

PUBLIC UTILITY DISTRICT NO. 1
OF ASOTIN COUNTY, WASHINGTON
MEETING MINUTES
March 12, 2013

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President Judy Ridge presiding, the Public Utility District No. 1 of Asotin County Meeting was called to order at 5:30 p.m. at the PUD Office at 1500 Scenic Way.

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ROLL CALL: PRESENT Commissioners: Judy Ridge, Gary Hicks and Don Nuxoll.

PUD Staff: General Manager Tim Simpson, Treasurer Bob Sischo and Counsel Scott Broyles.

Members of the public were present.

MINUTES OF MEETING AND VOUCHER APPROVAL:

MOTION by Commissioner Don Nuxoll and seconded by Commissioner Gary Hicks to approve the consent agenda approving the minutes of the February 26, 2013 Regular Meeting and payment of the Transaction Vouchers covering vouchers #1774 and #1775 and vouchers #2663EFT through #2678EFT in the amount of \$28,048.83 and Blanket Transaction Voucher Approval Document covering vouchers #31196 through #31242, and Electronic Transaction Vouchers #130030401, #13030402, #13030502 and #13032201 in the amount of \$200,707.38. The question was called for on the motion. The motion passed 3-0.

OLD BUSINESS

Port of Wilma Progress Report for Water and Sewer System Upgrades

That manager reported that as directed he and Counsel Scott Broyles participated in a conference call with Foster Pepper Attorney Joe Brogan to discuss the transfer of the Port of Whitman County's 2,000 acre feet of water rights for the Port of Wilma to the PUD. The manager stated that these rights are identified as continuous for commercial, industrial and domestic purposes. He reported that in February of this year he approached Washington State Department of Ecology (Ecology) staff Dan Tolleson again seeking his input and assurance that we could utilize Ecology's Conforming Documents process to move the Port of Wilma water rights to the PUD. During discussions with Mr. Tolleson regarding the water rights transfer process he stated that since the Port does not have a minimum 15 residential connections the Conforming Document process would not work. We continued our discussion on what would be the best process and he stated that we could submit a change application or accept the rights as they are since they move with the water system and change the rights to the PUD at a later date.

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The manager reported that during the conference call with Mr. Brogan to discuss our options related to the Municipal Water Law he stated that Mr. Tolleson may be interpreting the Conforming Document policy too narrowly. He stated that the first threshold regarding the lack of residential connections is correct however he stated that Ports can and have been proven to be municipal suppliers. Mr. Brogan stated that this definition may provide the avenue to move the rights to the PUD through the Conforming Document process. He stated that we could take Mr. Tolleson's approach and submit a change application at a later date but the rights are still subject to relinquishment and we run the risk of Ecology at any given time identifying them as such.

As an initial step, Mr. Brogan will provide a write-up on the Port municipal supply definition and our desire to utilize the Conforming Document process that I will submit to Mr. Tolleson. If this definition is questioned and/or utilization of this process is not allowed then the next step is to talk directly to Ecology's Attorney General Alan Reichman to get an opinion on the Port water rights and our options regarding the Conforming Document process. The manager stated that a memorandum from Mr. Brogan is pending completion of his research into the issue.

The manager stated that at the last meeting he reported receiving and reviewing the proposed design of the new drain field and septic system. He also reported the Port had decided that before they spend the \$65,000 to \$80,000 on the new septic system and drain field that they would further investigate the current drain field to ensure it is not plugged and is able to be rehabilitated. The manager stated that PUD staff met with the Port and Whitman County Health Department on Wednesday, February 27 to dig in and around the current drain field. The result of the investigation showed that the drainfield could be rehabilitated. The Port stated that the rehabilitation would cut the cost from \$80,000 to \$40,000. The Health Department is requiring four (4) additional observation ports to verify that after the upgrades are made that the system is functioning properly. In addition 2 – 2,000 gallon septic tanks will be added along with a pressurized pump which should have been included in the original installation. Upgrading the system is pending final Health Department plan review and approval.

Commissioner Nuxoll asked how much the septic system drain field could handle daily and if the sewer lagoons could be used in the future. The manager stated that the system will be capable of handling 3,600 gallons of effluent per day. The current calculated amount with Bennett Lumber at full staff was approximately 2,000 gallons per day. Bennett Lumber is not at full staff so the actual daily amount of wastewater is much lower. He stated that the Port indicated that the sewer lagoons will remain for rehabilitation and use in the future if an industrial tenant produces an amount of wastewater greater than what the septic system can handle. Any new tenant with large wastewater requirements would have to participate financially in the rehabilitation of the lagoons. Commissioner Nuxoll stated that we need to either get this in writing from the Port at the time of ownership transfer or have the lagoons transferred to PUD ownership.

NEW BUSINESS

There was no new business presented.

MANAGER'S REPORT

Projects Update – the manager updated the commission on a number of projects in the design phase and those projects currently underway. Projects discussed included the 12th Street service replacements before City of Clarkston paving this summer, the Cherry Street redundant feed intertie with Clemans Road water line, the Well 6 chlorinator upgrade, the proposed 8th Avenue to Cascade Street sewer project and the current 8th avenue 25th and 26th Street sewer project.

COMMISSIONER'S REPORT

There was no commissioner report's presented.

ADJOURNMENT

There being no further business the meeting was adjourned at 5:55 p.m.