

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

**Held on August 10, 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 – 132<sup>nd</sup> Place SE, Newcastle, Washington, on August 10, 2022. Commissioner Suzi O’Byrne, Board President, attended in-person and called the meeting to order at 5:12 p.m. Commissioner Doug Kunkel, Board Vice-President, attended in person. Commissioner Pamela Martin, Board Secretary, attended remotely, and due to technology issues, joined the meeting at 5:19 p.m. District staff Robert Russell, General Manager, 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 O’Byrne seconded the motion, which passed unanimously.

**CONSENT AGENDA**

Approval of Minutes – Regular Board Meeting of July 27, 2022

May Creek Park Vista – DEA (water only) – Final Acceptance

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

## **CITIZENS' COMMENTS AND CONCERNS**

There were no citizens in attendance.

## **KOVAL AGREEMENT**

Mr. Martin presented the Agreement for Interim Water and Sewer Service between the District, the Kovals, and the City of Renton. Mr. Martin reported that the Commissioners discussed the Agreement at a prior Board meeting, and a copy of the Agreement is now in the agenda packet. The Kovals have signed the Agreement, and the Renton City Council will consider the Agreement at the Council's next meeting. Mr. Martin confirmed that before the District executes the Agreement, the Kovals must reimburse the District for the District's legal fees incurred to negotiate and prepare the multiple drafts of the Agreement over the last several years, in accordance with the Agreement.

After discussion, Commissioner Kunkel made a motion to approve the Agreement for Interim Water and Sewer Service between the District, the Kovals, and the City of Renton, and to authorize the General Manager to execute the Agreement on behalf of the District after the Kovals have paid the District for the District's legal fees incurred to negotiate and prepare the Agreement. Commissioner O'Byrne seconded the motion, which passed unanimously.

Commissioner Martin joined the meeting remotely.

## **SURPLUS EQUIPMENT**

Mr. Russell and Mr. Martin informed the Commissioners that the District's Truck 18 and Truck 25 are no longer necessary for the District's operations and should be declared as surplus property and sold. Resolutions No. 1915 and 1916 accomplish this goal and are in the agenda materials for the Board's consideration.

After discussion, Commissioner Kunkel made a motion to approve Resolution No. 1915, declaring Truck 18 to be surplus property and declaring the District's intent to sell Truck 18 at a public or private sale. Commissioner O'Byrne seconded the motion, which passed unanimously.

Commissioner Kunkel made a motion to approve Resolution No. 1916, declaring Truck 25 to be surplus property and declaring the District's intent to sell Truck 25 at a public or private sale. Commissioner O'Byrne seconded the motion, which passed unanimously.

### **580 RESERVOIR – CHANGE ORDER NO. 8**

Mr. Reynolds informed the Commissioners that Change Order No. 8 would authorize increased costs for two areas of additional work on the 580 Reservoir Project. First, it was discovered that certain underground piping connected to the Reservoir is in poor condition and should be corrected. The related valve should be placed underground, to provide better protection and security. Second, the Change Order includes the cost to extend the PVC conduit for the antenna base to the building and to modify an existing drain line. Change Order No. 8 will compensate the contractor on a time and materials basis, in the total amount of \$19,727.40, including sales tax.

After discussion, Commissioner Kunkel made a motion to approve Change Order No. 8 in the total amount of \$19,727.40, including sales tax. Commissioner O'Byrne seconded the motion, which passed unanimously.

### **SE 111<sup>th</sup> SEWER REPAIR**

Mr. Martin informed the Commissioners that this sewer line repair was discussed at the last Board meeting. During the CCTV inspection of the District's sewer lines, staff discovered a failure in the PVC sewer line in 111<sup>th</sup> Place SE. Mr. Martin requested quotes for the repair work from five contractors, but only one contractor, R.W. Scott Construction, submitted a proposal,

which is in the amount of \$29,370, plus sales tax. In response to Commissioner Kunkel's inquiry as to whether staff believed this to be a fair price, Mr. Martin stated that the damaged sewer line is in a driveway, which will have to be restored, and there are other difficulties with the site that add to the cost. Therefore, although the District only received one bid, it is a reasonable amount for the work. Also, based on the District's prior experience with this contractor, staff believes this contractor is qualified to perform the work.

Commissioner Kunkel made a motion to award the 111<sup>th</sup> Place SE sewer line repair project contract to R.W. Scott Construction in the amount of \$29,370, plus sales tax. Commissioner O'Byrne seconded the motion, which passed unanimously.

#### **DONEGAL SEWER REHAB PROJECT**

Mr. Martin reported that the District's Engineers have completed a Sewer Rehabilitation Study and Recommendations regarding District sewer lines in the Donegal area, a copy of which is in the agenda materials. PACE reviewed the CCTV inspections performed on the AC sewer lines in that area, identified and documented deficiencies, and made recommendations on repairs or replacement for the lines with deficiencies. The rehabilitation work outlined in the Study Memorandum has a total estimated cost of \$741,530.25. The deficiencies include improper infiltration, incorrect alignment, and other issues. The pipe addressed in this report meets criteria for immediate repair. Staff recommend that the Commissioners authorize staff and the engineer to proceed with preparing plans and bid package documents, and advertise the project for bid solicitation. In response to questions from Commissioners, Mr. Martin indicated that the repairs could include CIPP lining, or other forms of repair, depending on the extent of damage to the pipe.

After discussion, Commissioner Kunkel made a motion to authorize staff to work with the District Engineer to have the plans and bid documents prepared for the Donegal Sewer

Rehabilitation Project, and to advertise the Project for bid. Commissioner Martin seconded the motion, which passed unanimously.

**VACTOR TRUCK**

Mr. Martin informed the Commissioners that this agenda item follows up on the Board's prior discussions relating to the need to purchase a new vactor truck. Mr. Martin reported that Owen Equipment has submitted a final quote for the vactor truck, in the amount of \$636,169.08, including tax. Mr. Martin recommended that the District purchase this vactor truck. The Commissioners' consensus was that the vactor truck is necessary for the District's operations. Staff and the Commissioners discussed various line items in the final quote, and that it might be necessary to make slight adjustments to some of the line items.

After discussion, Commissioner Kunkel made a motion to approve the purchase of the vactor truck from Owner Equipment, in an amount not to exceed \$640,000, including sales tax. Commissioner O'Byrne seconded the motion, which passed unanimously.

**ATTORNEY'S COMMENTS**

Ms. Larson reported that she worked with staff to prepare settlement and release agreements for each of the four District employees who are impacted by the Department of Retirement Services' recent finding that inaccurate PERS contributions had been made for those employees at various points in their employment with the District, including that the District did not withhold the employee's share of the certain PERS contributions from the employees' paychecks. The District has now paid both the District's and the employees' shares of the PERS contributions. The draft agreements are in the agenda packet; in each agreement, to settle any claims that the employee may have against the District, the District agrees to not seek reimbursement from the employee for the employee's share of the PERS contribution, and the

employee waives and releases any and all claims that the employee may have against the District in connection with the inaccurate PERS contributions.

After discussion, Commissioner Kunkel made a motion to approve the four settlement agreements and authorize the General Manager to execute the agreements on behalf of the District. Commissioner O'Byrne seconded the motion, which passed unanimously.

### **ENGINEER'S COMMENTS**

Mr. Reynolds reported that the Pleasant Cove Lift Station Project contractor is ordering materials for the job. The materials are not expected to be delivered for several months, so the Project is on hold.

Mr. Reynolds informed the Commissioners that he received one comment on the Moorman Reimbursement Agreement, from the contractor regarding the District's method of determining the Benefited Properties for the Agreement. Mr. Reynolds responded to the developer, indicating that the Benefited Properties were determined using the District's standard method. The comment period concluded on July 31, with no other comments from interested parties. The Reimbursement Agreement will be presented for approval at the next Board meeting.

Mr. Reynolds noted that the 580 Reservoir Project is expected to be complete in September.

### **APPROVAL OF VOUCHERS**

The following Vouchers were approved:

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 3898 to 3912 in the amount of \$223,657.13.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 3913 to 3927 in the amount of \$280,581.79.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 3928 to 3947 in the amount of \$61,124.35.

Water/Sewer Maintenance Fund – Payroll in the amount of \$65,675.33.

Water/Sewer Maintenance Fund – EFT in the amount of \$7,213.39.

Water/Sewer Maintenance Fund – EFT in the amount of \$67,739.28.

### **MANAGERS' COMMENTS**

Ms. Crookston informed the Commissioners that she will not be present at the next Board meeting.

Mr. Martin reported that approximately two months ago, AT&T inquired about placing a wireless communication facility at the District's 1060 Reservoir Site. Staff and AT&T representatives viewed the site. AT&T now wishes to view the site again, and a meeting at the site has been set for August 18.

Mr. Russell reported that the District hosted the SPU purveyors meeting this week. It was a productive meeting. Mr. Russell also informed the Commissioner that the District has received several public records requests recently. The Resolution establishing the District's procedures for processing public records requests has not been updated since 2014. Staff will work with the District's attorney to make any necessary changes to the Resolution to make the District's procedures consistent with current law, and will bring the updated Resolution to the Board for consideration.

### **COMMISSIONERS' COMMENTS**

Commissioner Martin thanked staff for facilitating her remote access to the meeting.

Commissioner Kunkel informed staff that he will attend the August 24 Board meeting by telephone.

Commissioner O'Byrne noted that at a recent meeting, Mr. Russell commented that the District is a steward of its utility systems for the public. She appreciates and agrees with that philosophy.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

As there was no further business or persons to be heard, the meeting concluded at 6:11 p.m.

**BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Suzi O'Byrne, Commissioner

  
\_\_\_\_\_  
Douglas Kunkel, Commissioner

\_\_\_\_\_  
Pam Martin, Commissioner