

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD **November 30, 2006**

Commission President Patrick Alesse called the meeting to order at 4:40 PM. Other persons present included Commissioner Don Montfort, General Manager Roger Brown, Attorney Robert Carmichael, Engineering Services Manager Dan Eisses, Treasurer Glenn Golay, Blair Murray (Trillium), Larry Nace (Birch Bay Bible Community Church) and Steve Jilk (PUD Manager).

Agenda additions/changes: Roger would like to discuss the December meeting schedule. This item was added as #11.

Public Input: Steve Jilk (Whatcom County PUD #1) stated that he is happy with the improvement in the relationship between the PUD and the District as they work together on several issues and projects. He said that this is an expression of his and the PUD commissioners' feelings. Commissioner Montfort thanked Steve for the comments and also said he is appreciative of the improving working relationship between the entities.

Consent Agenda included: Minutes for the Regular meeting of November 9, 2006 and Special Meeting of October 27, 2006; Accounts Payable Warrants #35555-35600 paying Claims #35555-35600 for \$54,523.36; and November Payroll Draw Warrants #5140-5151 for \$11,850.00. It was moved Montfort and seconded Alesse to approve the Consent Agenda. Passed unanimously.

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

Blair Murray was present to hear discussion on the **Shintaffer Farm DE**. Dan again discussed the development recommendations from staff, and the possible changes and alternative conditions due to impacts of other projects neighboring Shintaffer Farm DE. Blair and Dan recommended a correction to the staff condition #6 which would read "If the "Trillium-4 Lots/Drayton Farms" or this Shintaffer Farm development. It was moved by Montfort and seconded Alesse to accept the DE recommendations with the correction for the Shintaffer Farm. The motion passed unanimously.

Drayton Harbor Meadows: Dan reviewed the detail of staff recommendations on this project. It was moved by Montfort to approve the DE recommendations for this project. The motion was seconded by Alesse and passed unanimously.

Birch Bay Community Church: The church is building at the corner of Bay and Blaine roads and needs fire flow. The property is in the Bell Bay Jackson service area, but they are not able to provide fire flow. There is question as to whether the District can provide fire flow without providing the water service, but BBJWA does not want to give up that service. BBWSD has a policy not to provide fire flow without providing water service. There is the complication of the property not being in the District's service area. Dan also said that there is the problem of how you would charge for providing the fire flow service. The other issue is if the fire flow is considered an urban level of service and whether the Growth Management Act allows the District to provide the service. A representative of the church was present to hear the discussion. Staff will continue to work on the issues with this project for future meetings.

Commissioner Reichhardt arrived for the meeting at 5:30 pm.

Dan discussed the **water service area (WSA) plan** and those properties where the District provides service that are not in the present Urban Growth Area. This discussion is needed for Comp Plan development. Dan made a recommendation to leave the properties in the service area. Commissioner Montfort suggested stating in the Comp Plan that the District is reserving the areas as under review and not having to make a decision at this time. No other decision was made on this issue.

Dan talked about the **Horizons** development and where they are at with their infrastructure installation. The developer has asked, because of the weather conditions, if they could defer completion of the installation until next spring. Dan recommended approving their request. Don asked how the flow requirements would be impacted by not completing this now. Dan said that it works ok without the installation of the 21-inch at this time. The requirement for installing the 21" sewer line was to get it constructed prior to the roadwork and the county has said that they do not have to complete the road now. The commissioners agreed with this course of action.

Lincoln Green Track C: Dan is recommending acceptance of the water line, with the exception a few items that need to be completed. It was moved Montfort and seconded Reichhardt to accept the water project when the final items are completed. The motion passed unanimously.

Birch Bay State Park sewer pump station: The pump station is not designed yet. CHS has submitted a proposal for design and construction oversight. No action was needed on this.

For general information, Homestead has asked for "will serve" letters for the golf course and the waterslides developments. These developments involve a few hundred condominiums.

Birch Bay Drive Forcemain: The archeological permit should be going in tomorrow.

BP Potable Water/Wastewater Service: Roger discussed a proposed letter to BP describing a deposit agreement in order to study and develop a proposal and contract for domestic wastewater service agreement amendment to allow for expansion of the service, potable water service, and re-use water provision. This includes engineering, staff and legal costs. Proposed deposit is \$114,445.30 not including the legal costs. Roger said that this does not include any significant BP funding of a revision of the PUD contract water service to BP. Roger asked for approval to send out the letter, after making a few clarifications to the letter. Don asked how committed BP was to this "global" approach to the service issues. Roger said that they have not committed firmly yet on that issue. Steve noted that the PUD has offered to pay half the cost of the review of the reclaimed water issue, because that impacts the total amount of source available. The board approved sending the letter.

Blaine has issued the Well 5R specs. The bid opening is December 6. Also, Blaine has asked CHS for a scope and fee for updating their water comp plan.

Roger reported on his attendance at the PUD meetings. He also discussed the new budget process that the PUD has adopted and he is supportive of the new process.

Birch Bay View Community – December 5th is the final public hearing by the County Council. Roger will attend. There are still 2 lots unconnected or no action on them. Dan described his contacts with the two. The board directed that the \$100 penalty is charged on December 8th and an additional \$100 each week afterwards.

The board discussed proposed changes to the District meal policy for meetings and training, in response to concerns by the auditor. After review, staff was directed to study tying the policy to the guidelines established by the State Auditor's Office for meal allowance as well as travel per-diem. Any decision on the policy was deferred until after that review.

The staff and commissioners discussed the options to replace the internet provider for the District. The current provider has not been reliable. District communication and telemetry have been negatively impacted by frequent service interruptions. Roger described the history of internet service at the district. Roger described some of the alternatives available for improved service, including Comcast broadband (either a cable from the gate to the office or wireless from the gate). The buried cable would more likely not to be interrupted as a wireless system would. The wireless option could be temporary if better alternatives are identified in conjunction with the force main project. After review and discussion, the commissioners favored the wireless alternative, without the battery backup. The commissioners

approved that option.

The commissioners discussed whether to cancel the second meeting in December because it falls so closely to the holidays. The commissioners approved canceling the meeting.

The Commissioners went into Executive Session at 7:15 pm to discuss a personnel matter. The commissioners plan to be in session for 20 minutes with possible action anticipated afterwards.

Coming out of Executive Session at 7:45 pm, it was moved Montfort and seconded Reichardt to approve the Employee Group contract for 2007-2009. The motion passed unanimously. There being no further business, the meeting was adjourned.

COMMISSIONER

COMMISSIONER

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 30, 2006**.

BOARD SECRETARY

(minutes taken by Glenn Golay)