.50 FOR THE RAINIER VIEW PARK - COVERED COURT (CIP18-04), SUBSTANTIALLY IN A FORM APPROVED BY THE CITY ATTORNEY.

Associate City Engineer Andrew Leach addressed the Council.

Discussion followed.

PASSED BY ROLL CALL VOTE.

c. Resolution No. 1663 – Ryan House Demolition

MOVED BY STUARD SECONDED BY NEUMAN TO APPROVE RESOLUTION NO. 1663 – AUTHORIZING THE DEMOLITION OF THE RYAN HOUSE.

Communications Director Carmen Palmer and Engineering Specialist Drew McCarty addressed the Council.

Mr. Foster spoke against the proposed demolition.

Nancy Ryan Dressel yielded her time to Mr. Foster.

George Joston who resides on 64th Street East, Sumner, discussed the desire for further study of alternative funding mechanisms.

Attached are 11 written comments (sent via email) from community members who all spoke against the proposed action.

Councilmembers Reed, Stuard, Bitetto, Brown and Deputy Mayor Hochstatter commented on the topic.

PASSED BY ROLL CALL VOTE, 6-1.

COUNCILMEMBERS VOTING YAY – NEUMAN, REED, BITETTO, COLE, STUARD AND HOCHSTATTER.

COUNCILMEMBERS VOTING NAY – BROWN.

4. Reports

a. Council

There were no reports from Council.

b. City Administrator

City Administrator Jason Wilson reported on the following:

Upcoming Policy Issues:

- September 25, 2023 – Study Session
 - Affordable Housing Planning
- October 2, 2023 – Regular Council Meeting

Commission Updates:

- The Planning Commission continues to work through the 2024 comprehensive plan update. They are meeting several times between now and the end of the year to review proposed changes.
- The Design Commission has a meeting this Wednesday to review the Sound Transit Garage and should be making final recommendations that evening.

Personnel Issues:

- Sergeant Kurle has announced his retirement effective September 30, 2023. Matt has worked for the City for nearly 30 years. Matt could be seen working at many community events and coaching the South Sound Titans Alternative Baseball team. We wish him well in retirement. The city is currently working through an internal promotional process for sergeant.
- Public Works Director Mike Dahlem has also announced his retirement effective in January of 2024. Mike has worked for the City since 2000, and been the public works director since 2016. Through Mike's vision, and resourcefulness, several transportation and environmental projects have been completed. Effective today, the Mayor has promoted Michael Kosa as the interim public works director. This interim appointment allows Mike to focus on winding down several of his larger projects, while transferring the day-to-day leadership to Michael.

Miscellaneous:

- The fall open house is scheduled for Tuesday, September 26th from 5-7 pm at City Hall. Staff will be available to answer questions on the significant projects going on within the city. If you can't join us in person that day, please visit our Sumner Connects site to get updated on projects.

c. Mayor

Mayor Hayden shared the following:

She attended the ribbon cutting to celebrate the completion of the Town Center Utility project, which included replacing utility lines through downtown, added the plaza around Heritage Park and bike lanes down Academy

Street. She thanked our funding partners Sound Transit and Pierce County as well as the designers and contractors. But the biggest thanks goes to the neighboring homes and the businesses for their patience through construction!

5. Executive Session

There was none tonight.

6. Adjournment

With no other matters before the Council, Mayor Hayden adjourned the meeting at 7:01pm. Councilmembers concurred.

ATTEST:

Michelle Converse, City Clerk

Kathy Hayden, Mayor

To Whom it may concern:

I understand the City Council is taking public comment about the Ryan House and its future (or lack of). Let me first say that I don't support the demolition of the house. One of the reasons I moved to Sumner was because of its small-town charm which is currently being stripped at every turn. I am not so naive that I don't understand that there must be some growth, and I also understand the politics of it. But if you look at the changes in our area over the last 20 years, we are losing our soul at a rapid pace. The Ryan House is one of the last pieces of Sumner's past.

Of the four options listed in the news article, I cannot support the last two options resulting in the demolition of the house. I understand the costs involved, but I honestly believe that the City of Sumner had a responsibility to care for and maintain what was given to them in good faith. You failed to do that, and therefore SHOULD bear the consequences. If that means you put something else on the back burner, so be it. Poor management of property is not an excuse. Show Sumner residents that you are doing your job.

You can do better, make it right!

Kay McArthur

Please save the Ryan House from demolition!

My family has been a long time resident of Sumner for decades and have seen Sumner grown into a unique suburb with tons of charm and history. Please keep the history alive by saving the Ryan House.

It appears that the potential demolition of the Ryan House has not been very transparent and very little notification to the community for input. Please take time to include your residents and stakeholders in the discussion of this decision prior to taking a vote to demolish this historic site. At

the very least, postpone the vote.

It seems very unlikely that the two million dollar renovation price tag is realistic! I'm sure a group of dedicated citizens could work hard to find federal, state and county grants to help fund the necessary renovations to bring preserve the Ryan House.

Thank you for your consideration.

Carol Cullivan

Hey Jason,

Hope you are doing well. It's been forever since I've talked to you. The reason I'm writing is because I heard about the Ryan House last week. I am just sick about it, but completely understand why the City will likely be taking it down. I was wondering if you would be willing to let my curator and I into the house prior to any demolition so that we can document it. We have 3D software and have specific things we photograph for various reasons that can be connected to the information and archives we already have in our Collections. We know that Ezra served on the jury with Mr. Kincaid and that the two of them voted in opposition to hanging Chief Leschi. Ezra admired Mr. Kincaid, and it is our understanding that after his family left the home, Ezra worked with the Ryan's to eventually move into the Kincaid's former residence and then add on to it. The last part we have as part of our oral history records from the Sumner Historical Society members, so we do not have published proof. However, based on the timeline and our other records, it is likely Ezra knew Mr. Ryan.

We are familiar with documenting properties and do that quite often here for multiple cities, plus the county and the state. We are happy to share any and all photos with the city if you'd like, and we would also offer copies to the Sumner Historical Society, if and when, they are interested. We have communicated with Dale several times regarding their society's move from the property. When they sold and gave away many of the items in the house before their move, Dale contacted us ahead of time so four of our volunteers and our curator were there to get as many items as possible. Many of them had accession numbers from their database and look like they belonged to the Ryans. We plan to store them until such time as the Historical Society can find a new home to display the items. We have also talked with them about holding meetings here, but to date, that has not happened. We are also working with Heritage Quest and the Orting Historical Society for the same reasons. Our goal is to work with smaller organizations to ensure that the local heritage does not disappear.

Let me know if documenting the property is a possibility.

I look forward to hearing from you,
Shelly

P.S. If you and your wife would ever like to tour the Mansion, I'd love to have you over. I've had Ryan and Michelle here. Restoring, preserving and operating 130+ year old buildings is not for the faint of heart. All of us here appreciate the position the city is in right now as owner of the Ryan House property. It's taken us 50+ years and 100's of volunteers to get where we are right now. We are all wishing you and the City only the best of outcomes.

Shelly Schlumpf
President Cultural Heritage Center at Meeker Mansion

Hi Carmen:

Thank you for the information. I have contacted my siblings and referred the information on to them. I've also been in discussions with Dale and a cousin, Carol Peterkin Myers. I will not be attending the city council meeting Monday but sister, Nancy Ryan Dressel; and brother Tom Ryan plan to be there. I personally do not want anything as they demolish the house but Nancy and Tom may have an interest. I've told them all that if they do, to make arrangements with you directly.

I'm sure the city will share plans for the park and I'll see them through Dale. My only concern is that Carol Myers wants to call it Lucy Ryan Green which, as I explained to her, sounded like Lucy's full name. I prefer "Lucy Ryan Memorial Park" since "Green" is not a common NW designation.

Thanks again during this sad time but I do understand the circumstances.

Mary Beth Ryan

Dear Mayor Hayden and Council,

It was a surprise to learn about the current situation regarding the Ryan House. It is of particular interest to me as Lucy Ryan was my great grandmother, Amy Ryan, who wrote *The Sumner Story*, was my grandmother, and Dorothy Ryan Peterkin, my mother, was curator of the Ryan House Museum from the beginning until around 1994. So, Sumner history runs deep in my bones, growing up in Sumner surrounded by stories of its history and the Ryans, spending much time at my grandmother's next door to the library, and working at the library in the Ryan home throughout high school and a summer as vacation supply librarian. The Ryan House has served Sumner long and well. It is sad that its time is coming to a close. So, the question is, what is the best thing that can happen in this place next? What could best honor Lucy Ryan, the Ryan family's intentions, and enhance Sumner's Main Street?

The Ryan family's intention, as shown in the 1926 deed, is clear that the house and property were to be used for a public library. I believe they truly expected that the house would eventually be replaced by a new library building. The grounds intended to be kept as attractive park-like space around the building—both the original home and a replacement library. As we know, the new county library was built on a different site and the Ryan home then used as the Ryan House Museum. For a host of reasons, renovation of the Ryan house is no longer practical. The city's September 2023 Update on the Ryan House states that the city looks "forward to working with the family and the public to honor [Lucy Ryan] into the future with her park on Main Street."

I would like to propose the Lucy Ryan Green be an attractive, inviting place that welcomes citizens and visitors to sit and enjoy a beautiful, restful space, as well as host small events to complement Main Street activities; it would also be a good space for some Historical Society activities. The park to include:

- Landscaping featuring plantings that had been on the grounds in Lucy's time, including a butternut tree, cut leaf birch, holly, rhododendrons, a hemlock, and roses, as these were named in the 1926 deed. In addition other plantings common to the era, such as beauty bush, spirea, snowball, mock orange, honeysuckle, hollyhocks, sweet peas, violets, forget-me-nots, and snap dragons;

- A plaque with the name, Lucy Ryan Green, a relief image of the home, text telling about Lucy, including as first postmistress, that it was the home of George and Lucy Ryan and their five children, mentioning George was the first Sumner mayor;
- Retaining the memorial to George Whitworth, though, perhaps, moving it;
- Benches that would invite people to stop and sit;
- A Victorian gazebo (there is a gazebo in the Centennial Park where I live and it gets a lot of use)

Such a park would honor Lucy Ryan and respect the Ryan family while enhancing the city. It would fulfill the 1926 stipulation of “a tablet to the memory of their mother, Lucy V. Ryan, the same to be perpetually maintained by the town of Sumner.” It would be a positive addition to Main Street, a green oasis in the heart of downtown, much more appealing than a grassy area with a picnic table or two.

It would be heartening for both the Ryan family and Sumner citizens to have such a positive proposal to accompany the pending loss of the Ryan House. I would welcome an opportunity to have a conversation with you about how we together could make this happen.

Cordially,
Carol Peterkin Myers

cc. Mary Beth Ryan
Joseph W. Ryan

Submission for tonight's meeting

I am devastated to learn that the city is considering tearing down the Ryan House. I believe that it is a piece of Sumner's History that should be preserved at all costs. It is irreplaceable. As a lifelong Sumner resident am very disappointed at the way this has been handled. So much money is spent on things that hold little value to me as a resident and this is one item that I think is well worth the investment of my tax dollars. It is the only “park” in Sumner that I visit and holds value not just for me but for the future of our city and should not be destroyed despite any associated costs. This issue is definitely worth a second opinion and gathering additional bids, especially considering the investment that has already been made in consultants. This is not a decision that should be rushed.

Sincerely,
Amie Rang

City Council Members,

My name is Adeline Rang. I am the seventh generation of my family to live in Sumner and a current student at Oregon State University. I have spent my summer abroad conducting pollinator research in Thailand. You can imagine my surprise when I returned home to news of the Ryan House potentially being torn down. There is not enough time to give a fully cohesive response, but I must share my anguish and severe disappointment that this is even being considered by you, our city council. Your job is to advocate for Sumner. The Ryan House is an invaluable cultural stronghold of our city, and has provided over 100 years of our history as a town. As an older generation, you should best understand the importance of preserving and valuing history. As a young person I should not have to be the one to educate you on the importance of the Ryan House to Sumner. When I reached out to my friends no one even knew this was happening. We all grew up touring the Ryan House on school field trips and this is a piece of Sumner history that must be preserved.

In the future I simply cannot possibly with good conscience vote for anyone who claims to be for Sumner while choosing to demolish this vital piece of our community. I am very disappointed in the lack of opportunity to provide meaningful feedback. The way this is being handled makes it clear that the council has already made up their minds and I can not tell you how disappointed this makes me in our city government.

Sincerely,
Adeline Rang

Sadly, I am just now understanding that the City of Sumner is strongly considering the demolition of a cherished piece of our history, one that I believe is also on the National Historical Registry. I understand that if I had followed what you were doing, I would have known sooner. Had you also included this in your mailers to the citizens of Sumner, even in the water bills, we would have also known. With me being a Real Estate Broker, anytime a property is going to have anything done to it, we are required to post that change is being considered on large signs on the property for a significant period of time for everyone to see and give folks the opportunity to learn more. This has not been done here and leaves me to wonder why not? Without getting into finger pointing, could you simply send out to all citizens of Sumner what you are considering and the specific costs for each of the options, including monies already spent on this project, before you even consider railroading this through without true notification to your voters. I only have been here since 1969, yet living across the street from the Ryan family on Valley Ave I quickly learned the importance of the family in Sumner's history. As a matter of fact, my classmates & I have been working on the Class of 73's recent 50 yr reunion over the last 3/4 months, and this topic never came up, despite one of our committee being Nancy Ryan Dressel. She certainly was not in the loop or we all would have rallied to protect this historical home sooner and our pride in this special piece of Sumner's history. I look forward seeing all the accounting regarding the Ryan House options, incl. the monies already spent, how much of the \$1M grant is still available, and hope that you realize the irreversible pain that removing it would cause to current citizens and to the charm that helps our downtown be destination spot for many. This is especially hard to accept without the City sending out more information and truly soliciting feedback from the Citizens of Sumner. I can't imagine that you have a large contingent of voters who have been knocking on your doors saying remove the Ryan House....

Sincerely yours,
Randall Adams

Hello,
I am writing to weigh in on the fiscal responsibility of the City and as someone who was born and raised in Sumner. I feel the Ryan house should be preserved as an important historical piece of our City. It is sad that previous City Councils did not secure appropriate funds up to now. So much of the valley's history has already been lost. We do have to keep up with the needs of the City and be fiscally responsible, but I hate seeing the Cities history being sacrificed. Public meeting spaces are needed as is the museum. With a million dollars secured in grants, the costs of renovations should be covered (if not completely, it should certainly be close). There may be local contractors who would donate time and energy to help keep costs down. Citizens may also be willing to volunteer to help along the way. I hope the Council votes for one of the first two options and keeps a small piece of our history intact.

Thank you for all you do.
[Peggy Longnecker](#)

Dear Michelle C.,

I am concerned with the upcoming vote on the Ryan House. The proposal for preservation have merit. The complete restoration is expensive, but could be fundraised. The second seems to be the most cost effective. The grant will offset costs. The folly of destroying history is a loss to the community. It is interesting that the grant came from port of Tacoma and Sumner has not shared the expense. You can't replace what is destroyed. Don't erase your history. The city's lack of maintenance and hiring contractors that did not inspect the floor before demolition was the city's error and the house deserved better. It lasted 100 + years before interference caused the floor's demise. Think about it. Preserve it.

Sincerely, sue carson

Hello,

I moved to Sumner when i was three (1970). I have so many memories at the Ryan house. To me it is the heart and soul of the city. It is a shame that the City of Sumner let the home deteriorate. It should never have been allowed to get to this sad state, there should at least be some attempt to save it. At least give the community a chance and the time to raise the funds. For many this vote is the first time they are hearing the news. I would be willing to help raise money and I know many others in the community would feel the same way.

Julie Bacon (Raulston)



The city conducted this public meeting using a hybrid model, in-person and Zoom.

Staff present: City Administrator Jason Wilson, City Attorney Andrea Marquez, Community Development and Economic Director Ryan Windish, Development Services Director Doug Beagle, Administrative Services Director Jeff Steffens, Chief Financial Officer Kassandra Raymond, and City Engineer Michael Kosa.

Mayor Hayden called to order the Study Session, at 6:00pm.

CALL TO ORDER

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

COUNCILMEMBER STUARD WAS ABSENT.

MOVED BY BITETTO SECONDED BY HOCHSTATTER TO EXCUSE COUNCILMEMBER STUARD FROM TONIGHT'S MEETING.

PASSED BY VOICE VOTE.

REGULAR BUSINESS

1. Affordable Housing Update

CITY ADMINISTRATOR REPORT

City of Sumner Open House from 5 P.M – 7 P.M., October 2, 2023, regular council meeting cancelled.

AGENDA SETTING

1. Council Meeting Agenda Calendar
2. Council Committee Meeting Calendar

ADJOURNMENT

With no additional business, Mayor Hayden adjourned the meeting at 7:04pm.

Attest:

Kathy Hayden, Mayor

Noel Clark, Legal & Executive Support Specialist

for Michelle Converse, City Clerk, CMC

The city conducted this public meeting using a hybrid model, in-person and Zoom.

Staff present: City Administrator Jason Wilson, City Attorney Andrea Marquez, Development Services Director Doug Beagle, Administrative Services Director Jeff Steffens, Deputy Police Chief Andy McCurdy, and City Engineer Michael Kosa.

Mayor Hayden called to order the Study Session at 6:00pm.

CALL TO ORDER

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

REGULAR BUSINESS

1. Council Vacancy Process

CITY ADMINISTRATOR REPORT

Sumner High School Homecoming parade, Executive Session reminder to council.

AGENDA SETTING

1. Council Meeting Agenda Calendar

EXECUTIVE SESSION

Study session adjourned into Executive Session at 6:07pm for 45 minutes to discuss RCW 42.30.110(1)(G); RCW 42.30.110(1)(II); and RCW 42.30.140, with no action to follow. Executive Session extended 10 minutes at 6:52pm. Executive Session extended 15 minutes at 7:02pm.

ADJOURNMENT

With no additional business, Mayor Hayden adjourned the meeting at 7:17pm.

Attest:

Kathy Hayden, Mayor

Noel Clark, Legal & Executive Support Specialist
for Michelle Converse, City Clerk, CMC

SUBJECT: Separation Agreement John Kaylor

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Waiver and release-Kaylor

STAFF CONTACT: Jeff Steffens, Administrative Services Director

SUMMARY BACKGROUND:

Officer John Kaylor separated from employment effective July, 2023. This separation agreement contains mutually acceptable terms related to the separation classification, severance, and waivers/releases.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE: 10/9/2023

COMMITTEE RECOMMENDATION: Do-Pass

STAFF RECOMMENDATIONS/MOTION:

Authorize the Mayor to execute a separation agreement and ratifying any and all prior acts consistent.

WAIVER AND RELEASE OF CLAIMS

This Waiver and Release of Claims Agreement (“Agreement”) is entered into by and between the City of Sumner, a Washington municipal corporation (“Employer”), John D. Kaylor Jr. (“Employee”), and the Sumner Police Guild (“Guild”), collectively the (“Parties”).

WHEREAS, Employee has been employed by the Employer in the capacity of Police Officer, a position currently represented by the Guild; and

WHEREAS, Employee was terminated by the City of Sumner on July 13, 2023 after the Employer established that Employee violated several workplace policies; and

WHEREAS, the Parties agree separation by resignation would be a more appropriate resolution for both the Employee and the Employer; and

WHEREAS, the Parties mutually agree to the following terms and conditions regarding Employee’s resignation in lieu of the imposition of proposed discipline.

NOW, THEREFORE, in consideration of the terms and conditions set forth below, the sufficiency of such consideration being expressly acknowledged by the Parties, the Employer and Employee do hereby agree as follows:

1. Discharge. The Employee’s separation reason will be reclassified from a termination to a resignation, effective July 13, 2023.

2. Consideration. As consideration for the waivers and releases contained herein, the Employer agrees to pay Employee a gross amount equal to \$70,000.00 (Seventy thousand dollars and 00/100). Such payment shall be subject to applicable payroll and other tax withholdings and will be paid to Employee within fifteen (15) days of the effective date of this Waiver and Release. The Parties acknowledge that this arrangement is being made in exchange for the express waivers and releases contained in this agreement, and does not constitute, nor shall it be construed as, an admission of liability or wrongdoing by any Party hereto.

3. Unemployment Benefits. The Employer agrees to not contest Employee’s application for unemployment insurance benefits as a result of this Agreement, subject to its obligation to provide truthful information to the State of Washington. The parties acknowledge that eligibility for unemployment insurance benefits is determined by the State of Washington, and the Employer can make no guarantees regarding whether the Employee will ultimately receive benefits.

4. Release. Employee understands their rights and obligations under applicable law and agrees, on behalf of themselves and their marital community, their heirs, executors, successors and assigns, to release (i.e., give up) all known and unknown claims that Employee currently has against the Employer including any of its current, former, and future employees, elected officials, agents, volunteers, and representatives (collectively referred to as the “Released Parties”), existing up to the date of this Agreement. Employee understands and agrees that this release includes, but is not limited to, any and all claims or causes of action arising under: (1) any federal, state, or local law relating to employment discrimination (including without limitation the Age Discrimination in Employment Act or any other protected classification); (2) any federal, state, or local law relating to employment or termination rights and/or

benefits; and (3) any other basis for legal or equitable relief whether based on express or implied contract, tort, common law, constitution, statute, constitution, public policy, public records act, or other legal or equitable ground. Employee understands that they are not waiving claims arising from events occurring after the date of this Agreement.

5. Review and Revocation. Employee acknowledges that pursuant to applicable law, they have been offered the opportunity to review a copy of this Agreement for a period of twenty-one (21) days (the “Review Period”), and the parties have agreed that changes to this Agreement during the Review Period, whether material or immaterial, shall not restart the running of the 21-day Review Period. Employee further acknowledges that the Employer encouraged Employee at the beginning of the Review Period to consult with an attorney concerning the terms and conditions of this Agreement, including without limitation the release set forth in this Agreement. The Employee either consulted with an attorney or expressly waived their option to do so. The Employer and Employee agree that Employee shall have seven (7) calendar days (the “Revocation Period”) following the date on which Employee signs this Agreement to revoke their acceptance of the Agreement and the release set forth in this Agreement. This Agreement shall not become effective until the eighth (8th) day after Employee executes this Agreement and approval by the Sumner City Council (the “Effective Date”).

6. Other Claims. Employee represents that Employee has no pending complaints, charges, lawsuits or claims against the Released Parties with any governmental agency or any court, and that Employee has not assigned to any third party any potential claims, complaints, charges, lawsuits, or claims against the Released Parties.

7. Continuing Rights. Nothing in this Agreement shall be construed to prohibit Employee from filing a charge with, reporting potential violations of law to, or participating in any investigation or proceeding conducted by the Equal Employment Opportunity Commission or a comparable state or local agency, or to any other federal or state agency responsible for enforcement of the law; provided, however, that Employee hereby waives and releases their right to recover any form of relief from the Released Parties.

8. No Admission. Employee acknowledges that this Agreement is not an admission of liability or wrongdoing by the Released Parties. Employer acknowledges that this Agreement is not an admission of liability or wrongdoing by the Employee.

9. Mutual Non-disparagement. Employee agrees that they will not make disparaging statements about the Employer, its elected officials and employees in communications with third parties, in a press release, or any other similar forum or manner. The Employer agrees that its elected officials and senior management employees will not make disparaging statements about Employee in communications with third parties, in a press release, or in any other similar forum or manner. Requests for references by prospective employers will be referred to Human Resources who will confirm Employee’s dates of employment, position and rate of pay only. Employee, by and through this agreement, expressly acknowledges he is ineligible for rehire by Employer. This Agreement does not prohibit any person from testifying truthfully under oath or providing truthful information pursuant to an investigation involving potential violations of law. Notwithstanding the above, nothing in this notice precludes Employee from disclosing or discussing with anyone conduct that they believe to be unlawful harassment, discrimination, or retaliation, wage and hour violations, sexual assault, conduct that is otherwise illegal under law, or conduct that is recognized as against public policy.

10. Governing Law and Venue. This Agreement shall be subject to and governed by the laws of the State of Washington. The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Pierce County, Washington. In any action to enforce the terms of this

Agreement, the prevailing party shall be entitled to recover its attorneys' fees and expenses in such amounts as determined to be reasonable by the court.

11. Complete Agreement. This Agreement constitutes a full and final resolution of any and all matters in any way related to Employee's employment with and termination from the Employer and supersedes all prior and contemporaneous understandings, agreements, representations and warranties, both written and oral, with respect to such subject matter. The Parties agree that no changes to this Agreement are valid unless in writing and signed by the Parties. Employee represents that in entering into this Agreement, they do not rely on any statements by the Employer or any of its employees or agents except those explicitly stated in this Agreement.

12. Severability. If any part of this Agreement is found to be unenforceable, the remainder of this Agreement will remain fully valid and enforceable. To the extent any terms of this Agreement are called into question, all provisions shall be interpreted in a manner that would make them consistent with current law.

13. Labor Law Release. The Guild hereby releases the Employer, its employees, officials and representatives from any and all grievances, unfair labor practice complaints, or other claims related to this Agreement and Employee's separation from the Employer. This Agreement does not establish a past practice and shall not be used or cited by the Employer or the Guild as precedent in any future dispute or grievance. The Employee releases and agrees to hold harmless the Guild and the officers, employees, members and representatives of each from any and all claims, suits, charges and allegations of every character related in any way to rights arising under the labor agreement or laws related thereto.

14. Voluntary Execution. Employee acknowledges that he has read, considered, and fully understands this Agreement and all its terms, and executes it knowingly, freely and voluntarily.

IN WITNESS WHEREOF, the parties have executed this Waiver and Release of Claims as their free and voluntary act on the dates set forth below:

EMPLOYEE

DocuSigned by:

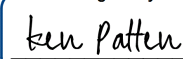


8C42676CEFFE4BA...
John D. Kaylor, Jr.

Date: 9/18/2023 | 4:51 PM PDT

SUMNER POLICE GUILD

DocuSigned by:



7618AF451160426...
Ken Patten, Guild President

Date: 9/18/2023 | 6:19 PM PDT

CITY OF SUMNER

DocuSigned by:

Kathy Hayden

3120A832F5264ED
Kathy Hayden, Mayor

Date: 9/19/2023 | 5:51 AM PDT

DocuSigned by:

Jason Wilson

6007C00DBF964A7
Jason Wilson, City Administrator

Date: 9/18/2023 | 6:30 PM PDT



CITY OF
SUMNER
WASHINGTON

1104 Maple Street, Sumner WA 98390

POLICE DEPARTMENT
Chief Brad Moericke

August 29, 2023

To Whom It May Concern:

This letter serves to confirm the former employment of John D. Kaylor Jr. as a Police Officer with the Sumner Police Department. Mr. Kaylor resigned from employment on July 13, 2023 after 18 years of service.

Chief Brad Moericke

SUBJECT: Public Comment (Limit 3 minutes)

CATEGORY:

Members of the community who wish to give public comment are strongly encouraged to join the meeting via the provided link or by telephone. If you are unable to attend 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 day of the meeting. Any written comments received will be read into the record and/or distributed to the City Council. Please contact the City Clerk at 253-299-5590 with any questions.

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT:

SUMMARY BACKGROUND:

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: Do-Pass

STAFF RECOMMENDATIONS/MOTION:

SUBJECT: Ordinance No 2872 2023/2024 Budget Amendment (Q3)

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: Per Exhibit

Within Budget Allocation: Yes, as budgeted

ATTACHMENTS:

1. Ordinance 2872 2023 Q3 Budget Amendment
2. 2023 Q3 Budget Amendment Presentation

STAFF CONTACT: Kassandra Raymond, Chief Financial Officer

SUMMARY BACKGROUND: The 2023/2024 Biennial Budget was adopted on December 5, 2022 with Ordinance No. 2838. Staff regularly reviews the budget progress as well as any programmatic changes. Based on this review, staff presents the third quarter 2023 budget amendment for consideration.

This budget amendment:

- General Fund (001): Recognizes funding and expenditures for a Police Wellness Grant and legislative award for Community Court, programs funding for carryover and new advertising in Communications and Community Development, Finance training, new lease revenues from Sound Transit, and proceeds from Nights on Ryan event.
- Facilities Capital Fund (325): Recognizes proceeds from issuance of long-term debt and related expenditures for the Cemetery Building;
- Sewer Fund (402): Recognizes Puget Sound Energy grant revenue and associated expenditures;
- Stormwater Fund (408): Programs funding and expenditure for property acquisition associated with the White River Restoration Project (Pacific Point Bar);
- General Fund (001), Water Fund (401), Sewer Fund (402), Stormwater Fund (408): Programs expense to acquire ice machine;
- General Fund (001), Water Fund (401), Sewer Fund (402), Stormwater Fund (408): Programs expense for limited duration engineering assistant (through 12/31/2024).

Ord No. 2872		
BA 10/16/2023		
	<i>Revenues</i>	<i>Expenditures</i>
General Fund	\$ 282,935	304,155
Reserve Funds	-	-
Special Revenue Funds	-	-
Debt Service Funds	-	-
Capital Funds	3,040,000	3,040,000
Utility Funds	8,002,150	9,103,730
Other Enterprise Funds	-	-
Internal Service Funds	-	-
Fiduciary Funds	-	-
	\$	
	11,325,085	\$ 12,447,885

MEETING/STUDY SESSION DATE: 10/4/2023 COMMITTEE RECOMMENDATION: Do Pass
--

STAFF RECOMMENDATIONS/MOTION:

Approve Ordinance No. 2872 amending the 2023/2024 Biennial Budget.

**ORDINANCE NO. 2872
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE 2023-2024 BIENNIAL BUDGET AS ORIGINALLY ADOPTED IN ORDINANCE NO. 2838, APPROVED DECEMBER 5, 2022, AND PREVIOUSLY AMENDED IN ORDINANCE 2849, APPROVED MARCH 20, 2023, ORDINANCE 2855, APPROVED JUNE 5, 2023, ORDINANCE 2858, APPROVED JUNE 20, 2023, ORDINANCE 2866, APPROVED AUGUST 7, 2023, AND ORDINANCE 2871, APPROVED SEPTEMBER 18, 2023.

WHEREAS, The Sumner City Council approved Ordinance No. 2838 which adopted a biennial budget for fiscal years 2023-2024; and

WHEREAS, The Sumner City Council approved Ordinance No. 2849 which amended the 2023-2024 biennial budget for fiscal years 2023-2024; and

WHEREAS, The Sumner City Council approved Ordinance No. 2855 which amended the 2023-2024 biennial budget for fiscal years 2023-2024; and

WHEREAS, The Sumner City Council approved Ordinance No. 2858 which amended the 2023-2024 biennial budget for fiscal years 2023-2024; and

WHEREAS, The Sumner City Council approved Ordinance No. 2866 which amended the 2023-2024 biennial budget for fiscal years 2023-2024; and

WHEREAS, The Sumner City Council approved Ordinance No. 2871 which amended the 2023-2024 biennial budget for fiscal years 2023-2024; and

WHEREAS, RCW 35A.34 provides procedures for adopting, managing, and amending a biennial budget; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. The biennial budget for the City of Sumner for the period January 1, 2023 through December 31, 2024 as contained in the adopted 2023-2024 Biennial Budget for total revenue/sources and expenditures/uses as approved by the City Council, is hereby amended by Total Revenue and Expenditures for each fund as shown on the attached Exhibit A, including acceptance of the Department of Commerce grant funding.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the

invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance or the validity of its application to other person's circumstances.

Section 4. Effective Date. This Ordinance shall become effective five (5) days from and after its passage, approval, and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 16th day of October, 2023.

Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse, CMC

City Attorney Andrea Marquez

Funds	Beginning Fund Balance	Revenues			Expenditures			Ending Fund Balance
	<i>Adopted</i>	<i>Adopted</i>	<i>Previous</i>	<i>10/16/23</i>	<i>Adopted</i>	<i>Previous</i>	<i>10/16/23</i>	<i>Revised</i>
001 General	11,300,000	\$ 41,287,140	\$ 956,272	\$ 282,935	\$ 40,975,513	\$ 1,603,522	\$ 304,155	\$ 10,943,156
002 General Fund Reserves	980,824	-	-	-	-	-	-	980,824
003 Building Reserves	450,756	200,000	-	-	390,000	-	-	260,756
103 Complete Streets	-	-	-	-	-	-	-	-
105 Drug Enforcement	65,510	-	-	-	4,000	-	-	61,510
106 Hotel/Motel	262,600	205,000	-	-	338,156	-	-	129,444
115 ARPA Funding	680,624	-	-	-	50,100	124,168	-	506,356
200 Debt Service	2,570,000	465,800	-	-	496,100	-	-	2,539,700
221 LID Guarantee	691,569	-	-	-	-	-	-	691,569
302 Sidewalk	412,457	530,000	553,200	-	880,000	553,200	-	62,457
305 Real Estate Excise Tax	851,288	1,600,000	-	-	550,000	-	-	1,901,288
310 Parks & Trails Capital Fund	423,721	4,868,061	252,500	-	5,131,106	(535,000)	-	948,176
320 Street Capital Fund	7,709,379	17,364,200	2,711,700	-	24,625,588	2,957,000	-	202,691
325 Facilities Capital Fund	50,000	515,000	400,000	3,040,000	565,000	400,000	3,040,000	-
401 Water	13,219,995	10,189,150	-	-	20,279,605	13,125	33,860	3,082,555
402 Wastewater	9,286,248	15,566,163	-	2,150	21,270,227	113,100	36,010	3,435,224
403 Utility Bond Reserves	1,731,342	-	-	-	-	-	-	1,731,342
408 Stormwater	8,227,784	38,031,772	-	8,000,000	42,424,254	63,125	9,033,860	2,738,317
410 Cemetery Operations	74,238	1,498,200	-	-	1,425,316	8,500	-	138,622
415 Cemetery Development	208,994	300,000	-	-	300,000	-	-	208,994
440 Animal Control	94,087	2,093,628	-	-	2,062,680	7,950	-	117,085
501 Unemployment Insurance	9,351	-	-	-	3,991	-	-	5,360
550 Fleet Management	94,835	1,498,570	-	-	1,551,411	-	-	41,994
551 Information Technology	479,281	3,264,440	92,650	-	3,336,088	107,650	-	392,633
555 Equipment Reserve	1,942,959	2,126,935	-	-	1,770,000	-	-	2,299,894
601 Cemetery Endowment	1,545,873	33,000	-	-	-	-	-	1,578,873
605 Development Impact Fees	6,898,068	500,000	-	-	998,833	1,532,500	-	4,866,735
611 Firemen's Pension	29,798	164,000	-	-	160,000	-	-	33,798
Total All Funds	\$ 70,291,581	\$ 142,301,059	\$ 4,966,322	\$ 11,325,085	\$ 169,587,969	\$ 6,948,840	\$ 12,447,885	\$ 39,899,353

2023-2024 Biennial Budget 3rd Quarter Budget Amendment

CITY COUNCIL
OCTOBER 16, 2023





2022/2023 Biennial
Budget adopted
December 5, 2022

Why this Amendment?

- Quarterly budget amendments provide Council a timely and transparent view of the budget needs
- Opportunity to review changes, revisit/revise forecasts, and adjust for programmatic changes
- Reviewed in detail by Finance & Personnel Committee
- Integral part of the City's overall financial management process

Amendment at a Glance

	Revenues	Transfer In	Expenditures	Transfer Out
General Fund	\$282,935	\$0	\$304,155	\$0
Special Revenue Funds	\$0	\$0	\$0	\$0
Capital Funds	\$3,040,000	\$0	\$3,040,000	\$0
Utility Funds	\$8,002,150	\$0	\$9,103,730	\$0
Other Enterprise Funds	\$0	\$0	\$0	\$0
Internal Service Funds	\$0	\$0	\$0	\$0
Fiduciary Funds	\$0	\$0	\$0	\$0
Total	\$11,325,085	\$0	\$12,447,885	\$0
Total Revenues	\$11,325,085			
Total Expenditures	\$12,447,885			

General Fund

Item	Revenue	Expense
Wellness Grant – Police	\$67,500	\$52,500
Nights on Ryan	\$1,800	\$1,800
Community Court	\$177,635	\$177,635
Sound Transit Lease	\$36,000	\$0
Limited Duration Engineering Assistant (General Fund portion)	\$0	\$62,720
Ice Machine (General Fund portion)	\$0	\$2,500
Advertising	\$0	\$5,000
Training	\$0	\$2,000
Totals	\$282,935	\$304,155

Capital Funds

- Facilities Capital Fund (325)
 - Cemetery Building
 - Recognize \$3,040,000 LTGO Long-Term Debt Issue
Recognize \$3,040,000 expenses

Utility Funds

- Water Fund (401)
 - \$2,500 Water Fund portion of ice machine
 - Limited Duration Staffing
 - \$31,360 Water Fund portion of Engineering Assistant (through 12/31/2024)
- Sewer Fund (402)
 - \$2,500 Sewer Fund portion of ice machine
 - Limited Duration Staffing
 - \$31,360 Sewer Fund portion of Engineering Assistant (through 12/31/2024)
 - Treatment Plant
 - PSE Energy Grant – Recognize \$2,150 revenue and offsetting expense

Utility Funds

- Stormwater Fund (408)
 - \$2,500 Stormwater Fund portion of ice machine
 - Limited Duration Staffing
 - \$31,360 Stormwater Fund portion of Engineering Assistant (through 12/31/2024)
 - White River Restoration (Pacific Point Bar)
 - \$9,000,000 Capital (Land) Acquisition
 - \$8,000,000 Grant (Flood Control Zone)

Questions?

SUBJECT: Appointment to Sumner Planning Commission – Adriann LaMear

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. LaMear-Application Redacted
-

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

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 making recommendations on various City plans, goals, and policies, the Sumner Zoning Code and development regulations.

The Planning Commission is comprised of 7 members (currently has 5 members), who are appointed by the Mayor and confirmed by the City Council. 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.

Adriann LaMear lives in Sumner with her family and enjoys Sumner's small-town character and walkable neighborhoods. She has a background in Sustainable Urban Development from the University of Washington, and experience working in urban planning. Mayor Hayden is seeking confirmation of Ms. LaMear to fill the Planning Commission seat vacated by Mr. Barry Walden, for the remainder of that term ending in April 2026.

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

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Confirm appointment of Adriann LaMear to the Sumner Planning Commission for a term beginning in November 2023 and expiring in April 2026.

Planning Commission Online Application 07/27/23– Adriann LaMear

I am interested in serving on the following:

Planning Commission

Name:

Adriann LaMear

Phone Number:

[REDACTED]

Email Address

[REDACTED]

Address:

[REDACTED] Sumner, WA 98390

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

Project Manager

Education:

B.A Sustainable Urban Development from University of Washington

Professional or community involvement:

Worked as an intern within planning departments for the City of Renton and City of Tukwila.

Why are you interested in serving on this commission?

I care about my community.

Have you previously served on a City of Sumner commission?

No
