

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

Held on August 27, 2025

A regular meeting of the Board of Commissioners of Coal Creek Utility District was held in-person and by remote means at the District Office, 6801 132nd Place SE, Newcastle, Washington, on August 27, 2025. Commissioner Peter Zevenbergen, Board President, attended in person and called the meeting to order at 2:01 p.m. Commissioner Suzi O’Byrne, Board Vice President, and Commissioner Kim Lane, Board Secretary, attended in person. Robert Russell, General Manager, Patrick Martin, Operations Manager, Jamie Crookston, Finance Manager, and Rosemary Larson, legal counsel, attended in person. Bill Reynolds, District Engineer, attended by Zoom.

The District provided the public with ability to attend the meeting by Zoom or conference call, and provided notice of the call-in and remote access information to the public and a speaker in the meeting room which allowed all persons attending to hear each other at the same time.

APPROVAL OF AGENDA – ADDITIONS OR DELETIONS

Commissioner Lane made a motion to approve the agenda. Commissioner O’Byrne seconded the motion, which passed unanimously.

CONSENT AGENDA

Approval of Minutes -- Regular Meeting of August 13, 2025
Agapov Sewer Extension – DEA approval (sewer only)

Commissioner Lane made a motion to approve the consent agenda. Commissioner O’Byrne seconded the motion, which passed unanimously.

APPROVAL OF VOUCHERS

In response to a question from Commissioner O'Byrne, Ms. Crookston stated that the ROW work inspection voucher was for City permits for work in the ROW. In response to a question from Commissioner Lane, Ms. Crookston stated that the Department of L & I voucher was for the quarterly tax payment.

Commissioner Lane made a motion to approve the following Vouchers. Commissioner O'Byrne seconded the motion, which passed unanimously:

Maintenance Fund 0010 – AP - Voucher Nos. 6866 to 6881 in the amount of \$92,048.47.
Maintenance Fund 0010 – AP - Voucher Nos. 6882 to 6892 in the amount of \$10,573.09.
Maintenance Fund 0010 – Payroll in the amount of \$23,750.00.
Maintenance Fund 0010 – EFT in the amount of \$4,623.16.
Maintenance Fund 0010 – EFT in the amount of \$51,771.18.
Maintenance Fund 0010 – EFT in the amount of \$39,463.11.

PUBLIC COMMENTS AND CONCERNS

One member of the public was present for the Newcastle Golf Leachate agenda item. The Board of Commissioners determined to hear these comments as part of that agenda item.

NEWCASTLE GOLF LEACHATE – COAL CREEK DEVELOPMENT COMPANY (CCDC)

Commissioner Zevenbergen invited David Han, who was in the audience, to present his information and request regarding this agenda item. Mr. Han stated that he is a representative of the Oki company, which owns the Newcastle Golf Club property. Some years ago, a landfill was operated on adjacent land. Coal Creek Development Company owns the property on which the landfill was operated. When the Oki company purchased the golf course property, there was an agreement in place, in the form of a consent decree entered in 1994 or 1995, that provides that Oki would not be responsible for landfill or leachate issues, and which established a post-closure plan for the landfill, including that CCDC had to establish an escrow account to fund the treatment

and/or disposal of leachate from the landfill property. However, recently CCDC has made it clear that it wants out of the landfill business and intends to cease complying with the consent decree in the future. DOH and DOE have indicated that they will approve a five-year monitoring schedule. CCDC has requested that the Oki company assume the leachate responsibilities required by the consent decree. CCDC has possibly agreed to pay for 20 years of another entity performing these tasks. The Oki company is requesting that the District consider assuming the responsibilities relating to the treatment and/or disposal of the landfill property leachate.

Mr. Russell commented that the consent decree appears to impose obligations on private parties, and the District cannot assume those private obligations. Further, these responsibilities involve areas that are outside the District's knowledge, expertise and ordinary functions, and there are third party companies that perform these types of services.

Commissioner Zevenbergen thanked Mr. Han for providing a thorough history of the situation. Commissioner Lane commented that it appears that there are private entities that can perform these services. Mr. Han agreed and stated that the question is who will pay. Commissioner O'Byrne commented that a private entity cannot expect the District's ratepayers to become responsible in any way for these private leachate issues. Ms. Larson commented that there may be issues relating to the District's authority to assume these functions and responsibilities, which would have to be reviewed. The Board's consensus was that the District should not become involved in this matter as requested by the Oki company.

After further discussion between the Commissioners, District staff and Mr. Han, Mr. Han thanked the Commissioners for the time on their meeting agenda and departed the meeting.

PROPOSAL FOR 580 TANK REPAIR

Mr. Martin reported that Coatings Unlimited reviewed the 580 Tank interior coating failures and made recommendations for repairs. Coatings Unlimited is requesting \$7,461.99 for work to complete the repairs. T. Bailey is not charging the District for work related to the coating failures.

Commissioner O'Byrne asked if the District was within the warranty period. Mr. Martin replied that while the defects were discovered after the warranty period, they likely occurred during the warranty period. Commissioner O'Byrne commented that she did not have an issue with the consultant's fee, if there will be a new warranty period for the repairs. In response to Commissioner Zevenbergen's questions, Mr. Martin stated that the warranty period was 24 months, the defects were discovered at 26 months, and tank coatings ordinarily last for 30 years. Mr. Russell commented that the coating did not fail all the way down to the metal tank surface; only the final coat failed and the remaining coating meets recommended depth levels.

Commissioner Lane stated that he agreed with Commissioner O'Byrne's warranty issue. The Board's consensus was for staff to obtain information about an additional warranty for the repair work and bring this matter back to a future meeting.

PROPOSAL FOR DEA UPDATE

Mr. Russell informed the Commissioners that District staff would like to have the District's Developer Extension Agreement Manual updated for regulatory compliance and other issues that may have arisen since the Manual was adopted in 2015. PACE provided a proposal for this work, which is in the agenda materials. Staff does not think that the optional Board presentation is necessary, as staff can present the updated Manual to the Board. Mr. Martin commented that the District's attorney will need to review or provide some of the updates. The Commissioners, staff,

Mr. Reynolds and Ms. Larson discussed possible areas for revisions, which might include extending the DEA term from two to three years and allowing a one-time extension of one additional year.

After discussion, Commissioner Zevenbergen made a motion to approve the PACE proposal in the amount of \$13,992.00 for the DEA Manual Updates, without the additional \$2,522.00 for the optional Board presentation. Commissioner Lane seconded the motion, which passed unanimously.

ATTORNEY'S COMMENTS

Ms. Larson had no additional comments.

ENGINEER'S COMMENTS

Mr. Reynolds informed the Commissioners that the Engineer's Project Status Report was in the agenda packet, and had no additional comments.

MANAGERS' COMMENTS

Mr. Martin informed the Commissioners that the Generator Project permit applications were submitted to the City. In addition, the District will be attending the pre-construction meeting for the City's Sidewalk Project tomorrow.

Ms. Crookston reported that the District will be staffing a booth at Newcastle Days from 11:00 a.m. to 5:00 p.m. on September 6, 2025. She also noted that she will be absent from the next Board meeting.

Mr. Russell reported that the District had two arborists look at the tree damage issue, and staff shared the reports with the property owner. The property owner accepted the Asia Pacific proposal. Asia Pacific's fee for the work is only \$1000, which is less than the cost of replacing the tree.

COMMISSIONERS' COMMENTS

Commissioner O'Byrne reported that she will be attending the WASWD Fall Conference.

Commissioner Lane inquired about the status of the customer claim alleging the possibility of alkaloids in the water. Mr. Russell replied that the customer is working directly with the City of Seattle on that issue.

Commissioner Zevenbergen had no additional comments.

OTHER DISTRICT BUSINESS

None.

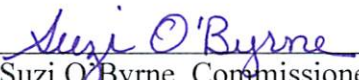
ADJOURNMENT

As there was no further business or persons to be heard, the meeting concluded at 3:13 p.m.

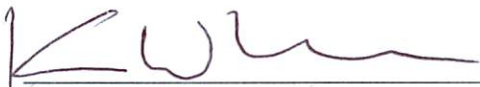
BOARD OF COMMISSIONERS



Peter A. Zevenbergen, Commissioner



Suzi O'Byrne, Commissioner



Kim Lane, Commissioner