

WOODINVILLE WATER DISTRICT
1443rd Regular Meeting
April 19, 2022

ATTENDANCE

Commissioners: Chuck Clarke, Aleksandra Kachakov, Pamela J. Maloney, Tim Schriever, and Karen Steeb
Staff: Patrick Sorensen, Darcie McAlister, Ken McDowell, Jack Broyles, Steve Brown, Christian Hoffman, Sandra Tachibana and Jane Nicholls
General Counsel: Christopher Pirnke

CALL TO ORDER

Commissioner Clarke called the meeting to order at 5:00 p.m.

ROLL CALL

Commissioners Clarke, Maloney, Schriever, and Steeb along with Attorney Christopher Pirnke were all present via Microsoft Teams. Dial-in information was posted with the agenda on the District's website.

Commissioner Kachakov notified staff prior to the meeting that she would be running late.

ITEMS FROM THE PUBLIC: None.

ADDITIONS OR DELETIONS TO THE AGENDA: None.

MEETING AGENDA APPROVAL

It was moved by Commissioner Steeb and seconded by Commissioner Schriever to approve the April 19, 2022, Meeting Agenda. Vote 4-0-0. Motion carried. So ordered.

MINUTES APPROVAL

7 (a) April 5, 2022, Regular Meeting Minutes

It was moved by Commissioner Maloney and seconded by Commissioner Schriever to approve, as amended, the April 5, 2022, Regular Meeting Minutes. Vote 4-0-0. Motion carried. So ordered.

CONSENT AGENDA

8 (a) Sign Monthly Vouchers

- Water Maintenance Fund (09-104-0010), Vouchers #100287 through #100328 and Payroll Advice #10115 through #10152 in the amount of \$544,811.59
- Sewer Maintenance Fund (09-104-0510), Vouchers #27300 through #27300 in the amount of \$13,005.99

- Water Construction Fund (09-104-3010), Vouchers #35570 through #35572 in the amount of \$14,710.50
- Sewer Construction Fund (09-104-3510), Vouchers #41014 through #41015 in the amount of \$105,144.50

4/25/2022 A/P and 4/11/2022 Payroll A/P

It was moved by Commissioner Maloney and seconded by Commissioner Steeb to approve the Consent Agenda. Vote 4-0-0. Motion carried. So ordered.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

NEW BUSINESS

11 (a) ILA with the City of Woodinville for Sewer work on 131st Ave NE Trestle Widening

Mr. Hoffman lead a discussion on this item with the Board. Questions on traffic impact, minimizing local business disruption, and protecting the environment were noted and will be addressed if the need arises. The Board thanked Mr. Hoffman for his excellent attention to detail preparing for this complex project.

The City of Woodinville (City) will be constructing a road widening project along 131st Ave NE under the rail trestle in the City downtown area. This location corresponds to the outlet area for sewer along NE 175th St. This is a good opportunity to perform this needed CIP work as part of the City's 131st Ave NE Trestle Widening project. Engineering staff have been coordinating with City Public Works on these projects. Staff has worked with City staff and their consultant AECOM to develop an Interlocal Agreement (ILA) and a Scope of Work for including the District's sewer work with the City's project. The City will be the lead on the construction.

The City's consultant, AECOM, has provided a Scope and Fee of \$220,257.00 for design and construction management (CM) on this project. Staff has compared this fee to previous sewer projects and feels that this represents a justifiable amount considering the potential complexities such as extra dewatering, permitting, and soil investigations. This project is at a lower elevation and closer to Bear Creek than the previous 134th Ave NE Sewer Lowering project where the District experienced serious dewatering issues. There is additional environmental permitting required due to the proximity to Bear Creek. Also, there is a need to investigate for possible contaminated soils and to deal with bore pits for a casing in a congested traffic and business area next to a gas station and a tire shop. These extra considerations have increased the amount of consultant hours and the resulting fee is higher than for projects with similar lengths of pipe, however; the pipe diameters are larger than on previous projects. Considering the larger pipe and the extra number of hours needed, the project fees are in line with other similarly complex sewer projects.

City and District Staff have worked with our respective legal counsel on a new ILA format for these types of projects. This format should helpfully streamline the process for developing these ILAs on coordinated construction projects. The previous format utilized a single ILA for design and construction that had a construction estimate which was updated after design. This new format

allows for two separate ILAs one for design and another separate ILA for construction. In both formats the design and CM are identified up front, but for the new ILA format the project cost estimating is left for a separate construction ILA after the design is done. This is closer to how staff does many of our more complex projects at the District, and allows for a more accurate project cost estimate, since most of the unknowns have been addressed through design. These unknowns typically have made the preliminary cost estimate difficult to determine and often inaccurate. The District anticipates this new format will speed up the ILA process and make it less cumbersome to pull together moving forward.

It was moved by Commissioner Steeb and seconded by Commissioner Maloney to approve the Interlocal Agreement Between the City of Woodinville and Woodinville Water District for the 131st Ave NE Trestle Widening – Sewer Work project. Vote 4-0-0. Motion carried. So ordered.

Commissioner Kachakov joined the meeting at 5:18 pm.

11 (b) Resolution No. 4008 Authorizing the District to Contribute Funds to Westwater's Appeal of the Ductile Iron Pipe Prevailing Wage Issue to the Washington State Superior Court

Mr. Sorensen reviewed the details of the resolution and will send additional cost information to the Board.

On March 29 the Washington Association of Sewer & Water Districts ("WASWD") hosted a special meeting to provide an update on the dispute between Westwater Construction Company ("Westwater"), a utility contractor, and the Washington State Department of Labor & Industries ("Department") over a recent prevailing wage ruling by the Department for laborers who work on installing ductile iron pipe that will be under pressure at a future date. As discussed previously, this administrative ruling, which significantly elevates the labor cost of laborers to skilled plumbers, will dramatically increase labor costs associated with water and sewer utility projects. If allowed to stand, this administrative determination within the Department will significantly inflate the cost of all future District projects involving ductile iron pipe.

This regulatory decision is presently being appealed to the higher levels of the Department, however; WASWD contractors, and most public sector legal experts expect that this decision will need to be appealed to the Washington state court sometime later this year. WASWD and other public special purpose districts in our industry, including our legal counsel Inslee Best, are looking to create a fund to pay for legally challenging this issue in court later in 2022.

With the help of both Attorney Curtis Chambers and Attorney Christopher Pirnke from Inslee Best; Resolution No. 4008 has been developed as proposed to authorize the General Manager to work with the District's legal counsel to enter into an agreement with Westwater ("Agreement"), whereby the District agrees to contribute its pro rata share towards potential litigation costs.

It was moved by Commissioner Steeb and seconded by Commissioner Maloney to approve Resolution 4008 granting the General Manager specific authority to work with the District's legal counsel to enter into an agreement with Westwater ("Agreement") in relation to Westwater's litigation with the Washington State Department of Labor &

**Industries over the applicable prevailing wage for the installation of ductile iron pipe.
Vote 5-0-0. Motion carried. So ordered.**

REPORTS

- a. General Manager's Report - Mr. Sorensen reviewed his report with the Board. The Board appreciates the status updates they are receiving.
- b. Engineering Report - Mr. McDowell let the Board know that he received a copy of the Sewer Comp Plan for review and he will share it with the Board soon.
- c. Finance Report - Mr. Broyles reviewed the report with the Board. The Board thanked Mr. Broyles for the additional water revenue graph which will now be a regular part of the report attachments.
- d. Operations & Maintenance Report - No report.
- e. Metropolitan Water Pollution Abatement Advisory Committee (MWPAAC) - Commissioner Clarke mentioned the next meeting will be April 27, 2022. There were no changes made to rate letter.
- f. Seattle System Operating Board - No report.
- g. Sno-King Water District Coalition - No report.
- h. Snohomish River Regional Water Authority (SRRWA) - No report.
- i. Washington Association of Sewer and Water Districts (WASWD) - Commissioner Clarke reported on the Section IV meeting held on April 18, 2022 during the Spring Conference.
- j. WASWD Government Relations Committee - No report.
- k. Attorney's Report – Mr. Pirnke mention he has enjoyed meeting District staff.

COMMISSIONER'S COMMENTS

Commissioner Schriever reported on the meetings he attended at the WASWD Spring conference.

Commissioner Clarke mentioned that Covid numbers are starting to increase so he recommends continuing with the virtual meeting format for the May 3, 2022 regular meeting. All Board members agreed. Commissioner Clarke requested the Board members to submit ideas for the next Commissioner Corner Article topic by Monday, April 25, 2022.

COMMISSIONER CALENDARS

All Commissioners expect to be available for the May 3, 2022, and May 17, 2022, regular meetings.

ITEMS FROM THE PUBLIC: None.

EXECUTIVE SESSION

The Board of Commissioners convened an Executive Session pursuant to RCW 42.30.110(1)(l)(g) at 6:05 p.m. to discuss personnel issues. Commissioners Clarke, Kachakov, Maloney, Schriever, Steeb, and Counsel attended the Executive Session. Commissioner Clarke announced that the Executive Session will end at 6:35.

The Executive Session was extended for five minutes.


The Executive Session was concluded at 6:40 p.m. and the open public meeting was reconvened with no action taken.

ADJOURNMENT

Commissioner Clarke adjourned the meeting at 6:42 p.m.



Chuck Clarke - President



Pamela J. Maloney - Vice President

ATTEST:



Karen Steeb - Secretary



Karen Steeb - Secretary



Aleksandra Kachakov- Commissioner



Tim Schriever - Commissioner

Minutes: Jane Nicholls