

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD September 14, 2006

Commission President Patrick Alesse called the meeting to order at 4:37 PM. Other persons present included Commissioners Carl Reichhardt and Don Montfort, General Manager Roger M. Brown, Attorney Robert Carmichael, Engineering Services Manager Dan Eisses, Dustin Sellinger, Engineer Rodney Langer, Blair Murray from Trillium, Meg Grable from Birch Bay Village, and Jody Jappert, Terry and Marleene Bawn, Wolfgang and Debi Sellinger, Fred and Laura Howell, Normal Fullerton, Bob Lupul, Rich Kraft, Joel Sellinger, and Larry Dutton from Loomis Trail Homeowner Association.

Agenda additions/changes: none

Public Input: Meg Grable spoke to the board about the work being done near Birch Bay Village. Wilder is doing construction work related to the Horizons development at the sewer pump station in the lower part of Birch Bay Village and Meg is concerned that Birch Bay Village had not been informed. Some of the concerns are that the area to be affected by construction is a school bus stop, as well as a secondary emergency exit, and an emergency fire access. Meg also asked if properties in the Birch Bay View area were being required to hook up to recently constructed sewers or not. There is some concern that drainage down the hill has ceased and is causing the water in the ditch/slew to be stagnant.

Debi Sellinger from The Greens at Loomis trail asked the commissioners to review their partial application for annexation. She asked that the area presented be annexed by resolution of the Board of Commissioners. There was some discussion about the various methods of annexation, and the board directed staff to look into the methods available. Richard Kraft asked who would file the petition. Staff responded that the petition could be done by either the District staff or by those asking for the petition. Larry Dutton spoke to the board about the benefits for both the community and for Loomis Trail in the area being annexed. Commissioner Montfort moved to direct staff to develop an estimate of District costs for the annexation process and to review options under the RCW for annexation, Commissioner Reichhardt seconded. Motion passed unanimously.

Consent Agenda included: Minutes for the Regular meeting of August 24, 2006; Accounts Payable Warrant #35299 paying Claim #35299 for \$2,035.00, Warrants #35300-35341 paying Claims #35300-35341 for \$53,484.58, Warrants #35342-35365 paying Claims #35342-35365 for \$124,654.04; August Payroll Warrants #5041-5065 for \$57,681.95, September Payroll Draw Warrants #5066-5077 for \$11,580; August adjusting entries to UBS for \$1,327.60 charges and \$39.70 credits; August EFTPS withholding deposit made on 08/30/06 for \$20,968.83; and August Financial Reports for review. It was moved Reichhardt and seconded Montfort to approve the Consent Agenda. Passed unanimously.

Engineering Services Manager Dan Eisses reported on developer extensions & projects:

Dan discussed the review and staff recommendation of the Trillium projects in the Drayton Harbor area. Blair Murry commented on the staff review. First, he thanked the board for directing staff to work with Trillium on their projects. He then proceeded to discuss some concerns with the last few points of the District's staff recommendation. The Board directed that the topic be reviewed further and brought back at the next meeting.

Blair then asked that the District to review the methods of reimbursement for part of the construction that may be required for one of their DE's. Dan agreed to review this with him.

Dan reviewed the Horizons development and their addition of many 1-1/2 irrigation meters in the roadways of the current project. Dan let the developer know that these meters were not part of the approved DE. The Board agreed that these were not part of the approved development, and they were not in favor of allowing irrigation of this type to be installed.

Dan gave the Board an update on the Inverness project. The City of Blaine would like the project sewer to be directed into the District's sewer system.

Commissioner Reichhardt voiced some concerns with developer projects all pushing ahead at the expense of the District as a whole.

John Harder has provided a letter from the County regarding fire flow and hydrants on his previous DE application south of Drayton Harbor Road. Dan asked the Board if the letter from Warner Webb met the District's conditions leading to avoiding water main extension. Don had a concern that maybe the District should attach some sort of notice to the property to enforce a 4000 sq ft building limit. Attorney Carmichael stated that requirements for fire flow were the County's responsibility and fell outside of the District's authority. The Board indicated its agreement that the letter met the previously established conditions and that Mr. Harder's project does not require a water DE.

Dan presented the Board with the Bay Street Developer Extension agreement for approval. The Board approved and signed the agreement.

Dan had some general information about Birch Bay mobile home park. They are considering upgrading their system and implementing some type of private metering system. Dan asked that this discussion be deferred to another meeting due to the time already used for project discussion.

Dan finished with developer extensions at 7:14

Roger reported that the District has not had a response from the tribes yet on the Force Main Alternatives Analysis. Steve has put in calls to Alfred Reid but the calls have not been returned. He may be on vacation. Staff expects to have an archaeological permit application and a draft SEPA checklist for review at the next Board meeting.

General Manager Roger Brown mentioned that a letter that had been sent to the Shoreline Management Program was included in the information for the meeting.

Roger then discussed recent PUD activity. BP has been sent a letter for application for water/wastewater service. Roger also reviewed two policies related to providing service to the PUD and the BP refinery. One that concerned not providing wastewater service without water service, and customers outside the district paying a 50% surcharge on water and wastewater service. Roger also discussed the District's policies for extension of services to properties, that the District considered the public interest in the course of such decisions. He stated that the District considers long-term and area-wide impacts and that he believed that such considerations would have a bearing on a decision to provide additional sewer service to BP.

Water supply/Comp plan. Roger reported on the current status of water supply, ongoing events at the PUD, and coordination meetings with the city of Blaine. He stated that he was going to delay responding to the PUD's request that the District specify financial terms for the provision of potable water to BP. He said staff would like to review the schedule of water supply projects and update demand forecast, reliability standards and related CIP projections before responding. The additional information is expected to be available in late October or early November.

Dan gave the board information on the Birch Bay View community sewer project. Dan has met with members of the association and expressed the district's concern with the pace of side sewers being connected. 92 out of 117 developed lots have either signed the agreement to pay, or have paid. Letters were sent out today to remind the remaining property owners of their obligations.

Rodney had an update on the Dakota Creek Crossing/Blaine Supply water line replacement project. CHS has selected Compass Point as a surveyor for the project. They are able to start right away and they are less expensive than the previously selected surveyor.

The Commissioners went into Executive Session at 7:59 pm and anticipate being in session for 5 minutes, with no action planned afterwards. Coming out of Executive Session at 8:07, there being no further business, the meeting was adjourned at 8:07 PM.

COMMISSIONER

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THIS IS TO CERTIFY that the above is a true and correct copy of the minutes for the regular meeting of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, held **September 14, 2006.**

(minutes taken by Dustin Sellinger)

BOARD SECRETARY