

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

Held on July 13, 2022

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 July 13, 2022. Commissioner Suzi O’Byrne, Board President, attended in-person and called the meeting to order at 5:00 p.m. Commissioners Doug Kunkel, Board Vice-President, and Pam Martin, Board Secretary, attended in person. District staff Patrick Martin, Operations Manager, and Jamie Crookston, Finance Manager, and Rosemary Larson, legal counsel, and Bill Reynolds, District Engineer, attended in-person.

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

APPROVAL OF AGENDA

Commissioner Kunkel made a motion to approve the agenda. Commissioner Martin seconded the motion, which passed unanimously.

CONSENT AGENDA

Approval of Minutes – Regular Board Meeting of June 22, 2022

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

CITIZENS’ COMMENTS AND CONCERNS

There were no citizens in attendance.

PLEASANT COVE LIFT STATION REHABILITATION – CONTRACT AWARD

Mr. Reynolds informed the Commissioners that Gary Harper Construction, Inc. (GHC) is the apparent low bidder on the Pleasant Cove Lift Station Project. One bid line item had to be corrected due to a mathematical discrepancy between the unit bid price and the total bid price for that line item, but even after the correction GHC is the low bidder. The Engineer recommends that the Project contract be awarded to GHC, in the amount of \$419,712.21, which includes sales tax. Mr. Reynolds noted that once the Project is awarded, the District may have to wait to issue the notice to proceed, as it may take nine to twelve months to obtain certain necessary equipment.

Commissioner Kunkel asked why the line item unit price had to be treated as controlling. Mr. Reynolds and Ms. Larson explained that the WSDOT Standards, which the District has adopted, contain a provision that require this result.

Commissioner Kunkel made a motion to award the Pleasant Cove Lift Station Project to Gary Harper Construction, Inc. in the amount of \$419,712.21, which includes sales tax. Commissioner O’Byrne seconded the motion, which passed unanimously.

KOVAL AGREEMENT

Mr. Martin presented the Koval Agreement for Interim Water and Sewer Service, which is in the agenda packet. Mr. Martin described the Agreement, which will authorize the City of Renton to provide water and sewer service to the Koval Property on a temporary basis, on the condition that the Kovals connect the Property to the District’s utility systems when the District has facilities available to the Property, as defined in the Agreement. This Agreement has been under discussion with the Kovals and the City of Renton for several years. The Agreement will be brought back to the Commissioners for consideration and potential approval, once the Kovals have executed the Agreement.

ATTORNEY'S COMMENTS

Ms. Larson addressed the prevailing wage litigation cost sharing agreement, which is in the agenda packet. The cost-sharing request was discussed by the Commissioners several months ago, and the Commissioners approved the District's participation in an amount not to exceed \$2500. Ms. Larson informed the Board that when the District received a copy of the cost-sharing agreement, it appeared that the agreement does not limit the District's obligation to "not to exceed" \$2500, and this was confirmed by the plaintiff's counsel. Rather, under the agreement, if the plaintiff does not prevail in the superior court litigation and the court enters an order requiring the plaintiff to pay the State's attorneys' fees incurred in the litigation, the District's liability could exceed the initial \$2500 contribution, depending on the amount of the attorneys' fees award.

The Commissioners and District staff discussed the pros and cons of participation in this prevailing wage litigation cost-sharing arrangement. The Commissioners expressed discomfort with the open-ended obligation, and the consensus was that the District should not proceed with participation in the prevailing wage litigation cost-sharing agreement.

ENGINEER'S COMMENTS

Mr. Reynolds informed the Commissioners that the agenda materials include Change Order No. 7 for the 580 Tank Site Project. This Change Order is in the amount of \$16,691.41, including sales tax, for additional work related to the AMI antenna. The contractor has installed a concrete footing for the antenna base, but those costs were not included in the contract. In addition, the Change Order will authorize costs for the electrical grounding system required for the antenna. Due to the rocky nature of the site, drilling lightening rods into the ground is not feasible. The Engineers developed an alternative for providing an electrical grounding system, and those costs are included in the Change Order. Mr. Reynolds recommends approval of Change Order No. 7.

After discussion, Commissioner Kunkel made a motion to approve Change Order No. 7, in the amount of \$16,691.41, including sales tax. Commissioner O’Byrne seconded the motion, which passed unanimously.

Mr. Reynolds reported that work at the 580 Tank Site is progressing. Painting is complete. One panel on the back side of the tank is slightly discolored, but performance is not impacted. Staff will monitor this issue during the warranty period. Mr. Reynolds also reported that staff and the Engineers held the pre-application meeting with the City of Newcastle for the Decant Facility and AMI projects.

Mr. Reynolds informed the Commissioners that the draft Moorman Reimbursement Agreement was sent to the benefitting property owners for comment. The developer contacted Mr. Reynolds, asking for clarification on the methodology for determining the benefited area. Mr. Reynolds will respond that the District has routinely used the “frontage” basis, which requires that benefited properties directly front on the relevant facilities.

APPROVAL OF VOUCHERS

The following Vouchers were approved:

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 3818 to 3826 in the amount of \$54,802.87.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 3832 in the amount of \$121,212.88.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 3827 to 3831 and 3833 to 3845 in the amount of \$240,617.39.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 3846 to 3862 in the amount of \$82,731.31.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 3863 to 3869 in the amount of \$39,529.62.

Water/Sewer Maintenance Fund – Payroll in the amount of \$70,402.42.

Water/Sewer Maintenance Fund – EFT in the amount of \$70,594.35.

MANAGERS' COMMENTS

Ms. Crookston informed the Commissioners that the Finance Department is completing the corrections for the Department of Retirement Services audit, and will have a final number the next Board meeting.

Mr. Martin reported that he is working with the Engineers on a sewer project in the Donegal Park area. The District will review the condition of AC lines, and PACE will prepare a report on recommended line repairs and/or replacements. Then, the repairs and replacements will occur in phases over the next several years. The District will consider using a pipe liner, which is a trenchless technology.

Mr. Martin also commented that both new trucks are now in service, and presented a photograph of the trucks.

COMMISSIONERS' COMMENTS

Commissioner Martin commented that she liked the white trucks.

Commissioner Kunkel commented that he looks forward to seeing everyone at the employee event on July 26.

Commissioner O'Byrne had no additional comments.

OTHER BUSINESS

None.

ADJOURNMENT

As there was no further business or persons to be heard, the meeting concluded at 6:13 p.m.

BOARD OF COMMISSIONERS



Suzi O'Byrne, Commissioner



Douglas Kunkel, Commissioner



Pam Martin, Commissioner