

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

Held on September 13, 2023

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 September 13, 2023. Commissioner Doug Kunkel, Board President, attended by Zoom, and called the meeting to order at 2:05 p.m. Commissioner Pamela Martin, Board Vice President, attended by telephone. Commission Suzi O’Byrne, Board Secretary, attended in person. District staff Patrick Martin, Operations Manager, and Jamie Crookston, Finance Manager, and Rosemary Larson, legal counsel, attended in person. Bill Reynolds, District Engineer, attended by Zoom.

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

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

CONSENT AGENDA

Approval of Minutes -- Regular Meeting of August 23, 2023

Approval of DEA – Man Sewer Extension

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

APPROVAL OF VOUCHERS

Commissioner Martin made a motion to approve the following Vouchers. Commissioner Kunkel seconded the motion, which passed unanimously:

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 4888 to 4899 in the amount of \$44,656.40.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 4900 to 4913 in the amount of \$12,616.59.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 4914 to 4938 in the amount of \$576,024.20.

Water/Sewer Maintenance Fund – Payroll in the amount of \$83,440.08.

Water/Sewer Maintenance Fund – EFT in the amount of \$27,696.86.

CITIZENS' COMMENTS AND CONCERNS

There were no citizens in attendance.

COMP PLAN PROPOSAL

Mr. Martin informed the Commissioners that the time is approaching by which the District's updated Water and Sewer System Comprehensive Plan must be prepared. Due to changes in the pertinent statutes, the Plan will be a ten-year plan now. The agenda packet contains a proposal from PACE with an estimated cost to prepare the Plan. Mr. Reynolds noted that the materials are not a specific Scope of Work and Fee Proposal; these materials just provide an estimate for informational purposes. Mr. Reynolds commented that in PACE's experience, it is more difficult now to estimate the nature and extent of Department of Health's potential comments on draft Comprehensive Plans as the Department has many new staff members. For that reason PACE will propose a fee based on time and materials. Commissioner Kunkel agreed that he has had the same experience with Department of Health. Mr. Martin stated that the District's Plan will

need to be in review by April 2024. Mr. Reynolds confirmed that PACE understands the District's schedule, and PACE will submit the formal Scope of Work and Fee Proposal to the District soon.

WATER LEAK DETECTION SURVEY

Mr. Martin informed the Commissioners that the District's water system has had leaks that were difficult to evaluate for cause. District staff recommend that the District conduct a system-wide study, so that a comprehensive plan for correction can be developed and as due diligence to prevent water loss. Staff requests authorization to contract with Hydrevo, LLC for this work, in accordance with the proposal in the agenda packet. In response to a question from Commissioner Kunkel, Mr. Martin confirmed that the study will only address District lines, and not any private lines.

After discussion, Commissioner O'Byrne made a motion to enter into a contract with Hydrevo, LLC for the Water Leak Detection Survey Project, in an amount not to exceed \$13,185.00, not including sales tax, and to authorize the General Manager to sign the same. Commissioner Kunkel seconded the motion, which passed unanimously.

CHANGE ORDER OLYMPUS LIFT STATION

Mr. Martin presented a photograph of the Olympus Lift Station Project, and described the facilities installed in the Project. He explained that the original work was to include a combination 1.5 inch line with three components. After the Project was awarded, the District determined that a 1.5 inch line was not available, and so the Project was redesigned to include two one inch lines. The District also decided to include certain stainless steel materials. This redesign and stainless steel upgrade resulted in additional costs, and the contractor requested a change order for these costs in the amount of \$9,480.32, plus sales tax. District staff believes this change order is reasonable and justified.

After discussion, Commissioner O'Byrne made a motion to approve the Olympus Lift Station Project Change Order in the amount of \$9,480.32, plus sales tax. Commissioner Martin seconded the motion, which passed unanimously.

ATTORNEY'S COMMENTS

Ms. Larson noted that Commissioner Martin was absent from the July 26, 2023 Board meeting and Commissioner O'Byrne was absent from the August 23, 2023 Board meeting. Commissioner Kunkel made a motion to excuse Commissioner Martin's absence from the July 26, 2023 Board meeting, and to excuse Commissioner O'Byrne's absence from the August 23, 2023 Board meeting. Commissioner O'Byrne seconded the motion, which passed unanimously.

ENGINEER'S COMMENTS

Mr. Reynolds reported that the final response to the City's comments on the Decant Facility Project plans have been submitted, and the Project notice has been posted per the City's requirements. However, King County Solid Waste recently commented on the Project, indicating that the District needs a County permit to handle solid waste at the facility. This has never been required before. PACE will meet with the County tomorrow and present the District's position that this permit should not be required.

Regarding the Sewer Rehabilitation Project, the Plans will be sent to District staff tomorrow for review. In addition, PACE is working on the Plans for the Windtree Project.

MANAGERS' COMMENTS

Ms. Crookston reported that she has begun discussions with FCS for a rate study, to include review of the District's General and Local Facilities Charges. FCS will submit a proposal for consideration.

Ms. Crookston commented that District staff would like to retain Page and Beard to obtain quotes for and manage carpet replacement work. The wear and tear on the carpet in the District's office building has become pronounced. Commissioner Kunkel and Commissioner O'Byrne each agreed with the need to replace the carpet.

Ms. Crookston also reported that Newcastle Days was a success. The District had more staff attendance than in prior years, and all three Managers attended.

Mr. Martin requested additional discussion on the Newcastle Arts Commissioner's request that the District allow the Arts Commission to have an artist paint District fire hydrants. This request was discussed at the last meeting, but only two District Commissioners were present at that meeting. The Arts Commissioner has requested a response from the District, and staff would like direction from the Board.

The Commissioners reviewed the areas of concern discussed at the prior meeting, which are outlined in the August 23, 2023 meeting minutes. Commissioner Kunkel stated that in his opinion, there are too many potential issues with the proposal to proceed with it. As one example, the District would have to remove fire hydrants from service and transport them to an artist for painting, or if the hydrants are painted in place, traffic control would be necessary, which costs ratepayer funds and always involves the potential risk of harm to persons and property. As another example only, issues exist as to who would select the artist(s) and approve the artwork designs. These topics are not within the District's purpose and expertise. Because art is inherently subjective, there is the possibility that any chosen design could be offensive to some citizens.

Commissioner O'Byrne agreed with Commissioner Kunkel's comments, and in addition stated that ratepayers could object to use of District funds and facilities for artwork purposes. While she is not in favor of proposal, if the proposal was to be approved, only fire hydrants that

are separated from the street by a sidewalk or other physical barrier would be appropriate for use as fire hydrant art.

Commissioner Martin stated that she was not in favor of the proposal, due to potential risk to the District.

Commissioner O'Byrne expressed concern that depending on the hydrant art design, fire response time could be negatively impacted, if the hydrant blended into the environment or first responders were looking for bright yellow paint. Even extremely short delays can impede fire suppression. This could be a liability for the District. She also commented that while cities have an art budget and arts commissions, the District has neither.

Mr. Martin commented that he also understands that the Fire Department places blue reflectors in the right-of-way to mark the location of hydrants. However, in District staff's opinion, the research and review of the designs, location, and other issues relating to fire hydrant art would all take staff time, which has a cost to the District's ratepayers. There are issues related to who will be responsible for the maintenance and repair of the artwork, as it inevitably wears over time. The proposal does not make operational sense. Ms. Crookston commented that the District would be spending ratepayer funds on the artwork. She is concerned that there will always be some segment of the population that finds any chosen design offensive.

Commissioner Kunkel noted that in the past, the District received negative comments when there was difficulty accessing a fire hydrant during an emergency response. He commented that the District has standards for paint used on fire hydrants for a reason, and agreed with Commissioner O'Byrne's comments regarding potential liability if fire response is delayed due to not adhering to those standards.

After discussion, the consensus of the Commissioners was that the District should not allow District fire hydrants to be used for hydrant artwork, and District staff should respond to the Arts Commissioner accordingly.

COMMISSIONERS' COMMENTS

Commissioner O'Byrne had no additional comments.

Commissioner Martin had no additional comments.

Commissioner Kunkel had no additional comments.

OTHER DISTRICT BUSINESS

None.

ADJOURNMENT

As there was no further business or persons to be heard, the meeting concluded at 2:56 p.m.

BOARD OF COMMISSIONERS

Douglas Kunkel

Douglas Kunkel, Commissioner

Pam Martin, Commissioner

Suzi O'Byrne

Suzi O'Byrne, Commissioner