

**SAMMAMISH PLATEAU WATER & SEWER DISTRICT**  
**1510 228<sup>TH</sup> Ave. S.E., Sammamish, Washington 98075**

**Minutes**  
**September 21, 2009**

Commissioner Mary Shustov, President of the Board of Commissioners, called the Sammamish Plateau Water and Sewer District Board of Commissioners regular meeting to order at 3:00 P.M. A quorum represented by Commissioner Mary Shustov, Lloyd Warren, Robert Brady, Robert Abbott and Tom Harman was present. Also present were District staff Jay Regenstreif, Lisa Tobin, Scott Jonas, Angel Barton and Asea Sandine. John Milne, District legal counsel, James Tupper, special counsel, Brett Bader, Madison Communications, was also present.

**ADDITIONS/ALTERATIONS TO THE AGENDA**

- Regenstreif requested adding a discussion of the City of Issaquah appeal as an executive session to the agenda. Commissioner Shustov so moved. Commissioner Brady seconded the motion which carried unanimously.
- Regenstreif further advised the Board that Mr. Dimitrov telephoned and informed staff he would like to address the Board regarding the 1” meter requirement and deferral requested of the LFC.

**PUBLIC COMMENTS**

- Angel Dimitrov was present and expressed his continued concerns regarding the requirement to install a 1” meter for fire flow in his new residence. He feels he has made some progress with staff to resolve the concerns, but he feels they could not come up with a practical solution. Mr. Dimitrov feels that there is a policy discrepancy of what existed 25 years ago and the current policy. Mr. Dimitrov advised the Board he needed a resolution by mid October as his family wants to move in November 1, 2009. Mr. Dimitrov inquired if the Board would allow him to pay the charge for the meter now and defer the LFC until after he is moved in. Commissioner Warren explained if the Board allowed the deferral exception there would be no incentive to pay the LFC later. The Board reached consensus to revisit this at the October 5 meeting when they would have all the background information and options in front of them.

**CONSENT AGENDA**

<b>Minutes:</b>				
<b>Resolutions:</b>				
3847	Dahlgren CV NE 79 <sup>th</sup> Water Main	1225069028,1225069041,1225069007	Final Acceptance	
3848	Caffee 212 <sup>th</sup> Way Sewer Extension	1724069081	Termination	
<b>Vouchers</b>				
#1	Maintenance Fund	09-082-0010	108088-108163	\$617,984.79
#4	Sewer Construction	09-082-3510	301053-301062	\$687,503.83
#6	NE SAMM/SPWSD Joint	09-082-1010	200096-200096	\$18.32
#10	Electronic Remittance (payroll)	09-082-0010	DD.4658-4714	\$111,722.46
#10	Electronic Remittance(PERS)	09-082-0010	WT.108164	\$16,391.38
#10	Electronic Remittance (ICMA)	09-082-0010	WT.108165	\$2565.00
#10	Electronic Remittance (King Co Fin- PR taxes)	09-082-0010	WT.108166	\$43,438.06
#10	Electronic Remittance (State of WA –Excise Tax –maint fund)	09-082-0010	WT.10187	\$76,705.25
#10	Electronic Remittance (State of Wa –Excise Tax – joint fund)	09-082-1010	WT.20097	\$53.12
#10	Electronic Remittance (WA State Treasurer – Def Comp)	09-082-0010	WT.108168	\$2832.50
	<b>TOTAL</b>			<b>\$1,559,214.71</b>
➤ <b>Motion:</b> Commissioner Warren made a motion to approve the Consent Agenda as presented. Commissioner Brady				

seconded the motion. Commissioner Harman inquired of the status of the 9/14/09 minutes. Sandine informed Commissioner Harman the minutes are under review and will be presented to the Board at the next meeting.

➤ **The motion was passed unanimously.**

#### **A. EXECUTIVE SESSION-ISSAQUAH ILA**

Commissioner Shustov moved to convene an executive session regarding the City of Issaquah Litigation. Commissioner Brady Seconded. The motion carried unanimously. Before convening the executive session at 3:20 p.m., Commissioner Shustov advised that the executive session would be concluded at 4:00 p.m. At 4:00 p.m. Commissioner Shustov publicly announced that the executive session extended to 4:20 p.m. At 4:20 p.m. Commissioner Shustov publicly announced that the executive session would be extended to 4:30 p.m. At 4:30 p.m. the executive session was concluded and the open public meeting was reconvened.

- **Motion:** Commissioner Brady made a motion authorizing Commissioner Warren to communicate with the City of Issaquah City Manager and convey that the draft ILA had been fundamentally changed without explanation and that all parties should meet again. Commissioner Shustov was authorized to communicate similarly to the Mayor and James Tupper was directed to contact the City Attorney. Furthermore, the Board directed Mr. Tupper to report at the PCHB status conference that the District was ready for trial.
- **The motion carried unanimously.**

#### **B. BEAVER LAKE PARK –COS**

Regenstreif reported that the City of Sammamish is now preparing the master plan for Beaver Lake Park. The City had requested an estimate of what the utility fee types and what would be associated with the project. The District had provided initial information to the City regarding potential costs. Staff is scheduled to meet with City staff on September 23, 2009. The LFC charges are the issue for the City. One of the ideas was to separate the park by functional areas vs. looking at the property as a whole. The District has paid for all of sewer near and through the park with the exception of a small piece installed by a developer. Commissioner Warren suggested the Board review this when the master plan is completed and enter into an ILA with the City to agree on the connection charges when they would be due and payable to the District. He does not have any concerns with segregating the park.

Commissioner Shustov left the meeting at 5:00 p.m.

#### **C. HOCHANIDEL**

Regenstreif advised that the developer had written a letter requesting that the District change the policy to not require payment of GFC's until the developer is ready to proceed with development.

- **Motion:** Commissioner Brady made a motion to not change the policy but to allow the developer submitting the request 30 days for payment without accruing interest. Commissioner Warren seconded the motion.
- **The motion carried unanimously.**

#### **D. MINUTE MAN /WELL 9**

The Well 9 property is adjacent to several other properties. One of the properties buildings encroaches on the District's property. The encroachment is being corrected through a lot line adjustment which would result in approximately 8 foot separation between the building and the property's line. The encroaching building is being renovated and the City of Issaquah is requiring a 10 foot separation. The owner is requesting the District provide a 3 foot wide restrictive covenant on the Well 9 property. Milne advised that this could be an appropriate remedy if the owner were to pay a fair market value of the covenant fee so that the District would not be gifting public property.

- **Motion:** Commissioner Warren made a motion authorizing the restrictive covenant or commit to include language regarding termination of the covenant if the building is moved or demolished and directing staff to negotiate an appropriate fee with the owner for the covenant. Commissioner Abbott seconded the motion.
- **The motion carried unanimously.**

#### **E. CASCADE WATER ALLIANCE**

Barton advised she had met with Cascade Water Alliance representatives to discuss what the District felt was an excessive new member surcharge. The District had been paying an estimated charge but because there was a 3 year history the District felt the charge should have been calculated differently because there is a 3 year history. CWA was proposing to pay the overcharge back to the District in 2011. The District assumed the payback would occur in this budget cycle. CWA Board will meet on September 23 and will consider the proposal of paying the District back out of this budget cycle.

#### **F. WASWD COMMITTEE ASSIGNMENTS**

Commissioner Harman suggested the Board defer this item to an upcoming meeting. However, he noted that this should happen after the new WASWD Board directors take office on January 1, 2010.

#### **ATTORNEY/MANAGER/COMMISSIONER COMMENTS**

##### Attorney Comments

No report.

##### Manager Comments

No report.

##### Commissioner Comments

###### *Commissioner Shustov*

- Not present for reports.

###### *Commissioner Abbott*

- Inquired about an update on the Lane case and would like to revisit this. Milne advised cities are in the budget process and are wondering if they will receive bills for hydrants. Abbott requested this be added to the next agenda.

###### *Commissioner Warren*

- No report.

###### *Commissioner Harman*

- Requested the Board hold a retreat before the end of the year and requested this be added to the next agenda for discussion.
- Commissioner Harman left the meeting at 5:31 p.m.

###### *Commissioner Brady*


- No report.

#### **STATUS/ACTION AGENDA ITEM REVIEW**

Nothing had changed since the last meeting.

#### **ADJOURN**

As there were no further persons to be heard, or business to discuss the meeting was adjourned at 5:45 P.M.

  
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Robert Brady, Secretary