

LAKEHAVEN UTILITY DISTRICT
King County, Washington

REGULAR BUSINESS MEETING
February 28, 2008

A regular meeting of the Board of Commissioners of the Lakehaven Utility District, King County, Washington, was held on February 28, 2008, at Lakehaven Center, 31531 First Avenue South, Federal Way, Washington 98003.

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

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

APPROVAL OF AGENDA

Commissioner Nowicki requested that Action Item #4, Easement Encroachment 27222 10th Avenue South, Des Moines, WA, be added to the agenda. It was the consensus of the Board to add this to the agenda.

Upon motion of Commissioner Tweddle, which was duly seconded by Commissioner Gibson, the Board unanimously **approved** the evening's agenda with the addition of Action Item #4.

CITIZEN COMMENTS

David Hicks, Service Unit Manager of King County, representing the Girl Scouts of Western Washington, came to thank Lakehaven Board of Commissioners for their help and support at the February, 2008 Thinking Day. The theme this year for World Thinking Day was water and its importance to good health, issues on access to clean water and water conservation. Lakehaven arranged for Nature Vision to assist the Girl Scouts in this event and the girls earned a water wonders badge. Mr. Hicks thanked the Board and presented a Certificate of Thanks from the Girl Scouts of Western Washington. The Board thanked Mr. Hicks for coming to the meeting.

CORRESPONENCE

Commissioner Nowicki received an email from DeAnna Windh, President of the Puget Sound Section, PNCWA. The email invited the Board to become members of the Puget Sound section of PNCWA and provided information on their next scheduled meeting. Commissioner Nowicki passed around a copy of the email for the other Board members to review.

The District received a sample letter to Chairman Dicks and Representative Tiaht concerning the U.S. Environmental Protection Agency's (EPA) water efficiency program called "WaterSense". Commissioner Nowicki stated he would sign the letter once it is formatted for his signature.

CONSENT AGENDA

Upon motion of Commissioner Miller, which was duly seconded by Commissioner Gibson, the Board unanimously **approved** the Consent Items as presented below.

1. Accounts Payable Vouchers and Payroll Transactions with the warrant dates of **2/19/08, 2/20/08, 2/21/08 and 2/25/08.**

Maintenance Fund No. 11-333-0510

2/19/08 Voucher no. 11562-11570, total amount of \$ 947.84;

2/20/08 Voucher no. 11571-11641, total amount of \$314,062.35;

Construction Fund No. 11-333-3510

2/21/08 Voucher nos. 11642-11651, total amount of \$ 93,247.74;

Payroll Transactions

2/25/08 Voucher nos. 11652-11665, total amount of \$ 56,415.58.

2. 2008 Water Service Line Renews Project (07-542);
3. Surplus Property – Wastewater Items; Resolution No. 2008-1104; and
4. Site Use Agreement: Set Public Hearing.

ACTION ITEMS

#1, 2008 – Well 32 ASR #1 Drilling Project: Mr. French reported on this matter. He reported that two proposals from qualified bidders were received on February 5, 2008. The amount of the low bid received was \$499,927.23, including tax, from Boart Longyear Company of Milton, Washington. He commented that this bid amount was a little higher than the earlier bid, but that it still falls below the original engineer's estimate received last year. It has been determined that the bid meets all the requirements for completing this job and staff recommends that the Board consider approving it. Discussion was held about the difficulties they had in drilling previous holes and if this was mentioned to the drilling company. Mr. Bowman reported

that the driller is aware of the previous difficulties and they will not be drilling as deep of a well this time. Mr. French explained the differences in drilling testing wells and permanent wells. Mr. French reported that he would like to see mobilization of this the first part of April. The drilling would be complete within 60 days. Commissioner Nowicki questioned the “non-district bid bond” in Exhibit A. Mr. French stated that is a mistake and should be changed to a “yes” on the Bid Tabulation Chart.

Upon motion of Commissioner Miller, which was duly seconded by Commissioner Tweddle, the Board unanimously **approved** the bid received from Boart Longyear Company in the amount of \$499,927.23, including tax and authorized the General Manager to execute a contract with Boart Longyear Company.

#2, 2008 – 2010 Laboratory Services Contract: Mr. French reported on the Laboratory Services Contract. He began his report with a correction to the information item. The years that are subject to the contract are 2008 – 2009. The subject item should read 2008 – 2009 Laboratory Services Contract, as well as the summary statement and recommended action. The contract period is two years, with the option of extending the contract for the next three years on an annual basis. The District advertised requests for proposals from qualified laboratories capable of providing laboratory services for calendar years 2008 through 2009. The District received three proposals from labs across Western Washington. Through a scoring evaluation process, staff determined that Water Management Laboratories, Inc., of Tacoma, Washington, is the most qualified laboratory of those who submitted proposals for this service contract. Water Management Laboratories Inc is considered the choice by many other local public water utilities in our area. Mr. French reported further on the evaluation process and the criteria they went through to score the laboratories. He reported on the new Disinfectant Bi-Products and Unregulated Contaminates testing regulations now in place and the increase in costs for these additional tests. Further discussion was held on new testing regulations and quality control.

Upon motion of Commissioner Gibson, which was duly seconded by Commissioner Tweddle, the Board unanimously **approved** the 2008 – 2009 Laboratory Services Contract and authorized the General Manager to execute a service contract with Water Management Laboratories, Inc. for regulatory chemical and biological water quality testing and analysis for the next two years.

#3, Marine Hills Sewer Extension: Mr. Pritchett reported on the Marine Hills Sewer Extension matter and reimbursement to Mr. Burton for the District’s share of the project costs. Mr. Pritchett reported that staff met with Mr. Burton last Friday and went over outstanding costs and what the District needed from Mr. Burton before final acceptance of the project could occur. He then reviewed the breakdown of costs in the Agenda packet with the Board and how the interest was calculated. Staff is recommending that if interest is included in the payment to Mr. Burton, that it be in the amount of \$3,837.31. There is still an easement that the District hasn’t received certification on, and this paperwork is needed in hand before allowing final acceptance.

Commissioner Nowicki wanted to let it be known that this is an exception to the District's guidelines and further discussion ensued on guidelines.

Upon motion of Commissioner Tweddle, which was duly seconded by Commissioner Gibson, the Board unanimously **approved** payment to Mr. Burton, only upon acceptance of the project. Stipulations were made that this is limited to the contract share amount of \$103,448.16, plus \$3,837.31 for interest. A check will be cut for these amounts and held for distribution upon final acceptance of the project.

#4, Easement Encroachment; 27222 10th Avenue South, Des Moines, WA: Mr. Pritchett reported that the District received an easement for a sanitary sewer line that was constructed in 1986 to serve the property. A home was recently built and an outside stairway was located directly over the District's sanitary sewer easement. The District notified the property owner of the encroachment, and indicated that an encroachment agreement may be an acceptable alternative to removal of the stairway. Under the encroachment agreement, the homeowner would be required to allow the District access to the sewer facilities when needed, and any expense of damage to the stairway would be the homeowner's responsibility. The City of Des Moines' final inspection for occupancy will not be approved while the encroachment exists. The District would like the Board to approve the encroachment agreement with the property owner so they can pass inspection and occupy the home.

Upon motion of Commissioner Tweddle, which was duly seconded by Commissioner Gibson, the Board unanimously **approved** the signing of the encroachment agreement for the property located at 27222 10th Avenue South, Des Moines, Washington.

INFORMATION ITEMS

#1, Rules of Procedures/Code of Ethics: Commissioner Nowicki left this item open for comments. The Board and staff reviewed the comments to the Rules of Procedures, section by section, and discussed changes and corrections that needed to be made to the Rules of Procedure. It was the consensus of the Board to address the Board Procedures tonight and address the Code of Ethics on March 13th as an information item. The Board Procedures will be presented as an action item at the March 13th board meeting.

COMMITTEE REPORTS/COMMISSIONER COMMENTS

Commissioner Nowicki suggested attending the PNCWA Puget Sound Section Meeting on April 24, 2008.

Commissioners Tweddle and Gibson attended the Perkins Coie Breakfast seminar this morning in Tacoma and felt it was a very good session. They were informed on hiring and firing decisions, and questions that you can and can't ask.

Commissioner Gibson attended the Liaison Committee Meeting on February 26th at Federal Way City Hall. He felt it was a very informative meeting. He commented that Jack Dovey is holding town meetings every other Monday and many people have been attending these meetings. He also commented that notice of these town meetings will be published in the paper.

STAFF REPORTS

General Counsel: Mr. Pritchett reported that he attended the liaison committee meeting and was asked to give a brief update on CFC program. The School District expressed appreciation for taking into consideration purchasing additional CFCs. Information about a District employee whose vehicle was attacked by a pit bull dog was handed out at the liaison committee meeting. The Fire District said they would like to have this information to include on their dispatch notice and the School District wanted this information as well.

Mr. Pritchett reported that they met with the Union again and went through unresolved non-economic issues. He commented that at the end of the Union negotiations, the District was notified that the current attorney/bargaining agent, Carole Bartolini, has taken another position and this would be her last meeting. Mr. Pritchett stated he felt the District and Ms. Bartolini had a good working relationship and that he was sorry to see her go. He will keep the Board apprised with future negotiations.

Mr. Pritchett reported that House Bill 3582 (requiring taping of executive sessions) is dead. The Bill didn't get out of the house of origin by the deadline. There is another Bill still alive that increases the penalties for members of a governing party that violate the Open Public Meetings Act from a \$100.00 penalty to \$250.00-\$1,000.00. He will keep the Board aware of this Bill.

Mr. Dennis and he met with Cary Roe about Celebration Park CFC's reconciliation. Mr. Roe relates that he doesn't like aspects of the capacity rental system. Mr. Pritchett stated he did his best in explaining these charges to him. Mr. Roe called Mr. Pritchett this afternoon and gave a proposal to resolve it. Mr. Pritchett reported he will meet with Mr. Perry and relate this matter back to the Board.

Engineering/Water Manager: Mr. Bowman reported that they have arranged to erect a cedar fence in the conservation garden area. Secoma Fence will be performing the work on this. Commissioner Tweddle commented on the reflectors that were installed on the ground at the entrance into the park. Commissioner Miller commented on the trees that surround the park and that he felt some of them were safety hazards. Commissioner Miller also requested that the trees that line some of the parking stalls be trimmed back. After further discussion on this matter, Mr. Bowman mentioned he would look into trimming some of the trees back and check with the City on the trees that may be safety hazards.

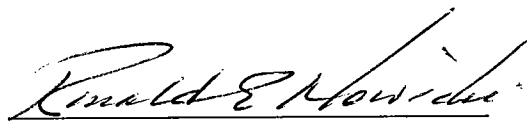
Mr. Bowman reported that they are trying to close the loop on the OASIS properties. He mentioned they are not quite ready to make any decisions on land at this time and would like to put this on hold and let the consultants know we will get back to them on this. It was the Board's consensus that they would not be purchasing major property within the next two years as they are still studying this.

Mr. Bowman stated he will be attending the City of Federal Way public hearing next Wednesday. There are areas along 1st Avenue and south of 356th that are being rezoned from 15,000 square foot density per lot. There have been a number of citizens contacting the City about sewers and other questions, and the City asked that we participate in this meeting.

General Manager: Mr. Perry reported the District started a new recycling program for non-wet batteries to help keep material outside of solid waste and out of the waste stream. He will put copy of information on this in each Board members box. He commented that the Public Works Trust Fund has no construction dollars available this year and that revenues were down from what was projected. Mr. Perry commented that the reflector lights at the entrance of the park are all solar powered.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at approximately 8:25 p.m.



President Nowicki


<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yea	Nay	Abstain

ATTEST:



Vice President Gibson

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yea	Nay	Abstain



Secretary Stewart

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yea	Nay	Abstain

Beverly J. Tweddle ✓
Commissioner Tweddle Yea Nay Abstain

Donell R. Miller ✓
Commissioner Miller Yea Nay Abstain