

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

Minutes of May 5, 2010

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The May 5, 2010 Regular Meeting of the Board of Commissioners was called to order at 7:00 PM in the District office by Vice President Caine.

**PRESENT**

Commissioners -- Ed Caine, Mike Johnson, Thomas McGrath, Thomas Rainville and Joan Thomasson

Attorney – John Milne

Engineer – Mike Jauhoia

Staff -- Dan Hammer, Gil Bridges, Rick Matthews & Mary Merriam

Audience – Ms. Janet Carroll

Commissioner Rainville was going to arrive late therefore Commissioner Caine temporarily chaired the meeting.

**APPROVAL OF  
AGENDA**

Commissioner Johnson made a motion to approve the Agenda as presented. Commissioner Thomasson seconded the motion. The motion passed unanimously.

**MINUTES APPROVED**

Commissioner Johnson made a motion to approve the Minutes of the April 7, 2010 Board Meeting. Commissioner McGrath seconded the motion. The motion passed unanimously. The April 19<sup>th</sup> Minutes will be reviewed when Commissioner Rainville arrives.

**CONSENT AGENDA**

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

**Vouchers**

Water Maintenance Fund (741-5408666)  
Beginning with 1989 through 1995 in the amount of \$23,345.81.

Water Maintenance Fund (741-5408666)  
Beginning with 2003 through 2040 in the amount of \$43,608.58.

Wastewater Maintenance Fund (741-58408666)  
Beginning with 1815 through 1826 in the amount of \$ 58,692.67.

Wastewater Capital Improvement Fund (741-58468666)  
Beginning with 1814 through 1814 in the amount of \$5,000.00.

East Wastewater Maintenance Fund (741-59418666)  
Beginning with 0260 through 0261 in the amount of \$36,141.83.

**Regular Payroll**

Regular Payroll for May 2010 in the amount of \$137,053.15 was approved.

**Discharge Monitoring Report**

The April 2010 Discharge Monitoring Report and Department of Ecology Noncompliance Notification Letter for February 2010 was reviewed.

**Authorize Purchases**

**Magflo Meter**

Staff requested authorization to proceed with the purchase of the Magflo Meter for the Reservoir #2 discharge line. The District has standardized on using Siemens Mag Flow Meters. Three quotes were received as follows:

Branom Instrument	\$ 5,284.47
H.D. Fowler Company	\$ 5,592.90
S&B Inc.	\$ 4,973.27

The lowest price including sales tax is \$4,973.27 from S&B.

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**Remittance Processing System**

Staff also requested authorization to proceed with the purchase of the remittance processing system as approved in the 2010 Budget. The approved budget amount was \$26,500.

**Authorize Attendance at Training**

Staff requested authorization for three employees (Gil Bridges, Brianna Sheppard and Al Bahi) to attend the 2010 Western Washington Regional Short School at the Lynnwood Convention Center on June 8 and 9, 2010 at a cost of \$465.

**Accepting Developer Extension Agreements as Complete**

**Messak SP, Ext. #482  
and  
Gaenz SP, Ext. #420**

Staff recommended two Developer Extension Agreement Projects be accepted as complete. The Transfer of Ownership and Bill of Sale for water and/or sewer facilities have been provided to the District for each project. The Developers made deposits to the District to cover expenses including engineering, inspection, legal, permits and administration; any remaining balance shall be refunded as stated below. If the deposit was depleted prior to the project being finished, invoices were sent directly to the developer and have been paid.

**Resolutions 150-10  
and 151-10**

**Messak Short Plat, Ext. #482** – The developer installed water and sewer improvements for a newly created lot on Corbin Drive in Everett. All work has been completed. A \$2,000 deposit was made to cover District expenses all invoices have been paid leaving a balance of \$1,480.16 to be refunded.

**Gaenz – Sharon Drive Short Plat, Ext. #420** – Improvements to the water and sewer systems were made for a new duplex on Sharon Drive in Everett. A deposit of \$1,000 was made; all invoices have been charged and paid leaving no balance to be refunded

Resolutions 150-10 through 151-10 were signed by the Board accepting the Developer Extension Agreements as complete.

**Approve Voiding Developer Extension Agreement**

**Cobblestone Cottages,  
Ext. 3426**

**Resolution 149-10**

The Cobblestone Cottage Developer Extension Agreement has expired and no work is being performed at the site to finish the short plat. Staff requested authorization to close the project and refund any remaining balance. By closing the project at this time the developer/owner will be required to provide a new Pre-Application and Developer Extension Agreement when development resumes; ensuring that the current owner will sign the latest version of the Agreement. Invoices were generated for any expenses the District had on the project; developer extension agreement books, legal review of pre-applications, staff time, plan review, permits, etc.

Cobblestone Cottages was to develop the property into 14 single family lots on Paine Field Way in Everett. The Developer Extension Agreement was signed in 2007 and a deposit of \$3,500 paid. A balance of \$595.12 remains to be refunded. Resolution 149-10 was signed by the Board.

**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.

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**BUSINESS ITEMS**

**BIG GULCH ACCESS  
EASEMENT**

The District has acquired three easements to access and maintain the sewer system in Big Gulch. One easement is from Gary & Janice Tuttle, one is from Ms. Janet Carroll and one is a six party easement which also includes Ms. Carroll. On March 12, 2010 a letter was sent to the District from the six party easement property owners which designated Ms. Carroll to act on their behalf. They mentioned several issues they would like addressed. Mr. Hammer reviewed the questions and responded in writing to Ms. Carroll on March 29, 2010.

Letters from Janice and Gary Tuttle were sent to Mr. Pete Weber at Hammond Collier Wade Livingstone (HCWL) and to the District. Mr. Hammer responded by letter to the Tuttle's on March 29, 2010.

Ms. Carroll sent a letter dated April 15, 2010 and requested to be on the Board of Commissioner's Agenda the first meeting in May to raise issues mentioned in her letter at the meeting.

Ms Carroll stated the homeowners are frustrated that the project has continued for such a long period of time and believe the contractors have abused the rights of the easement. Ms. Carroll expressed that her home and other homes have received damage caused by the vibrations from the construction in Big Gulch and many plants have been destroyed.

Mr. Milne stated that the contractors were responsible for damages done by them and the property owners were responsible to contact the contractors. Mr. Hammer stated the damage was not reported to the District until the letter was received. Ms. Carroll stated she had contacted one of the previous contractors and some damage had been repaired.

Discussion was held regarding the easements, the construction of the project and the District's responses. Mr. Hammer stated the work for the final schedule of the project would be done in the summer and fall of 2010 and the project should be completed by the end of 2010.

The Board authorized and directed the District's General Manager and Mr. Milne to review Ms. Carroll's letters and report back to the Board at the June 2, 2010 Meeting.

Commissioner Rainville arrived at 7:10 pm and chaired the meeting thereafter

**MINUTES APPROVED**

Commissioner McGrath made a motion to accept the Minutes from the April 19, 2010 Board Meetings. Commissioner Johnson seconded the motion. The motion passed unanimously.

**BIG GULCH HCWL  
SUPPLEMENT #15**

The General Manager reported to the Board as set forth in his memo dated May 5, 2010 regarding proposed Supplemental Agreement #15 for professional services which HCWL had requested and which had been discussed by the Board at the March 17, 2010 Meeting. Supplement #15 would increase the contract by \$150,984 for a total of \$5,675,159. It would also reallocate \$48,810.29 from tasks that are not needed to revised tasks including the development of a memo for a supplemental EIS to terminate the high flow bypass at the west end of Segment #2, develop a design to stabilize the stream bank and minimize erosion for Segment #1 and pay for additional construction management and observation services for the stream bank restoration work. Commissioner Caine felt it was not appropriate for the District to pay for the stream bank design and related

construction management and observation services because he felt the District had already paid HCWL twice to perform that work but the stream bank continued to erode in storm events. Therefore, it appeared that the prior design work the District had paid for was defective and that the District should not have to pay for that work a third time. Rather, if the work was again required, HCWL should be responsible for its cost.

Following further discussion regarding proposed Supplement #15, Commissioner Thomason made the motion to authorize the General Manager to approve the Supplement up to the requested amount of \$150,984 when it was in a form acceptable to him conditioned on HCWL providing the Manager a written explanation to his satisfaction why it was appropriate that the District again pay for the stream restoration design and related construction management and observation services; otherwise, the District would reserve all rights to seek recovery from HCWL for the cost of that work if it was paid at this time. Commissioner Caine seconded the motion which was carried by a vote of 4-1; Commissioner McGrath voting against feeling that HCWL should bear the expense of the professional services, construction management and observation services related to have the stream restoration work performed again.

The General Manager will correspond and discuss the matter with the engineer and keep the Board further advised

**SNOHOMISH COUNTY  
INVESTMENT POOL**

At the April 7, 2010 Meeting Mr. Arif Kanji, the Investment Manager from Snohomish County, made a presentation regarding the Snohomish County Investment Pool.

Mr. Milne reviewed the documentation relative to the Snohomish County Pool and advised the Board that he had concerns whether the documents and policies would adequately protect the District's financial interest as they are currently written and advised the District to request a more formal agreement.

Commissioner Rainville stated he had looked at the concept of the County Pool for longer term investments to increase the amount of return the District could achieve. He believes being invested in both the County and State Pools might be beneficial.

Commissioner Johnson stated he would like to see a semi-annual meeting with the treasurer office and pool members to discuss investments with the information being brought back to the Board.

The Board would like staff to pursue the County Pool further by contacting the County informing them that the District does have an interest in the Pool and provide a draft agreement that would cover the concerns of the District.

**SNOHOMISH COUNTY  
NATURAL HAZARDS  
MITIGATION PLAN**

The Mukilteo Water and Wastewater District has been a participant in the Snohomish County Natural Hazards Mitigation Plan (SCNHMP) since its inception in 2005 and is currently partnering with the County on the new plan. The Plan is in response to the Federal Disaster Mitigation Act (DMA) and allows for Federal financial assistance. Rick Matthews made a presentation to the Board regarding the updated plan and projects the District has identified to improve to minimize damage during natural hazard events. After the final draft is sent to the State and FEMA for their review and approval a resolution will need to be adopted by the District.

**BIG GULCH CLOSE  
OUT PROJECT**

Mr. Hammer reported that the Big Gulch Close-Out Project is nearly ready to be advertised for Bids once the City permit is received. The Department of Fisheries HPA Permit for the area by the bridge has been received. Mr. Milne has reviewed the contract and provided his comments to HCWL.

HDD is working on developing a way to stabilize the slide. One proposal was to install a quarry spall buttress requiring about 2,500 yards of export and import. The contractor is looking at a method to install tie back rods at top of the existing retaining wall. They are working to stabilize the land slide, minimize neighborhood impacts and minimize cost.

Commissioner Caine stated he would like to have the engineer look at more than one way to stabilize the bank.

**HARBOUR POINTE  
WATER SUPPLY  
PROJECT**

Mr. Hammer stated that the Department of Health is reviewing the pre-design report for the Harbour Pointe Water Supply Project and has some questions that will need to be answered. A permit is needed from the City. Mr. Hammer is checking with Alderwood staff on the status of the contract and expects to receive 90% plans tomorrow.

**LIFT STATION #5  
ACCESS**

The District has the Lift Station #5 Access preliminary plans and the Preliminary Stream and Wetland Report. Mr. Hammer met with the City to discuss the mitigation for encroachment into the stream and the wetland buffer. The District would need to enter into an Interlocal Agreement with the City if they were going to do the mitigation with their project. Mitigation impacts will be resolved when the SEPA Checklist is prepared.

**ENGINEERING REPORTS**

Mr. Jauhoia reported he had attended the City of Snohomish Meeting regarding the benefits of Snohomish sending sewage to the City of Everett or rebuilding their treatment plant. The estimated cost to rebuild the City of Snohomish Wastewater Treatment Plant is about \$40 million and the cost to connect to the City of Everett's system is about the same. They also discussed looking at the reuse of water.

**MANAGEMENT REPORTS**

Mr. Hammer reported that the City of Everett stated that the water content of the snow has increased and they do not expect a water shortage this summer.

Sewage was reported coming out of the ground in Smugglers Gulch and the District is investigating. The sewer main is in a slide area where the City is working on a retaining wall.

At the WASWD Conference the Bylaw change for managers to be allowed to vote did not have the required two-third votes to pass.

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**COMMISSIONER REPORTS**


Commissioner McGrath reported on the WASWD Conference. It was reported that the Financial Policy is 90% completed and the Budget will be available in June.

Commissioner Caine stated he would not be at the June 2, 2010 Meeting and asked to be excused.

**CONCLUDED**

There being no further business the President of the Board concluded the meeting at 9:05 PM.

  
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President/Commissioner Rainville

  
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Commissioner Johnson

  
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Vice-President/Commissioner Caine

  
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Commissioner Thomasson

  
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Secretary/Commissioner McGrath