

**CLARK REGIONAL WASTEWATER DISTRICT
BOARD OF COMMISSIONERS
MINUTES
REGULAR MEETING
December 11, 2007**

The first meeting for the month of December was held at the District Conference Room, 8000 NE 52nd Court, Vancouver, Washington. Commissioner Harker called the meeting to order at 4:00 PM.

Those in attendance were: Commissioners Neil Kimsey, Denny Kiggins and Norm Harker.

District staff: Chuck McDonald, Ken Andrews, John Peterson, Steve Bacon, Rick Nelson and Hugh Findlay. District legal counsel Rod Kaseguma.

Visitors Present for Regular Meeting: Andrew Young with MacKay & Sposito.

Visitors Present for North Park Phase 4 Latecomer/Reimbursement Public Hearing: David Schlecht

Visitors Present for Sunrise Place Latecomer/Reimbursement Public Hearing: Maria Malfavon.

Visitors Present for Zachary Landing Subdivision Latecomer/Reimbursement Public Hearing: Beth O'berg.

ADDITIONS & DELETIONS TO AGENDA: Chuck McDonald requested an Executive Session to discuss the performance of an employee pursuant to RCW 42.30.110(1)(g) for approximately 40 minutes.

SPECIAL PRESENTATIONS: None.

CONSENT AGENDA: Commissioner Kiggins moved to approve the Consent Agenda and authorize the recommended action, approving the November 27, 2007 regular meeting; November 20, 2007 continued meeting; December 4, 2007 continued meeting; claim vouchers #s 35484-35533 in the amount of \$236,498.86 from the Maintenance Fund and \$0.00 from the Capital Projects fund; payroll warrants #s 7550-7552 and direct deposit authorizations in the amount of \$145,187.74; authorizing staff to schedule the Ashley Manor latecomer/reimbursement hearing on January 8, 2008 at 5:00 PM or as soon thereafter as possible; and authorizing staff to schedule the Southview Terrace

Latecomer/Reimbursement area hearing on January 8, 2008 at 5:00 PM or as soon thereafter as possible.

Commissioner Kimsey seconded the motion, and it passed unanimously.

COMMUNICATIONS: Items from the Audience – No one present wished to speak.

REPORTS: Board Members: Commissioner Kimsey and Commissioner Harker reported on their recent activities.

Assistant Manager/Engineer: Engineering Project Status Report & Interim General Manager/Engineer Activities Report (General Manager Interviews; Board-General Manager Interview; City of Vancouver Meeting; General Manager Phone Interviews; La Center Memo of Understanding & Sewer Summit Discussion; Mohoff Lateral Installation; Vancouver City Council Meeting – Annexation Blueprint; Tuesday, December 4 Board of Commissioners Meeting; Battle Ground Council Meeting; Maintenance Potluck; Sewer Summit; MacKay & Sposito Appreciation Lunch; NE 72 Avenue County Road Project Information; Salmon Creek Bridge Closure) – Chuck McDonald briefly reviewed each item.

Chuck McDonald presented a draft letter for the Board's review related to the Clark County-City of Vancouver joint coordinating committee. The Board will review and provide input to staff.

Finance Director: Finance Director's Report (2008 Budget; 2003-2008 Washington Excise Tax Audit) – Ken Andrews briefly reviewed each item.

District Legal Counsel: No report.

Capital Program Director: North County Memo of Understanding – John Peterson reviewed the latest draft of the Memo of Understanding, which included comments from legal counsel. The Board did not take a position on the item. Mr. Peterson was directed to follow up with obtaining a Battle Ground opinion and the position of the County if the Memo of Understanding is not signed.

AB #07-118 – 2008 District Budget – Ken Andrews briefly reviewed the agenda bill.

Commissioner Kimsey moved to adopt Resolution #1438, approving the 2008 budget.

Commissioner Kiggins seconded the motion, and it passed unanimously.

AB #07-119 – Burton Ridge District Lateral Reimbursement – Chuck McDonald briefly reviewed the agenda bill. Staff recommends approving the cost of the installation of one District lateral for \$1,307.77.

Commissioner Kimsey moved to adopt Resolution \$1439, approving the final cost and pro rata share of District installed lateral for Burton Ridge subdivision project.

Commissioner Kiggins seconded the motion, and it passed unanimously.

AB #07-120 – Covington Village Townhomes District Lateral Reimbursement – Chuck McDonald briefly reviewed the agenda bill. Staff recommends approving the final cost of the installation of four District laterals for \$7,706.66.

Commissioner Kimsey moved to adopt Resolution \$1440, approving the final cost and pro rata share of District installed laterals for Covington Village Townhomes project.

Commissioner Kiggins seconded the motion, and it passed unanimously.

5:00 PM PUBLIC HEARING – AB #07-115 – North Park Phase 4 Latecomer/Reimbursement Hearing – Commissioner Harker opened the hearing on the establishment of a latecomer reimbursement area and the amount for the sanitary sewer facilities constructed within public right-of-way in NE 88 Street.

He then asked District staff to explain the latecomer reimbursement requirements and process and to describe the sanitary sewer facilities and their cost. Chuck McDonald provided the requested information.

Commissioner Harker then asked if anyone present wished to provide testimony on the sanitary sewer facilities and the latecomer reimbursement.

David Schlecht, 5701 NE 88 Street, Vancouver, Washington, complained about the cost and asked why he was being assessed for 2 lots, which was roughly equal to the neighbor's single lot.

Chuck McDonald explained the latecomer has been prepared using a per lot basis with 5 lots included. Mr. McDonald explained that if the District had used the square footage methodology, Mr.

Schlecht's assessment would virtually be the same.

The Board questioned why the lot within the Beslow lot wasn't included. Staff could not recall.

Commissioner Kimsey moved to continue the public hearing.

Commissioner Kiggins seconded the motion, and it passed unanimously.

The Board directed staff to review the issue of the lot within the Beslow lot, develop a table with assessments for each lot, square footage assessments and review serviceability and extension to the west.

Commissioner Kimsey moved to table action on this item until January 8, 2008 at 5:00 PM or as soon thereafter as possible.

Commissioner Kiggins seconded the motion, and it passed unanimously.

Commissioner Harker thanked everyone for attending the hearing.

**5:00 PM – PUBLIC HEARING – AB #07-116 – Sunrise Place Townhomes
Latecomer/Reimbursement Area** – Commissioner Harker opened the hearing on the establishment of a latecomer reimbursement area and the amount for the sanitary sewer facilities constructed in NE 82 Street and NE 35 Avenue.

He then asked District staff to explain the latecomer reimbursement requirements and process and to describe the sanitary sewer facilities and their cost. Steve Bacon provided the requested information.

Commissioner Harker then asked if anyone present wished to provide testimony on the sanitary sewer facilities and the latecomer reimbursement.

Maria Malfavon, 3505 NE 82 Street, Vancouver, Washington, requested not to be included in the latecomer based on damage to her home and the cost of the assessment.

District staff and the Board reviewed the requirements for connection. The Board directed staff to assist Ms. Malfavon in reviewing her problems and facilitating contact with the developer, contractor and County.

Commissioner Kimsey moved to close the public hearing.

Commissioner Kiggins seconded the motion, and it passed unanimously.

Commissioner Kimsey stated that he believes the proposed reimbursement area and cost is appropriate and meets the requirements of RCW Chapter 57.22. He then moved to adopt the reimbursement area and cost as proposed by District staff and to approve the Assistant Manager's signature and execution of the Sewer Service Latecomer Contract included in Agenda Bill #07-1116 and to ratify and confirm any acts consistent with this motion.

Commissioner Kiggins seconded the motion, and it passed unanimously.

Commissioner Kimsey moved to adopt Resolution #1436, establishing a latecomer charge for the sewer lines constructed in conjunction with the Sunrise Place Townhomes developer extension.

Commissioner Kiggins seconded the motion, and it passed unanimously.

Commissioner Harker thanked everyone for attending the hearing.

5:00 PM – PUBLIC HEARING – AB #07-117 – Zachary Landing Subdivision Latecomer/Reimbursement Area – Commissioner Harker opened the hearing on the establishment of a latecomer reimbursement area and the amount for the sanitary sewer facilities constructed in NE 108 Avenue.

He then asked District staff to explain the latecomer reimbursement requirements and process and to describe the sanitary sewer facilities and their cost. Steve Bacon provided the requested information.

Commissioner Harker then asked if anyone present wished to provide testimony on the sanitary sewer facilities and the latecomer reimbursement.

Beth O'berg, 10007 NE 108 Avenue, Vancouver, Washington, provided testimony against the project, stating that she had an agreement with the developer.

District staff explained that the agreement had previously been discussed with the Board and it will be included in the tracking and payment requirements for the latecomer.

Commissioner Kimsey moved to close the public hearing.

Commissioner Kiggins seconded the motion, and it passed unanimously.

Commissioner Kimsey stated that he believes the proposed reimbursement area and cost is appropriate and meets the requirements of RCW Chapter 57.22. He then moved to adopt the reimbursement area and cost as proposed by District staff and to approve the Assistant Manager's signature and execution of the Sewer Service Latecomer Contract included in Agenda Bill #07-117 and to ratify and confirm any acts consistent with this motion.

Commissioner Kiggins seconded the motion, and it passed unanimously.

Commissioner Kimsey moved to adopt Resolution #1437, establishing a latecomer charge for the sewer lines constructed in conjunction with the Zachary Landing Subdivision developer extension.

Commissioner Kiggins seconded the motion, and it passed unanimously.

Commissioner Harker thanked everyone for attending the hearing.

Hugh Findlay provided the Board with an update on the recruitment process for the General Manager and District Engineer positions.

At 5:50 PM, Commissioner Harker recessed into Executive Session to discuss the performance of an employee pursuant to RCW 42.30.110(1)(g) for approximately 40 minutes.

At 6:45 PM, Commissioner Harker reconvened the meeting.

The Board directed Mr. Findlay to revise the current Assistant Manager/District Engineer employment contract.

All three Board members expressed an interest in attending the Chamber's Legislative Outlook breakfast on Friday, December 14 at 7 AM. Kim Thur will ensure the reservations are processed.

Commissioner Kimsey moved to continue the meeting until Tuesday, December 18 at 7:00 AM at the Cameo Café.

Commissioner Kiggins seconded the motion, and it passed unanimously.

At 7:05 PM, Commissioner Harker continued the meeting.

Respectfully submitted,

Secretary