



Southwest Suburban Sewer District Commissioner's Meeting

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Dedicated to preserve the purity of your environment."

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Commissioners:

Scott Hilsen – President
William Tracy – Vice President
Susan Genzale – Secretary

Consulting Attorney:

Eric C. Frimodt

Consulting Engineers:

Ken Nilsen
Cameron Ochiltree

General Manager:

Ron Hall

April 18th, 2023

1. Call to Order:

Commissioner Tracy called the meeting to order at 6:37 p.m.

2. Also in Attendance:

Bill Stephani, Kitty Carter and Scott DeLibero.

3. Changes or Additions to the Agenda:

Added Executive Session

Added approval request for Resolutions 2023-04-02, 2023-04-03, 2023-04-04 & purchase of MCP Emergency Generator to the Business Agenda.

4. Written Communications:

No written communication.

5. Public Comment:

No public comment.

6. Consent Agenda:

- Approval of the Minutes for the April 4th, 2023, Board meeting.
- Approval and Signing of the Accounts Payable Vouchers & Payroll.

- Vouchers audited and certified by the Auditing Officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on listings that have been made available to the Board. Vouchers are included in the attached lists, and further described as follows:
 - Maintenance voucher numbers 23.0358 through 23.0411 in the total amount of \$612,261.21.
 - Construction voucher numbers 23.0009 in the total amount of \$28,173.94.
 - Review monthly Income Report.

A motion to approve the consent agenda was made by Commissioner Genzale, seconded by Commissioner Tracy, and unanimously approved.

7. Business Agenda:

Cameron Ochiltree updated the Board on BHC's status of the General Sewer Plan document and the status of the Miller Creek Plant Electrical upgrade.

Ken Nilsen updated the Board on PACE's status on PS18 progress. Also reported on the status of Pump Station #4 & Pump Station #11 progress.

District Attorney Eric Frimodt provided detailed background and explanation for the following three Resolutions that provide authorization for the District to pre-purchase components for the Miller Creek Electrical Improvement Project scheduled for next year.

Hall requested authorization for Resolution 2023-04-02, waiving the competitive bidding requirements under RCW 57.08.050 relating to the acquisition of certain electrical equipment and components (generator and automatic transfer switches) necessary for the Miller Creek WWTP electrical upgrade project in accordance with applicable state laws. After brief discussion, M/S/P unanimously approving the request.

Hall requested authorization for Resolution 2023-04-03, waiving the competitive bidding requirements under RCW 57.08.050 relating to the acquisition of certain electrical equipment and components (motor control centers and control panels) necessary for the Miller Creek WWTP electrical upgrade project in accordance with applicable state laws. After brief discussion, M/S/P unanimously approving the request.

Hall requested authorization for Resolution 2023-04-04, waiving the competitive bidding requirements under RCW 57.08.050 relating to the acquisition of certain electrical equipment and components (boilers) necessary for the Miller Creek WWTP electrical upgrade project in accordance with applicable state laws. After brief discussion, M/S/P unanimously approving the request.

Hall presented a memorandum prepared by Bill Stephani requesting authorization to purchase the Cummings 500kW emergency generator package for the Miller Creek WWTP electrical upgrade in the amount of \$238,820.00, plus WSST. After brief discussion, M/S/P unanimously approving the request.

Hall informed the Board that there were \$400 million in Public Works Trust Fund monies available for 2023/2024 and requested authorization to again apply for the rehab of Pump Stations #11 and #4. In addition, Hall requested authorization to apply for funds for sewer line rehabilitation in the amount

of \$6 million, preferably in the Salmon Creek basin, White Center area. After brief discussion, M/S/P unanimously approving the request.

8. Manager's Comments or Reports:

No manager's report.

9. Attorney's Comments and Reports:

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Attorney Frimodt reported that his office had received the \$51,499.12 check from the King County Sheriff's Office relating to the judgment recently paid by Brett Fish. The check is being mailed to the General Manager by overnight mail so the District should have the check in a day or two. Frimodt also reported that oral argument on the Ecology appeal which is being heard by the Court of Appeals, Division III, relating to the Puget Sound Nutrient General Permit has been set for June 7, 2023 at 9:00 a.m. The lead attorneys are currently discussing whether the oral arguments will be conducted in person or remotely. Frimodt also reported on the status of a collection matter involving the Blake property and the need to consider proceeding with a formal foreclosure action in order to collect a sizeable delinquency in excess of \$3,000. After discussion, it was determined that this matter will be brought back to the Board for further discussion. The Board requested more information about the history of this account and the current account balance. The General Manager indicated that he would provide the Board with additional information at an upcoming meeting. Frimodt also discussed an issue that came up at the recent WASWD Spring conference regarding the fact that water-sewer districts have limited taxing authority. Frimodt indicated that he provided copies of the statutes that relate to water-sewer districts' taxing authority. Frimodt provided a general summary of the taxing authority and indicated that he is not aware of any districts that have previously exercised this limited right. Frimodt indicated that if the Board has further questions we can discuss this in more detail at an upcoming meeting. Finally, Frimodt advised the Board that the Director of L&I recently issued his ruling on the Westwater prevailing wage case involving the installation of ductile iron pipe. Frimodt advised the Board that the Director of L&I had overruled and reversed the interpretation previously taken by L&I in its notice of violation issued to Westwater Construction. The Director agreed that ductile iron pipe that is not under pressure can be installed by workers who can be paid laborer – pipelayer wages rather than plumbers wages which is nearly two times higher. Frimodt noted that this is a significant victory for water-sewer districts because it avoids having to pay plumbers wages for the installation of ductile iron pipe which has been the historic practice for 20-30 years prior to L&I's recent interpretation.

10. Commissioner's Comments or Reports:

Commissioner Hilsen discussed the many workshops he participated in at the WASWD Spring Conference, held in Wenatchee.

11. Executive Session:

President Hilsen convened an executive session at 7:51 pm to discuss the performance of a public employee pursuant to RCW 42.30.110(1)(g) for 20 minutes. The Commissioners, General Manager

