

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

Held on October 26, 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 October 26, 2022. Commissioner Suzi O’Byrne, Board President, attended in-person and called the meeting to order at 5:02 p.m. Commissioner Doug Kunkel, Board Vice-President, attended in-person. Commissioner Pamela Martin, Board Secretary, attended by telephone. District staff Robert Russell, General Manager, Patrick Martin, Operations Manager, and Jamie Crookston, Finance Manager, and Rosemary Larson, legal counsel, attended in-person. Bill Reynolds, District Engineer, attended by telephone and joined the meeting at 5:13 p.m.

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 informed the Commissioners that an “Executive Session under RCW 42.30.140(4) to discuss the interpretation or application of a labor agreement and a strategy or position to be taken during collective bargaining and negotiations” was added to the Agenda as Item 15.

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

CONSENT AGENDA

Regular Meeting Minutes of September 28, 2022

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

APPROVAL OF VOUCHERS

The following Vouchers were approved:

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 4051 to 4054 in the amount of \$675.98.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 4055 to 4074 in the amount of \$550,386.39.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 4075 to 4082 in the amount of \$36,833.73.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 4083 in the amount of \$11,372.85.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 4084 to 4103 in the amount of \$26,292.84.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 4104 to 4122 in the amount of \$103,977.80.

Water/Sewer Maintenance Fund – Payroll in the amount of \$68,199.95.

Water/Sewer Maintenance Fund – Payroll in the amount of \$23,650.00.

Water/Sewer Maintenance Fund – EFT in the amount of \$70,656.73.

Water/Sewer Maintenance Fund – EFT in the amount of \$26,837.81.

CITIZENS' COMMENTS AND CONCERNS

There were no citizens in attendance.

RIPLEY LANE – WATER SERVICE TRANSFERS

Mr. Martin reported that this item relates to the potential relocation of a District water main in connection with the State's I-405 widening project. The main is at the toe of a slope, in a location where it will be difficult to maintain and could be in jeopardy. The State proposed a new location for a main, but the State's solution has an overly complicated design and includes several stream crossings. District staff have a better solution, but two existing customers in the District's service area, who are served by the District's current main, will be difficult for the District to serve. Mr. Martin has spoken to the City of Renton, and Renton is willing to serve those two customers, as Renton already serves properties in the vicinity and has a water main available. The City will provide for consideration a template agreement which would allow for the City to serve the two customers. No action is required at this time; if a draft agreement is developed by the District and Renton, the agreement will be brought to the Commissioners for review and consideration.

Mr. Reynolds joined the meeting by telephone at 5:13 p.m.

DECANT FACILITY – AMENDMENT NO. 1

Mr. Reynolds informed the Commissioners that PACE is requesting an amendment to the Scope of Work and Budget for engineering services for the Decant Facility Project at the 580 Reservoir Site, to allow for additional work that was not contemplated when the original Scope of Work and Budget was approved. The additional services include certain initial feasibility work for the Project, preliminary design for several additional alternatives, permitting assistance for a Site Development Permit and a drainage memorandum that were identified as required by the City of Newcastle at the predesign meeting, and additional structural design work and contract document preparation to accommodate a third bay on the Facility requested by District staff. Amendment No. 1 also includes a Budget reduction for survey work associated with certain private

property that was eliminated by District staff. Amendment No. 1 would authorize a net total increase in the Budget in the amount of \$33,907.75, for a total Budget amount of \$170,771.75.

After discussion, Commissioner Kunkel made a motion to approve Amendment No. 1 to the PACE Scope of Work and Budget for the Decant Facility Project, in the amount of a net total increase of \$33,907.75, making the total Budget amount \$170,771.75. Commissioner Martin seconded the motion, which passed unanimously.

ATTORNEY'S COMMENTS

Ms. Larson reported on the status of the Westwater Construction matter, in which Westwater is challenging an interpretation by the Department of Labor and Industries of the prevailing wage regulations applicable to the installation of ductile iron pipe.

ENGINEER'S COMMENTS

Mr. Reynolds had no additional comments, and departed the meeting.

MANAGERS' COMMENTS

Ms. Crookston informed the Commissioners that the SPU purveyor group's contract negotiations are proceeding well. However, the original consulting services budget of \$5000 per participating agency has been exhausted. The team is asking each participating agency to contribute an additional \$5000 for consulting services, such as financial and legal. Mr. Russell commented that negotiations are making progress and the participating agencies recently approved a one-year extension to the current contract, in order to complete the negotiation of a new contract.

After discussion, Commissioner Kunkel made a motion to approve an additional \$5000 for the District's participation in the consultant costs for the SPU contract negotiations. Commissioner O'Byrne seconded the motion, which passed unanimously.

Mr. Martin informed the Commissioners that Mr. Koval has paid the District's legal costs as required under the three-party agreement between the District, the City of Renton, and the Kovals. The parties are waiting for the City of Renton's signature on the agreement.

Mr. Martin reported that a site has been selected for a back-up generator at the Lake Boren Lift Station. District staff are working with the contractor to prepare the electrical information for that project, which should proceed in early 2023. Mr. Martin responded to Commissioner Kunkel's questions regarding the District's generators.

Mr. Russell informed the Commissioners that he asked FCS Group to provide a proposal for the annual review of the District's rates.

Mr. Russell reported that recently, he has discussed the topic of meeting times with the Managers of several other districts. Mr. Russell provided written information regarding the regular board of commissioners' meeting start times for a variety of districts. Many districts now have their regular meetings earlier in the day, due in part to the increased use of Zoom and other remote meeting options for the public's attendance. The Commissioners and staff discussed the pros and cons of changing the start time for the Board's regular meetings. Ms. Larson commented that any change to the time for the Board's regular meetings must be implemented with a resolution. The Commissioners' consensus was that staff should work with Ms. Larson to prepare a draft resolution, with the meeting time blank and an effective date at the beginning of 2023, for the Board's further consideration and discussion at an upcoming meeting.

Mr. Russell reported that the Sno-King lobbyist, Steve Lindstrom, recently passed away. All of the Commissioners expressed their condolences. Mr. Russell also reported that he attended the October 20 meeting of the Risk Management Pool. The District's premium for the next year

will be reduced. In addition, Mr. Russell informed the Commissioners that the District hosted another SPU purveyor meeting on October 24.

COMMISSIONERS' COMMENTS

Commissioner Martin had no additional comments.

Commissioner Kunkel expressed further condolences for Steve Lindstrom's passing. He reported that he will attend an appreciation dinner for people who volunteered and assisted the City of Newcastle with their various programs during 2022.

Commissioner O'Byrne had no additional comments.

OTHER DISTRICT BUSINESS

None.

ADDITIONAL CITIZENS' COMMENTS

There were no citizens present.

EXECUTIVE SESSION – RCW 42.30.140(4) – To Discuss Interpretation or Application of a Labor Agreement and Strategy for Collective Bargaining and Negotiations.

Mr. Russell requested an executive session under RCW 42.30.140(4) to discuss the interpretation or application of a labor agreement and a strategy or position to be taken during collective bargaining and negotiations, and stated that the executive session would be for 15 minutes. Commissioner Kunkel convened the executive session at 5:43 p.m., with the Commissioners, Mr. Russell, Mr. Martin, Ms. Crookston, and Ms. Larson attending.

At 5:58 p.m., the executive session concluded and the open meeting reconvened. No action was taken.

ADJOURNMENT

As there was no further business or persons to be heard, the meeting concluded at 6:01 p.m.

BOARD OF COMMISSIONERS



Suzi O'Byrne, Commissioner



Douglas Kunkel, Commissioner



Pam Martin, Commissioner