

**MINUTES OF THE MEETING OF  
COMMISSIONERS OF THE  
SILVER LAKE WATER & SEWER DISTRICT**

January 14, 2021

The regular meeting of the Board of Commissioners of the Silver Lake Water & Sewer District was held on January 14, 2021, beginning at 5:30 p.m. Attending by video conference, were Commissioners Anne Backstrom, John Warner, and Shauna Willner. Also present by video conference were General Manager Curt Brees, District Engineer Scott Smith, O&M Manager Ron Berger, Technical Services Manager James Busch, and Finance Manager Brad Nelson; William Linton with Inslee, Best, Doezie, and Ryder P.S., Attorney for the District; Eric Delfel with Gray & Osborne, Inc. The public was provided access to participate via teleconference, with the telephone number and access code published on the District's website, and posted at the District Administration Building (regular meeting location).

**1.) CALL TO ORDER:**

Commissioner Backstrom called the meeting to order at 5:30 p.m.

**2.) ELECTION OF OFFICERS:**

Following discussion, by motion made, seconded and carried unanimously, the Commissioners elected Anne Backstrom as President, Shauna Willner as Secretary, and John Warner as Vice President for 2021. Commissioner Backstrom then presided over the remainder of the meeting.

**3.) APPROVAL OF MINUTES:**

Mr. Brees noted that the Minutes presented for approval contained a correction from information presented at the December 22<sup>nd</sup> meeting. There were minor errors in the calculations of the 4<sup>th</sup> Quarter Bills of Sale that have been corrected. The Minutes of the special meeting of December 22, 2020 were unanimously approved as circulated.

**4.) PUBLIC COMMENT:**

No members of the public participated in the teleconference.

**5.) Financial Matters:**

**a.) Payroll, Vouchers, and Revolving Fund Check(s) Approval**

Following discussion of various matters including the vouchers paid by the District, to the District, for utility services at District facilities, Payroll; Vouchers (Check No.16117 - 16206) in the amount of \$695,405.08; Revolving Fund Checks (Check No. 7536 -7573) in the amount of \$148,328.42, were unanimously approved and signed as follows:

<b>Fund</b>	<b>Amount</b>
Water Maintenance	\$440,324.06
Water Capital Improvement	9,274.13
Sewer Maintenance	53,395.06
Sewer Capital Improvement	192,411.83
Revolving Check Fund	148,328.42
<b>Total</b>	<b>\$843,733.50</b>

**b. Staff Report – Extend Emergency Sick/FMLA Leave and Resolution No. 804**

Mr. Nelson provided a summary to the Board of Commissioners on a Staff report regarding Extending Emergency Sick/FMLA Leave, and Resolution No. 804.

On March 18, 2020, the Federal Government passed the Families First Coronavirus Act which included a provision requiring employers to provide up to two weeks, or eighty hours of Emergency Sick Leave and/or twelve weeks, or four hundred and eighty hours, of Emergency Family Medical Leave until December 31, 2020. Emergency Sick Leave is related to COVID-19 sickness or quarantine, and Emergency Family Leave is related to childcare caused by school closure or other issues. The Families First Coronavirus Act provided private sector employers a FICA tax credit for payments made to employees for Emergency Sick Leave or Emergency Family Medical Leave; however, public employers like the District were not provided this relief.

With the Act's December 31, 2020 expiration date approaching, the Consolidated Appropriations Act of 2021 was signed into law on December 27, 2020. Where the Families First Coronavirus Act's contained a direct requirement to provide employees the additional paid leave, the Consolidated Appropriations Act of 2021 includes a voluntary provision to allow employers to continue the paid leave benefits with the same tax credits until March 31, 2021.

Since the Families First Coronavirus Act was a federally mandated leave program, no action was required by the Board of Commissioners to provide the leave. However, since the Consolidated Appropriations Act of 2021 is voluntary for employers to decide to continue Emergency Sick Leave and Emergency Family Leave beyond December 31, 2020, staff recommended that the Board of Commissioners adopt a resolution to provide for the leave benefits. Staff would also note that the State Auditor's Office often frowns on retroactive employee pay and benefits that are not included in a labor agreement.

In 2020, the District paid \$24,513.81 for Emergency Sick Leave and Emergency Family Leave benefits for ten employees. In addition to Emergency Sick Leave and Emergency Family Leave, three employees to have drawn sick leave banks up to eighty hours in arrears (negative balances). Resolution No. 804 would authorize use of Emergency Sick Leave and Emergency Family Leave under the same program requirements as the Federal law. In addition, Resolution No. 804 rolls over any remaining Sick Leave and Emergency Family Leave balances into 2021 and does not reset the leave banks. As an example, if an employee has exhausted their Emergency Sick Leave and/or Emergency Family Leave balances in 2020, they would not be eligible for eighty more hours of Emergency Sick Leave and/or four hundred and eighty hours of Emergency Family Leave.

Due to the essential nature of the District's work, the increased COVID-19 infection rates statewide, the continued closure of schools, and the responsible use of the leave by District employees, staff recommended the Board of Commissioners adopt Resolution No. 804 and continue Emergency Sick Leave and Emergency Family leave to March 31, 2021.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved and adopted Resolution No. 804 – Extending Emergency Sick/FMLA Leave to March 31, 2021.

**6.) DEVELOPMENT PROJECTS**

**a.) Staff Report – Set Public Hearing for Pinewood Terrace Latecomers**

Mr. Smith presented a verbal summary to the Board of Commissioners of a Staff report regarding setting a Public Hearing for Pinewood Terrace Latecomers.

On December 12, 2019, the Board approved Resolutions Nos. 786 and 787 to update the Reimbursement Agreement (aka latecomer's) process in District Code Section 6.15.030 and adopt a new agreement form. Two Latecomer's Agreements were approved in 2020 for the Aalseth and Hopkins Short plats.

On November 24, 2020, District staff presented materials on the proposed Pinewood Terrace Latecomer's Agreement for approximately 1,335 feet of new gravity sewer main along 120<sup>th</sup> Street SE between 31<sup>st</sup> Drive SE and 35<sup>th</sup> Avenue SE. The proposed assessment fee and methodology was \$29,684 per installed stub, and staff was authorized by the Board to move forward with the public notice phase.

On December 1, 2020, individual notice letters were sent to each affected property owner with an explanation of the latecomer's process and proposed assessment fee. One response has been received by staff to date. Mr. Smith summarized the comments from this property owner that largely pertained to impacts to the property owner during construction of the sewer main and the repaving of the street.

The final step in the process is to approve the proposed Latecomer Agreement at a public hearing, which was recommended to be scheduled at the next Board meeting on January 28, 2021.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved scheduling a public hearing on January 28, 2021, for the Pinewood Terrace Latecomer Agreement.

**b.) Staff Report – DE Agreement – Golubovich Short Plat**

Mr. Smith presented a verbal summary to the Board of Commissioners of a Staff report on the DE Agreement for Golubovich Short Plat.

The proposed project is for a new sewer lateral in 35<sup>th</sup> Avenue SE, just south of 116<sup>th</sup> Street SE, for a new duplex on the back of the lot. The existing SFR on the lot will remain and will be connected to an existing sewer stub at the south end of the site.

The existing water meter for the SFR will need to be relocated for the required frontage improvements, and two new meters will be needed for the duplex. This work will be done by District crews and coordinated with the developer's contractor.

This site is also subject to a latecomer's connection charge in the amount of \$5,917 per ERU, for the 35<sup>th</sup> Avenue Benefit Area.

Staff requested the Board of Commissioners approve the Developer Extension Agreement Application for the Golubovich Short Plat project.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved and executed the Developer Extension Agreement application for the Golubovich Short Plat project.

**c.) Staff Report – DE Agreement Form Updates**

Mr. Smith presented a verbal summary to the Board of Commissioners on a Staff report regarding the DE Agreement Form Updates.

During the February 27, July 23, and August 27, 2020 Board meetings, staff discussed the current Developer Extension (DE) forms and various issues that could benefit from some process improvements.

A DE Agreement is a contract between the District and the Developer per RCW 57.22.010, and the purpose is to provide requested water and sewer services that meet the adopted construction standards of the District. A DE Agreement is executed for every new extension of the District's water and/or sewer system, including sewer laterals within the public Right-of-Way (ROW).

It should be noted that a DE Agreement is not an environmental review, land use permit, or authorization, which is the jurisdiction of the land use agency (i.e. City of Mill Creek or Snohomish County). A DE Agreement is not subject to a public hearing or review by an outside party, although public comments are always welcome at any Board meeting.

Over the past year, staff have been working with WCIA and the District's Attorney to update the current DE Agreement form and associated District Code sections, which has been delayed due to the ongoing COVID-19 pandemic. There are several proposed major updates to the DE Agreement form and Code, which will be presented by staff in two sessions for Board's review and discussion.

Mr. Smith presented the revised agreement application, agreement form, and summarized changes with the District's current process and forms. No action was required by the Board at this meeting. The new draft forms will be approved at a later date along with changes to the District Code pertaining to District Standards and the Developer Extension process.

**7.) CAPITAL IMPROVEMENT PROJECTS**

**a.) Staff Report – Waldenwood Lift Station – Pay Estimate No. 16**

Mr. Smith provided a Staff report and Gray & Osborne's Pay Estimate No. 16 to the Board of Commissioners, regarding the Waldenwood Lift Station.

The District awarded the Waldenwood Lift Station Replacement Project to McClure and Sons (MSI) on June 6, 2019. Previous pay estimates have been approved by the Board monthly. Change Order No. 1 was approved by the Board on June 25, 2020, and Change Order No. 2 was approved on October 8, 2020.

Removal of the old lift station has been completed, and the new facility is running well with no problems. The contractor is in process of coating the interior of the rock catch manhole, as well as installing the new gravity sewer main prior to the final backfilling.

Most of the site work should be done in early February, pending some final items that are weather dependent, such as paving. One final change order will be brought to the Board for approval to wrap up several minor outstanding extra work items.

Major work included in this pay estimate primarily consists of another 2.12% of the lift station replacement lump sum, along with some additional small percentages of erosion control and dewatering.

Mr. Delfel presented a series of photos of the ongoing work and provided a status update to the Board of Commissioners regarding work recently completed and the upcoming/remaining tasks to complete the project.

Staff requested the Board of Commissioners approve Monthly Pay Estimate No. 16 for work completed in December 2020, in the amount of \$82,683.89.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved Monthly Pay Estimate No. 16 in the amount of \$82,683.89.

**b.) Staff Report – Windsong Lift Station – Design Scope Amendment No. 2**

Mr. Smith provided a Staff report to the Board of Commissioners regarding the Windsong Lift Station – Design Scope Amendment No. 2.

On June 27, 2019, the Board approved a design scope and fee in the amount of \$48,531.00 with Gray & Osborne (G&O) for the Windsong Lift Station Abandonment Project. The existing lift station is located at the intersection of 116<sup>th</sup> Street SE and 44<sup>th</sup> Avenue SE near the Pinehurst subdivision entrance.

The primary scope of the project is to install or replace approximately 500 feet of gravity sewer main between the Windsong Lift Station and an existing manhole in the 45<sup>th</sup> Avenue SE cul-de-sac. When the new sewer main is installed, the existing lift station can be abandoned, and the sewage will flow by gravity down to the new Waldenwood Lift Station.

On April 23, 2020, the Board approved a Design Scope and Fee Amendment for some geotechnical work in the amount of \$10,600.00. As a result of that geotechnical work, a shoring system needed to be designed to support the houses immediately adjacent to the new sewer main. A landscaping/restoration plan was also needed to mitigate the construction impacts to the affected private property.

In addition, during the Waldenwood Lift Station Project, it was found that a new surge valve is needed on the discharge force main. The best place to install the surge valve is on 45<sup>th</sup> Drive SE near the median at the Pinehurst entrance, which is close to the Windsong work area. The discharge line from the new surge valve will be routed to a nearby existing

manhole, but that paving work will trigger an upgrade to the associated ADA ramps. For efficiency, that work will be included with the Windsong project.

Consequently, G&O is requesting a second Scope and Fee Amendment for the additional design work associated with the shoring system, landscaping/restoration plan, Waldenwood surge valve, and ADA ramps. The estimated cost of the additional design work is \$17,000.00, and the project should be ready to advertise for construction bids in February.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved proposed Design Scope and Fee Amendment No. 2 for the Windsong Lift Station Abandonment Project.

**8.) MAINTENANCE & OPERATIONS:**

**a.) Staff Report – Surplus of Truck #38, 2007 Volvo Vector and Resolution No. 805**

Mr. Berger provided a Staff report to the Board of Commissioners regarding the surplus of Truck #38 (2007 Volvo Vector), and Resolution No. 805.

Recently, the District took delivery of a new 2021 Vector Truck. This truck was purchased to replace Vector Truck #38 which has high usage as shown on the engine hour meter. The vehicle is used only within the District, typically driven directly to work locations, resulting in the low odometer reading. This truck needs extensive repairs, mostly on the debris body which is why it is recommended for surplus at this time.

Staff recommended that the Board of Commissioners authorize the sale of Vector Truck #38 at public auction, to be held at James G. Murphy in Kenmore, Washington, February 4<sup>th</sup> through the 11<sup>th</sup>. This leaves the District with two new Vector trucks in the active fleet for daily use in both water and sewer, and a third (2007) model Vector as a backup during lift station construction and if either of the two main trucks are down for service or repair.

Following discussion, by motion made, and carried unanimously, the Board of Commissioners approved and adopted Resolution No. 805 declaring Vector Truck #38 as surplus, and authorizing the sale at public auction.

**9.) STAFF REPORTS:**

**a.) District Engineer:**

No further report.

**b.) Finance Manager:**

Mr. Nelson reported that the District received payment of GFCs for several of the DE projects that were complete prior to the year's end. As a result was an influx of funds, and staff transferred money from the District's revolving account to the District's investment account in the State Local Government Investment Pool.

In response to a question from Commissioner Warner, Mr. Nelson provided an update on the launch of the District's new E-biller and new payment portal which is anticipated to launch at the end of the month.

c.) **O&M Manager:**

No further report.

d.) **Technical Services Manager:**

Mr. Busch reported that he has been able to obtain a cellular network extender from Verizon for use at the new Waldenwood Lift Station. This device allows cell phones to receive signal via a boosted signal and local internet connection.

e.) **Attorney:**

No further report.

f.) **General Manager:**

Mr. Brees reported that in recent weeks staff has had to devote more time to expansive Public Records Requests.

**This ends the Minutes of the January 14, 2021 regular meeting. The following signature page is a scanned image of the original signature page of the Minutes and certifies these are the approved Minutes by the Secretary of the Board.**

**Minute Certification**

I, the undersigned, Secretary of the Board Commissioners of Silver Lake Water and Sewer District, Snohomish County, Washington (the "District"), hereby certify as follows:

1. The attached copy of the Minutes of the Meeting of Commissioners (the "Minutes") is a full, true and correct copy of the Minutes of the January 14, 2021 regular meeting of Commissioners, duly adopted at a meeting of the Board of Commissioners of the District, held at the regular meeting place thereof on January 28, 2021 as these Minutes appear on the Minute book of the District; and;

2. A quorum of the members of the Board of Commissioners was present throughout the meeting and a majority of those members present voted in the proper manner for the approval of these Minutes.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 28<sup>th</sup> day of January 2021.

**SILVER LAKE WATER AND SEWER DISTRICT  
SNOHOMISH COUNTY, WASHINGTON**

  
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**Shauna Willner, Secretary**