

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER AND SEWER DISTRICT,  
HELD May 22, 2008

Commission Vice President Carl Reichhardt called the meeting to order at 4:30 PM. Other persons present included Commissioner Don Montfort, General Manager Roger Brown, Engineering Services Manager Dan Eisses, Treasurer Glenn Golay, Water Conservation Specialist Emily Resch, Engineer Rodney Langer, Attorney Robert Carmichael, and Luke van't Hoog, Lesli Higginson, Keith Lucke and Elizabeth Daly of BP.

**Agenda additions/changes:** Roger asked for an executive session prior to item #5.

**Public Input:** none

**Consent Agenda included:** Minutes for the Regular meeting of May 8, 2008; Accounts Payable Warrants #37279-37333 paying Claims #37279-37333 for \$88,200.81; and May Payroll Draw Warrants #5811-5824 for \$16,100.00. It was moved by Montfort and seconded by Reichhardt to approve the Consent Agenda. The motion passed unanimously.

Emily reviewed the status of the **Conservation program**. She and Roger are working on a press release regarding the Regional Water Alliance. They hope to have it out by next Wednesday. Emily has begun coordinating conservation meetings with Blaine.

Commission President Patrick Alesse arrived for the meeting at this time.

Emily continued with her report. Blaine has agreed to purchase A boards similar to the ones the District is buying. The school poster contest judging will be done tomorrow. Also, the voluntary watering schedule is included with the summer newsletter.

Roger reviewed the "**Sixth Amendment to the 1990 Potable Water Agreement**" changes. Roger asked the board for their approval of the document. Roger noted that on Page 4, item D, the second sentence, the intent was to require BP to initiate the hiring of the consultant for the water efficiency audit within 90 days. However, the PUD inserted language that could be construed to mean that the water audit would have to be done within 90 days. He stated that the intent of the parties and BP was that the consultant be "hired" within 90 days. The commissioners agreed with that interpretation. It was moved by Reichhardt and seconded by Montfort to authorize Roger to sign the amended agreement. The motion passed unanimously.

The commissioners went into Executive Session at 4:55 PM to discuss an item of possible litigation. They expect to be in session for 20 minutes with no action planned afterwards.

Coming out of Executive Session at 5:14 PM, the regular meeting resumed.

**BP Domestic Wastewater service:** Roger updated the Board on the investigation by BP of the problem of petroleum products in the wastewater. Also a letter has gone to the County regarding extension by BP of sewer lines outside the service area outlined in the wastewater contract. Roger also is asking the board for approval to send a letter to BP requesting additional funding in the deposit account in order to secure consultant assistance in the review of the wastewater content problem. Dan reviewed a scope and fee proposal received from Carollo to provide that work. The request is for an additional \$42,212 to address Carollo's work and other miscellaneous charges. Luke van't Hoog noted that the current deposit account may be ready

to be closed out and the remaining funds could be rolled over into another project account. Roger addressed that suggestion and thought that may take some time and work to accomplish. The commissioners reviewed the letter regarding the additional funding request. It was moved by Montfort and seconded by Reichhardt to approve sending the letter to BP. The motion passed unanimously.

Roger reported that the District has incurred unanticipated costs dealing with the discharge at the BP pump station. He said he will be reviewing the 2008 budget for the BP wastewater pump station and expects to bring a recommendation for an amendment to the 2008 budget to the next board meeting.

Roger also reported that the amendment to the wholesale water contract with Blaine is ready. The city council will review it for approval on Tuesday. It was moved by Montfort and seconded by Reichhardt for Roger to sign the new contract. The motion passed unanimously.

Task Order #8, regarding joint application with Blaine for Cost Reimbursement and SEPA activities, was discussed. It allows the district to act as lead agency in the SEPA process. It was moved by Reichhardt and seconded by Montfort to authorize Roger to sign the task order. The motion passed unanimously.

Dan discussed the letter received from DOH regarding their review of the new Water System Plan. There was considerable discussion of issues they would like addressed by the district.

The status of the **Drayton Harbor Road waterline replacement** project was discussed. Dan reported that Lummi tribal members came out to look at the project. He met with them and he thought it was a good meeting. He also talked about the Forcemain project with them. Dan showed some pictures of equipment being used in the project and talked about how the work has gone and what progress they've made. The old line is quite variable in depth and direction and the pull runs have been much shorter than projected, which has added time to the project. There is an increase in time and cost for the archaeological monitoring because of the install problems. Dan requested an additional \$8,000 for the monitoring work. It was moved by Reichhardt and seconded by Montfort to approve the additional costs as needed. The motion passed unanimously.

**Hall Rd/Blaine Supply Line:** Dan discussed the status of the project. Steve Banham, City of Blaine, asked that the District coordinate with Bell Bay Jackson Water Association (BBJWA) on the connection to the city's line. Dan will continue to work with BBJWA and the county on that issue.

Dan talked about the proposed painting of the Kickerville and Birch Pt tanks, using the same consultant that Blaine is using for the tank painting proposal, and that we do that as a joint project with the City. The commissioners were in favor of that approach.

**Developer extension projects:** Dan discussed developer extension projects. Anchor Village, Phase II: Dan pointed out that there is no DE agreement in place or plans received. The developer needs to put in a driveway off the highway, so he wants to install some waterline and connect to the district line now so he doesn't have to dig it up later. Dan discussed some options to answer the request. The commissioners gave some input and it was decided to allow the installation of the pipe in conjunction with a fire hydrant installation permit.

There being no further business, the meeting was adjourned at 7:00 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 **May 22, 2008.**

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BOARD SECRETARY

(minutes taken by Glenn Golay)