

**Members Present:** Councilmembers Pat Clerget (chair), Andy Elfers, Greg Reinke

**Staff Present:** Michael Kosa, Alisa O’Haver-Ayala, Doug Ruth, Andrew Leach, Drew McCarty, Kelsey White

The meeting convened at 4:00 PM.

The following topics were discussed:

**Hops Alley Temporary Construction Easement - Nicholson's Pharmacy**

Assistant Engineering Manager McCarty stated as part of the Hops Alley Project, a Temporary Construction Easement (TCE) was required with the adjacent Nicholson's Pharmacy property (Parcel 7985000540 at 910 Alder Ave) to construct the new curb and trash enclosure. The work requires setting concrete formwork, which requires access five (5) feet onto Nicholson's property. During negotiations for the TCE, the property owner requested pavement improvements within their entire parking lot. To finalize the agreement and secure the necessary TCE, the City agreed to fund ten (10) feet of asphalt paving into the Nicholson parking lot. Per an asphalt quote received, the estimated cost to pave the approximately 10' x 120' area is \$5,700 to \$6,300. During negotiations, the property owner agreed to a cost of \$6,000 in exchange for agreeing to the Temporary Construction Easement. *“Do-Pass Recommendation by the Committee”*

**Heritage Park Remediation - Consultant Contract Amendment**

Deputy Public Works Director O’Haver-Ayala stated the City of Sumner owns the property at 914 Kincaid Avenue, Sumner WA known as the “Former Sumner Texaco Property”. The site is on the Department of Ecology’s Confirmed Contaminated Sites List under Site ID 8200. The City desires to undertake a voluntary cleanup for the subject property with the intent to obtain a No Further Action letter from the Washington State Department of Ecology. The City contracted with APEX Companies, LLC (formerly known as PBS Engineering and Environmental, Inc.) through a qualification-based selection process. APEX completed the Voluntary Cleanup Program Application, which was submitted to the Department of Ecology in August 2024 and is further contracted to complete a Feasibility Study. The previous Amendment (#4) added funds for the consultant to collect additional information to respond to the Department of Ecology's comments on the City's Voluntary Cleanup Program Application. After approval of Amendment #4 the City of Sumner, APEX, and the Department of Ecology (DOE) had a meeting to confirm that the direction the City was proceeding in was in alignment with DOE's expectations for moving this site towards resolution. DOE's expectations resulted in an additional day of drilling effort. Additionally, one existing Monitoring Well (MW-1) was in conflict with the Heritage Park Phase 2 Improvements. The costs to decommission MW-1 and install a replacement monitoring well are captured in this amendment. The previous contract amount was \$435,423.00 and this amendment adds \$35,162.58 for a total contract cost of \$470,585.58. *“Do-Pass Recommendation by the Committee”*

### **Operations Facility – Security and Access Control Contract Award**

Assistant Engineering Manager McCarty stated the Operations Facility project includes the construction of a new public works facility with approximately 102,100 sf of total building space over 6 buildings on a 6.2 Acre site at 14320 29th Street East. The facility will house Public Works, Parks, and Facilities and will include an administration building, vehicle storage, fleet washing, and material storage. The project will also include frontage improvements, landscaping, site lighting and stormwater management. In order to complete construction of the Operations Facility, Security Solutions Northwest (SSNW) will need to provide access control and security services to the project located at 14320 29th St. E. Security Solutions Northwest will be installing cameras, card readers, etc to serve the new facility. This contract was procured using a cooperative purchasing agreement with pre-negotiated rates with a final contract amount of \$508,346.09. *“Do-Pass Recommendation by the Committee”*

### **Fryar Ave Trail Partial Land Acquisition – K & E Investments**

Associate Engineer Leach stated the Fryar Trail Project will construct approximately 3,300 linear feet of shared use path that parallels Fryar Avenue from West Main Street to Puyallup Street. In order to construct the project, partial acquisitions and/or easements are needed from twenty-three parcels along the project corridor. These twenty-three parcels are owned by thirteen different property owners. The City of Sumner was awarded \$655,143 in Federal CMAQ funding for right of way purchases and \$5,000,000 in WSDOT Pedestrian & Bicycle Safety Program state funds for completing the design, right of way, and construction of the project. As part of the project, the City is required to perform a row acquisition from K & E Investment Properties LLC. These documents are to approve acquisitions from the property owner, including one small portion of fee simple property from parcel 0420246004, one fee simple from parcel 0420246005, and one temporary construction easement from parcel 0420246005. The total cost of these acquisitions is \$100,800 to compensate K & E Investment Properties LLC. This acquisition was thoroughly negotiated, and the compensation is reasonable and prudent. *“Do-Pass Recommendation by the Committee”*

### **Sumner – Brightnight (Gree) Easement**

Deputy City Attorney Ruth shared Brightnight is a battery energy storage system (BESS) company. In 2024, Sumner issued Brightnight a conditional use permit to build a BESS near the old Dieringer school, on Dieringer School District and Western Storage property, which are on the east side of East Valley Highway. The PSE station that will accept Brightnight's stored electricity is on the west side. So, Brightnight is in need of an aerial easement over East Valley Highway in which to string the company's transmission lines. The easement on the agenda provides a 31-year easement to the company with the option for two 10-year extensions. The easement may be terminated by the City if Brightnight loses their lease on the school district and Western Storage properties. Brightnight will post a bond for the cost to remove the lines. The company must maintain the lines, and if they fail to do so, the City may perform the maintenance and charge the cost to Brightnight. All work in the highway must be conducted by permit. Brightnight is able to mortgage the easement rights as a means to obtain financing. Boilerplate provisions are also included. *“Do-Pass Recommendation by the Committee”*

Project Managers provided updates on projects under construction.

Adjournment 5:16 pm