

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

**Minutes**  
**November 16, 2009**

Commissioner Tom Harman, President Pro Tem of the Board of Commissioners, called the Sammamish Plateau Water and Sewer District Board of Commissioners regular meeting to order at 3:03 P.M. A quorum represented by Commissioner Lloyd Warren, Robert Brady and Tom Harman was present. Also present were District staff Ron Little, Jay Regenstreif, Lisa Tobin, Scott Jonas, and Asea Sandine. John Milne, District legal counsel, was also present. Commissioner Shustov joined the meeting at 3:06 PM.

**ADDITIONS/ALTERATIONS TO THE AGENDA**

- Commissioner Harman requested adding the Employment Law Workshop update to the Commissioner reports for 5 minutes.

**PUBLIC COMMENTS**

- No public was present.

**CONSENT AGENDA**

<b><i>Resolutions:</i></b>				
3861	Danbury 8 DEA	1124069049	Final Acceptance	
3862	NE 50 <sup>th</sup> Street PRV Replacement Contract		Award	
<b><i>Vouchers</i></b>				
#1	Maintenance Fund	09-082-0010	108406-108485	\$657,974.39
		09-082-0010	108489	\$442.50
#4	Sewer Construction	09-082-3510	301094-301106	\$740,646.14
#6	NE Samm/SPWSD	09-082-1010	200100-200100	\$18.45
#10	Electronic Remittance (Payroll)	09-082-0010	DD.4886—4916	\$38,803.62
#10	Electronic Remittance (ICMA – Def Comp)	09-082-0010	WT.108486	\$6,096.05
#10	Electronic Remittance (King Co Fin-PR Taxes)	09-082-0010	WT.108487	\$21,501.09
#10	Electronic Remittance	09-082-0010	WT.108488	\$8644.17
#10	Electronic Remittance (payroll)	09-082-0010	DD.4917-4973	\$113,096.08
#10	Electronic Remittance (Dept of Ret – PERS)	09-082-0010	WT.108490	\$16,502.08
#10	Electronic Remittance (ICMA – Def Comp)	09-082-0010	WT.108491	\$2,565.00
#10	Electronic Remittance (King Co PR Taxes)	09-082-0010	WT.108492	\$40,514.40
#10	Electronic Remittance (State of WA- Excise Tax Maint)	09-082-0010	WT.108493	\$55,856.71
#10	Electronic Remittance (State of WA – Excise Tax joint)	09-082-1010	WT.200101	\$303.35
#10	Electronic Remittance	09-082-0010	WT.108494	\$3196.00
	<b>Total</b>			<b>\$1,706,160.03</b>
<p>➤ <b>Motion:</b> Commissioner Warren made a motion to approve the Consent Agenda as amended to excuse Commissioner Abbott's absence and to remove the recognition of Mike Green's years of service and add it as item A of the Agenda.</p> <p>➤ <b>The motion was passed unanimously.</b></p>				

**A. YEARS OF SERVICE AWARD- MIKE GREEN**

The Board recognized Mike Green for five years of service with the District and presented him with a service award.

## **B. EXECUTIVE SESSION**

Little requested an executive session to update the Board on the pending Issaquah Litigation. On that basis Commissioner Shustov so moved. Commissioner Harman seconded the motion which was carried unanimously. Before convening the executive session at 3:11 p.m. Commissioner Shustov announced that the executive session would be concluded at 3:31 p.m. At 3:31 p.m. Commissioner Shustov publicly announced the executive session would be extended for 15 minutes. At 3:43 p.m. the executive session was concluded and the open public meeting was reconvened.

- **Motion:** Commissioner Warren made a motion directing the general manager to send a letter to the City of Issaquah acknowledging the Department of Ecology agreed order and advising that the District concurs with the order and directing the District's special counsel to stipulate to the dismissal of the pending appeals without prejudice and lastly to include in the letter to the City of Issaquah the request that when the City felt it was authorized to discharge stormwater to the aquifer the District be given prior notice of our such proposed action. Commissioner Brady seconded the motion.  
**The motion was passed unanimously.**

## **B. NE 50<sup>th</sup> REPLACEMENT PRESSURE REDUCING VALVE**

Little reported that in the Cascade View zone the District has a pressure reducing valve (PRV) that has been difficult to maintain and is now in need of replacement.

Koingsfeld advised that he put together plans and went out to bid and received 12 bids. The apparent low bidder was Fury Construction. The District received a letter from Fury requesting to withdraw their bid because they had apparently received an incomplete set of plans and therefore making their bid incomplete. Koingsfeld requested the Board allow Fury Construction to withdraw their bid and award the project to Westerlund Excavation as the lowest responsible bidder. Koingsfeld also advised the Board that there were a few irregularities in the bid for Westerlund. However, staff felt they were not material.

- **Motion:** Commissioner Warren made a motion approve the withdrawal of Fury's bid. Commissioner Harman seconded the motion.  
**The motion was passed unanimously.**
- **Motion:** Commissioner Warren made a motion to waive the irregularities in Westerlunds bid as immaterial. Commissioner Harman seconded the motion.  
**The motion was passed unanimously.**
- **Motion:** Commissioner Brady made a motion approving Resolution No. 3862 awarding the project contract to Westerlund Construction, as the lowest responsible bidder.  
**The motion was passed unanimously.**

## **C. WELL 2 HVAC PROJECT**

Little advised that to reduce noise generated from the operation of the Well House #2's HVAC system, staff has requested bids to make modifications to the exhaust fan. Koingsfeld advised that staff would like to proceed immediately with the work and requested that the Board authorize the General Manager to proceed immediately with the work and to execute the contract expected to be approximately \$25,000 with the condition that the lowest responsible bid is less than \$35, 000 including sales tax. Staff would present the contract as awarded by staff to be ratified at the upcoming December 7, 2009 meeting.

- **Motion:** Commissioner Warren made a motion authorizing the general manager to award and sign the contract subject to Board ratification. . Commissioner Brady seconded the motion.  
**The motion was carried by a vote of 3-1 with Commissioner Harman abstaining stating he needed additional information.**

#### **D. ACCESSORY DWELLING UNIT METER POLICY**

Little advised that there had been discussion regarding the requirement of a separate water/sewer service for accessory dwelling units. Little advised that staff is seeking clarification from the Board and inquired if the Board would like to change the current policy.

Regenstreif advised that a lot of the information she presented was provided during the discussion of the Storrar matter earlier in the month. Regenstrief reported that there was a long-time District policy to collect connection charges for second living quarters, mother in-laws and guest houses and were not specific with regards to the guest houses. Regenstreif advised of various criteria the Board could consider such as plumbing fixture count, rental vs. family relationship, physical connection and service billing and detached accessory buildings without living quarters criteria. Regenstreif recommended a separate service for dwelling units that include kitchens. The Board discussed whether or not to proceed with a policy change or to delay a decision for study session and allow more time for deliberation. Staff advised they were receiving more requests to waive the second service and requested Board direction as soon as possible.

Commissioner Warren inquired of Milne if Warren could participate in the discussion due to the fact he has an accessory dwelling unit on his property. Milne advised that it was his opinion that Commissioner Warren he could participate in the discussion because he was not aware of any statute that this would create a conflict of interest. Commissioner Warren advised that he had a different perspective in that it would be difficult to differentiate between a separate structure or independent structure. He further added some jurisdictions let the meter size drive the need for an additional meter. Commissioner Warren felt that if the Board passed this policy there would be problems with enforcement. Commissioner Warren thought it was best to let the meter determine the need for a second line and the land use agency could monitor land use concerns.

The Board reached consensus to not require a separate meter for an accessory dwelling unit as a matter of policy but rather to allow the plumbing code to determine when the second meter is needed.

The Board directed staff to draft a resolution for presentation at the next meeting for further consideration.

#### **E. HORVATH – SECOND METER CONNECTION**

Regenstreif advised that the District had received a request from the Horvaths to waive the District's policy to allow the Horvaths to serve both the house and a cabana to be constructed on their property with one 3/4 inch meter.

- **Motion:** Commissioner Brady moved to allow the waiver based on the Board's proposed modification to the policy accessory dwelling unit. Commissioner Harman seconded the motion.  
**The motion was carried unanimously.**

#### **F. COMCAST EASEMENT ON WELL 15 SITE**

Little reported that the Well 15 site behind the QFC in Klahanie was used to operate a well which was part of the District's ASR program. He also advised that the District may construct a permanent pump house on the property in the future. Staff needs direction from the Board regarding this site. Comcast requested a license to use the property for conduit placement. Milne advised the Board of the differences between a license and easement. An easement is permanent and an interest in real property whereas a license is only a use right and is revocable.

Joshua Freed, Comcast representative was present and advised that Comcast reviewed the pricing matrix and Comcast is looking for a one time contract, however, are flexible with a long term license.

- **Motion:** Commissioner Brady made a motion to approve Comcast's request for the license with an initial 5-year term and two optional 5-year extensions, including payment of the District's development

fees and costs and annual fee of \$1,650 based on a five foot wide license area, but only after the final version of the license has been approved by District staff and legal counsel. Commissioner Harman seconded the motion.

**The motion carried unanimously.**

#### **G. LEGISLATIVE SESSION AGENDA TOPICS**

Due to time constraints this item was moved to the December 7, 2009 meeting.

#### **H. AMERICAN WATER WORKS ASSOCIATION CONFERENCE**

Little advised he would like to send the Finance, Operations and GIS Managers to the AWWA Tech Conference and needed the Board's approval under the current policy regarding overnight travel.

- **Motion:** Commissioner Brady moved to approve sending 3 staff members to the AWWA Conference as proposed. Commissioner Harman seconded

**The motion carried unanimously.**

#### **I. EMPLOYMENT WORKSHOP**

Due to time constraints this item was moved to December 7, 2009.

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

##### *Attorney Comments*

- Nothing to report.

##### *Manager Comments*

- Nothing to report.

##### *Commissioner Comments*

##### *Commissioner Shustov*

- Nothing to report.

##### *Commissioner Warren*

- Advised of the upcoming Cascade meetings for Public affairs and the Board.

##### *Commissioner Harman*

- Attended the government relations and the following topics came out of that meeting: 1) Sno-King had put together some legislative information; 2) Skyway's general manager attended meeting and advised they are under annexation; 3) Fairwood voted to not incorporate as a city; and 4) Assumption bill may be coming forward this year.

##### *Commissioner Brady*

- Nothing to report.

##### *Commissioner Abbott*

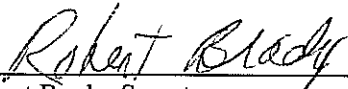
- Nothing to report.

#### **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 5:30 P.M.

 1-4-10  
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Robert Brady, Secretary