



LAKE WHATCOM WATER AND SEWER DISTRICT  
1220 Lakeway Drive  
Bellingham, WA 98229

## REGULAR SESSION OF THE BOARD OF COMMISSIONERS Minutes

*May 30, 2018*

Board President Laura Weide called the Regular Session to order at 8:02 a.m.

**Attendees:** Commissioner Laura Weide  
Commissioner John Carter  
Commissioner Todd Citron  
General Manager Patrick Sorensen  
Finance Manager/Treasurer Debi Denton  
District Engineer/Assistant Manager Bill Hunter  
Recording Secretary Rachael Hope  
District Legal Counsel Bob Carmichael  
Consulting Engineer Melanie Mankamyer

**Excused Absence(s):** Commissioner Bruce Ford

There were no members of the public present.

### Consent Agenda

#### Action Taken

Citron moved, Carter seconded, approval of:

- Meeting Notes from the 5/09/2018 Board Meeting
- Accounts Payable Vouchers totaling \$54,586.55.
- Payroll for Pay Period #11 (05/05/2018 through 05/18/2018) totaling \$41,009.13.
- Payroll Benefits for Pay Period #11 totaling \$43,988.06.
- Payroll for special pay period (final check) totaling \$8,853.39.
- Benefits for special pay period (final check) totaling \$6,945.21.
- Payroll Taxes for Q1 2018 totaling \$9,122.21.
- Accounts Payable Vouchers totaling \$110,013.47

Motion passed.

#### Additions, Deletions, or Changes to the Agenda

Weide requested, and the Board agreed, to move Agenda item 9, Executive Session, to the top of the meeting.

**Executive Session Per RCW 42.30.110 (1)(i): Considering pending or potential litigation – 20 Minutes**

Weide recessed the Special Session to Executive Session at 8:04 a.m. It was estimated that the Executive Session would take about 20 minutes. The purpose of the Executive Session was for consideration of pending or potential litigation. Weide recessed the Executive Session and reconvened the Regular Session at 8:19 a.m.

**Executive Session Per RCW 42.30.110 (1)(i): Considering pending or potential litigation – 5 Minutes**

Weide recessed the Special Session to Executive Session at 8:19 a.m. It was estimated that the Executive Session would take about 5 minutes. The purpose of the Executive Session was for consideration of pending or potential litigation. Weide recessed the Executive Session and reconvened the Regular Session at 8:24 a.m.

**Executive Session Per RCW 42.30.110 (1)(g): Considering a personnel matter – 15 Minutes**

Weide recessed the Special Session to Executive Session at 8:24 a.m. It was estimated that the Executive Session would take about 15 minutes. The purpose of the Executive Session was for discussion of a personnel matter. Weide recessed the Executive Session and reconvened the Special Session at 8:37 a.m.

**General Manager Vacation & Sick Time Payout**

Carter explained that the current General Manager's contract required 180 days of notice to vacate the position in order for the departing employee to receive payout of their accrued, unused vacation and sick time. In recognition of Sorensen's service to the District, the board approved a reduced payout.

**Action Taken**

**Carter moved, Citron seconded, to authorize payment of total accrued vacation time and half of accrued sick time, for a total of \$15,287.04, upon execution of an agreement letter amending the current contract. Motion passed.**

**General Manager Transitional Plan**

The General Manager's last day of employment is May 30th, 2018. The District has retained The Prothman Company, who are actively recruiting for that position, as well as the open Operations & Maintenance Manager Position. At the last board meeting the commissioners asked for a listing of powers, duties, and protocols fulfilled by the General Manager. Based on District codes and provisions, the District's Legal Counsel recommended that the Board appoint an "acting" General Manager effective May 31, 2018.

Hunter presented the Board with an updated transitional plan outlining how staff will continue to provide uninterrupted water and sewer service to its customers. During the 3 to 4 month transitional period, essential duties and responsibilities of the Maintenance Supervisor (vacant since March) and General Manager have been split among several union employees as well as the non-represented District Engineer/Assistant General Manager and Finance Manager.

**Action Taken**

**Carter moved, Citron seconded, to appoint Bill Hunter (District Engineer/Assistant General Manager) as interim acting General Manager effective May 31, 2018. Motion passed.**

**Carter moved, Citron seconded, to ratify temporary Out of Class Pay per the union agreement for 4 union employees assigned additional duties and responsibilities during the transitional period that begun May 10, 2018. Motion passed.**

**Citron moved, Carter seconded, to adjust the exempt District Engineer/Assistant General Manager (interim General Manager) salary and the exempt Finance Manager salary by 5% during the transitional period beginning May 31, 2018. Motion passed.**

**Beaver and Flat Car Sewer Pump Station Level Transmitter Project Construction Contract Award**

The Beaver and Flat Car Sewer Pump Station Level Transducer Project replaces 15+ year old ultrasonic level monitoring equipment with both a submersible level transmitter and a radar device at two separate sewer pump stations.

Hunter informed the Board that an Advertisement for Bids was published in the Bellingham Herald on April 29, 2018, with bids due on May 15, 2018. The District received 1 bid from JH Kelley, LLC. JH Kelley meets the state's mandatory bidder responsibility requirements and the District's supplemental bidder responsibility criteria established for the project, and their bid is within the District project budget.

**Action Taken**

**Citron moved, Carter seconded, to award the Beaver and Flat Car Sewer Pump Station Level Transmitter Project to JH Kelley, LLC for a construction contract amount of \$36,347.50 (including 8.5% sales tax) and authorize staff to execute the contract. Motion passed.**

**Appointing an Agent for Tort Claims**

Sorensen explained that in 2001, the District (as District 10) appointed the General Manager as its agent to accept claims pursuant to RCW 4.96.020 and recorded the appointment with the County auditor as required. Two years later the District changed its name to Lake Whatcom Water and Sewer District. No recording under the name of Lake Whatcom Water and Sewer District has been made.

**Action Taken**

**Citron moved, Carter seconded, to file a new Appointment of Agent to Receive any Claim for Damage with the Whatcom County Auditor under the Grantor name Lake Whatcom Water and Sewer District. Motion passed.**

**Update Master Fees and Charges**

Denton summarized that the Master Fees and Charges Schedule has been updated to make two adjustments. The first adjustment revises the Lien Record/Release Fee in accordance with a recent surcharge increase. The second adjustment formally adopts proposed rates through 2021 based on the January 2017 FCS Group Rate Study.

**Action Taken**

**Citron moved, Carter seconded, to adopt Resolution 844 – Updating the Mater Fees and Charges with Schedule #26 as presented. Motion passed.**

**Par Sewer Pump Station RH2 A/E Agreement Amendment for Services During Construction**

Hunter communicated to the Board that the construction contract for Par Sewer Pump Station Improvements has been executed. Staff requested RH2 to prepare a scope and fee for Services During Construction that includes: Construction Contract Administration, Submittal Review, On-Site Construction Observation, Testing & Startup, SCADA Software Development, and Construction Records as described in the attached scope of work. District staff will perform contract administration and on-site coordination for inspections.

**Action Taken**

**Carter moved, Citron seconded, to authorize staff to execute Amendment 3 to the RH2 Engineering Architectural/Engineering Agreement for Par Sewer Pump Station Services During Construction for time and materials not to exceed \$67,067, amending the agreement Total Price to \$336,335. Motion passed.**

**Dellesta, Edgewater, and Euclid Sewer Pump Station Improvement Project A/E Agreement**

Staff and RH2 have developed a draft scope of work and fee estimate to begin Dellesta, Edgewater, and Euclid Sewer Pump Station Improvements. The scope of work includes Euclid Sewer Pump Station Improvements, scheduled for bid opening in early 2019, and Dellesta and Edgewater Sewer Pump Stations, scheduled for construction in 2020 and 2021. RH2 scope of work and fee estimate is within the District capital improvement plan budget.

**Action Taken**

**Citron moved, Carter seconded, to authorize staff to execute the Architectural/Engineering Agreement with RH2 Engineering for the Dellesta, Edgewater, and Euclid Sewer Pump Station Improvement Project per the attached scope of work and fee estimate for time and materials not to exceed a Total Price of \$197,680. Motion passed.**

**Recess**

Board President Laura Weide recessed the meeting at 9:00 a.m. and then reconvened at 9:24 a.m.

**Customer Request – 219 Polo Park/Solenberger**

Sorensen presented a letter from customer Adrienne Solenberger dated 4/23/2018 requesting an appeal to the Board for relief from paying rates for 2 Equivalent Residential Units (ERU): 1 for the main house and 1 for an accessory dwelling unit. Discussion followed.

**Action Taken**

**Citron moved, Carter seconded, to uphold current District policies related to properties with accessory dwelling units and to deny Solenberger's request to be billed for only 1 ERU. Motion passed.**

**Customer Request – 4721 Fremont St/Penfield**

Sorensen recounted that the Boy Scout Cabin located 4721 Fremont Street is a water-only customer. Water consumption at the property is very small. The customer is requesting that the Board of Commissioners consider amending the District's Administrative Code to allow for a reduced base rate for customers that use very little water. Staff recommends that if the board wishes to consider such an amendment, that it be done as part of the next rate study scheduled in 1-2 years to fully understand the impacts of creating, implementing, and sustaining a fractional base rate charge. Discussion followed.

**Surplus Items Disposal**

Hunter provided the Board with a list of miscellaneous surplus items that the District no longer needs.

**Action Taken**

**Citron moved, Carter seconded, to declare the presented list of items dated May 23, 2018 as surplus and authorize the Interim General Manager to dispose of the property in a manner consistent with state law. Motion passed.**

**Additional Sewer Connections – Lake Louise Road Area**

Sorensen briefly informed the Board that approximately 6 weeks ago District staff was contacted by a prospective purchaser of a residential property located on Valleybrook Lane in the South Geneva area off Lake Louise Road. The prospective buyer had questions regarding sewer connection costs for this property that is currently on an on-site sewage disposal system (“OSSDS”). In the process of responding, District Staff were reminded of the existence of a handful of other properties in the same area that are within the threshold distance of the sewer force main and not presently connected to the District sewer system. Sorensen directed staff, legal counsel, and outside engineering consultant Wilson Engineering to research how our existing policies and Board authorized Resolutions either apply or do not apply to this situation. Staff will be coming back at the June 13 meeting to provide more information on the updated OSSDS list, and analyses of any special circumstances associated with the identified properties.

**Monthly Budget Analysis**

Denton reminded the Board that the District has several investments coming due in July and August, and the finance committee will need to meet at the end of June to discuss these investments. She also relayed that the annual audit will be taking place beginning July 30.

**Summary of Existing District Projects**

Hunter updated the Board on several projects, including the three upcoming compelled sewer connections, which will open for bid on June 19. He also reported that the Geneva Shoreline meeting in relation to the Geneva Pump Station project has been scheduled for June 20, and that the bridge-walker for the Little Strawberry bridge leak may be available in mid-July.

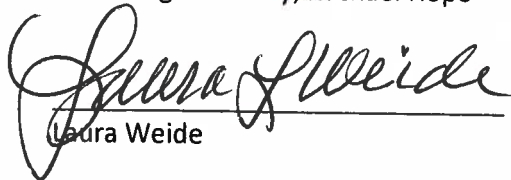
**Other Business**


Sorensen touched on several topics briefly, including the draft salary survey, union contract negotiations to begin in the second half of 2018, and the search for a new commissioner. Discussion followed.


With no further business, Weide adjourned the Regular Session at 8:35 p.m.

  
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Recording Secretary, Rachael Hope

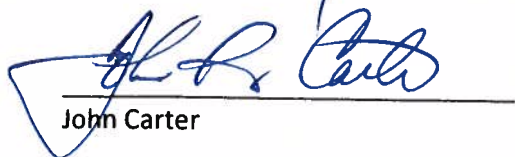
June 13, 2018  
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Date Minutes Approved

  
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Laura Weide

  
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Todd Citron

  
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Bruce R. Ford

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Position 4 - Vacant

  
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John Carter

