

**TUMWATER CITY COUNCIL WORKSESSION
MINUTES OF MEETING
February 13, 2018 Page 1**

CONVENE: 5:38 p.m.

PRESENT: Mayor Pete Kmet and Councilmembers Joan Cathey, Eileen Swarthout, Debbie Sullivan, Tom Oliva, and Neil McClanahan.

Excused: Councilmember Michael Althausen.

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Police Chief Jon Weiks, Finance Director Ursula Euler, Fire Chief Scott LaVielle, Assistant City Administrator Heidi Behrends Cerniwey, Police Lieutenant Bruce Brenna, Building & Fire Official Al Christensen, Community Development Director Michael Matlock, Communications Manager Ann Cook, and Recording Secretary Valerie Gow.

**FRANKS PROPERTY
UPDATE:**

Police Lieutenant Brenna reported the Franks property was last visited by the police on January 30, 2018. The condition has not improved or worsened since the last visit. Currently, the City is processing a code violation to initiate the process. The site experienced a travel trailer explosion on February 11 from a propane gas leak. Two people were inside the trailer but managed to escape the trailer with only minor injuries. The trailer, along with other trailers on the property, has sewer line(s) from the trailers flowing directly to the ground.

Mayor Kmet noted the City has acted before with an order. He asked how the current notice relates to previous legal actions the City has pursued. City Administrator Doan replied that one of the changing conditions was the ownership issue. Previously, the bank appeared to be the owner but has since reversed the foreclosure to return the property to Mr. Franks, which held the City's action in abeyance and the City's ability to enforce actions against the bank. Up to this point the City has not been on a path to either condemn or abate the buildings. City staff agreed to pursue those options, which required some steps under the building code.

Councilmember Oliva asked whether anyone is living on the property. Police Lieutenant Brenna affirmed that most of the individuals are transients. Mr. Franks resides on the property and his son has been known to stay at the home. The trailer that was destroyed was owned by the son.

City Administrator Doan reported the issues surround working with a large bank and an elderly man. It is not entirely clear whether the owner is in control of the property or has the capacity to control the property, which is compounding the City's ability to seek agreements, settlements, or contracts with the owner to clean up the

TUMWATER CITY COUNCIL WORKSESSION
MINUTES OF MEETING
February 13, 2018 Page 2

property. As long as that situation exists, the City is limited but the City plans to continue to pursue options. In order to step up enforcement the City should commit to an abatement. Essentially, that means that the City's capacity to obtain an agreement is dependent upon the City's ability to legally enter the property, clean up the property, and restrict access. Currently, based on previous efforts, the bank is not interested in cooperating with the City. The next step is whether the City is prepared to step up and fund an abatement.

Councilmember McClanahan asked about the size of the property. Mayor Kmet said the parcel is over 4.5 acres according to the tax rolls. City Administrator Doan added that approximately two acres of land are occupied.

City Administrator Doan advised that staff completed an evaluation and estimation of the cost to clean up surface debris, remove cars and old RVs, demolish the buildings with the exception of Mr. Franks' home, and haul away all debris and vehicles. The City would secure the site following the clean up with concrete blocks placed along the frontage of the property. That cost is approximately \$82,000. He asked the Council to consider allocating \$82,000 to abate the nuisance. The City plans to file a tax lien to recoup the cost at some point. The City has \$50,000 in the budget.

Councilmember McClanahan asked about history surrounding the land and how it was previously used. Director Matlock said the land was never used as a salvage operation. The property contains a family home. City Administrator Doan added that the City annexed the area and much of the situation predates the City. The proposal does not include any subsurface clean up.

Mayor Kmet supported removing surface debris, structures, vehicles, and blocking access. The police would have a clear vision of the site and any change in the situation could be better observed. In the long-term, the site likely would need to involve the Department of Ecology drilling some monitoring wells to test the water to determine if any issues exist with the groundwater. Removing surface debris would help considerably in limiting access and preventing people living on the property. He authored a letter to the Department of Ecology seeking a share of the debris removal cost. The capital budget includes \$50,000 for abatement actions.

The Council discussed the confusion surrounding ownership of the property, the property's potential value, and potential difficulty in securing an agreement for the City to access the property, remove debris, and enforce trespassing against others other than the owner

**TUMWATER CITY COUNCIL WORKSESSION
MINUTES OF MEETING
February 13, 2018 Page 3**

and son.

Police Lieutenant Brenna addressed questions on the living conditions of the owner and family members, access to the property, and the goal to limit access except to the house.

City Administrator Doan described the difference between condemnation and abatement. Condemnation typically involves the City acquiring the property while abatement involves a dangerous building/property situation.

The Council supported the recommendation for a variety of reasons to include removal of surface debris to help control rodents and reduce the risk to first responders entering the property. Several Councilmembers expressed concerns about properly securing the property to ensure the problem does not reoccur.

Police Lieutenant Brenna answered questions about a similar problem property located across from the Franks property.

Mayor Kmet referred to the number of police calls over the last several years. He assured the Council of his plan to continue to pursue funding from the state.

City Administrator Doan explained that the process overseen by the Community Development Department includes an assessment of the condition of the buildings and property, preparation of a notice of violation, allowing a specified length of time for the owner to remedy the situation, a potential appeal process to the City's Building Official, and if access is allowed, the City would remove the debris and secure the property. The City will contract with a company to remove the vehicles and debris from the property.

**COMMUNITY
DEVELOPMENT
BLOCK GRANT
(CDBG) FUNDING FOR
2018:**

Mayor Kmet reviewed an alternative proposal for the allocation of Community Development Block Grant (CDBG) funds. He recommended designating some of the funds for converting the trailer park off Littlerock Road to sewer and focusing remaining funds on housing needs.

City Administrator Doan said the Council's allocation of some funds is for the Union Gospel Mission's 13 housing units off Littlerock Road. The allocation accomplishes three strategic goals of leveraging other funds to retain affordable housing, eliminates 13 septic tanks, and since most of the property is not located within the City of Tumwater, the Union Gospel Mission is willing to sign an annexation agreement. Staff is recommending allocating up to 15% for services located in or coming to Tumwater. The remaining funds

**TUMWATER CITY COUNCIL WORKSESSION
MINUTES OF MEETING
February 13, 2018 Page 4**

would be allocated to housing. The allocation for services could total up to approximately \$130,000.

The Council discussed the proposal with several Councilmembers preferring to fund services located and serving Tumwater residents, maintaining the Request for Proposal process for the services funding component, and funding sewer conversion. The Council supported the general outline as proposed within the staff report (\$40,000 for Union Gospel Mission, up to 15% for services provided by organizations with a primary delivery venue in Tumwater, and remaining funds to organizations providing low-income housing in Tumwater (capital projects)).

The Council requested a presentation from the Community Action Council on the outcome of the Deschutes Cove sewer conversion project.

COUNCIL VACANCY:

Mayor Kmet reported the City received seven applications. Some of the applicants have been interviewed previously. The Council agreed to interview all applicants during a 30-minute interview for each person. Each Councilmember will ask the applicant one question. The Mayor does not participate in voting unless there is a tie. Mayor Kmet asked Councilmembers to select one question from a series of questions submitted by Councilmembers Sullivan, Oliva, and Althaus, Mayor Kmet, and questions from previous interviews..

After a thorough review and discussion of questions, Councilmembers and Mayor Kmet selected their respective question, scheduled the meeting to begin at 9 a.m., assigned interview times, and agreed that following the interviews the Council would confer during an open session and appoint a new Councilmember by a formal motion.

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

Councilmember Cathey commented on proposed legislation repealing the state rent control ban. The premise of the proposal is to afford cities the option.

Mayor Kmet advised that the City submitted a letter in support of legislation for island annexations.

City Administrator Doan also submitted a letter supporting the brewing and distilling industry.

ADJOURNMENT:

With there being no further business, Mayor Kmet adjourned the meeting at 7:22 p.m.

**TUMWATER CITY COUNCIL WORKSESSION
MINUTES OF MEETING
February 13, 2018 Page 5**

Prepared by Puget Sound Meeting Services, psmsoly@earthlink.net