

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

**Held on January 13, 2021**

A regular meeting of the Board of Commissioners of Coal Creek Utility District was held by remote means and with certain staff only at the District Office, 6801 – 132<sup>nd</sup> Place SE, Newcastle, Washington, on January 13, 2021. Pursuant to the Washington State Governor’s Proclamation No. 20-28, as extended, the meeting was not conducted in-person. Commissioner Douglas Kunkel, Board President, attended via telephone conference call, and called the meeting to order at 5:00 p.m. Commissioner Pam Martin, Board Vice-President, and Commissioner Suzi O’Byrne, Board Secretary, also attended via telephone conference call. District staff Robert Russell, General Manager, Patrick Martin, Operations Manager, and Jamie Crookston, Finance Manager, attended at the District’s office and were in compliance with CDC social distancing guidelines. Rosemary Larson, legal counsel, and Bill Reynolds, District engineer, attended via telephone conference call.

In compliance with Proclamation No. 20-28, as extended, the District provided the public with the ability to attend the meeting by telephone conference, provided notice of the call-in number and information to the public, and provided a speaker phone in the Board meeting room which allowed all persons attending the meeting to hear each other at the same time.

**APPROVAL OF AGENDA – ADDITIONS OR DELETIONS**

Mr. Russell stated that the word “potential” should be deleted from the title of the executive session agenda item.

Commissioner O'Byrne made a motion to approve the agenda as amended. Commissioner Martin seconded the motion, which passed unanimously.

### **CONSENT AGENDA**

Approval of Minutes – Regular Board Meeting of December 9, 2020

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

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

There were no citizens in attendance.

### **ELECTION OF BOARD OFFICERS**

After discussion, the Board consensus was to use the Board's normal rotation for the election of officers for 2021.

In accordance with the Board consensus, Commissioner Martin made a motion that the following Board officers be elected to serve for 2021 until the first Board meeting in 2022:

Board President – Commissioner Martin

Board Vice President – Commissioner O'Byrne

Board Secretary – Commissioner Kunkel

Commissioner Kunkel seconded the motion, which passed unanimously. Commissioner O'Byrne and Commissioner Martin thanked Commissioner Kunkel for his service as President.

Commissioner Martin assumed the role of Chair of the meeting.

### **I-405 WIDENING PROJECT – CHANGE ORDERS NO. 2 AND 3**

Mr. Martin informed the Board that the subject of Change Order No. 2 was previously discussed. Currently, the area is served with an 8 inch non-restrained iron ductile pipe, which is in poor condition. District staff and the engineer have determined that HDPE pipe would be

advantageous. The Change Order would be in the amount of \$15,600.00, for removal of the existing pipe and installation of the HDPE pipe in the existing 24 inch casing. The Board, Mr. Martin and Mr. Reynolds discussed the merits of HDPE pipe. Mr. Reynolds commented that HDPE pipe is becoming more common and it has a useful life of approximately 50 years.

Commissioner Kunkel made a motion to approve Change Order No. 2 in the amount of \$15,600, plus sales tax, and with a date of January 12, 2021. Commissioner O'Byrne seconded the motion, which passed unanimously.

Mr. Martin then presented information on Change Order No. 3, which addresses additional work necessary to control excessive groundwater on the site between December 15 to 17, in the amount of \$37,211.59. Mr. Reynolds commented that the amount of groundwater could not be quantified when the project was bid. The contractor has documented its additional costs.

After discussion, Commissioner O'Byrne made a motion to approve Change Order No. 3 in the amount of \$37,211.59, plus sales tax. Commissioner Kunkel seconded the motion, which passed unanimously

### **PACE 2021 RATES**

Mr. Reynolds indicated that PACE is requesting an annual rate increase of approximately 2%, which is included in the meeting agenda packet.

Commissioner Kunkel made a motion to approve the requested PACE 2021 Rate increase. Commissioner O'Byrne seconded the motion, which passed unanimously.

Commissioner Martin thanked PACE for their many years of service to the District.

### **SPU CONTRACT**

Mr. Russell informed the Board that the District has received a letter from Seattle Public Utilities requesting that the SPU contract be re-negotiated. SPU is proposing significant changes

to the contract. The Commissioners and Mr. Russell discussed the process for potential negotiations. Commissioner O’Byrne serves on the Operating Board Committee, and will monitor discussions on this topic.

**BUILDING UPDATES PROJECT**

Mr. Martin indicated that this item relates to the Operations Center Improvements Project, which will be performed in phases. Phase One, which includes window replacement and related work, is ready for award. District staff requests authority to enter into a small works project contract with Accord Contractor, LLC, the lowest responsible bidder, for the Phase One work, including the Additive Work, in the amount of \$60,935.00, plus applicable Washington sales tax.

Commissioner O’Byrne made a motion to approve the award of the small works project contract to Accord Contractor, LLC, in an amount not to exceed \$60,935.00 plus applicable Washington sales tax, and authorize the General Manager to execute the contract. Commissioner Kunkel seconded the motion, which passed unanimously.

**COLLECTIVE BARGAINING AGREEMENT**

Mr. Russell informed the Board that the Union and District staff have reached agreement on all of the proposed revisions to the contract, and that staff therefore recommends that the Board approve the 2021 Collective Bargaining Agreement.

After discussion, Commissioner Kunkel made a motion to approve the 2021 Collective Bargaining Agreement. Commissioner O’Byrne seconded the motion, which passed unanimously.

**ATTORNEY’S COMMENTS**

Ms. Larson reported on the Governor’s recent Covid-19 Proclamations regarding the Open Public Meetings Act and the new Healthy Washington – Roadmap to Recovery Plan.

**ENGINEER’S COMMENTS**

Mr. Reynolds noted that he provided an Engineer's Project Status Report for the Board's review.

**APPROVAL OF VOUCHERS**

The Board approved the Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 2318 to 2344 in the amount of \$241,192.97.

The Board approved the Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 2345 to 2364 in the amount of \$55,531.44.

The Board approved the Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 2365 to 2382 in the amount of \$35,816.36.

The Board approved the Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 2383 to 2395 in the amount of \$13,042.32.

The Board approved the Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 2396 to 2423 in the amount of \$326,893.09.

The Board approved Water/Sewer Maintenance Fund – Payroll in the amount of \$19,000.00.

The Board approved Water/Sewer Maintenance Fund – Payroll in the amount of \$66,898.76.

The Board approved Water/Sewer Maintenance Fund – EFT in the amount of \$10,336.93.

The Board approved Water/Sewer Maintenance Fund – EFT in the amount of \$90.00.

The Board approved Water/Sewer Maintenance Fund – EFT in the amount of \$67,669.61.

**MANAGER'S COMMENTS**

Ms. Crookston thanked the Board for authorizing the Employee Recognition lunch in December. Staff appreciated the event very much, even though there could not be a gathering.

Mr. Martin reported that regarding the purchase of the service trucks previously authorized by the Board, due to the passage of time, additional authority is necessary to meet current pricing. Regarding the Crane Truck, staff now requests total purchase authority of not to exceed \$175,000, sales tax included.

After discussion, Commissioner O'Byrne made a motion to approve the purchase of the Crane Truck for an amount of not to exceed \$175,000, sales tax included. Commissioner Kunkel seconded the motion, which passed unanimously.

For the same reason, regarding the Pipe Truck, Mr. Martin requested total purchase authority of not to exceed \$123,000, sales tax included.

Commissioner Kunkel made a motion to approve the purchase of the Pipe Truck, for an amount not to exceed \$123,000, sales tax included. Commissioner O'Byrne seconded the motion, which passed unanimously.

Mr. Russell concurred in Ms. Crookston's comments regarding the Employee Recognition event.

### **COMMISSIONERS' COMMENTS**

Commissioner Kunkel commented that he is monitoring information distributed relating to the Washington State Department of Ecology / Department of Health draft Chemical Action Plan for PFAS compounds, which is currently in the public review and comment period, and noted that there will be many technical issues to address in connection with the Plan.

Commissioner O'Byrne commented that she has enjoyed the flow of information during the past year, and appreciates the opportunity to keep learning.

Commissioner Martin had no additional comments.

### **OTHER BUSINESS**

Commissioner Martin asked whether the District incurred any damage during the recent windstorm. Mr. Martin reported that there was no significant damage to any District property.

**EXECUTIVE SESSION – RCW 42.30.110(1)(i) -- Litigation**

Mr. Reynolds was excused from the meeting.

Mr. Russell requested an executive session under RCW 42.30.110(1)(i) to discuss with legal counsel the King County litigation regarding compensation for use of the County's right-of-way. Ms. Larson advised that the executive session would be for 10 minutes. Commissioner Martin convened the executive session at 6:08 p.m., with the Commissioners, Mr. Russell, Mr. Martin, Ms. Crookston and Ms. Larson attending. At 6:18 p.m., the executive session was concluded, and the open public meeting was reconvened. No action was taken.

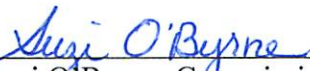
**ADJOURNMENT**

As there was no further business or persons to be heard, the meeting concluded at 6:20 p.m.

**BOARD OF COMMISSIONERS**



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Pam Martin, Commissioner



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Suzi O'Byrne, Commissioner



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Douglas Kunkel, Commissioner