

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

Minutes of August 5, 2009

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The August 5, 2009 Regular Meeting of the Board of Commissioners was called to order at 7:00 PM in the District office.

***PRESENT***

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

Attorneys - John Milne & Grant Weed

Engineer-- Mike Jauhola

Staff -- Dan Hammer, Sue Parks, Gil Bridges and Mary Merriam

Audience -- Alif Nurani, Rob Long, Dan Baggen, Dave Mullins,  
Shaiza Damji, Donald Marcy and Shawn Walker

Commissioner Caine made a motion to excuse Commissioner Andrews's absence due to a family emergency. Commissioner McGrath seconded the motion. The motion passed unanimously.

***APPROVAL OF  
AGENDA***

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

***MINUTES  
APPROVED***

Commissioner Thomasson made a motion to accept the Minutes from the July 15, 2009 Board Meeting. Commissioner McGrath seconded the motion. The motion passed unanimously.

***CONSENT AGENDA***

After review of the Consent Agenda Items, Commissioner Thomasson 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 1498 through 1524 in the amount of \$275,089.98.

Water Capital Improvement Fund (741-5458666)

Beginning with 1525 through 1526 in the amount of \$248,914.77.

Wastewater PWTf Fund (741-58558666)

Beginning with 1373 through 1374 in the amount of \$556,162.79.

Wastewater Maintenance Fund (741-58408666)

Beginning with 1383 through 1396 in the amount of \$19,758.39.

Wastewater Capital Improvement Fund (741-58468666)

Beginning with 1375 through 1382 in the amount of \$48,688.44.

East Wastewater Maintenance Fund (741-59418666)

Beginning with 0202 through 0203 in the amount of \$4,599.55.

**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.

**Approve Developer Agreement & Authorize Plans to be Signed**

***CRAYTON SP, X-475***

The owners submitted Developer Extension Agreements for Board approval and signing. The Pre-Application and information provided were sent to the attorney for review to make sure they conform to District requirements. The Developer is not requesting reimbursement. A deposit was estimated and paid to cover District expenses including engineering, inspection, legal, permits and administration fees. Plans are being reviewed by staff and the engineer.

NAME:	Crayton-100 <sup>th</sup> S SP, Ext. #475
DEVELOPER/OWNER:	Robinett Development Company
ADDRESS:	1430 100 <sup>th</sup> Street SW, Everett
SIZE:	5-Lot Short Plat
DEPOSIT AMOUNT:	\$2,000

The Developer will be installing water and sewer improvements for the 5-lot single family development. Staff requested the President of the Board be authorized to sign the Developer Extension Agreement on behalf of the District and the Engineer or General Manager to sign the plans once they meet District requirements.

**Terminate Developer Extension Agreement**

***KAILASH HEIGHTS,  
EXT. #346***

***RESOLUTION 113-09***

In 2005, Mr. Asghar Ramfar, or Kailash Development LLC, entered into Developer Extension Agreement #346 to develop property above LaMar Drive and Debreton Lane. The water improvements were not completed or accepted by the District. The developer's agreement has expired due to the length of time that no work has been performed on site. To obtain water and sewer service at a later date the property owner will need to enter into a new Developer Extension Agreement and make improvements according to the standards in effect at that time. A deposit of \$6,000 was made; all invoices have been paid leaving no balance to be refunded. Staff recommended the Developer Extension Agreement be terminated.

*Accepting Developer Extension Agreements as Complete*

**RESOLUTIONS**  
***114-09 through 117-09***

Staff recommended that four 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 Developer's 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.

***Slavic Baptist Church, Ext. #383*** – The developer utilized an existing domestic water service and sewer stub. A private fireline was installed. A \$1,500 deposit was made; all invoices have been charged and paid leaving no balance to be refunded.

***McWherter Lane, Ext. #407*** – Improvements to the water and sewer systems were made for this 50 lot short plat. A deposit of \$5,000 was made; all invoices have been charged and paid leaving a \$340.33 balance to be refunded.

***Mukilteo Town Center, Ext. #451*** – The Developer made water and sewer improvements for this commercial site. A deposit of \$10,000 was made; all invoices have been charged and paid leaving a balance of \$2,569.66 to be refunded. A \$5,000 Cash Completion Bond was paid to receive water service prior to the Punch List being completed. All work has been completed and the bond can be released.

***Roadway Express 2008, Ext. #468*** – The Developer made improvements to the water system. All work has been completed. A deposit of \$2,500 was made; all invoices have been charged and paid leaving no balance to be refunded.

Resolutions 114-09 through 117-09 were signed by the Board accepting the Developer Extension Agreements

***Request for Donation***

The Mukilteo Boys and Girls Club sent a letter requesting a contribution for their 40<sup>th</sup> Annual Luau and Silent Action that will be held on September 26, 2009. The Board authorized staff to donate two unusable hydrant tops which have no value for the auction.

**Request to Dispose WWTP Surplus Items**

Staff requested authorization for the General Manager to be authorized to add equipment listed on the 2009 Big Gulch WWTP Equipment List for Surplus to the existing Board approved surplus list. The items listed is equipment that is no longer of use to the treatment plant or is non-working.

**Employee Accomplishments**

The Board reviewed the Washington Certification Services notification that Jared Alexander and Kevin English passed their Backflow Assembly Tester (BAT) Professional Growth Examination. The President of the Board signed a letter to be sent to each employee acknowledging their accomplishment and thanking them for their efforts.

**Resolution 110-09 Correction and Re-Signing**

Staff requested the Board re-sign Resolution 110-09 due to necessary revisions to include the statutory language from RCW 57.08.050(1) which requires the award of a public works project to the "lowest responsible bidder."

**BUSINESS ITEMS**

***SMUGGLERS  
GULCH ACCESS TO  
LIFT STATION #5  
EMINENT DOMAIN  
ACTION***

***RESOLUTOIN 111-09***

Mr. Hammer provided a brief history on the access road to Lift Station #5 that washed out in December 2007. An engineering assessment was performed to review access options and the need for property to re-build the lift station. Mr. Craig Fullerton was hired to negotiate purchase of easements. To-date easements have not been acquired.

Mr. Grant Weed explained the process to initiate eminent domain action and provided a resolution that would authorize staff to proceed with the condemnation process for access to the lift station and the expansion. Mr. Weed stated it could take up to eight months to complete the condemnation process. Mr. Weed also advised that notice of the Board's consideration of the adoption of a resolution authorizing the acquisition of the easements by condemnation had been mailed to the affected property owners and had been published in a local newspaper.

Commissioner Caine made a motion to approve Resolution 111-09 authorizing the condemnation, appropriation, taking and damaging of land and other property for purposes of access to the District's existing Sewer Lift Station #5 and expansion of the size and capacity of Sewer Lift Station #5. Commissioner McGrath seconded the motion. The motion passed unanimously.

***STAYBRIDGE  
SUITES SEWER  
PERMIT FEES***

In March 2008, 360° Hotel Group entered into Developer Extension Agreement #459 to construct Staybridge Suites located at 9600 Harbour Place in Mukilteo. The hotel has 134 units with kitchens. The structure is nearing completion. The owners recently requested water and sewer permit fees and were concerned that the current sewer general facility charge (GFC) is \$385,920.00. The current rate is \$2,880 per unit set by Olympus Terrace Sewer District Resolution 299-04 as supported by the Rate Study performed in October 2004. The hotel owner, Mr. Alif Nurani requested to meet with the General Manager to discuss the sewer connection GFC.

Mr. Nurani was advised that staff does not have the authority to adjust rates; therefore Mr. Nurani stated he would attend the Board Meeting to discuss the GFC. The District received a letter from the hotel owners on Friday July 31, 2009 regarding the sewer connection charges.

Mr. Hammer stated the District has three other hotels within its boundaries that paid a per unit connection charge. (Stonebridge Suites in 1998, 129 units; Silver Cloud Hotel in 2000, 71 units; Hilton Gardens in 2005, 112 units.)

Mr. Nurani introduced himself and his associates and expressed his concerns about the high connection fees as stated in his July 31, 2009 letter. He requested their project be charged rates as the District calculates for east-side customers.

Mr. John Milne recommended the Board take the information provided under advisement and that the general manager, engineer and attorney review the matter and report back to the Board. The charges could be 'paid under protest' if service is needed before a determination on any adjustment by the District or legal challenge was made and concluded.

Due to existing vacation schedules, the earliest meeting to report back to the Board would be September 15, 2009.

Ms. Shaiza Damji stated the hotel had hoped to have water and sewer connection by August 17, 2009. They have an opening date of October 15, 2009.

Mr. Milne stated that the District GFC is deemed lawful by the resolution which has been in effect since 2004. Resolutions are public record and available for review at any time.

By consensus the Board agreed to allow staff to review the matter and report back to the Board at the September 15, 2009 Meeting.

Mr. Shawn Walker asked if the Board could grant any leeway on the time proposal. Commissioner Rainville stated the Board needs to wait until staff and the consultants have time to review the matter.

***WWTP LAB  
PERFORMING  
ANALYSIS FOR  
OTHERS***

Mr. Gil Bridges requested authorization from the Board of Commissioners for the General Manager to draft an interlocal agreement between the District and other agencies whereby the District would perform laboratory analysis of biosolids fecal coliform-MPN testing. Ms. Sheppard, the District's laboratory analyst, is certified to perform the testing and providing this service to other agencies would also generate additional revenue. Mr. Bridges is aware that the City of Arlington is looking for a new vendor to perform their testing.

Discussion was held regarding the cost of testing, administration fees, liability, staff time and other issues.

By consensus the Board authorized Mr. Milne to draft an interlocal agreement to perform laboratory analysis for other agencies with the District charging a fee for such testing. Each agency request to utilize the service would be reviewed and approved by the Board.

***PAINÉ FIELD  
COMMANDO ROAD  
PROJECT CHANGE  
ORDER #1***

Change Order #1 was submitted for the Paine Field Project on Commando Road for additional work including:

- Remove approximately 80-feet of curb and gutter for re-routing traffic at 109<sup>th</sup>/30<sup>th</sup> Avenue
- Extend the air vac on 30<sup>th</sup> Avenue West to 20-feet behind the curb
- Install conduit along the north side of the sewer main to be installed from the existing Manhole #7 to Manhole #8.

The total cost of the Change Order is \$31,348.28. Discussion was held regarding the Change Order being poorly worded. Staff will discuss this issue with the appropriate people.

Commissioner Johnson made a motion to approve Change Order #1 for the Commando Road Project in an amount not to exceed \$31,348.28 and authorized the District's General Manager to execute the Change Order. Commissioner Thomasson seconded the motion. The motion passed unanimously.

**ACCEPT WWTP  
AERATION DITCH  
"A" AS COMPLETE**

**RESOLUTION 112-09**

The WWTP Aeration System Ditch "A" Project with Gary Harper Construction Inc. has been completed. Staff and the engineer recommended the District accept the project and start the 45-day retention period. A draft resolution was provided to the Board for review.

Commissioner Thomasson made a motion to approve Resolution 112-09, accepting the WWTP Aeration Ditch "A" System Modifications Project as Complete. Commissioner Johnson seconded the motion. The motion passed unanimously.

**BIG GULCH  
SEGMENT #3 HDD  
CONSTRUCTION**

Mr. Hammer reported that the contractor completed pulling the 20-inch pipe for the new sewer mainline in Big Gulch on July 30, 2009. The contractor is starting to clean site areas #1 and #2 and they are preparing to grout the sink hole and casing pipeline in place.

The District received notice of alleged differing site conditions from the HDD Company. Hammond Collier acknowledged receipt of the letter and indicated that the notice had not been submitted in a timely fashion. At this time the District has not received an estimate on the costs the contractor is requesting. The contractor has revised its schedule estimating completion on October 15, 2009, 49 days behind schedule.

On August 4, 2009 the District received CORP of Engineering Permit to work in Big Gulch.

**SNO-KING**

In July 2009 the Sno-King Manager met to discuss the draft 2010 Legislative Agenda for the Sno-King Coalition. A draft copy of the agenda was provided for Board review. The next meeting will be on August 10<sup>th</sup>. Commissioner Rainville will be attending.

**WEB PAGE**

Ms. Sue Parks provided each Commissioner the web site address for the District's new web page for their review. Ms. Parks is addressing any issues the Commissioners brought to her attention. Mr. Hammer thanked Sue for all the work she did on getting the site up and running. Email addresses for the Board of Commissioners was discussed so they would not need to utilize their personal accounts for District business.

The Board liked the web page and agreed by consensus for the site to go live once Ms. Parks is ready to put it on-line.

**MANAGEMENT REPORTS**

Mr. Hammer stated he will be on vacation from August 6<sup>th</sup> until August 17, 2009. Therefore, Sue Parks, Finance Manager was authorized to sign the Big Gulch "Ditch B" contract for the District in his absence.

**COMMISSIONER REPORTS**

Commissioner Thomasson and Caine will not be attending the September 2, 2009 Meeting. Commissioner Johnson will be absent from the August 19, 2009 Meeting.

Discussion was held regarding the second meeting in September which had been moved to the 15<sup>th</sup> due to the fall conference. Commissioner Thomasson and Mr. Milne have a conflict with the September 15<sup>th</sup> date. The Board changed the second meeting in September to Monday, September 14<sup>th</sup> commencing at 7:00 PM at the District office. Staff will advertise the meeting as a special meeting at which the Board will consider all business that may come before it, including the Staybridge Hotel sewer connection charge matter.

Commissioner Johnson, Rainville and McGrath will be attending the WASWD Section III Meeting on August 11<sup>th</sup>.

**ADJOURN**

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


  
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President/Commissioner Rainville

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Commissioner Andrews

  
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Vice-President/Commissioner Caine

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Commissioner Johnson

  
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Secretary/Commissioner McGrath

  
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Commissioner Thomasson

MUKILTEO WATER AND WASTEWATER DISTRICT  
 BOARD OF COMMISSIONERS MEETING

August 5, 2009

SIGN-IN SHEET

NAME	ADDRESS	PHONE NO.
ALIF NURANI	- MUKILTEO HOTEL LLC 9600 HARBOUR PLACE MUKILTEO.	206 225 7011 425 775 9600 x101
ROB Long	LSA Engineering 19217 36th Ave W. Ste 106 LYNNWOOD WA 98036	(425) 775-1591
DAN BAGGEN	ARCHITECT 9914 NE 134th CT. KIRKLAND 98034	425-825-8992
Dave Mullis	Mukilteo Hotel/LLC	206 794 4747
Shaiza Damji	Mukilteo Hotel LLC	206 910 9601 425 775 9600 x105
Donald Marcy	524 Second Ave., Suite 500 Seattle, WA 98104	206-587-0700
Shawn Walker	8226 Crown Ridge Blvd Arlington WA 98223	206-321-6714