

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

Minutes of June 3, 2009

The June 3, 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
Attorney -- John Milne
Engineer -- Ken Enns & Mike Jauhola
Staff -- Dan Hammer, Sue Parks, Gil Bridges, Rick Matthews and Mary Merriam
Audience -- Mr. Jim Henricks

***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 Caine made a motion to accept the Minutes from the May 26, 2009 Board Meetings. Commissioner McGrath seconded the motion. The motion passed with five votes. Commissioner Thomasson abstained since she was not present at the meeting.

CONSENT AGENDA

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

Vouchers

Water Maintenance Fund (741-5408666)

Beginning with 1315 through 1345 in the amount of \$17,047.33.

Water Maintenance Fund (741-5408666)

Beginning with 1346 through 1346 in the amount of \$17,721.07.

East Wastewater Maintenance Fund (741-59418666)

Beginning with 186 through 187 in the amount of \$64,992.95.

East Wastewater Maintenance Fund (741-59418666)

Beginning with 188 through 188 in the amount of \$82.42.

East Wastewater Capital Improvement Fund (746-59258666)

Beginning with 185 through 185 in the amount of \$16,236.12.

Wastewater Maintenance Fund (741-58408666)

Beginning with 1282 through 1298 in the amount of \$37,653.02.

Wastewater Maintenance Fund (741-58408666)

Beginning with 1299 through 1300 in the amount of \$12,452.28.

Wastewater PWT Fund (741-58558666)

Beginning with 1277 through 1281 in the amount of \$276,048.22.

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.

Customer Past Due Tracking List

The Board reviewed the accounts listed on the tracking list.

Telemetry Improvement Update – Resolution 099-09

As approved at the previous meeting staff made minor revisions to Resolution 099-09 and provided it to the Board for review, approval and signing.

Discharge Monitoring Report

The May 2009 Discharge Monitoring Report and the Department of Ecology warning letter was reviewed and accepted.

BUSINESS ITEMS

**PAINE FIELD
WATER AND
SEWER
IMPROVEMENT
PROJECT**

On May 28, 2009 Bids were opened for the construction of the Paine Field Water and Sewer Main Improvement Project. Nine contractors submitted bids ranging from a low of \$379,374.50 to a high of \$519,441.72. The engineers estimate for the project was \$487,000. The bids are as follows:

RESOLUTION 101-99

Aero Construction Company, Snohomish, WA	\$ 379,374.60
BDZ Construction, Everett, WA	\$ 395,958.90
B & L Utility Inc., Snohomish, WA	\$ 413,154.45
Mosbrucker Excavating Inc., Bothell, WA	\$ 417,523.50
TE Briggs Construction, Lynnwood, WA	\$ 460,736.55
Interwest Construction, Inc., Burlington, WA	\$ 464,823.12
New West Development, Snohomish, WA	\$ 474,468.98
Universal Land Construction Co., Woodinville, WA	\$ 480,267.00
DMSL Construction, Inc., Arlington, WA	\$ 519,441.72

Aero Construction Company submitted the low bid of \$379,374.50. Mr. Ken Enns noted that there were irregularities in the bid documents that would need to be reviewed.

BDZ, the second low bidder, contacted the District to inquire what the District proposes to do regarding the irregularities. On June 1, 2009 the District received a bid protest letter from BDZ Construction's attorney.

Mr. Enns and Mr. John Milne reviewed irregularities regarding the low bid. Mr. Enns stated that three corrections were made in the bid proposals but the corrections did not change the position of the low bidder. Mr. Enns and Mr. Milne agreed that Aero Construction's bid should be deemed nonresponsive based on:

- 1 They did not submit a complete Proposal form, including a lack of a signed proposal.
- 2 They only submitted their bid number pages (which does not reference a bond), but did submit a bid bond that does reference the bid.
- 3 They did not acknowledge receipt of Addendum No. 1, because it was part of the Proposal form that Aero Construction failed to submit.

Mr. Enns and Mr. Milne stated it is their opinion that the irregularities are material and their recommendation was to reject the bid as nonresponsive.

BDZ Developers, the second low bidder is a registered and licensed contractor and appears to have the relevant qualifications and experience to perform the work of the project. Gray & Osborne verified that BDZ met the responsibility criteria and stated their bid is responsive. Mr. Enns recommended the project be awarded to BDZ Developers as the lowest responsive responsible bidder.

Commissioner Thomasson made a motion to reject Aero Construction's bid as a nonresponsive bid in accordance with the engineers and legal recommendations. Commissioner Andrews seconded the motion. The motion passed unanimously.

Commissioner Andrews made a motion to award the Paine Field Water and Sewer Improvement Project Bid to BDZ Construction as the lowest responsive responsible bidder, in the amount of \$390,483.90, including 9.5% state sales tax, in accordance with the engineers and legal recommendations. Commissioner McGrath seconded the motion. The motion passed unanimously.

The Board signed Resolution 101-99, awarding the contract to BDZ Developers, Inc.

Mr. Jim Henricks, from BDZ, was present. He thanked the Board and said his company would do a good job for the District.

***PRE-DESIGN OF
WWTP
HEADWORK'S
FACILITY***

Mr. Hammer reviewed his memo regarding the proposed Wastewater Treatment Plant Headwork's Modifications. The 2009 capital budget allocated funds to complete a pre-design report. The report would identify alternative grit removal systems, provide cost estimates,

preliminary layouts and inlet piping alterations. It would allow the District more options to consider before committing to a project design.

Commissioner Thomasson made a motion to authorize Gray & Osborne to prepare a Pre-Design Report for the WWTP in accordance with the Scope of Work provided at a cost not to exceed \$31,783. Commissioner Johnson seconded the motion. The motion passed unanimously.

***BIG GULCH
UPDATE***

Mr. Hammer reported that the contractor has most of Staging Area #1 set up to begin drilling. While installing the 36-inch conductor casing the contractor went about 50 to 55-feet and then could not drive the casing any further. When cleaning out the pipe they found the front eight to ten feet of casing caved in. On May 27, 2009 the District was notified of the casing damage. The contractor is working to remove the damaged pipe and expect to start drilling June 4th or 5th. The Contractor will be working double shifts when the drilling starts. Mr. Hammer provided pictures for Board review.

Some vandalism was discovered in the gulch. A police report has been filed.

Snohomish County Council approved the agreement for the District to purchase wetland credits from the Airport Wetland Bank. The transaction should be completed within a couple weeks.

***SUNSET HILL,
LOT 9
SEWER SERVICE***

In accordance with the decision at the last Board Meeting staff provided a design and estimated cost to remedy the existing on-site condition of four lots currently on the same 6-inch side sewer. Options were discussed and it was determined that the existing side sewer was too deep to utilize a drop connection into the existing manhole. The project was designed to replace 20-feet of 6-inch pipe with 8-inch pipe and run a new stub to Lot 9 Sunset Hills. Lots 9 and 10 would then be on standard stubs to the new 8-inch main. Lots 7 and 8 would still share a 6-inch stub. Staff drew up an informal plan, details, notes and specifications for bidding purposes. Five contractors from the MRSC were chosen and bid packages sent with directions to have the quotes returned by 5 PM on June 3, 2009.

Three Bids were received as follows:

T.E. Briggs	\$15,525.00, plus tax
MTA	\$ 18,810.00, plus tax
B&L Utility, Inc.	\$ 35,380.00, plus tax

Discussion was held and Mr. Milne discussed the situation with the Board.

Commissioner Caine suggested the District's Water and Sewer Availability Letter be revised to include a statement that a developer or property owner may be required to upgrade the water and/or sewer systems to meet current standards at their expense if the systems are found to be sub-standard. Staff will draft revisions to the letter.

Commissioner Johnson made a motion to authorize the General Manager to enter into a Small Works Contract to install the 8-inch sewer main and side sewer stubs to T.E. Briggs for an amount not to exceed \$15,525, plus tax. Commissioner Andrews seconded the motion. The motion passed unanimously.

***ALTERNATIVE
FEMA FUNDING***

Mr. Hammer provided a memo regarding the FEMA funds the District applied for to cover a portion of the necessary repairs after the December 2007 storm event. In late 2008 staff was advised that the District would not be reimbursed for the temporary emergency repairs but Emergency Management would allow the District to submit an alternate project to purchase equipment. In May 2009 the District was notified it was eligible for \$77,161 toward an alternate project.

Discussion regarding purchasing a new sewer cleaning truck to replace the 1995 Camel was held. The two trucks available on the state contract were brought to the District for a demonstration earlier in the year. Staff believes the Vac-Con would meet the needs of the District. The cost of the truck, including sales tax is \$347,725.01.

Commissioner Johnson made a motion authorizing staff to accept the Emergency Management funding offer of \$77,161 and to proceed with the order of a Vac-Con Catch Basin Cleaner from the state contract at an amount not to exceed \$360,000. Commissioner Thomasson seconded the motion. The motion passed unanimously.

MANAGEMENT REPORTS

Mr. Hammer reported that while TV'ing the outfall line a large rock was found about 60 to 70-feet west of the railroad tracks blocking the camera from getting over the rock to TV the line. Staff received a proposal from Pro-Vac LLC to remove the rock and TV the line for \$2,450 plus tax. Staff is working with Mr. Milne to draft a contract. The work would need to be performed during the week of June 22 when the tide is low.

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The Real Estate Purchase and Sale Agreement with the City of Mukilteo to sell the Olympus Terrace Sewer District building was executed today.

A meeting was held today with city staff and attorneys at Alderwood Water and Wastewater District to review and discuss the agreement for Alderwood to sell water to other entities.

At the last meeting discussion was held regarding the number of quotes received for purchasing shelving. Mr. Hammer stated that under \$10,000 the District did not need to obtain bids for the purchase. When he researched information after the meeting he realized that if the cost is over \$3,000 three quotes are required. Staff will be receiving three quotes before proceeding with the purchase of the shelving.

Sue Parks stated that the web site is close to being ready to be online.

**COMMISSIONER
REPORTS**

Commissioner Rainville stated he will not be at the next meeting due to attending the AWWA Conference.


Commissioner Johnson stated he will be out of town during the July meetings.

Commissioner Caine and Thomasson will not be at the September 2, 2009 Meeting.

ADJOURN

There being no further business the President of the Board adjourned the meeting at 8:15 PM.

President/Commissioner Rainville



Commissioner Andrews




Vice-President/Commissioner Caine



Commissioner Johnson



Secretary/Commissioner McGrath



Commissioner Thomasson