

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

**Held on August 28, 2024**

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 28, 2024. Commissioner Peter Zevenbergen, Board Vice President, attended in person, and called the meeting to order at 2:00 p.m. Commissioner Suzi O’Byrne, Board Secretary, attended in person. District staff Robert Russell, General Manager, Patrick Martin, Operations Manager, and Jamie Crookston, Finance Manager, and Rosemary Larson, legal counsel, also attended in person.

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

**APPROVAL OF AGENDA – ADDITIONS OR DELETIONS**

Mr. Russell advised that Item 6 “Commissioner Position No. 3” should be moved to Item 15A.

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

**CONSENT AGENDA**

Approval of Minutes -- Regular Meeting of August 14, 2024

Approval of Minutes – Special Meeting of August 20, 2024

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

## **APPROVAL OF VOUCHERS**

Commissioner Zevenbergen made a motion to approve the following Vouchers. Commissioner O'Byrne seconded the motion, which passed unanimously:

Maintenance Fund 0010 – Accounts Payable - Voucher Nos. 5871 to 5885 in the amount of \$74,809.68.

CIP Reserve Fund 3030 – Accounts Payable - Voucher No. 5886 in the amount of \$94,895.14.

Maintenance Fund 0010 – Accounts Payable – Voucher Nos. 5887 to 5903 in the amount of \$337,783.21.

Maintenance Fund 0010 – Payroll in the amount of \$22,750.00.

Maintenance Fund – EFT in the amount of \$34,610.20.

## **CITIZENS' COMMENTS AND CONCERNS**

No citizens were present.

## **SCADA/TELEMETRY UPGRADES**

Mr. Martin informed the Commissioners that this item relates to the SCADA Project previously discussed with the Board. The Project involves upgrades to the District's existing SCADA/Telemetry system, including acquisition of equipment, to provide the existing system with cellular communication ability. District staff request that the Commissioners approve Resolution No. 1936, waiving public bidding requirements for the purchase of the equipment and facilities necessary for the Project, as a sole source acquisition. In response to a question from Commissioner Zevenbergen, Ms. Larson explained that when a purchase is limited to a single source of supply, or special market conditions, the District may waive public bidding requirements that would otherwise apply and award the purchase to the "sole source" entity. For

the reasons stated in the recitals of the Resolution, District staff have determined that the purchase of the equipment and facilities necessary for the Project qualify as a sole source acquisition, and also as a special market conditions purchase.

After discussion, Commissioner Zevenbergen made a motion to approve Resolution No. 1936, waiving public bidding requirements and authorizing the sole source purchase of certain SCADA/Telemetry equipment and facilities necessary for upgrades to the District's existing SCADA/Telemetry system; and authorizing the award of a contract with S & B, Inc. for the purchase of the equipment and facilities for the District's SCADA System Upgrade Project. Commissioner O'Byrne seconded the motion, which passed unanimously.

### **VEHICLE PURCHASE**

Mr. Russell informed the Commissioners that it would be beneficial for the field crew supervisor to have an assigned vehicle to promote the efficient performance of his duties. The vehicle would also be used as a service vehicle, for other field work. District staff priced a 2024 Ford F250 Truck through the Department of Enterprise Services, and determined that a vehicle outfitted to meet the District's needs would cost \$61,517.00, including sales tax, plus a contingency of \$3000 for accessories.

Commissioner Zevenbergen asked if all field employees were assigned their own vehicle. Mr. Russell responded that most field employees are paired for vehicle use, but the nature of the supervisor's duties does not make this practical. Mr. Martin described the equipment that is placed in each service vehicle.

After discussion, Commissioner O'Byrne made a motion to approve the purchase of the 2024 Ford F250 Truck through DES, in an amount not to exceed \$61,517.00, including sales tax,

plus a contingency of \$3000 for accessories. Commissioner Zevenbergen seconded the motion, which passed unanimously.

**SIDE SEWER REPAIR**

Mr. Martin reported that the contractor on the Sewer Rehabilitation Project informed the District that it is not possible to repair certain side sewer lines by installing a lining. This work will be removed from the Project contract, for a cost reduction of approximately \$6000. The District obtained three bids to repair that portion of the side sewer through excavation. SRP Excavating LLC is the low bidder for this work, at \$11,020.00, including sales tax. Staff also request a ten percent contingency. This work will be funded from the District's CIP Fund.

After discussion, Commissioner Zevenbergen made a motion to award the contract for the side sewer repair to SRP Excavating LLC in the amount of \$11,020.00, including sales tax, plus a ten percent contingency, and to authorize the General Manager to execute the contract on behalf of the District. Commissioner O'Byrne seconded the motion, which passed unanimously.

**WEBSITE UPDATE**

Mr. Russell reported that he contacted the District's communications consultant at Sindelar Communications & Marketing regarding updates to the District's website. The consultant provided ideas for the website's reorganization, and examples of other websites she has created. Mr. Russell presented the example websites. The Commissioners and staff discussed elements of the website that should be added or revised. The Commissioners and staff also discussed updating the District's newsletter.

After discussion, the Commissioners' consensus was that staff should continue pursuing the website updates with the consultant and bring a cost proposal back to the Board.

## **ATTORNEY'S COMMENTS**

Ms. Larson had no additional comments.

## **ENGINEER'S COMMENTS**

The Engineer was not present.

## **MANAGERS' COMMENTS**

Ms. Crookston had no comments.

Mr. Martin informed the Commissioners that the Parking Lot Maintenance Project was delayed due to weather, but the contractor plans to complete the Project this weekend.

Mr. Martin also reported that the Decant Facility Project is progressing. The District requested certain additional electrical scoping work, which is necessary to determine the remaining capacity at that location. The contractor has requested a Change Order for this work in the amount of \$4,042.00, including sales tax. In addition, the Change Order would authorize an additional 30 working days, until December 5, based on delays caused by the District's discussions regarding structural steel and "tie-downs." Staff recommend approval of this Change Order.

After discussion, Commissioner Zevenbergen made a motion to approve the Change Order for the Decant Facility Project for the electrical scoping work in the amount of \$4,042.00, including sales tax, and approving an additional 30 working days for the Project. Commissioner O'Byrne seconded the motion, which passed unanimously.

Mr. Russell reported that he worked with the District's legal counsel to prepare revisions to T-Mobile's proposed lease, and sent the revised lease to T-Mobile for comment. The revisions included an increase in the rental amount to approximately \$18,500 per year, which is consistent with the rent in the City's similar lease with T-Mobile.

## **COMMISSIONERS' COMMENTS**

Commissioner O'Byrne had no additional comments.

Commissioner Zevenbergen had no additional comments.

## **OTHER DISTRICT BUSINESS**

None.

## **COMMISSIONER POSITION NO. 3**

Ms. Larson discussed issues relating to the process for the Board to appoint a candidate to the vacant Commissioner Position No. 3, including the option of using a "tie-breaker" method if necessary. The Commissioners, Mr. Russell and Ms. Larson discussed the procedural issues.

## **EXECUTIVE SESSION – RCW 42.30.110(1)(h) – To evaluate the qualifications of candidates for appointment to elective office**

Commissioner Zevenbergen announced that there would be an executive session under RCW 42.30.110(1)(h) to evaluate the qualifications of candidates for appointment to elective office, which would be for eight minutes and conclude at 3:00 p.m. Commissioner Zevenbergen convened the executive session at 2:52 p.m., with the Commissioners, Mr. Russell, Mr. Martin, Ms. Crookston, and Ms. Larson attending.

At 3:00 p.m., the executive session was concluded and open session resumed.

The Commissioners, Mr. Russell and Ms. Larson continued the discussion of the process to appoint a candidate to the vacant Commissioner position, including the possibility of using a tie-breaker and the process that King County might use to make the appointment, if necessary. Commissioner O'Byrne expressed that it was a very difficult decision, as the candidates are very well qualified. Commissioner Zevenbergen agreed, and stated that he would like more time to consider the matter, and to consider whether using a tie-breaker process was advisable.

Commissioner O'Byrne agreed. The Commissioners' consensus was that the matter should be discussed again at the next regular meeting of the Board. No other action was taken.

**ADJOURNMENT**

As there was no further business or persons to be heard, the meeting concluded at 3:10 p.m.

**BOARD OF COMMISSIONERS**

  
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Suzi O'Byrne, Commissioner

  
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Peter A. Zevenbergen, Commissioner

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Commissioner