

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

Minutes of October 4, 2017

The Regular Meeting of the Board of Commissioners of October 4, 2017 was called to order at the District office by Commissioner McGrath at 7:01 p.m.

**ROLL CALL/
IN ATTENDANCE** Commissioners:
Thomas McGrath, Mike Johnson, Thomas Rainville

Legal:
John Milne (Inslee Best)

Staff:
Jim Voetberg, General Manager; Rick Matthews, Operations/Engineering Manager; Sue Parks, Finance Manager; Gil Bridges, Wastewater Treatment Plant Manager

**APPROVAL OF
AGENDA** Motion by Commissioner Rainville, second by Commissioner Johnson to approve the agenda as presented. The motion passed unanimously.

**VISITORS AND
COMMENTS
FROM THE
AUDIENCE** None.

MINUTES Motion by Commissioner Johnson, second by Commissioner Rainville, to approve the minutes of the regular meeting of the Board of Commissioners on September 20, 2017. The motion passed unanimously.

**CONSENT
AGENDA** Motion by Commissioner Johnson, second by Commissioner Rainville to approve the Consent Agenda as presented. The motion passed unanimously.

Vouchers Approved Vouchers in the amount of \$459,626.74

<u>Fund</u>	<u>SubFund No.</u>	<u>Voucher No.</u>	<u>Amount</u>
Water Maintenance	740	6648-6689	\$23,401.25
Water Capital	746	6643-6644	1,266.51
Wastewater Maintenance	840	6648-6689	78,701.82
Wastewater Capital	846	6645-6647	356,257.16

Payroll Approved Payroll in the amount of \$160,229.93.

BUSINESS ITEMS

Approve Biosolids Disposal Services Agreement General Manager Voetberg presented the item. Mr. Voetberg noted that an RFP had been sent out in August for Biosolids Disposal Service.
General discussion occurred.

Resolution No. 426-17 Motion by Commissioner Johnson, second by Commissioner Rainville, to approve Resolution No. 426-17, approving an agreement with Elysian Fields LLC for biosolids disposal services. The motion passed unanimously.

Other Business None.

ADDITIONAL REPORTS

Management

General Manager's Report

General Manager Voetberg reported that the District's Engineer continues to work on the Change Order for the Lift Station 4 to Lift Station 12 Bore Project.

Mr. Voetberg reported that District staff had met with representatives for the Ferry Terminal Project to discuss different aspects of the project. Mr. Voetberg reported that staff hopes to bring the Developer Extension to the Board for approval at the November 1st meeting.

Mr. Voetberg also noted he would be out of the office the week of October 9th.

Capital Project Status Report

The Board received the Capital Project Status Report.

Verbal Reports

Finance Manager Parks reported that staff has been working on the budget for next year.

Operations/Engineering Manager Matthews reported that staff has been working on the budget for next year.

WWTF Manager Bridges reported staff has been working on the budget for next year. Bridges also reported that the new demo mixers have been installed this week.

Legal No Report.

Commissioners Commissioner Johnson reported that the 2017 Fall WASWD Conference was good.

EXECUTIVE SESSION Discuss Potential Litigation with Legal Counsel pursuant to RCW 42.30.110(1)(i) relating to District Access on 61st Place West

The General Manager reported that the City had closed 61st Place West in February 2017 after a landslide blocked the road. District access over 61st Place West was necessary to periodically access District Lift Station #5 for operation and maintenance, and in the event of emergency. However, the road, to date, was still closed and the General Manager was concerned that the obstruction be cleared and the road opened as soon as possible so the District could access the lift station. The General Manager was concerned because it was not clear when the road may be opened by the city. However, the City had offered to allow the District to access 61st Place West for District purposes at the District's sole risk on the condition the District assume full and exclusive responsibility and risk of loss or damage to person or property from using the road, and indemnify the City for all such risks and damages. The General Manager provided the commissioners with copies of an access agreement to that affect which the City has approved. Because the matter involved potential litigation, the General Manager requested an executive session to discuss the matter.

On motion made, seconded and carried unanimously, Commissioner McGrath convened an executive session at 7:30 p.m. to discuss potential litigation relating to District access on 61st Place West with legal counsel. Before convening the executive session, Commissioner McGrath advised the executive session would conclude at approximately 7:45 p.m. The commissioners, the General Manager, the Operations Manager, and Milne then attended the executive session. At 7:45 p.m., the executive session was extended to 8:00 p.m., which was publicly announced. At 8:00 p.m., the executive session concluded and open public meeting reconvened.

Following discussion, Commissioner Johnson made the motion to respectfully decline the City's offer to allow the District to use 61st Place West for the purposes of accessing District Lift Station #5 on the conditions noted in the proposed agreement, authorize and direct District staff to notify the State Department of Ecology of the access issues related to Lift Station #5 and the District's response thereto, and to authorize District management staff to develop guidelines to share with District staff regarding access to Lift Station #5.

CONCLUDE There being no further business, the President of the Board concluded the meeting at 8:04 p.m.



President/Commissioner McGrath



Vice President/Commissioner Johnson



Secretary/Commissioner Rainville