

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER AND SEWER DISTRICT,  
HELD February 22, 2007

Commission President Don Montfort called the meeting to order at 4:30 PM. Other persons present included Commissioners Carl Reichhardt and Patrick Alesse, General Manager Roger Brown, Attorney Robert Carmichael, Engineering Services Manager Dan Eisses, Treasurer Glenn Golay, and Engineer Rodney Langer.

**Agenda additions/changes:** Roger asked to delete item 8.

**Public Input:** none

**Consent Agenda included:** Minutes for the Regular meeting of February 11, 2007 and Special meeting of February 14, 2007; Accounts Payable Warrants #35845-35901 paying Claims #35845-35901 for \$50,808.78; February Payroll Draw Warrants #5249-5259 for \$11,000.00; and WASWD 2007 dues invoice. Commissioners Reichhardt asked that the WASWD dues be removed from the consent agenda for later discussion. It was moved Reichhardt and seconded Alesse to approve the Consent Agenda excluding the WASWD dues. The motion passed unanimously.

Commissioner Reichhardt made a motion not to renew the District membership in the Washington Association of Sewer and Water Districts (**WASWD**) and instead use the funds for the conservation program. Commissioner Alesse seconded Commissioner Reichhardt's motion in order to bring the issue forward for discussion. The commissioners then expressed their opinions about continuing membership in the association. Commissioner Montfort agrees that the dues are rather high, but he feels that the ratepayers are well served by the District's membership for several reasons. WASWD has represented Districts well on the state level in the legislature and with the Auditor and Treasurer's offices and helps a lot of Districts in times of need. He also said there are problems with the Association, but would like to see the District continue its membership. Commissioner Reichhardt wondered if there would be an impact to the association if the District dropped out for a year. Don didn't think that would make much difference. Don asked Roger for his opinion. Roger noted that it is really a commissioner organization, but he does get good benefit from the personal contact with other member district managers on the section level as well as locally. Don then asked for a vote on the motion. The vote was Reichhardt in favor and Alesse and Montfort against. The motion failed to pass.

Commissioner Alesse then moved to approve payment of the WASWD 2007 membership dues. The motion was seconded by Montfort. The motion passed 2 to 1, with Reichhardt voting against.

There were no developers present to discuss their projects.

Dan briefed the commissioners on the status to the **Forcemain project**. Dan has talked with Ross Widener about archaeological consulting on this project and described his experience and expertise. Mr. Widener encouraged the digging of test pits for the purpose of gathering information to support assumptions in the permit process. There was general discussion about what permits were needed for the project and how to proceed regarding

the test pit suggestion. The commissioners agreed with the approach of asking Widener & Assoc. for a scope and fee proposal focusing on the test pit suggestion.

CHS has completed the Capacity Upgrade Planning Report. Dan said that staff has reviewed the report and are pleased with the result. Rodney then outlined the study results. The report focuses on the growth projections as well as making a recommendation on route and improvements needed for the sewer comp plan update. The main result coming out of the report is that future capacity around the bay will be provided by a parallel gravity sewer system upstream from ps #4 and force mains downstream of ps #4. The report does have some order of magnitude costs for these improvements, but the costs and details will be looked at more closely in the comp plan update.

Roger talked with the Board about the district approaching the city about taking the lead in the reclaimed water portion of the City's new wastewater plant project. He discussed the projected cost of the City's new plant, which includes expenditures in excess of \$43 million over the next seven years. He noted the cost could raise feasibility issues. He is going to continue to pursue the reclaimed water project with City staff and report back to the board.

Roger presented a Letter of Agreement with the City of Blaine along with a scope and fee proposal from AES for Conceptual Ground Water Model development. This agreement would have the costs shared equally with the City of Blaine. The proposal is for \$18,250. Also, Roger presented a Letter of Agreement with the City of Blaine along with a scope and fee proposal from AES for Cost Reimbursement Program. This agreement would also have the costs shared equally with the City of Blaine. The proposal is for \$13,550. Commissioner Montfort asked for a review of the tasks that AES was undertaking on the entire hydrogeologic review project. The other commissioners agreed. Roger said that he will put together that information for the board for the next meeting and would defer these proposals to another meeting.

Roger asked for approval from the board to submit Water Right Applications as presented. It was moved Alesse and seconded Reichhardt to approve the applications. The motion passed unanimously.

Roger reviewed the status of the two properties in Birch Bay View Community who have not completed sewer connection requirements. The commissioners had recently fined each of the accounts \$100 a week for 10 weeks in an effort persuade them to connect. Roger noted that the account on Bayvue has paid his fees. The recommendation is to shut off the water and waive the fine. The water would not be turned on until a new home is installed and connected. The commissioners agreed.

The other property owner on Treevue has provided a letter from the Health Department stating that his on-site system is functioning adequately but has not signed the required deferral agreement. The property is not currently occupied but could be occupied at any time and/or sold or transferred. Staff recommends that the District file a certificate of delinquency for penalty charges; send a letter from the attorney demanding execution of a deferral agreement and payment of penalty charges within 30 days; reserving the Board's option to waive all or part of the penalty charges upon compliance; advise the owner of the District's intent to go to court after 30 days of continued non-compliance seeking an order to enter the property and connect to the sewer system and recovery of court costs, attorney's fees, LFC/GFC, the cost of connection and penalty charges. The commissioners discussed

the options. The commissioners directed the attorney to proceed along the general lines of the staff's enforcement suggestions on the Treevue property.

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

Dan said that Horizon irrigation study is being reviewed. The fee review by FCSG should be ready for the next meeting.

Dan is recommending conditional acceptance of the Homestead condominium project. There is a list of outstanding items, but Dan would like to get past the approval process now. It was moved Reichhardt and seconded Alesse to accept the DE when the conditions are complete. The motion passed unanimously.

Dan also discussed the Kamal Short Plat and service options. A previous project in the past had not extended sewer to the furthest property line. The developer was questioning why and the fact that he was being made to go to his far property line. This line is near the end of the basin and it was probably thought that it would not be able to be extended farther. One option is to only extend the sewer to the near property line and that would help with the equity issue. The board accepted Dan's recommendation for service for this property.

There being no further business, the meeting was adjourned at 6:46 pm.

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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 **February 22, 2007**.

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BOARD SECRETARY

**(minutes taken by Glenn Golay)**