

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

**Held on January 9, 2019**

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 9, 2019. Commissioner Kunkel, President Pro Tem, called the meeting to order at 5:00 p.m. Commissioner Ric Anderson, Board Secretary, was also in attendance. District Staff Robert Russell, General Manager, Anne Paige, Finance Manager, and Patrick Martin, Operations Manager, were present. Bill Reynolds, consulting engineer, and John Milne, District counsel, were also present.

Commissioner Anderson made the motion to excuse Commissioner Martin's absence. Commissioner Kunkel seconded the motion, which carried unanimously.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

Approval of Minutes – Regular Board Meeting of December 12, 2018  
October 24, 2018.

Approval of Minutes – Special Meeting of December 20, 2018

Accessory Dwelling Unit – Resolution No. 1875

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

**CITIZENS' COMMENTS / CONCERNS**

There were no comments from the citizens in attendance.

#### **2019 CONSULTING SERVICES FOR WASWD SECTION IV**

The Commissioners had considered a letter dated November 26, 2018, from Cedar River Water & Sewer District requesting a contribution to defray expense for staffing to monitor certain King County activities, including the Regional Water Quality Committee. Russell had reported the District has contributed to paying for the expense previously, but the Board had requested further information regarding the level of contribution from other King County water-sewer districts for the projected 2019 expenses. Russell then provided the information, and noted the District had contributed \$1,800 in 2018. Following discussion, Commissioner Anderson made the motion to contribute the amount of \$1,800 again for 2019 activities. Commissioner Kunkel seconded the motion, which carried unanimously.

#### **WSDOT UTILITY AGREEMENT**

Russell reported the negotiation of a utility agreement to include District sewer facility relocation in WSDOT's construction contract with the contractor to be selected to expand I-405 had been concluded, and he recommended the agreement be approved. The District has sewer facilities located within I-405 which must be relocated at the District's expense, and other facilities within private easements which WSDOT will pay for. Following discussion, Commissioner Anderson made the motion to approve the WSDOT utility agreement by the adoption of Resolution No. 1876. Commissioner Kunkel seconded the motion, which carried unanimously.

#### **580 RESERVOIR ROCK SCALING PROJECT – FINAL ACCEPTANCE**

Russell provided copies of Resolution No. 1874 which the Board had adopted at the December 12, 2018, Board meeting granting the project improvements final acceptance. The commissioners then signed the resolution.

## **ATTORNEY'S COMMENTS**

Milne reported the District had received a notice from the U.S. Equal Employment Opportunity Commission with respect to an allegation by Mr. Michael Creel that the District had committed age discrimination by failing to offer him employment. The EEOC had concluded that, based on its investigation, it was unable to conclude that the District had violated any statutes in its employment practices. Rather, Russell and Milne reported that the subject job position had been offered to, and accepted by, an individual whose age placed the individual in a protected class due to his age.

Milne reported on the status of the litigation with King County regarding the County's attempt to charge utilities rent to use County right-of-way. A King County Superior Court judge had ruled that King County did not have the authority to charge the utilities rent. Milne reported the County has appealed the trial court's ruling, and had petitioned the Washington State Supreme Court for direct review of the appeal. The County had requested an extension of the time to file its opening brief, and the Court had granted an extension to the date of February 11, 2019. Milne will keep the Board further advised.

## **ENGINEER'S COMMENTS**

Reynolds presented a report dated January 9, 2019, on the status of various District engineering projects.

## **APPROVAL OF VOUCHERS**

The Board approved Water/Sewer Maintenance Fund Voucher Nos. 470 through 504 in the amount of \$249,130.93.

The Board approved Water/Sewer Maintenance Fund Voucher Nos. 505 through 513 in the amount of \$8,995.24.

The Board approved Water/Sewer Maintenance Fund – ACH Transmittal – Payroll Register, Payroll Taxes and Retirement in the amount of \$115,553.71.

**FINANCE MANAGER COMMENTS**

Paige reported she would not be able to run a parallel process between Vision and Sage for the month of December because the Vision system had failed. The District is in the process of a permanent billing system conversion from Vision to Sage and would no longer run Vision as of January 1, 2019.

Paige reported she would post check summary information in Dropbox for the commissioners' information.

Paige reported on the implementation of the new provisions of the State Medical and Family Leave Act (Act), which was effective January 1, 2019. The State Employment Security Department will further advise whether commissioners were subject to the statutory deduction. The Board will further discuss the implementation of the Act as further information is available from the State in 2019, including the determination whether the District will pay the required deduction for employees or whether the employees must do so.

Paige reported she will be absent from the next regular Board meeting.

**OPERATIONS MANAGER'S COMMENTS**

Mr. Martin reported he had received bids from contractors on the MRSC contractor roster for asphalt patch repairs. Asphalt Patch Systems had submitted the low bid of \$5,000, not including tax. He had checked Asphalt's references and they seemed acceptable. Therefore, he recommended the project contract be awarded to Asphalt as the lowest responsible bidder. Following discussion, Commissioner Anderson made the motion to award the project contract to

Asphalt Patch Systems in the amount of \$5,000, not including tax. Commissioner Kunkel seconded the motion, which carried unanimously.

Mr. Martin reported on the Meadowview Lift Station generator project. He advised a generator was available through the NJPA program, and would now select an electrical engineering consultant from the MRSC consultant roster to prepare a scope of work and specifications for the generator and installation. He will keep the Board further advised.

Mr. Martin reported further on a pump replacement project for the Pleasant Cove Lift Station. The District had been considering either a pump rebuild or a new pump. Mr. Martin recommended a new pump be acquired. He will now review the applicable MRSC small works and equipment rosters and report further at the next regular Board meeting. Following discussion, the Board authorized District staff to proceed with the project.

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

Russell suggested the election of Board officers to serve for the year 2019 be deferred to the next regular meeting when all commissioners are present. Following discussion, the commissioners concurred.

Russell recommended the District upgrade and migrate its office systems to Office 365 and outlined the perceived advantages of that system for the District. The system was available through a monthly subscription. Following discussion, the Board authorized Russell to migrate to the recommended system.

Russell recommended the Board schedule a retreat in February, and he will provide the commissioners with dates for a possible retreat.

**COMMISSIONERS' COMMENTS**

Commissioner Anderson reported he planned to attend the next WASWD Government Relations committee meeting.

Commissioner Anderson complimented District staff on the employee recognition lunch.

Commissioner Kunkel also complimented District staff on the employee recognition lunch.

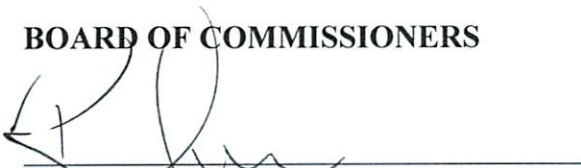
**ADDITIONAL CITIZEN'S COMMENTS**

Gordon Bissett, a City of Newcastle Councilmember who often attends District Board meetings, advised he intended to conclude his service on the City Council at the end of the year, but planned to continue to attend the District Board meetings while he was still on the Council. He will suggest the City have a liaison attend Board meetings in the future.

**OTHER DISTRICT BUSINESS**

As there was no further business or persons to be heard, the meeting concluded at 5:55 p.m.

**BOARD OF COMMISSIONERS**

  
Richard D. Anderson, Commissioner

  
Douglas C. Kunkel, Commissioner