

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

Held on February 26, 2020

A regular meeting of the Board of Commissioners of Coal Creek Utility District was held at the District Office, 6801 – 132nd Place SE, Newcastle, Washington, on February 26, 2020. Commissioner Douglas Kunkel, Board President, called the meeting to order at 5:00 p.m. Commissioners Pam Martin, Board Vice-President, and Suzi O’Byrne, Board Secretary, were also in attendance. District staff Robert Russell, General Manager and Patrick Martin, Operations Manager, were present. Rosemary Larson, legal counsel, was also present.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Approval of Minutes – Regular Board Meeting of February 12, 2020

Resolution No. 1894 -- Adopting the District’s 2020 Budget

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

CITIZENS’ COMMENTS AND CONCERNS

The one citizen present requested to speak during the Parking Lot Use Agreement agenda item.

PARKING LOT USE AGREEMENT

Commissioner Kunkel recused himself from this Agenda Item due to an existing business interest in the subject development. Commissioner Martin chaired this portion of the meeting.

Mr. Russell presented the draft Parking Lot Use Agreement to the Board for consideration. Newcastle Retail Group LLC has requested that the District allow it to use the District Office Building parking lot for overflow employee parking and possibly valet parking from businesses in the Newcastle Commons development, after District business hours. Mr. Russell indicated that the Agreement is still being negotiated and asked whether the Board would like to add a provision requiring NRG to pay the District's legal costs incurred in preparing the Agreement. After discussion by Commissioners Martin and O'Byrne, the consensus of those Commissioners was affirmative. John Dulcich of NRG, the sole citizen, spoke in favor of the Agreement and the need for excess parking.

2020 WASWD SECTION IV CONSULTING SERVICES

Commissioner Kunkel resumed chairing the meeting.

Mr. Russell presented information on the WASWD Section IV consulting services participation agreement for 2020-21. Last year, the District participated and paid \$1800. The Commissioners discussed the appropriate dollar amount for the District's participation this year.

Commissioner O'Byrne made a motion to approve the District's participation with a payment of \$1800. Commissioner Martin seconded the motion, which passed unanimously.

KING COUNTY FRANCHISE ORDINANCE

Ms. Larson requested that the Board move this agenda item to after the executive session. The Board moved the item by consensus to Agenda Item 18A.

ATTORNEY'S COMMENTS

There were no Attorney's comments.

ENGINEER'S COMMENTS

There were no Engineer's comments.

APPROVAL OF VOUCHERS

The Board approved the Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 1587 to 1624 in the amount of \$103,751.32.

The Board approved Water/Sewer Maintenance Fund – Payroll in the amount of \$22,600.00.

The Board approved Water/Sewer Maintenance Fund – EFT in the amount of \$11,691.08.

FINANCE MANAGER'S COMMENTS

There were no Finance Manager's comments.

OPERATIONS MANAGER'S COMMENTS

Mr. Martin informed the Board that the District's security camera project had begun. The contractor has completed 80% of the installation work on the District's building and is working on the Tank Sites. District crews are assisting. The project is estimated to be complete in approximately ten days.

GENERAL MANAGER'S COMMENTS

Mr. Russell reported that on February 25, 2020 the District experienced a cyber incident through an individual's cloud based email account. He will keep the Board further advised.

COMMISSIONERS' COMMENTS

Commissioner Martin reported that she attended the WASWD Board of Directors meeting on February 24, 2020, and summarized discussion items from the meeting.

Commissioner Martin will attend the SPU Operating Board meeting next week.

Commissioner O'Byrne also attended the WASWD Board of Directors meeting on February 24, 2020.

Commissioner Kunkel thanked Mr. Russell and other District staff for their quick response to the cyber incident.

OTHER DISTRICT BUSINESS

None.

ADDITIONAL CITIZEN COMMENTS

Mr. Dulcich commented that it is difficult for citizens to determine in advance the amount of the King County Metro Sewer Capacity Charge, particularly for commercial developments. Mr. Dulcich also commented that it was his understanding that the City of Newcastle continues to consider a utility tax.

EXECUTIVE SESSION – RCW 42.30.110(1)(i) – Actual Litigation (King County v. Water District No. 20 et al).

Mr. Russell and Ms. Larson requested an executive session to discuss the matter of King County v. Water District No. 20 with legal counsel. Before convening the executive session at 5:44 p.m., Ms. Larson advised the executive session would last for approximately 15 minutes. The Commissioners, Mr. Russell, Mr. Martin and Ms. Larson then attended the executive session. At 5:58 p.m., the executive session concluded, which was publicly announced by Ms. Larson. The open public meeting reconvened at 6:00 p.m.

Following discussion, Commissioner Martin moved to approve the Fourth Amendment to Agreement for Legal Services Relating to King County Franchise Ordinance, which increases the budget to a total of not to exceed \$25,300.00 (an increase of \$7500.00). Commissioner O'Byrne seconded the motion, which passed unanimously.

ADJOURNMENT

As there was no further business or persons to be heard, the meeting concluded at 6:03 p.m.

BOARD OF COMMISSIONERS



Douglas Kunkel, Commissioner

Pam Martin, Commissioner



Suzi O'Byrne, Commissioner