



Southwest Suburban Sewer District Commissioner's Meeting

Dedicated to preserve the purity of your environment."

Commissioners:

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

General Manager:

Ron Hall

Consulting Attorney:

Eric C. Frimodt

Consulting Engineer:

Craig Chambers

April 5th, 2016

1. Call to Order:

Commissioner Genzale called the meeting to order at 6:30 p.m.

2. Also in Attendance:

Robert Crumley, Diane Numrich, Jody & Chuck Doubek, Ken Counter, Kay Haaland, Becky MacDonald, Nancy Lau, David Green, Brett Fish, Rick Poulin and Ariel Judge were in attendance.

3. Changes or Additions to the Agenda:

No changes or additions.

4. Written Communications:

GM Hall presented an article on King County's consideration of imposing a fee for septic systems.

5. Public Comment

Due to the number of citizens in attendance for the Board meeting relating to Resolution No. 2016-08, the Board agreed that this matter would be moved up to the first item under the Business Agenda. When the Board reached the Business Agenda, Commissioner Hilsen had not yet arrived at the meeting so the Board considered Resolution Nos. 2016-02 and 2016-05. When Commissioner Hilsen arrived at approximately 6:50 p.m., the Board then considered Resolution No. 2016-08.

Resolution No. 2016-08 regarding the authorization of the acquisition by negotiation or condemnation of an unrestricted and unconditional access road easement on the Fish Property.

Attorney Frimodt suggested to Commissioner Genzale that it may be appropriate for him to provide some background on Resolution No. 2016-08 and she agreed with that recommendation. Mr. Frimodt stated that notice of the Board's consideration of Resolution No. 2016-08 had been provided to Mr. Fish and Mr. Poulin by letter and that a notice had also been published in accordance with state law. Mr. Frimodt then explained that the District had been working with Brett Fish for many years in order to address issues relating to the use of the Access Road to the Miller Creek WWTP and other issues relating to Mr. Fish's claims that the District's actions had caused the house on the Fish Property to slide down the hill. Mr. Frimodt summarized the District's efforts to acquire additional easement rights from Mr. Fish and the prior demands made by Mr. Fish. Mr. Frimodt indicated that due to the District's inability to come to an agreement with Mr. Fish on reasonable terms, the District acquired Corey Fish's 25% co-tenancy interest in the property with the intention of partitioning the property. Subsequent discussions with Mr. Fish and his legal counsel indicated that they were opposed to a partition action so that process has not been initiated. Mr. Frimodt further indicated that because Mr. Fish has acknowledged the District eminent domain authority and indicated that the District is going to have to pay for any additional rights it wants, the District has returned to the concept of condemning the additional easement rights it needs. The Resolution before the Board would authorize such a condemnation if necessary.

Mr. Frimodt then stated that it would be appropriate for the Board to hear from any of the persons in attendance at the meeting who want to address the Board about the Resolution. Chuck Doubek, Becky MacDonald, Ken Counter, Diane Numrich, Nancy Lau, Robert Crumley, and David Green all spoke about their concerns with the District vehicles and the District's vendor vehicles usage of the 8th Ave access road. Concerns were shared of the amount of vehicles, noise, occasional early hours, sometimes excessive speed of the vehicles, the use of the alternative access road and issues relating to the District's use of the road in a manner not authorized by the original easement with Byron Fish. Several individuals raised the issue about the movement of property that they are seeing above the Access Road. Many of the persons who made comments encouraged the District to meet with the neighbors in order to work with them to resolve these issues. Rick Poulin, the attorney for Mr. Fish, also provided his comments to the Board. Mr. Poulin provided the Board with copies of a Declaration signed by Mr. Fish that responded to a number of issues regarding the statements or information contained in the Resolution. Mr. Poulin mentioned several of the items contained in the Declaration. In addition, Mr. Poulin stated that he didn't think the Resolution was clear as to what easement rights were being taken and he claimed the easement wasn't properly defined in a manner that would allow them to value the easement rights being acquired. In addition, Mr. Poulin mentioned that he didn't think there was a legitimate public use component for the taking and that there was another access point available to the District.

The Board of Commissioners stated that the District wants to be a good neighbor and thanked the all of the residents for attending the meeting.

The Board stated their appreciation to residents for expressing their concerns, and offered to hire a mediator to meet with District representatives and the 8th Avenue residents in an effort to resolve the issues brought to their attention. All of the residents were open to the idea of meeting with a mediator.

The Board agreed that no action would be taken on this matter tonight and that any action would be deferred to at least May 3, 2016 which would give the District time to review these issues in more detail. The District also invited the residents to provide the District with email addresses or a point of contact so the District would be able to communicate with the residents about this matter in the future.

It should be noted that Mr. Fish was recording the meeting with his video camera so his video would contain a record of the specific statements made by the public, the Board and others in attendance at the meeting. The District requested that Mr. Fish provide the District with a copy of the video and he indicated that he would try to make a copy for the District.

6. Consent Agenda:

- Approval of the Minutes for the March 15th, 2016 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 16.0370 through 16.0456 in the total amount of \$ 234,554.96.
 - Construction voucher number 16.0016 through 16.0020 in the total amount of \$79,377.75.

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

7. Business Agenda:

GM Hall requested approval for Resolution 2016-02, authorizing the execution of Public Works Construction Contract with General Mechanical for the installation of the MCP Screw Press in the amount of \$92,504.00. After brief discussion, M/S/P unanimously approving the request.

GM Hall requested approval for Resolution 2016-05, authorizing the execution of Public Works Construction Contract with Harrisberg Construction for the sewer stub repair projects in the amount of \$33,152.25. After brief discussion, M/S/P unanimously approving the request.

GM Hall requested approval for Resolution 2016-06, authorizing the execution of Public Works Construction Contract with Pease and Sons Inc. for construction of the District Administration and Sewer Department Project in the amount of \$10,704,355.00. After brief discussion, M/S/P unanimously approving the request.

GM Hall requested approval for Resolution 2016-07, authorizing the execution of Public Works Construction Contract with Insta-Pipe for the repair of pump station #7 force main in the amount of \$78,182.64. After brief discussion, M/S/P unanimously approving the request.

GM Hall requested authorization to purchase Tyco surveillance security system for the SWAMP project in the amount of 21,651.15. After brief discussion, M/S/P unanimously approving the request with authorization to increase the pixel if price is reasonable.

8. Manager's Comments or Reports:

Hall updated the Board on the status of hiring a Payroll & Customer Service Representative position.

9. Attorney's Comments and Reports:

No Comments or Reports.

10. Commissioner's Comments or Reports:

No Comments or Reports.

11. Set the next Public Meeting, Dates and Times:

Commissioner's Meetings	-	April 19 th , 2016 @ 6:30 p.m.
		May 3 rd , 2016 @ 6:30 p.m.
		May 17 th , 2016 @ 6:30 p.m.

12. Executive Session:

No Executive Session

13. Adjournment:

The meeting was ended at 9:05 p.m.

Attest:

Suzy Genzale

___Approve

President and Commissioner

___Oppose

Scott Hilsen

___Approve

Vice-President and Commissioner

___Oppose

William Tracy

___Approve

Secretary and Commissioner

___Oppose