

**MINUTES OF REGULAR MEETING  
OF THE BOARD OF COMMISSIONERS OF  
COAL CREEK UTILITY DISTRICT  
OF KING COUNTY, WASHINGTON**

**Held January 28, 2015**

A regular meeting of the Board of Commissioners of Coal Creek Utility District was held at the District Office, 6801 – 132<sup>nd</sup> Place SE, Newcastle, Washington, on January 28, 2015. Commissioner Martin called the meeting to order at 5:00 p.m. Commissioners Anderson and Kunkel were present. District Staff Robert Russell and Todd Hynek were present. John Milne, General Counsel, was also present.

**CONSENT AGENDA**

Approval of minutes - Regular Board Meeting of January 14, 2015

Approval of minutes – Special Board Meeting of December 16, 2014

Approval of minutes - Special Board Meeting of December 17, 2014

Approval of minutes - Special Board Meeting of December 22, 2014

Approval of minutes - Special Board Meeting of December 23, 2014

Approval of General Manager's Employment Agreement

Anderson made the motion to approve the consent agenda. Kunkel seconded the motion, which carried unanimously.

**CITIZENS' COMMENTS AND CONCERNS**

Mr. Sonny Putter, 14701 SE 80<sup>th</sup> Ct., addressed the Board requesting that the District terminate its proposed agreement to sell the District's former operation center located on 129th Avenue SE to the City of Newcastle. Putter contended that the proposed agreement to sell the property to the City was illegal. He contended that RCW 57.08.016 provides specific requirements for the sale of the real property and that the District has not complied with those

requirements. Therefore, he requested that the Board terminate the agreement with the City to sell the property and provided a copy of his comments to the General Manager.

Ms. Jean Garber, 8436 129th Place SE, Newcastle, also requested the District not sell the former operations center property to the City of Newcastle. She stated the District's sale of the property the City would violate the provisions of RCW 57.08.016 which she contended prevented the District from selling the property for less than ninety per cent of its appraised value. She also contended that a ten year non-assumption agreement had no value because the City could simply take the District's property under RCW 35.13A.030 without payment for the property. Therefore, she requested the Board not sell the property to the City and provided a copy of her comments to the General Manager.

Ms. Claudia Hirschey, 12527 SE 72ND ST. Newcastle, WA 98056 indicated she was a current member of the King County Boundary Review Board, but was addressing the Board of Commissioners as a private citizen. She stated she was also addressing the Board regarding the proposed sale of the former operations center to the City of Newcastle. She concurred with the comments made by Putter and Garber and felt that not obtaining the full value of the real property would be a gifting of public funds and unfair to the District's ratepayers.

### **FORMER OPERATIONS CENTER**

Russell reported on the status of the proposed sale of the former operations center to the City of Newcastle. He advised that the Newcastle City Council had approved a purchase and sale agreement which had been signed by the City Manager and provided to the District. Russell advised the next step of the sale process was a public hearing to obtain public comment on the proposed sale of the property to the City. Therefore, a public hearing had been scheduled for the next Regular Board Meeting to be held on February 11, 2015, commencing at 6:00 p.m. He

stated that notice of the public hearing had been posted at the District office, posted on the District's website, and published in the Seattle Times.

### **STREET LIGHTS - ELIZABETH ESTATES**

Russell reported the District had received a letter on January 16, 2015 from John Mills, the developer of the Elizabeth Estates project. The plat had 11 homes and Mills had paid the street lighting bills and a District billing for an irrigation water meter serving the plat through November 2014. However, the letter stated that Mr. Mills would no longer pay those bills. Because PSE will not bill individual homeowners for street lighting services, Russell requested Board input whether the District should form a street lighting district to provide street lighting service to the area. Russell also advised the irrigation meter had been abandoned because there was no homeowners association to bill for the irrigation service. Following discussion, due to the circumstances, the Board directed staff to comply with the procedures to form a street lighting district so that the individual property owners could be billed for street lighting service. Staff will keep the Board further advised.

### **ATTORNEY'S COMMENTS**

Milne advised he will speak at the annual Commissioners' Workshop to be held on January 31, 2015 on recent cases addressing public records issues.

### **OPERATIONS MANAGER'S COMMENTS**

Hynek advised that District employee John Lucas had recently retired from the District.

Hynek reported on the status of SCADA project.

### **GENERAL MANAGER'S COMMENTS**

Russell advised that Staff are now reviewing resolutions for modification due to the recent departure of the Office Manager from District employment. Several resolutions designate the Office Manager as the District's official representative for certain matters. For example, the

Office Manager had been designated the District's Public Records Officer. As the District was required to have a public records officer, Milne recommended the Board appoint Russell as the District's Public Records Officer on an interim basis until the District's resolution providing for public records maintenance and disclosure could be updated.

Following discussion, Kunkel made the motion to designate Russell as the District's Interim Public Records Officer. Anderson seconded the motion, which carried unanimously.

### **COMMISSIONERS' COMMENTS**

Anderson reported on his attendance at the recent State Association Board of Directors Meeting.

Martin also reported on her attendance at the recent State Association Board of Directors Meeting.

Martin reported on her attendance at the recent State Association Section IV Meeting.

Martin advised she had attended the GAP Training Webinar.

Martin reported on her attendance at the recent lunch recognizing District employee John Lucas, who had retired from the District.

### **ADDITIONAL CITIZENS' COMMENTS AND CONCERNS**

There were no comments from the citizens in attendance.

### **APPROVAL OF VOUCHERS**

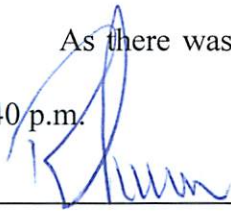
The Board approved for payment Water/Sewer Maintenance Fund Voucher Nos. 043328 through 043368 in the amount of \$60,078.97.

The Board approved for payment Water/Sewer Maintenance Fund Voucher Nos. 010551 through 010552 in the amount of \$120,406.64.

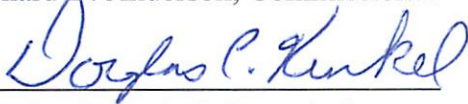
**OTHER DISTRICT BUSINESS**

As there was no further business or persons to be heard, the meeting was concluded at

5:40 p.m.



Richard D. Anderson, Commissioner



Douglas C. Kunkel, Commissioner

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Pamela A. Martin, Commissioner