

## Puyallup River Executive Task Force Summary Notes

**Meeting #17 – Feb. 4, 2011**  
**Port of Tacoma – Fabulich Center**

### Task Force Members

Organization	Representatives in Attendance	Unable to Attend
Pierce County Executive Office	Pat McCarthy, Pierce County Executive	
Pierce County Council	Joyce McDonald, Councilmember	
Pierce-County Chamber of Commerce		<i>Invited</i>
Puyallup Tribe of Indians	Bill Sullivan, Director of Natural Resources Rory LaDucer, Director of Public Safety Lisa Brautigam, Attorney	Sylvia Miller, Councilmember
City of Tacoma		Ryan Mello, Councilmember Charlie Solverson, Planning Manager
City of Fife	Carl Durham, Community Development Director	Barry Johnson, Mayor Dick Godwin, Councilmember
City of Puyallup	Jim Morrow, Director of Public Works	John Knutsen, Councilmember
City of Orting		Ken Wolfe, Building Official
City of Auburn	Chris Andersen, Environmental Protection Manager	
City of Buckley	Pat Johnson, Mayor	
City of Sumner	Dave Enslow, Mayor Bill Pugh, Director of Public Works Ted Hill, City Engineer	
King County	Katy Vanderpool, White River Basin Coordinator	Jeanne Stypula, Supervising Engineer
Port of Tacoma	Robert Brenner, Port Staff Sean Eagan, State Governmental Affairs Manager	Clare Petrich, Port Commissioner
Washington State Department of Transportation (WSDOT)	JoAnn Schueler, Project Development Engineer	
Washington State Department of Ecology (Ecology)	Alex Callender, Wetland/Shoreland Specialist	Tom Clingman, Floodplain Manager
Washington State Department of Natural Resources (WSDNR)		Derrick Toba, South Puget Sound Shoreline District
US Army Corps of Engineers (Corps)	CJ Klocow, Project Manager	

### Other Attendees:

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## Summary Notes

Harold Smelt, Pierce County Water Programs Manager  
Lorin Reinelt, Pierce County Surface Water Management  
Chris Schutz, Pierce County Surface Water Management  
Dennis Dixon, Pierce County Surface Water Management  
Brynn Brady, Pierce County Government Relations  
Keri Rooney, Pierce County  
Debby Hyde, Pierce County  
Sean Killeen, US Army Corps of Engineers  
Tom Young, Office of Congressman Dave Reichert  
Gil Hulsman, Abbey Road Group  
Greg Laird, Otak  
Penny Mabie, facilitator  
Kristina Walker, note taker

### **Meeting Purpose and Overview**

Pierce County convened the seventeenth meeting of the Puyallup River Executive Task Force (ETF) in Tacoma, Washington on Feb. 4, 2011. The meeting included updates from the Pierce County Flood Control Zone District, Pierce County Rivers Flood Hazard Management Plan, the U.S. Army Corps of Engineers General Investigation Study and inter-local funding agreements, and a discussion about regulatory and land use strategies. Approximately 30 people attended the meeting, held at the Port of Tacoma – Fabulich Center.

### **Meeting Summary**

#### **Welcome**

The meeting started at 9 a.m. with Penny Mabie, meeting facilitator, welcoming the group.

#### **Brief introductions**

Penny Mabie asked Executive Task Force (ETF) members to introduce themselves. She reminded participants that there would be a period for public comment at the conclusion of the meeting.

#### **Review meeting agenda and ground rules**

Penny Mabie reviewed agenda items, which included updates from the Pierce County Flood Control Zone District, Pierce County Rivers Flood Hazard Management Plan, the U.S. Army Corps of Engineers General Investigation Study and inter-local funding agreements, and a discussion about regulatory and land use strategies.

Penny Mabie reviewed the ETF ground rules established at the first meeting, which are as follows:

- Start / end on time
- Silence cell phones
- Come prepared
- Listen respectfully
- Speak from interests, not positions
- Participate in the process

#### **Review Dec. 3, 2010 meeting notes**

Penny Mabie asked whether there were any changes to the draft notes from the previous meeting. No changes were requested; the notes were approved.

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### **Flood Control Zone District Update**

Harold Smelt gave an update on the status of the flood control zone district. At the last meeting of the district, they formally requested that the council repeal the ordinance that formed the district and re-start the process. The Pierce County Council is expected to formally repeal the ordinance on March 8, 2011. Next steps will be decided between the county executive and council, but they will be including the ordinance in the State Environmental Policy Act process.

Pat McCarthy thanked those who testified on behalf of the flood control zone district. She agreed that the process could have been done better and that the council is ready to engage all cities within the district.

Joyce McDonald added that the district had decided not to drag out the litigation. The district voted to start the process over.

### **Flood Hazard Management Plan**

Lorin Reinelt gave an update about the Flood Hazard Management Plan (FHMP). He said that the Advisory Committee met on Dec. 9, 2010 and completed their project prioritization process and began their view of policies. They will continue this process at their next meeting in February. Lorin added that they recently published a scoping document for the Environmental Impact Statement for the four early action projects. Now they are planning to move to the development of programmatic and regulatory agreements.

Lorin presented two handouts: 1) *Programmatic Recommendations and Status of Development*, and 2) *Meeting Process to Review Information*.

#### *Programmatic Recommendations and Status of Development*

The handout includes specific projects in the following sections:

1. Information / Mapping / Technical Assistance
2. Land Use/Regulatory/Acquisition/Structure Elevation
3. River Channel Management
4. Facility Repair/Maintenance
5. Flood Hazard Education and Flood Preparedness, Flood Warning and Emergency Response
6. Miscellaneous/Other (includes coordination with other jurisdictions)
7. Capital Projects

As the advisory committee finalizes the recommendations, they will be posted to the FHMP website for public review.

#### *Capital Improvement Projects Overview* handout

**Summary of Tier 1 projects** – The Pierce Surface Water Management is currently looking for preferred options to have for future project teams. Solutions include: flood walls for wastewater treatment plants (i.e., City of Sumner flood wall); acquisition of property; home buyouts; log jams; and flood proofing.

**Early action projects** (identified in green): Two capital projects (Orville Road Channel Migration Project on the Puyallup River and Rainier National Park Entrance on the Nisqually

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River) and two gravel removal projects separate from pilot gravel removal program (116<sup>th</sup> St E Point Bar and Ford Levee Setback Reach).

### **Questions and comments**

- Dave Enslow asked if there was a way to be a part of the conversation about gravel removal. Harold noted that the county is working with a consultant and that ongoing internal conversations are aiding in decision-making. He added that the team is trying to find sites that minimize environmental impacts and maximize flood control. Dave pointed out that there is a lot of interest in gravel removal in Sumner and suggested that if the conversation is not too technical, he would like to get involved.

**ACTION ITEM:** Harold will follow up with Dave Enslow about involvement in the gravel removal discussion.

- Pat McCarthy complimented Lorin on the great work. She requested that Lorin add a key to explain the acronyms in the handout. Lorin said he would update the sheet.
- Harold asked about the timeline. Lorin said that the timeline depends on the work that the advisory committee can complete in its next meeting. They plan to have the preliminary list complete by April but they can extend that if more discussion is needed.
- Pat asked whether projects on one side of the river automatically address the other side of the river. Lorin said that it depends on the nature of the solution. If the flooding would be made worse on the other side, the proposed solution would definitely include work on both sides.
- Dave Enslow asked if the closure on 96<sup>th</sup> and McCutcheon is a temporary closure for flooding. Lorin confirmed that the temporary closure is for flooding. He explained that flooding is chronic in some places, so the most logical temporary solution is to close the road during the flood and return later to cleanup when the waters recede.

### **General Investigation Study**

CJ Klocow noted that the GI Study is moving forward on schedule. He said the Corps is looking at tightening the schedule where possible, although the bulk of the time is tied up in the review process.

CJ added that the major milestone is that the escrow agreement has been set up, which will allow the project to access non-federal dollars.

The Corps continues to work on an *Without Project Conditions* report with Pierce County and King County. They will be meeting with the Puyallup Tribe soon. CJ explained that the goal of the process is to collect existing data to inform the process to build on what is already known. The Corps is looking at 100-, 200- and 2-year floods. They will complete a hydraulic model by March 1, 2011, which will be available for modeling the alternatives once they are selected.

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The National Environmental Policy Act (NEPA) scoping meeting will be held in August. CJ noted that he attempted to have the timeline moved up but there are many steps that need to occur before that meeting so the projected date is still August. The Corps will be developing a preliminary list of measures – or recommendations – of projects for review for the NEPA process. The Corps wants to ensure that all stakeholders and agencies are represented; CJ will be working with the ETF to get the word out.

CJ said that they will also begin assessing the risk and reliability of levees and will be using a consultant to assess the geo-technical information. The Corps will be doing an economic inventory of structures. They will be doing drive-by assessments, as well as using the County Assessor's data. They will also be working with the Tribes on the cultural study so that when the study is to the point of choosing projects, culturally significant sites will not be interrupted.

As the Corps goes through the process of selecting measures/ recommendations, CJ will bring the list to the ETF to vet those alternatives. The next step for the Corps is the feasibility scoping meeting, which is anticipated before the end of 2011. The meeting is with the Corps office in Washington, D.C. to check in and ensure that the proposed plans are on the right track.

Harold noted that as part of their agreement with the Corps, they are setting up an executive group to look at project milestones and funding. They will be meeting Monday (Feb 7) to define the role of the group and set expectations. CJ added that it will be particularly important to establish expectations of the group before moving forward. The purpose of the group is to identify issues and address them before they get too big; to check in on schedule and budget; and, to establish roles of Pierce County and the Corps. He added that the group will be reviewing and revising the existing communications plan.

Pat McCarthy noted that Councilmember McDonald will be at the meeting, as well. Pat thanked CJ for pushing the process forward.

Harold noted that there should be discussion with the Corps about how many measures to include in the study. He explained that each measure costs money because each analyzed measure gets designed to 10 percent. The number of measures is unknown at this point, but monitoring should be done to track that.

CJ pointed out that other studies of similar size basin and issues can be used for guidance. He explained that producing numerous alternatives can become unwieldy and can drag on the process. It is important to establish assumptions upfront.

Harold extended an apology to all jurisdictions that signed their inter-local agreements and were sent bills for the full amount. He explained that communities will not be charged in 2010; Pierce County will inform everyone about how much will be due for 2011. Harold asked all jurisdictions to ignore any bill they received for 2010 and said that the County will issue corrected statements.

Chris Andersen asked about upcoming steps and scope for the economic analysis. CJ noted that transportation, agriculture, and land use would all be included in the study. Chris asked who will

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be doing the study. CJ said that they have not yet identified the consultant who will do the work. He added that it will be important to be efficient, but also obtain the right information, which can be fairly complex. Harold noted that Entrix completed a flood hazard plan and has already done extensive work in Pierce County.

Pat asked if the Corps would be doing some of the analysis during the rainy season when the rivers are at high capacity, and CJ confirmed that.

### **Matrix Discussion**

Penny introduced the discussion on non-structural flood control plans.

Harold reminded the group that the non-structural discussion was started at the suggestion of the ETF. He acknowledged that there is a lot of information to cover, and added that there has been less discussion about the issues covered so far at the last two meetings than he anticipated. He noted that the presentation today would focus on education of the issues. Harold asked for feedback on the discussion because he wants to be sensitive to people's time.

Harold asked the group if the matrix comparing regulatory approaches across the county is still an area that the group would like to discuss. The group agreed that it is.

Harold said that for Pierce County to be effective in its role as a prominent source for regional flood control, it would be helpful to have consistent policies.

Dave Enslow said that he sees the value in consistency and is glad that everyone is part of the discussion. Bill Sullivan added that everyone will have a seat at the table as issues are discussed as a group.

Harold commented that this discussion is just the beginning of the conversation, and encouraged everyone to go to their communities and make these decisions.

Dennis Dixon reminded attendees that the first six topics were discussed at the last meeting, so the discussion would continue from there. He added that the group would be looking at the ways to potentially alter regulations to make them consistent.

### *Issue: Subdivision of land*

Dennis provided an example scenario in which people subdivide their parcels so that one segment is upland and the other lowland. The landowners will then sell the lowland to someone else although there may not be a safe place to build on that parcel. Everyone who buys the parcel assumes they can put a building on the land. Dennis suggested that landowners retain upland buildable area so that each lot holds similar risk and value. Building on high ground is less expensive for the homeowner and during a flood, there is less need to evacuate, which saves everyone money. Overall, the goal is not to put more people at risk.

Dennis noted that the area in question is the "flood fringe." He explained that the floodway already has strict requirements, but many communities allow the flood fringe to get wet; while, the floodplain is the area that will flood in a 100-year flood event.

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### *Decision point questions:*

1. Do we require the uplands to retain a buildable lot?
2. Do we set a minimum buildable area? (e.g. 5,000 square feet)
3. Do we require a structure be built on high ground when feasible?

### **Questions and comments**

- Each time a property owner subdivides, he/ she must uphold all floodplain regulations. The new lots must meet the threshold of the original parcel. It should be determined if a flood hazard exists, and if there is a buildable site out of the hazard, determine if it is feasible to build there.
- Pat McCarthy asked if such subdividing includes all adjacent creeks and tributaries. Dennis confirmed that it does include all flood areas.
- Pat McCarthy asked if property owners are allowed to build their property six feet higher than the flood level to avoid being a flood hazard. Dennis acknowledged the suggestion as a possibility, but noted a preference to have property owners build on the upland. He explained the issue that six feet may not be high enough. He noted that the last flood event resulted in millions of dollars of damage in areas that were not mapped as flood hazard zones.
- Harold explained the county's variance process. If a property owner has a house in the flood hazard area, he/ she would have to get a variance to build or remodel in Pierce County. He suggested that ETF members check with their own communities regarding similar regulations.
- Alex Callender asked if the plan was to elevate to the Critical Areas. Dennis noted that floodplains are already denoted as Critical Areas.
- Dave Enslow suggested that planners be involved in the discussion if land use decisions are to be made. Penny suggested that this be added to the ETF's next steps.

### **ACTION ITEM:** Involve planners in future discussions about non-structural solutions.

- Jim Morrow noted that the City of Puyallup buys structures in the 100-year floodplain and would like to have a policy that prohibits building in the floodplain. Dennis added that if someone owns property in the 100-year floodplain, he / she would have to elevate their house. The policy would discourage floodplain development.
- Harold noted that the homes that the county is acquiring were built prior to 100-year flood mapping.
- Steve Bailey said that he talks with communities during emergencies and there is a great deal of angst about people building in floodplains. He pointed out that this discussion

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needs to give guidance to get the planners together and gain some consensus. This group provides an opportunity to demonstrate to the community that ETF members want to be on the same page and want move forward on policies as a group.

- Brynn Brady noted that the challenge for the landowner is getting mixed messages about policies, and that the regulations for where to build a home are not marrying with the policy of where their septic can be located. It is frustrating for property owners.
- An attendee asked if the discussion referred to new subdivisions or dividing existing parcels. Dennis clarified that those are two different topics – one is new subdivisions of land for new parcels being created, and the other is looking at parcels that were platted in the 1960s when the county did want utilities by the river. The attendee commented that it would only take one flood to make up for the costs of moving the utilities in those areas.
- Dave Enslow noted that some jurisdictions do not have high ground. He noted that it might be more cost effective to buy the development rights than to buy houses in the floodplain. He added that if property rights are taken from individuals, they should somehow be compensated. Dennis replied that the flood management plan addresses programmatic rights. Harold explained that “Transfer of Development Rights (TDR)” allows a property owner to transfer the density rights to another site.
- Pat McCarthy asked about the mobile home parks along the river that flood frequently and asked if this policy could potentially cover those areas. Dennis confirmed that the proposed policy would address all structures by the river, and would even cover agricultural land. He added that although agriculture is a low-density use, it still requires some structures to support it.
- Jim Morrow suggested that planning departments be brought in to aid the discussion. He suggested that one solution is through zoning. Dennis agreed that land use is the crux of these issues.
- Pat McCarthy mentioned that, years ago, the county laid out the flood zone area for the council and there was pushback from the citizens. She pointed out that seventy percent of Fife is in a designated flood zone.
- Jim Morrow agreed that policies that affect all of Fife might be overwhelming but that we cannot get the flood waters to ignore Fife. That it is a flood zone is a fact of life.
- Bill Pugh suggested all possible solutions be put in proper context for consideration before making any decisions.
- Dennis noted that the discussions, and the answers, will be different for each city since each city has a different amount of floodplain land.

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- Joyce McDonald noted that planners often have a black-and-white view of these situations and we need to write flexibility into the plan.
- Dennis said that flood insurance rates went up considerably in 2009, especially for houses built before flood map plans. The federal government has also put pressure on mortgage brokers to check on flood insurance so people are paying significantly higher rates.
- Harold asked if King County has had a similar discussion. Katy said that King County has attempted to address the issue of varying floodplain policies and regulations across jurisdictions in past Flood Planning efforts, but hasn't yet been successful. She added that the current effort to come to a common understanding of regulations among policy makers, and further to then bring in planners and others to work on solutions is an extraordinary effort and opportunity and should be applauded.

### *Issue: Access*

Dennis introduced the topic of access to buildings during flooding. He explained that in flood events, it is necessary for emergency vehicles to have access to buildings. For example, it does not matter if a house is on high ground if vehicles cannot get in and out during a flood. There are also economic issues: businesses need access to remain open. During floods people need to leave structures in the floodplain, even if it is elevated.

### *Questions:*

1. Do we require access/ egress for new development?
2. Does it vary for:
  - a. Single Family Residential (SFR)
  - b. Commercial
  - c. Critical Facilities

### **Questions and comments**

- Jim Morrow asked who pays for the access. He added that it could be like a sewer system where everyone is required to connect to the system.
- Dennis said that it is always about money. For example, when a mobile home park flooded, the county told people that they not only could not rebuild in the floodplain but could not build on high ground within the mobile home park because there was no access and the potential for people to get trapped during a flood is too great.
- Harold said that the county requirement on driveways depends on whether or not the public road already floods. There is no reason to require a driveway to be accessible if the public road will not be accessible. But if emergency vehicles can get to the property, the driveway has to be a foot above the flood plain.
- Steve Bailey added that they performed 56 water rescues during the 2009 flood and it had huge costs to taxpayers.

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- Dennis said that generally, flood fatalities happen while driving on flooded roads - not in houses.
- Harold noted that homes are allowed to have a separate exit to use in the case of a flood. It can be a substandard gravel driveway, and might be shared with neighbors, that wouldn't be used on a day to day basis.
- Pat McCarthy agreed that emergency exits are really important. She expressed concern in creating onerous regulations, and added that having alternatives would be more effective and cost-efficient.
- Dennis said that the goal is to have people leave their houses on their own and not have emergency vehicles that need access.
- David Laird said that one of the major issues is that people need to leave when asked. It is a public safety issue. Anyone who buys in a floodplain needs to understand that.

### *Issue: Substantial damage/improvement threshold*

Dennis said that the threshold allows for continued non-conforming use in a floodplain. He noted that the FEMA minimum – 50 percent threshold – does not capture frequent repetitive losses. Tracking damages and improvements over time speeds up the timeline for high-risk properties to be brought up to standard. He said that the county is working to track repeat damage to properties within a 10-year cycle. He explained that once the 50 percent damage threshold is surpassed, the property loses its “grandfathered” status. He encouraged the group to think about the 5-year floods – not the 100-year flood – because properties are getting repetitively damaged.

### *Questions for discussion:*

- How do we make sure that a house built before the code regulation meets the code now?
- Do we track repairs and improvements in the floodplain?
  - For a 5 year period?
  - For a 10 year period?
- Joyce McDonald asked how much is covered by homeowner's insurance; how much by FEMA; and, how much by the county when there is flood damage. Dennis noted that flood insurance can provide up to \$350,000 reimbursement per flood.
- Harold added that if the 50-percent threshold is reached, a home may need to be raised to meet flood plain regulations. If a home in a floodplain meets the 50-percent threshold, rebuilding would not be necessary.

**ACTION ITEM:** Penny and Harold will get a breakdown of payments for the next meeting.

- Chris Andersen noted that the topic is being discussed in the context of damage, but the group should also be thinking about it in the context of substantial improvement. He commented that for example, the renovation of an existing building interior, or several

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interior renovations or tenant improvements to the same building over time, could easily trigger the 50 percent value substantial improvement threshold. This could potentially result in the requirement that the entire building would need to be flood-proofed or elevated even though the footprint/envelope of the building was not being enlarged.

- Harold noted that the county struggles with the same issue in shoreline management. For instance, a small cabin remodels into a huge building without changing its footprint so that shoreline requirements do not have to be met.
- Jim Morrow said that as Mayor Enslow has noted, the property owners should receive some compensation.
- Lisa Brautigam said that she needed to look more closely at the legislation about the significant government reason for property taking.
- Jim Morrow explained that the property taking legislation severely limits a property owner's ability to change business if he/ she needs to rebuild. That would constitute a 'taking.'
- Dennis clarified that the Attorney General's page on the 'takings' says that it is considered a 'taking' and warrants compensation when a property owner cannot do anything of value with his/ her property.
- Harold added that if a home is substantially damaged and the property owner is not going to rebuild, the county may buy the property.

### **LOCAL UPDATES**

- Chris Andersen said that the **City of Auburn** continues its flood hazard work. The city held a public open house on Jan. 26, 2011, which included presentations from FEMA and agency representatives. There were approximately 140 people in attendance.
- Pat Johnson reported that the City of Buckley City Council is working on their flood stormwater plan and noted that the council is looking to work towards a 50-year flood event since the 100-year plan was not financially feasible.
- The **City of Fife** reported that they will be conducting a lahar test on Monday morning.
- Steve Bailey said that **Pierce County's Emergency Management Department** recently hosted the National Weather Service for a flood forecasting presentation. He noted that it might be an interesting presentation for this group. He said they are working with the City of Orting and the National Weather Service to more accurately describe the location of the flood warnings so that Orting doesn't have to ramp up to full alert when they are not actually in danger.  
Harold asked for a show of hands from people who would be interested in hearing the National Weather Service presentation. Approximately five people said they would.

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**ACTION ITEM:** Harold will find out if the National Weather Service could present at a future meeting.

- **Port of Tacoma** said that their mitigation project is on schedule to be completed this summer.
- Jim Morrow reported that the **City of Puyallup** is finalizing purchase of two properties that flood frequently.
- Bill Pugh said that the **City of Sumner** has received a large discharge from Mud Mountain. The city has had some flooding on 16<sup>th</sup> Street, which they are watching carefully. The Corps has done additional levy work there.
- Alex Callender reported that the **Department of Ecology** is in the process of hiring a flood manager.
- Katy Vanderpool reported that King County is still working out problems with Flood District funding created by the impacts of the economic down turn, property taxes and levy suppression: there is an intent to work with the State Legislature on changing the Flood District status from junior taxing district status. In terms of projects, King County continues to move forward on two major White River capital projects within the City of Pacific: The county has been successful with acquisitions for the Right Bank project, recently completing the purchase of 11 homes and some agricultural properties for that project. Acquisitions on the Left Bank / County Line project are progressing well. The county's data collection efforts continue: they will be re-occupying 52 cross sections later this year and completing LIDAR study this spring. All data will continue to be shared with the Corps.
- JoAnn Schueler said that **WSDOT** does not have any independent projects but continues to work on floodplain mitigation as part of projects. Currently, the largest effort is on the Tacoma HOV lanes at River Road.

### **Next steps**

The group agreed that the regulations discussion was important and that it should be continued in the group. Since the flood control zone district is on hold, the group will continue to meet regularly and will look at April for its next meeting.

Penny reviewed the possible topics for future meetings:

- CJ bring measures back from the Corps
- National weather services
- Education and Outreach

It was suggested that a small group with planners might be helpful to inform the discussion (similar to the executive group that is being set up for the GI Study). It was also suggested that emergency management staff be involved in this small group.

### **Public Comment**

Members of the public were encouraged to share their comments with the Task Force. No public comments were heard.

The meeting was adjourned at 11:45 a.m.

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### Summary of Action Items:

- **ACTION ITEM:** Harold will follow up with Dave Enslow about involvement in the gravel removal discussion.
- **ACTION ITEM:** Involve planners in future discussions about non-structural solutions.
- **ACTION ITEM:** Penny and Harold will get a breakdown of payments for the next meeting.
- **ACTION ITEM:** Harold will find out if the National Weather Service could present at a future meeting.

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