

LAKEHAVEN UTILITY DISTRICT  
King County, Washington

REGULAR BUSINESS MEETING  
April 26, 2007

A regular meeting of the Board of Commissioners of the Lakehaven Utility District, King County, Washington, was held on April 26, 2007 at Lakehaven Center, 31531 First Avenue South, Federal Way, Washington, 98003.

President Miller called the meeting to order at 6:00 p.m. and asked Commissioner Stewart to lead the flag salute. Members/officials present were as follows:

Don Miller	President of the Board
Ron Nowicki	Vice President of the Board
Chuck Gibson	Secretary of the Board
Ed Stewart	Commissioner
Beverly Tweddle	Commissioner
Don Perry	General Manager
John Bowman	Engineering/Water Manager
Steve Pritchett	General Counsel
Morgan Dennis	Director of Finance/Information System

APPROVAL OF AGENDA

Upon motion of Commissioner Nowicki, which was duly seconded by Commissioner Gibson, the Board unanimously **approved** the evening's agenda as submitted.

CONSENT ITEMS

Upon motion of Commissioner Tweddle, which was duly seconded by Commissioner Nowicki, the Board unanimously **approved** the Consent Items as presented below:

1. Accounts Payable Vouchers and Payroll Transactions with the warrant dates of 4/26/07, 4/27/07 and 4/30/07  
Maintenance Fund No. 11-333-0510  
4/26/07, voucher nos. 8456-8472, total amount of \$3,660.56;  
4/27/07, voucher nos. 8473-8573, total amount of \$334,337.26.  
**Construction Fund No. 11-333-3510**  
4/30/07 voucher nos. 8574-8586, total amount of \$212,861.44

ACTION ITEMS

**#30, Resolution of Commendation – Linda K. Mogensen; Resolution Number 2007-1085:** Upon motion of Commissioner Tweddle, which was duly seconded by Commissioner

Nowicki, the Board unanimously **adopted** Resolution No. 2007-1085, commending Linda K. Mogensen for her years of dedicated service to the District. Commissioner Miller read the resolution and presented it to Mrs. Mogensen. Congratulations were given to her and she thanked the Board and staff for the many things that she had learned over the last 28 years with the District.

**#31, South 380<sup>th</sup> Street Waterline Relocation Project – Award Construction Contract:** Tim Osborne, one of the District's Project Engineers, presented this item and stated staff was seeking approval for the relocation of the water line on South 380<sup>th</sup> Street from an unstable embankment within the right-of-way of South 380<sup>th</sup> Street. The timeline for completion of this project is 30 days and depending on the availability of the contractor, the project could begin in May.

Upon motion of Commissioner Tweddle, which was duly seconded by Commissioner Gibson, the Board unanimously **approved** the contingent award of a construction contract to Dennis R. Craig Construction Inc. of Redmond, Washington for the South 380<sup>th</sup> Street Waterline Relocation Project in the total amount of \$85, 794.78, including tax, and **authorized** the General Manager to execute the contract on behalf of the District.

#### INFORMATION ITEMS

As there was someone in the audience to address Information Item #2, it was the consensus of the Board to address this item first.

**#2, Capital Facilities Charges – Mixed Use Aggregation:** Mr. Pritchett reviewed that the Board had heard from Mr. Martindale, who represented the owner of the Commons Shopping Mall, a month ago asking the Board to consider an amendment to the current Fees and Charges resolution to provide for the transfer of an ERU allocation from Parcel B to the primary parcel for the Mall. The area in question is not contiguous to the rest of the mall property; the current resolution states the properties must be contiguous in order to be eligible for a CFC transfer. They provided a site plan that indicates the property in question was intended to be part of the property. Mr. Pritchett made the following comments: if one of the lots is dedicated to parking, the value of the credits will not come from this area as there is no water/sewer use. He stated they were requesting consideration from the Board as they believe the lot in question is a part of the site plan for the mall. They would like to include the three acres and the ERU's that accompany it. Mr. Pritchett indicated that if the ERU's were transferred to the larger area, they are considered to be gone and cannot be used again. Lance Emory, the project manager for the Mall, was in attendance and addressed the Board. He explained his issue to the Board and a discussion followed. During the discussion, Mr. Pritchett indicated that if the transfer was allowed, it meant that they would take approximately \$33,000 in credit and transfer it to the Mall. It was also noted that the easements that run through the property in question essentially render it useless and the only use for the area would be for parking. Mr. Pritchett reiterated that once the credits are gone, they can no longer be used. If they want to do something on that

property, someone would have to pay for more CFC's, commensurate with the use planned for that property. Commissioner Miller suggested the Board be provided with more clarification and so this issue could be brought back to them for consideration at the next meeting, to which the rest of the Board agreed. Mr. Emory was thanked for coming to the meeting and presenting his issue.

**#1, Developer Extension Status Report:** Mr. Hill, the District's Development Engineer/Manager of Development Services, provided the Board with handouts to facilitate in the discussion. He reviewed the handouts for the Board and explained the color coding. In response to a question, Mr. Hill also explained the numbering system used in order to identify the different projects. Time frames for active projects were discussed first. Another discussion followed as to the difficulties that frequently occur, causing schedules to slip and impacting staff time. It was noted that District staff do work overtime in order to complete the work; however, this also impacts their personal time. Mr. Hill went on to explain the issues that frequently occur once review begins and issues are noted. Mr. Hill also reviewed other issues that come up during the length of some projects. During the discussion it was suggested that the developer be charged for extra work of District staff or simply not provide the service. Mr. Hill indicated that time, not money, is the real issue.

The discussion then moved to the status of projects noted on the handouts. Mr. Hill indicated that staff is currently considering the elimination of substantial completion. Once a project is moved to substantial completion, the contractor/developer often fails to provide the District what is needed for completion. He noted that the monitoring would no longer be needed in such a situation. He added that he is working with Mr. Bowman to develop a solution that would expedite the process. Mr. Hill stated that there is now an invoicing system in place, which has uncovered some issues; he went on to explain some of the issues. The Board was then directed to the languishing projects list and the schools that were included on the languishing list were discussed. Options to this problem were discussed that included charging interest for languishing projects. Mr. Hill noted that the number of projects has not decreased and his area is currently down two employees. Some options were suggested in an attempt to remedy the situation and a discussion ensued relative to this. Subsequent to the discussion, the Board thanked Mr. Hill for the presentation.

#### COMMITTEE REPORTS/COMMISSIONER COMMENTS

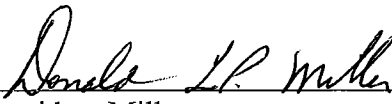
Commissioner Miller reminded attendees that a special meeting would be held the next Thursday at 1:30 p.m. for the purpose of discussing Capital Facilities Charges.

#### STAFF REPORTS

Mr. Bowman reminded the Board that the tour of the Howard Hanson Dam had been scheduled for the next Friday, between 8:00 a.m. and approximately 11:00 a.m.

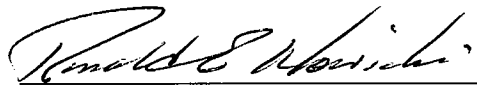
ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at approximately 8:40 p.m.

  
\_\_\_\_\_  
President Miller

\_\_\_\_\_  
Yea                            
Nay                            
Abstain

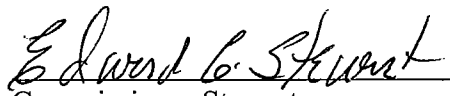
ATTEST:

  
\_\_\_\_\_  
Vice President Nowicki

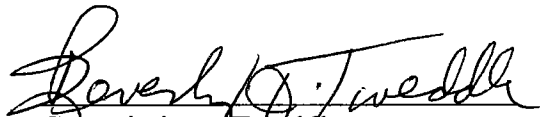
\_\_\_\_\_  
Yea                            
Nay                            
Abstain

\_\_\_\_\_  
Secretary Gibson

          
Yea                            
Nay                            
Abstain

  
\_\_\_\_\_  
Commissioner Stewart

\_\_\_\_\_  
Yea                            
Nay                            
Abstain

  
\_\_\_\_\_  
Commissioner Tweddle

\_\_\_\_\_  
Yea                            
Nay                            
Abstain