

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

January 13, 2022

The regular meeting of the Board of Commissioners of the Silver Lake Water & Sewer District was held on January 13, 2022, beginning at 5:30 p.m. Attending in person were Commissioners Anne Backstrom and John Warner. Also present by in person were General Manager Curt Brees, District Engineer Scott Smith, and Finance Manager Brad Nelson. Attending by video conference were Commissioner Shauna Willner, O&M Manager Ron Berger, and Technical Services Manager James Busch; 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 John Warner as President, Shauna Willner as Vice President, and Anne Backstrom as Secretary, for 2022. Commissioner Warner then presided over the remainder of the meeting.

3.) APPROVAL OF MINUTES:

The Minutes of the special meeting of December 23, 2021 were unanimously approved as circulated.

4.) PUBLIC COMMENT:

No members of the public participated in person or by 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.17593 - 17683) in the amount of \$892,677.77; Revolving Fund Checks (Check No. 8296 - 8336) in the amount of \$150,839.57, were unanimously approved and signed as follows:

Fund	Amount
Water Maintenance	\$682,419.08
Water Capital Improvement	151,226.75
Sewer Maintenance	53,720.46
Sewer Capital Improvement	5,311.48
Revolving Check Fund	150,839.57
Total	\$1,043,517.34

6.) DEVELOPMENT PROJECTS

a.) Staff Report – CT Orange Line – Backflow Access Agreement

Mr. Smith provided a Staff report to the Board of Commissioners on the CT Orange Line – Backflow Access Agreement.

On June 24, 2021, the Board approved a Developer Extension Agreement with Community Transit (CT) for water and sewer improvement on their proposed new Orange Line Bus Rapid Transit route. The eastern terminus of the new route would be at the existing Park & Ride facility at McCollum Park, near the intersection of 128th Street SE and Dumas Road.

As part of the Orange Line project, CT is proposing improvements to the driver restroom facilities at the Park & Ride, including connecting the buildings to sanitary sewer. Upgrades to the water service line serving the new driver restroom facilities to the District's current Cross Connection Control standard are also required. When a backflow assembly is located inside a building, the District requires a standard Backflow Access Easement Form, see District Code Section 6.20.600(4)a.

CT is proposing to install the backflow assembly inside the new restroom building, and has requested to modify language in the District's current form. The modification would entail changing the Standard Easement Form into an Access Agreement. Elsewhere, the District obtains easements to reserve the right for the District to use a defined area of real property, such as to install and maintain water and sewer mains in a private drive aisle.

However, the intent of the Backflow Access Form is simply to reserve the right to get in and inspect a privately owned assembly in case the owner is not maintaining it properly. The District has no ownership in the building or backflow assembly, so an agreement form may be more appropriate to use in these cases.

CT is also requesting the changes, due to the ownership of the underlying land in the Park & Ride and associated approval process. McCollum Park is owned by Snohomish County, and CT has a license and maintenance agreement to use part of it as a Transit Center. An Easement Form may likely need to be approved by the County as the landowner, which is a much longer and cumbersome bureaucratic process, while an Access Agreement for the CT owned building will be quicker and simpler for all parties.

Mr. Linton reviewed the differences between Agreements, License, and Easements with the Board of Commissioners noting that an Access Agreement or License may be more appropriate when the District only needs access to inspect a facility.

Staff recommended approval of the proposed Access Agreement Form for use with the CT Orange Line developer extension. District staff may bring forward a change to the District's form and associated Code section for use on other projects. This will be proposed as part of the upcoming Standards update later in 2022.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved the Access Agreement Form.

7.) **CAPITAL IMPROVEMENT PROJECTS**

a.) **Staff Report – 2022 Valve & Manhole Adjustments – Consultant Contract for Design**

Mr. Smith provided a Staff report to the Board of Commissioners regarding the 2022 Valve & Manhole Adjustments – Consultant Contract for Design.

On May 28, 2020, the Board approved a consultant design contract with Perteet for development of the Asphalt Paving Unit Price Contract. This was a new format for a unit price construction contract, or essentially an on-call paving contract, where work was done by task orders with a defined scope and cost.

The four identified paving task orders for 2021 were an overlay of 131st Street SE, many deferred manhole and valve cover adjustments, two large maintenance repair patches with ADA ramp reconstruction, and some site paving at Reservoir No. 4. Work was completed by the paving contractor, JB Asphalt, in October 2021. The unit price format worked well for this variable scope of work but for this year we anticipate having a defined scope for this type of work.

The planned utility adjustment work on 132nd Street SE was deferred until 2022. The District's scope of work did not accurately reflect the work required. The construction items and details in the bid package were just to replace the top portion with the lid and repave around the valve covers. However, all the valve box assemblies had rusted together and required replacement down to the water main. In addition, for 2022 there are several new utility adjustment sites that have been identified by the O&M team.

To complete the outstanding utility adjustment work, staff is proposing to proceed with the design of a more typical project with a defined scope of work for valve and manhole adjustments in 2022. Perteet would be the most qualified, cost effective, and efficient choice for the design work since portions of the bid documents from the 2021 paving contract could be easily carried over and modified for the 2022 project. The District's newer front end contract documents will also be incorporated into this project.

Perteet has prepared a Scope of Work for the design of the 2022 Valve and Manhole Adjustment Project that was provided to the Board. This design effort will consist of reconnaissance of the new sites, preliminary and final design utilizing the previous 2021 documents, a final contract ready set of plans, specifications, and cost estimates, along with bidding support and a contingency amount. The estimated cost of the design work is \$32,371.00 and should be completed in time for bidding in spring 2022. The construction management and inspection of the 2022 project would be done entirely in-house by District staff.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners authorized the General Manager to execute a consultant contract with Perteet in the amount of \$32,371.00, for design of the 2022 Valve and Manhole Adjustment Project.

b.) **Staff Report – Pre-design of Highlands East Lift Station Improvements – Consultant Contract**

Mr. Smith provided a Staff report to the Board of Commissioners regarding the Pre-design of Highlands East Lift Station Improvements – Consultant Contract.

The Highlands East Lift Station is one of two high priority sewer capital projects to begin design work in 2022, the second project is Lowell Larimer 1. The rehabilitation of Highlands East was accelerated by the new Glacier View Estates project, which was originally planned to flow to the District's Sector 7 Lift Station. A special connection fee is being assessed on all 115 homes in that development, to contribute to the rehabilitation cost.

A joint Request for Qualifications (RFQ) for both Highlands East Lift Station and Lowell Larimer 1 was sent to consultants listed in the MRSC Roster on September 9, 2021. Only two responses were received by the deadline of September 24, 2021, and both were from established consultants, Murraysmith and Gray & Osborne. Since there are two projects and two consultants, staff recommended awarding the pre-design work for one project to each consultant. Murraysmith was selected for the Highlands East Lift Station project, due to their excellent evaluation and design work on the Pioneer Trails Lift Station.

The Highlands East Lift Station was relocated to the existing site in 2001 and receives flow from a basin area extending uphill to Cathcart Way. It has a pumping capacity of 700 gpm, which is likely oversized, and pumps to the District's Lift Station No. 3 facility. No capacity upgrades are needed, but the station has significant rust issues and needs several upgrades to continue functioning in the long term with the existing flows and the additional Glacier View Estates flow.

Potential improvements at the Highlands East Lift Station include retrofit or replacing the surface mounted pumps with submersibles, installing a new rock catch manhole and coating the wet well interior, upgrading the motor controls, starters, and level detection system, and new fencing. Since the site is located on a steep slope, geotechnical and preliminary permitting work will also be included in the pre-design scope.

Murraysmith has prepared a Scope of Work for the pre-design efforts to rehabilitate the Highlands East Lift Station that was provided to the Board. This preliminary scoping effort will help better define the final design, and will consist of survey work, an in-depth geotechnical investigation for a landslide hazard analysis, permitting review, preliminary site layout options with cost estimates, and a pre-design report. The estimated cost of the pre-design work is \$108,479.00.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners authorized the General Manager to execute a consultant contract with Murraysmith in the amount of \$108,479.00, for Pre-design for the Highlands East Lift Station Rehabilitation Project

c.) **Staff Report – Master Meter 3 – Pay Estimate No. 3**

Mr. Smith provided a Staff report to the Board of Commissioners regarding the Master Meter 3 – Pay Estimate No. 3.

The District awarded the construction contract for the Master Meter 3 Relocation Project to New West Development, on April 8, 2021. Pay estimates will be approved by the Board monthly.

Construction work for the new Master Meter 3 Relocation Project restarted on November 18, 2021, after a delay due to COVID supply chain issues, and the vault and piping work that was mostly completed in November. The concrete slab for the electrical control system was poured on December 9, 2021, and the final grading was completed onsite with some winter erosion control measures.

The new electrical cabinets and canopy have been installed, along with the battery backup system. Electrical work continues, but the next critical path item will be coordinating with PUD for the new power connection. This may also have to be scheduled with WSDOT, since the connection point may affect power to some facilities along I-5 on the other side of the concrete sound wall.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved the Monthly Pay Estimate for work completed in December in the amount of \$146,224.05. Items included in this pay estimate consist of a percentage of traffic and erosion control, some piping and appurtenances, grading, paving, backfill, site restoration, and a portion of the electrical system and canopy.

d.) **Staff Report – Lift Station No. 4 Generator – Bid Award plus BHC Consultants Construction Support Contract – Resolution No. 822**

Mr. Smith provided a Staff report to the Board of Commissioners regarding the Lift Station No. 4 Generator – Bid Award plus BHC Consultants Construction Support Contract and Resolution No. 822.

On November 12, 2020, the Board approved a contract with BHC Consultants for the design of the Lift Station No. 4 Generator Project. The scope of work was to replace the existing generator with a smaller 35kW model with a fuel tank underneath, along with new motor starters, transfer switches, control panel upgrades, and a canopy over the generator and electrical panels. On August 12, 2021, the Board approved an addendum to the design contract for changes requested by District staff, as well as additional work needed for Snohomish County permits.

The construction project was advertised for bids for two weeks in December, two addenda were issued, and bids were opened on December 21, 2021. Seven bids were received, all electronic, and a virtual bid opening was held via Teams. The lowest submitted bid was from Colvico, Inc. based out of Spokane, in the amount of \$432,641.04. The design engineer's estimate was \$323,913.60, and bid results were provided to the Board.

A Bid Protest Letter was filed by the third-place contractor, Gary Harper Construction, based on minor adjustments made by the District on two bid items that did not meet the required minimum amounts. The adjustment of the required minimum bid item was a process identified in the contract bid documents in the event of a minor oversight by a

bidder and did not change the overall results. A copy of the Bid Protest Letter and District response was provided for the Board's information.

Colvico is an experienced electrical contractor and the only bidder that would not subcontract and markup all the electrical work, which saves on the overall project cost. They have worked with many public agencies on both sides of the state, including some recent, similar generator replacement and lift station electrical projects, and received good references. Colvico meets all the State verification requirements, and has the experience, personnel, and equipment needed to perform the contract work. Staff recommended that Colvico be awarded the construction contract for the Lift Station No. 4 Generator Replacement Project as the lowest responsive and responsible bidder.

In addition, staff proposed that BHC continue involvement in the project by providing limited construction support services. District staff will perform the day-to-day field inspection work on this project, as well as all the construction management paperwork. BHC efforts would be limited to submittal and RFI review, meetings, and field inspections as necessary, startup procedures, and preparing the as-built drawings. A scope and fee for construction support from BHC in the amount of \$40,800 was provided, which is based on a conservative estimate of the amount of submittal and RFI reviews needed.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved and executed Resolution No. 822, awarding the construction contract to Colvico, Inc., in the amount of \$423,641.04, for the Lift Station No. 4 Generator Replacement project

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved, by motion, the proposed Scope and Fee in the amount of \$40,800, from BHC Consultants, for construction support of the Lift Station No. 4 Generator Replacement Project.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved, by motion, the proposed project budget for the Lift Station No. 4 Generator Station Replacement Project.

8.) MAINTENANCE & OPERATIONS:

a.) Staff Report – After-hours Callouts

Mr. Berger provided a Staff report and PowerPoint Presentation to the Board of Commissioners regarding after-hours callouts.

During the presentation of the 2022 Financial Plan to the Board of Commissioners, staff committed to providing a report on the overall overtime usage in 2021 by the Operations and Maintenance Team. The reports that were provided to the Board are an example of some data regarding overtime that the Lucity Work Order System can generate. This is the first full year of data that has allowed us to see the type of work that is requiring overtime and the facilities where overtime work has been required. This can help staff and management see the areas where overtime is being used and potentially help with prioritization of staffing or Capital Improvement projects.

Mr. Berger reviewed with the Board of Commissioners, the data included in the report detailing the tasks that required overtime or callout work and the frequency of callouts by facility or facility type. In total, 641.75 hours were logged afterhours by District Operations & Maintenance staff in 2021.

b.) Staff Report – Vaccination Policy for New Hires & Promotions & Resolution No. 823

Mr. Brees provided a Staff report to the Board of Commissioners regarding a Vaccination Policy for new hires & promotions, and Resolution No. 823.

Consistent with the District's duty to provide and maintain a workplace that is free of recognized hazards, consistent with State orders, guidelines, and recommendations, and in furtherance of increasing its workforce vaccination rate in the ongoing fight against the transmission of the Covid-19 virus, a policy requiring mandatory vaccination for all newly hired or promoted employees is proposed.

If approved, the policy would take effect immediately and the policy would expire when the state emergency declaration is lifted. The policy would not impact current employees unless they are seeking a new position (promotion) within the District.

Following discussion, by motion made, seconded, and carried unanimously, the Board of Commissioners approved and executed Resolution No. 823 - Adopting a Mandatory Vaccination Policy for New Hires and Newly Promoted Employees.

9.) STAFF REPORTS:

a.) District Engineer:

No further report.

b.) Finance Manager:

Mr. Nelson provided several updates to the Board of Commissioners including: An update on the efforts to contact customers that are delinquent in payment and pending shutoff, a status update on the audit work being performed by the State Auditor and Clifton Larson Allen, the December 2020 to December 2021 Consumer Price Index, discovery of two ADU units in a recently constructed Duplex, and mistakes being made by property management companies using the District's payment portal.

c.) O&M Manager:

Mr. Berger provide a report and shared photos of a recent water main break that occurred on January 4th, 2022, on a 6" cast iron water main. Repair efforts were complicated by night work and weather conditions (snow and ice on the ground).

d.) Technical Services Manager:

Mr. Busch noted that the data presented in the earlier report on after-hours callouts was prepared by Katarina Hirai. Ms. Hirai was pivotal in the deployment of the Lucity Asset Management software, and we are beginning to utilize the data with reports like the one presented tonight.

e.) **Attorney:**

Mr. Linton reviewed the recent U.S. Supreme Court Decision regarding federal vaccine mandates, noting that it does not have immediate implications for mandates here in Washington State.

f.) **General Manager:**

Mr. Brees reported that additional Covid Testing Kits have been ordered. The kits that the District previously obtained have been very helpful in managing the current surge and keeping our workplace as safe as possible. Mr. Brees also reported that the Fall/Winter Newsletter is complete and is posted on the District's website. The printed version will be sent to customers soon.

This ends the Minutes of the January 13, 2022 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

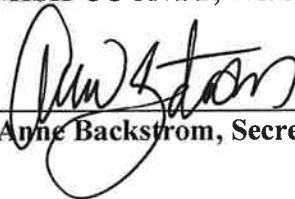
I, the undersigned, Secretary of the Board Commissioners of Silver Lake Water and Sewer District, Snohomish County, Washington (the "District"), hereby certify as follows:

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 13, 2022 regular meeting of Commissioners, duly adopted at a regular meeting of the Board of Commissioners of the District, held at the regular meeting place thereof on January 27, 2022 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 27th day of January 2022.

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



Anne Backstrom, Secretary