

**MUKILTEO WATER AND WASTEWATER DISTRICT  
BOARD OF COMMISSIONERS MEETING**

Minutes of February 4, 2009

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The February 4, 2009 Meeting of the Board of Commissioners was called to order at 7:00 PM in the District office.

***PRESENT***

Commissioners -- Dick Andrews, Ed Caine, Mike Johnson, Thomas McGrath, Thomas Rainville and Joan Thomasson  
(Commissioner Caine arrived late due to working overtime.)  
Attorney – John Milne  
Engineer – Ken Enns, Pete Weber, Camp Fuller, Tom Zerkel and Eric Delfel  
Staff -- Dan Hammer, Patrick Sorensen, Sue Parks, Gil Bridges and Mary Merriam

***APPROVAL OF  
AGENDA***

Mr. Hammer requested changing the Agenda by adding:

- #7. February 11<sup>th</sup> Special Meeting
- #8. Airport Interlocal Agreement

Commissioner Johnson made a motion to approve the Agenda as revised. Commissioner Andrews seconded the motion. The motion passed unanimously.

***MINUTES  
APPROVED***

Commissioner McGrath made a motion to accept the Minutes from the January 21, 2009 Board Meetings. Commissioner Thomasson seconded the motion. The motion passed unanimously.

***CONSENT AGENDA***

After review of the Consent Agenda Items, Commissioner McGrath made a motion to approve the items listed. Commissioner Johnson seconded the motion. The motion passed unanimously.

***Delinquent Accounts***

The Board reviewed the accounts listed as being delinquent and authorized staff to collect, disconnect or file a lien on accounts listed as delinquent in accordance with the District's policy.

The Board asked if delinquent accounts had increased due to the downturn of the economy. Mr. Hammer reported that the number of Hearing Notices being sent out has increased. Staff will track the numbers and report back to the Board.

***RESOLUTIONS  
083-09 & 084-09***

***Accepting Developer Extension Agreements as Complete***

***Bayview Heights, Ext. #393*** – The developer created two new lots at 1003 Campbell Avenue. The improvements have been completed and the project is ready to be accepted by the District. A deposit of \$1,500 was made; all invoices have been charged and paid leaving no balance to be refunded.

**BakerCorp, Ext. #449** – A new warehouse was built on Lot 10 of the Bomarc Business Park. The Developer has completed the water and sewer improvements and the project is ready to accept as complete. A deposit of \$2,500 was made; all invoices have been charged and paid leaving no balance to be refunded.

Resolutions 083-09 and 084-09 were signed by the Board accepting the Developer Extension Agreements as complete.

**BUSINESS ITEMS**

***BIG GULCH  
SEGMENT #1***

Mr. Sorensen reported that Big Gulch Segment #1 has been completed by KLB Construction. The engineer is recommending the District accept the work. The original contract award was made for \$6,174,835.82 in 2007. With acceptance of three final close-out Change Orders (8, 9 & 10) the final contract value is \$7,242,186.65.

***CHANGE ORDERS  
#8, #9 & #10***

A detailed explanation of each Change Order and their purpose was presented to the Board for review and approval. Change Order #8 amounted to \$21,140.34, Change Order #9 was \$7,078.50 and Change Order #10 was for a credit of \$12,754.62.

***FINAL PAY  
ESTIMATE***

A Final Closeout Progress Payment Estimate #9 with KLB in the amount of \$68,257.02 was also presented for approval.

***ACCEPT AS  
COMPLETE***

***RESOLUTION  
082-09***

Discussion was held about the project and costs. Mr. Weber stated that 17% is a high amount of change orders but not unusual with a rush job. Commissioner Andrews stated the high percentage was also due to the project being expedited in order to avoid a catastrophic line failure. Commissioner McGrath stated he could not support Change Order #9.

Commissioner Andrews made a motion to approve Change Order #8 and #10 and authorize the General Manager to sign the documents. Commissioner McGrath seconded the motion. The motion passed unanimously.

Commissioner Johnson made a motion to approve Change Order #9 and authorize the General Manager to sign the document.

Commissioner Andrews seconded the motion. The motion passed with Commissioners Johnson, Andrews, Thomasson and Rainville voting for the motion. Commissioner McGrath voted against the motion. Commissioner Caine hadn't arrived at this time.

Resolution 082-09 was signed by the Board of Commissioners.

***VOUCHERS***

Commissioner McGrath made a motion to approve the Vouchers. Commissioner Johnson seconded the motion. The motion passed unanimously.

Water Maintenance Fund (741-5408666)

Beginning with 1038 through 1058 in the amount of \$19,299.40.

Wastewater Maintenance Fund (741-58408666)

Beginning with 830 through 842 in the amount of \$26,751.39.

Water Capital Improvement Fund (741-5458666)

Beginning with 1036 through 1037 in the amount of \$1,597.60.

East Wastewater Maintenance Fund (741-59418666)

Beginning with 138 through 138 in the amount of \$76.10.

Wastewater Capital Improvement Fund (741-58468666)

Beginning with 827 through 829 in the amount of \$19,953.99.

East Wastewater Capital Improvement Fund (741-59528666)

Beginning with 137 through 137 in the amount of \$87.52.

Wastewater PWT Fund (741-58558666)

Beginning with 843 through 844 in the amount of \$ 35,097.79.

***BIG GULCH  
SEGMENT #3  
PLAN REVIEW AND  
REQUEST TO GO  
TO BID***

The Plans & Specification Project Manual for Big Gulch Segment #3 was developed by Hammond Collier and delivered to staff, Board of Commissioners, construction legal counsel, permitting entities, Mr. Rude and outside directional drill consultants for review. Mr. Weber and Mr. Fuller were present and discussed the project and answered questions. A pre-bid notice was sent for advertisement in the Everett Herald and the Journal of Commerce. Suggested dates for the bidding process are: February 19<sup>th</sup> go out to bid, March 4<sup>th</sup> hold a walk though, and March 26<sup>th</sup> open bids.

Commissioner Andrews made a motion to approve Segment #3 plans and specifications and to direct staff and the consultant to advertise for bids. Commissioner McGrath seconded the motion. The motion passed unanimously.

***SUPREME COURT  
DECISION  
REGARDING FIRE  
HYDRANTS***

In October 2008 the Washington Supreme Court issues a ruling indicating the City of Seattle could not include the cost of fire hydrant fire protection in water rates. The court found that the cost of fire protection is a general government service and should be paid by a tax. It was originally believed that the court case would not effect districts because they do not have authority to tax property owners without a vote of the people. In further review, some attorneys are reconsidering that thinking.

Mr. Milne made a presentation to update the Board on his opinion of the case. He will keep the Board advised of further developments.

***SPECIAL MEETING*** A Special Meeting was to be advertised for February 11, 2009 to review the draft budget. Staff will not be prepared to present the draft budget on that date. Mr. Hammer requested the meeting on February 11, 2009 be cancelled.

Commissioner Thomasson made a motion to cancel the Special Meeting. Commissioner Caine seconded the motion. The motion passed unanimously.

***INTERLOCAL  
AGREEMENT WITH  
SNOHOMISH  
COUNTY AIRPORT***

Mr. Hammer reported that in July 2008 the District had signed an Interlocal Agreement with the Airport regarding water and sewer improvements needed for the Korry Project. Recently Mr. Bill Lewallen from the Airport contacted Mr. Hammer and requested authorization to amend the agreement to reflect the date of 2009 in title rather than 2008 and create blanks for entry of an effective date to coincide with the date the document is executed by the County Council. Mr. Milne agreed that the document becomes an agreement when the County Council executes it.

Commissioner Thomasson made a motion authorizing the agreement to be modified by changing the date to 2009. Commissioner Johnson seconded the motion. The motion passed with five (5) Commissioners voting yes. Commissioner Caine abstained from voting because he works for Snohomish County.

***MANAGEMENT REPORTS***

Mr. Hammer reported that Robert (Bob) Dzawala submitted his resignation effective February 16, 2009. He has taken a job with the City of Marysville.

Mr. Hammer reported on the Outfall Study Project. The diving company surveyed about 200-feet from the outlet end but could not go further. Staff TV'ed from the manhole on the west side of the railroad tracks and went about 230-feet. That pipe was clean and unobstructed. At 230-feet there was a bent joint on the corrugated pipe that stopped the camera wheel.

***COMMISSIONERS REPORTS***

Commissioner Johnson suggested at the next Sno-King Meeting the Fire Hydrant issue should be discussed and possibly taken to WASWD.

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The Board of Commissioners agreed on holding the Employee Recognition Dinner on Saturday, March 21, 2009 at the Holiday Inn in Everett.

**ADJOURN**

There being no further business the President of the Board adjourned the meeting at 9:00 PM.



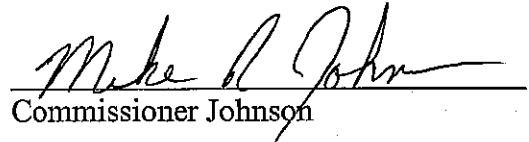
President/Commissioner Rainville



Commissioner Andrews

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Vice-President/Commissioner Caine



Commissioner Johnson



Secretary/Commissioner McGrath

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Commissioner Thomasson