

SAMMAMISH PLATEAU WATER & SEWER DISTRICT
1510 228TH Ave. S.E., Sammamish, Washington 98075

Minutes
December 7, 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 3:00 P.M. A quorum represented by Commissioner Lloyd Warren, Robert Brady, Robert Abbott and Tom Harman was present. Also present were District staff Ron Little, Jay Regenstreif, Lisa Tobin, Scott Jonas, Angel Barton and Asea Sandine. John Milne, District legal counsel, was also present. Commissioner Shustov was absent.

ADDITIONS/ALTERATIONS TO THE AGENDA

- Commissioner Brady moved to add the excused absence of Commissioner Shustov to the consent agenda. Commissioner Harman requested the SE 20th change order be removed from the consent agenda and added as item F. Commissioner Brady seconded the above alterations to the agenda which carried unanimously.

PUBLIC COMMENTS

- There were no public comments.

CONSENT AGENDA

Minutes:				
<ul style="list-style-type: none"> • November 2, 2009 • November 9, 2009 				
Resolutions:				
3863	Sammamish Public Library	0424069256	Final Acceptance	
3864	Accessory Dwelling Unit Meter Policy		Policy	
3865	SE 20 th Sewer Extension		Change Order No. 2	
3866	Well 2 HVAC		Bid Award	
Vouchers				
#1	Maintenance Fund	09-082-0010	108495-108580	\$219,641.30
#4	Sewer Construction	09-082-3510	301107-301119	\$120,150.26
#10	Electronic Remittance	09-082-0010	DD.4974-5029	\$114,121.83
#10	Electronic Remittance	09-082-0010	WT.108581	\$16,717.65
#10	Electronic Remittance	09-082-0010	WT.108582	\$2,565.00
#10	Electronic Remittance	09-082-0010	WT.108583	\$40,890.22
#10	Electronic Remittance	09-082-0010	WT.108584	\$3,196.00
	Total			\$517,282.26
<p>➤ Motion: Commissioner Warren made a motion to approve the Consent Agenda as amended with the excused absence of Commissioner Shustov. Commissioner Brady seconded the motion.</p> <p>➤ The motion carried unanimously.</p>				

A. PLATEAU TRUE LIGHT/PINE RIDGE REQUEST TO MODIFY AGREEMENT

Plateau True Light had a parcel they wanted to subdivide. When the City of Sammamish recorded the PTLCC short plat in 2003, tax parcel 1524069088 was formed out of the original tax parcel 1524069040. The developer did not prepare and submit the required water and sewer facilities design to serve the short plat, and did not provide to the District a bond for construction, in violation of District policy. In 2006, staff developed a special agreement for the developer and the developer provided the District with a cash deposit for the construction. The developer is now requesting to vacate the short plat and refund the cash deposit and the District and developer's attorneys would develop a new agreement describing the steps to vacate the short plat, terminate the delay agreement and performance guarantee agreement and refund the deposit. The development of such an agreement would be at the developer expense. Staff is in support of the developer's proposal.

Brent Carson, an attorney and Mr. Jim Toskey – on behalf of Windward Real Estate Services, Inc., state that Windward was prepared to vacate the short plat and Windward is intending to proceed.

- **Motion:** Commissioner Warren made a motion to approve the development of a new agreement for future Board approval at the developer's expense. Commissioner Brady seconded the motion.
The motion was passed unanimously.

B. GENERAL FACILITY CHARGE COLLECTION REQUEST

Little advised that staff had received two letters requesting a change to the District's policy of collecting General Facility Charges (GFC's) as part of the development process. The request is to shift payment of the GFC time, from during development of a project to purchase of water meter, and in the person paying the charge, from the developer to the home builder or buyer, representatives from Master Builders could not attend the meeting. Regenstrief described the current policy where GFC's are collected at the DEA initiation \$500 ERU for water and sewer, the remainder of GFC becomes due within 30 days of preliminary land use approval or start of design review whichever is sooner. If a project does not go forward at any time the Board can approve a refund of up to \$250.00 per ERU for water and sewer, but if the District has relied upon those fees the District does not have to refund. Aaron Hollingbery of Cam West Development, Inc was present and thanked the Board for considering the request. He stated that Cam West Development like most developers is trying to find ways to keep projects to moving forward. Currently the way the fees are set up, the developers are paying fees prior to going forward with review. Cam West would be willing to pay review fees, if there was some way to pay in between when construction drawings are approved. Tobin advised the difference in time on average is 6 months between paying at DEA initiation to when drawings are approved. Regenstrief advised the cities are extending the permits and some of the cost to developers is the GFC interest. The Commissioners considered the option of delaying interest for six months, cost to rate payers and duration of delay due to the economic climate.

- **Motion:** Commissioner Warren made a motion to extend the deadline when the balance of water and sewer GFC's must be paid from the initiation of the DEA to final plan review for new and current DEA projects through December 31, 2010.
The motion carried unanimously.

Staff will now by letter advise all parties with pending DEA projects of the change in the District GFC payment policy and prepare a new DEA amendment for Board approval.

C. WASWD EMPLOYMENT WORKSHOP UPDATE

Commissioner Harman reported that a month ago he attended the WASWD Employment Law workshop and he is concerned about the H1N1 virus and the impact on the employees. He wanted to make sure the District is prepared to deal with the situation where an employee does not have sick leave but policy requires employees stay home. Commissioner Harman also reported that there have been changes in leave laws for family leave, pregnancy, mother in-law etc. Commissioner Harman's concern was to make sure the updates make it into the employee manual. Fyfe advised the new employee manual is currently being reviewed by managers and Milne's office and should be out next year with the updates Commissioner Harman noted.

D. LEGISLATIVE MEETING AGENDA

Little reported the legislative representatives will be attending the Board meeting next week and staff needs to know what Commissioners would like on the agenda. Commissioner Harman advised that he would check with WASWD and AWC for their legislative agendas and report back to the Board and staff. Commissioner Warren proposed motions to reach consensus on agenda items.

- **Motion:** Commissioner Brady made a motion to support some level of utility tax based upon people in respective jurisdictions. Similar to that of gas, cable and electricity. Commissioner Warren seconded.
The motion carried unanimously.

- **Motion:** Commissioner Warren made a motion for the Board to support Cascade Water Alliance in pursuing options to provide municipal sewer and water wholesalers franchise parity with Metropolitan Municipal Corporations. Commissioner Brady seconded the motion.
The motion carried unanimously.

E. WASWD/MWPAAC AND CWA ASSIGNMENTS

Little reported Commissioner Shustov phoned her today that she would not be able to attend the meeting and to report to the Board that she was happy with her current assignments.

- **Motion:** Commissioner Warren made a motion to appoint Commissioner Shustov as the primary representative and Robert Abbott as the alternate for the MWPAAC assignment. Commissioner Brady seconded.
The motion carried unanimously.
- **Motion:** Commissioner Brady made a motion to approve the changes as noted to the CWA and MWPAAC assignments. Commissioner Abbott seconded.
The motion carried unanimously.

The Board will review the WASWD assignments when all commissioners are present.

F. SE 20TH SEWER EXTENSION

Commissioner Harman reported that in the future he would like to see change orders listed as a topic on the agenda.

Tobin outlined the need for the change order for the Board and noted that the project is scheduled for completion at the end of January, 2010.

Regenstreif shared that Mr. Vincent had previously complained about how he was charged for his triangular parcel. Regenstreif advised staff found a way to use total frontage for the 3 lots in Indian Acres and will send an updated letter when the District has a final cost for the project.

- **Motion:** Commissioner Warren made a motion to approve the change order and contract amendment as proposed. Commissioner Abbott seconded.
The motion carried unanimously.

ATTORNEY/MANAGER/COMMISSIONER COMMENTS

Attorney Comments

- Milne reported that he was invited to speak at the WASWD Commissioner Workshop on January 23, 2009, on the Open Public Meetings Act
- The attorney letter to the State Auditor regarding pending and potential litigation and claims involving the District was included in the packet.

Manager Comments

- Little reported the meter for the Dimitrov residence was installed and fully paid for.
- Little met with Overdale representatives at their Board meeting and discussed their options and encouraged them to hire an engineer to review Overdale's options. Little reported the District's engineering staff could do the assessment and if the District were to annex the District would want to make sure Overdale's system is on par with the District's. The District will draft a proposal for Overdale. Commissioner Warren reiterated that the Board needs to be firm and give Overdale deadlines regarding the termination of their use of the emergency intertie with the District. Little advised Overdale's next Board meeting is in January, 2010 and Little will report back to the Board.

Commissioner Comments

Commissioner Shustov

- Not present.

Commissioner Warren

- Reminded the Board of the CWA Board meeting.
- Advised CWA may have an agreement to provide water for four cities.
- There is one remaining item for the Lake Tapps project with the PSE Contract.

Commissioner Harman

- Shared he believes the 2010 Commissioners Workshop is the most valuable educational seminar the Association offers each year and he plans to attend.
- Inquired about the District Holiday Party and if it would be declared a meeting.

Commissioner Brady

- Advised that Rite Aid is selling water outside its store of the Pine Lake Shopping Center and advertises no chlorine and inquired if it was appropriate for Rite Aid to be doing that. Little advised he sent customer service out to look into it and it is plumbed into the store's water system and is not a cross connection issue.

Commissioner Abbott

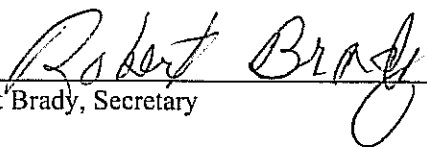
- Nothing to report.

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 5:45 P.M.



Robert Brady, Secretary