

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

Held on November 8, 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 November 8, 2023. Commissioner Doug Kunkel, Board President, attended by Zoom, and called the meeting to order at 2:00 p.m. Commissioner Suzi O’Byrne, Board Secretary, attended in person and Commissioner Pamela Martin, Board Vice-President, attended by telephone. District staff Robert Russell, General Manager, Patrick Martin, Operations Manager, and Jamie Crookston, Finance Manager, Rosemary Larson, legal counsel, and Bill Reynolds, District Engineer, 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 requested that the agenda be amended to include Item 8A for Change Order 9 for the Pleasant Cove Lift Station Project.

Commissioner O’Byrne made a motion to approve the agenda, with the addition of “Item 8A Pleasant Cove Lift Station – Change Order No. 9.” Commissioner Martin seconded the motion, which passed unanimously.

CONSENT AGENDA

Approval of Minutes -- Regular Meeting of October 25, 2023

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

APPROVAL OF VOUCHERS

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

Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 5051 in the amount of \$137,746.47.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 5052 in the amount of \$29,918.59.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 5053 to 5059 in the amount of \$18,367.50.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 5060 to 5073 in the amount of \$382,953.40.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 5074 in the amount of \$49,052.85.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 5075 in the amount of \$87,921.41.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 5076 to 5090 in the amount of \$293,860.28.

Water/Sewer Maintenance Fund – Payroll in the amount of \$81,405.42.

Water/Sewer Maintenance Fund – EFT in the amount of \$25,860.46.

Water/Sewer Maintenance Fund – EFT in the amount of \$9,501.33.

CITIZENS' COMMENTS AND CONCERNS

There were no citizens in attendance.

FIRE ALARM SYSTEM

Mr. Martin stated that this item follows on the discussions at prior meetings regarding the outdated nature of the SCADA for the District's fire system. Repairs to correct the immediate problem were completed, but more comprehensive work on the system is necessary to address required upgrades. The District obtained quotes for this work, and Audio Video Security Systems, Inc. submitted the low bid in the amount of \$21,672.96, including sales tax. This bidder will perform the work so that there is no down time in the fire system's operations.

After discussion, Commissioner O'Byrne made a motion to award the Fire System Project to Audio Video Security Systems, Inc. in the amount of \$21,672.96, including sales tax. Commissioner Martin seconded the motion, which passed unanimously.

PFAS SETTLEMENT

Mr. Russell reported that the District received Notices of Settlement in the Dupont and 3M class action lawsuits. If the District wants to "opt out" of the settlements and the lawsuits, the deadlines for doing so are December 4 and December 11, respectively. Ms. Larson explained reasons that support a decision to "opt out," which include that if the District stays in the lawsuits, the settlement agreements would require the District to waive any and all future claims against the defendants, regardless of whether the District is entitled to any settlement funds.

After discussion, Commissioner O'Byrne made a motion to direct the General Manager to work with the District's legal counsel to execute on behalf of the District and submit the appropriate paperwork for the District to "opt out" of the Dupont and 3M class action lawsuits

relating to PFAS contamination. Commissioner Martin seconded the motion, which passed unanimously.

PLEASANT COVE LIFT STATION PROJECT – CHANGE ORDER NO. 9

Mr. Martin informed the Commissioners that after the Pleasant Cove Lift Station Project was advertised and the bid awarded, staff determined that additional fencing and repairs to existing fencing on the site near the City trail are necessary. The contractor submitted a request for a change order in the amount of \$3410.66, including tax, for this work and materials. Staff recommend approving the change order, as it is a reasonable price for this additional work requested by the District.

After discussion, Commissioner O’Byrne made a motion to approve the Pleasant Cove Lift Station Project Change Order No. 9 in the amount of \$3410.66, including tax. Commissioner Martin seconded the motion, which passed unanimously.

MANAGER CONTRACTS

Mr. Russell stated that this item will be discussed as part of the executive session.

ATTORNEY’S COMMENTS

Ms. Larson had no additional comments.

ENGINEER’S COMMENTS

Mr. Reynolds reported that the bids for the 2023 Sewer Rehabilitation Project were opened today. The low bid is below the estimate for the Project. PACE is reviewing the bids, and will make a recommendation for award of the Project at the next meeting.

MANAGERS’ COMMENTS

Ms. Crookston informed the Commissioners that the Employee Recognition Lunch will be held on December 21 at 11:30 a.m. at the Newcastle Golf Club. Ms. Crookston also reported that

she is working on a new janitorial services contract with Ms. Larson. She is working on the Paymentus agreement's notice of termination, and she has moved a training class that she was going to attend next week to January.

Mr. Martin reported that the Manhole Project is proceeding. Staff may present a change order for this Project to the Board at an upcoming meeting, as at least one manhole had an unexpected condition requiring extra work.

Mr. Russell explained that in the past, the second meetings in November and December have been cancelled due to the holidays, and requested that the Commissioners determine if they want to cancel these meetings this year.

After discussion, Commissioner O'Byrne made a motion to cancel the second regular meeting of the Board of Commissioners in November 2023 and the second regular meeting of the Board of Commissioners in December 2023. Commissioner Martin seconded the motion, which passed unanimously.

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.

Mr. Reynolds departed the meeting.

EXECUTIVE SESSION - RCW 42.30.110(1)(g) - To review the performance of a public employee

Commissioner Kunkel announced that there would be an executive session under RCW 42.30.110(1)(g) to review the performance of a public employee, which would be for fifteen minutes and which would conclude at 2:40. Commissioner Kunkel convened the executive session at 2:25 p.m., with the Commissioners, Mr. Russell, Mr. Martin, Ms. Crookston and Ms. Larson attending.

At 2:40 p.m., the executive session was concluded and the open public meeting reconvened. After discussion, Commissioner O'Byrne made a motion, based on employee performance, to approve an increase in salary for Calvin Megiveron to consist of a five percent (5%) merit raise plus the District's standard Cost of Living Adjustment increase, and to change his position's job title to Development and GIS/IT Manager. Commissioner Kunkel seconded the motion, which passed unanimously.

Ms. Crookston and Mr. Martin departed the meeting. Commissioner Kunkel announced that an executive session would be reconvened under RCW 42.30.110(1)(g) to review the performance of public employees, which would be for fifteen minutes and which would conclude at 3:00. Commissioner Kunkel convened the executive session at 2:45 p.m., with the Commissioners, Mr. Russell and Ms. Larson attending. At 2:52 p.m., Mr. Russell left the executive session.

At 3:00 p.m., the executive session was concluded and the open public meeting reconvened, with Mr. Russell returning to the open meeting. After discussion, Commissioner Kunkel made a motion, based on employee performance, to approve an increase in salary for Jamie Crookston to consist of a five percent (5%) merit raise plus the District's standard Cost of Living Adjustment increase. Commissioner O'Byrne seconded the motion, which passed unanimously.

Commissioner Kunkel made a motion, based on employee performance, to approve an increase in salary for Patrick Martin to consist of a two percent (2%) merit raise plus the District's standard Cost of Living Adjustment increase. Commissioner O'Byrne seconded the motion, which passed unanimously.

Commissioner Kunkel made a motion, based on employee performance, to approve an increase in salary for Robert Russell to consist of a two percent (2%) merit raise plus the District's standard Cost of Living Adjustment increase. Commissioner O'Byrne seconded the motion, which passed unanimously.

ADJOURNMENT

As there was no further business or persons to be heard, the meeting concluded at 3:06 p.m.

BOARD OF COMMISSIONERS

Douglas Kunkel

Douglas Kunkel, Commissioner

Pam Martin, Commissioner

Suzi O'Byrne

Suzi O'Byrne, Commissioner