

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER AND SEWER DISTRICT,  
HELD November 9, 2006

Commission President Patrick Alesse called the meeting to order at 4:30 PM. Other persons present included Commissioners Carl Reichhardt and Don Montfort, General Manager Roger M. Brown, Attorney Robert Carmichael, Engineering Services Manager Dan Eisses, Treasurer Glenn Golay, Engineer Rodney Langer, Dustin Sellinger, Blair Murray (Trillium) and 4 others from LMS, LLC.

**Agenda additions/changes:** none

**Public Input:** none

**Consent Agenda included:** Minutes for the Regular meeting of October 26, 2006; Accounts Payable Warrants #35513-35554 paying Claims #35513-35554 for \$269,776.50, October Payroll Warrants #5115-5139 for \$58,473.94, October adjusting entries to UBS for \$2,426.24 charges and \$629.35 credits; October EFTPS withholding deposit made on 10/27/06 for \$21,217.99; and October Financial Reports for review. It was moved Montfort and seconded Reichhardt to approve the Consent Agenda. Passed unanimously.

**Engineering Services Manager Dan Eisses reported on developer extensions & projects:**  
**Karber Rd.** – Dan recommended conditional acceptance of the project. There are 2 items that still need to be completed and a reimbursement agreement will be forthcoming. Commissioner Montfort moved to accept the Karber Rd. DE with the condition that final items are completed. The motion was seconded by Reichhardt and passed unanimously. The reimbursement agreement will require further action per District Code.

**Trillium-Drayton Harbor (4 lots) & Shintaffer Farm (9 lots) DE's:** The recommendations on the projects are still the same as previously reviewed by the board. Dan again went over those recommendations with the commissioners (CHS' letters dated October 26 and November 8, 2006, respectively). Dan also stated that this afternoon another DE application (LMS, LLC) was received for property bordering on the east side of the Trillium developments (five lot short plat). Dan discussed the water lines needed for the projects. He is asking for approval of the recommendations on the two DE's above. There was general discussion about the conditions recommended and how these projects impact water quality if they are not looped, and also regarding the need for an easement from the developer to accomplish that looping requirement. Mr. Murray was present to discuss these projects with the commissioners. Commissioner Montfort is in favor of accepting staff recommendations for the 4-lot development and requiring the developer to loop the water system with a 2 inch connection, regardless of the direction from which service was achieved. Mr. Murray said he was acceptable to installing the additional small line to loop the system. Commissioner Montfort moved to accept staff recommendations on the Trillium-Drayton Harbor 4-lot project, and additionally to require installation of a line to loop the system (modifying conditions 1 and 5), and to delete condition #7. The motion was seconded by Reichhardt and passed unanimously. Dan would like some additional time to review the Shintaffer Farm recommendations in light of the changes made to the first project. This is expected back at the next meeting.

**Whitehorn Way Short Plat** – Dan discussed the activity for lots in this area. There are three property owners who want sewer service. Dan would like to have only one DE agreement for all

three. Bob and Rodney didn't think there would be any problem including all three in the agreement. Dan thinks he'll have the DE agreement ready for the next meeting.

Dan also reported that he received a call from Community Bible Church. They are looking at building their new church at the corner of Blaine & Bay Roads, and they would like the District to provide fire flow to their property. They are in the Bell-Bay Jackson Water Association and the association does not want to give up the water service. Dan has been asked to attend the next BBJWA board meeting to discuss this issue.

Commissioner Alesse called the **Public Hearing** to order at 6:05pm in order to discuss the proposed increase in the District connection charges. There were no comments from the public. Commissioner Alesse closed the hearing at 6:09pm.

Dan then reviewed the proposed resolution and also the material submitted at the last board meeting to support the increase. It was moved by Reichhardt to approve Resolution #660, increasing the **water** connection charge to \$2,620 per ELU and the **sewer** connection charge to \$2,935 per ELU. The motion was seconded by Montfort and passed unanimously.

Dan discussed the status of the Growth Policy review and noted that the connection charge issue is complete and the comp plans are in the process of being updated. There was general discussion regarding growth issues and comp plans, for both the District and the County.

Roger and Bob talked about their discussions with City of Blaine staff about the Loomis Trail/Dakota Creek area regarding service issues and annexation. Roger is putting together a meeting to continue to discuss these issues with Blaine staff.

Roger reviewed the letter he sent to the PUD regarding potable water service to BP. They are setting up a meeting at BP to continue the discussions. Roger and Dan presented a draft scope-of-work that was presented at that meeting for review. The PUD staff will get back to the district with comments. Dan asked for authorization to contract with the consultants as the scope of work is developed in meetings with BP and the PUD. The cost of the consultants would be paid from funds paid by BP. He expects the cost not to exceed \$4,000. It was moved by Reichhardt to authorize the expenditure of \$4,000 with Kennedy Jenks and CHS to develop the scope of work with BP. The motion was seconded by Montfort and passed unanimously.

Dan discussed some potential changes to the current Water Service Area. Some of these areas are rural and served by the district while other rural areas are not presently served. He discussed how they impact the comp plans. He will be meeting with BBJWA about common areas of interest. The Board would like further staff review of the rural areas.

Roger noted that we've received the projected wholesale water rate from Blaine, and also the 2005 true-up that resulted in a small credit. He still needs to review the calculations and will report back to the board.

Dan discussed the Birch Bay View connections. There are still two properties not connected or a signed deferral agreement. There is one other property that brought in a deferral agreement with a letter from the county Health Department after the connection period. It was moved by Montfort to allow staff to sign the deferral document. The motion was seconded by Reichhardt and passed unanimously. The board reviewed the two lots not connected and discussed some options to require connection. In discussing options, if the district connected the lot, Bob recommended getting a court order to allow the connection. That would require suing the

property owner. Commissioner Montfort suggested a fine of \$100 per week for 10 weeks at which point connection would be done by the district. This would be implemented beginning December 1, 2006. After discussion, it was decided to send a letter outlining the \$100 fine and invite them to the next board meeting.

Roger asked the commissioners to schedule the next board meeting for November 30 (Thursday), because the 4<sup>th</sup> Thursday of November is a holiday. The commissioners agreed.

The Commissioners went into Executive Session at 8:25 pm to discuss a personnel issue and anticipate being in session for 1 hour, with possible action planned afterwards.

Coming out of Executive Session at 9:30 pm, there being no further business, the meeting was adjourned.

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COMMISSIONER

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COMMISSIONER

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COMMISSIONER

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 **November 9, 2006.**

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(minutes taken by Glenn Golay)

BOARD SECRETARY