

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD November 13, 2008

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 Brown, Engineering Services Manager Dan Eisses, Treasurer Glenn Golay, Attorney Robert Carmichael, Engineer Rodney Langer, Dwayne Nelson, Sergey Yerovoy, and Pat Pollock (BP).

Agenda additions/changes: Glenn noted that there is a request from the Community Assistance Program regarding a payment option for review by the commissioners.

Public Input: none

Consent Agenda included: Minutes for the Regular meeting of October 23, 2008; Accounts Payable Warrants #37882-37919 paying Claims #37882-37919 for \$26,282.88 and Warrants #37920-37955 paying Claims #37920-37955 for \$86,108.86; October Payroll Warrants #6024-6048 for \$62,250.13; October adjusting entries to UBS for \$3,836.96 charges and \$11.43 credits; October EFTPS withholding deposit made on 10/31/08 for \$22,407.82; and October Financial Reports for review. It was moved by Montfort and seconded by Reichhardt to approve the Consent Agenda. The motion passed unanimously.

Developer Extensions: Dwayne Nelson was present to discuss the Tides at Birch Bay development. CHS has completed its review of the project and Dan reviewed their recommendations. The developer would like to phase the project and he also had questions about the payment of connection charges with the phasing. Dan noted that the district has phased many projects in the past. He asked the commissioners to approve the engineer's recommendations. It was moved Reichhardt and seconded Montfort to accept the project recommendations. The motion passed unanimously.

Also present was the developer, Sergey Yerovoy, for the Whitehorn Way Short Plat. He would like to get a service availability letter so he can subdivide his lot. After discussion and input from staff, it was moved Montfort and seconded Reichhardt to approve his request for the district to provide a letter of availability. The motion passed unanimously. Attorney Carmichael will review the developer extension agreement to determine if any changes need to be made to the agreement.

Glenn presented Resolution #671, authorizing sale of surplus property with an aggregate value in excess of \$2,500. It was moved Montfort and seconded Reichhardt to approve Resolution #671. The motion passed unanimously.

BP Domestic Wastewater Decision: Dan presented Resolution #672, amending the sewer comprehensive plan expanding the service area for the refinery. It was moved Montfort and seconded Reichhardt to approve Resolution #672. The motion passed unanimously.

Also presented was a proposed contract amendment with BP which changes the service area. It was moved Reichhardt and seconded Montfort to approve the amendment. The motion passed unanimously.

Resolution #673 was presented, the notice of intention to expand the BP domestic wastewater service area, to the Boundary Review Board. It was moved Montfort and seconded Reichhardt to approve Resolution #673. The motion passed unanimously.

Roger also reported on current activity at the PUD and his attendance at their board meeting. Dan discussed his attendance at the county meeting regarding water service to certain rural areas and UGA's.

Cost Reimbursement Program: Roger briefed the board on the status of the program. He presented the draft inter-local agreement to pay the fees for phase one of the program. The district and city will equally split the expense. Roger asked the board for authorization for him to sign a MOU in this substantial form, not to exceed \$7,500 in District cost and subject to review by the district attorney, when it is finalized. It was moved Montfort and seconded Reichhardt to authorize Roger to sign an inter-local agreement for the cost reimbursement program expenditures. The motion passed unanimously.

Storm-water Update: Dan discussed current activity regarding storm water/inflow-infiltration activity and study. Dan also discussed progress on getting faults in the system repaired by property owners, and also some options for enforcing repairs.

Dan informed the board that the district has received the approved archaeology permit for the force-main project.

Dan presented for approval, a contract from CHS for preliminary engineering for Pump Station #4 improvements. He discussed some of the flow issues he would like reviewed with this scope and fee. The engineering review for Pump Station #4 is budgeted at \$50,000 in the 2008 CIP budget. The commissioners asked Rodney and Dan some specific questions regarding the work. It was moved Montfort and seconded Reichhardt to approve the contract. The motion passed unanimously.

Roger and Dan reviewed their attendance at a meeting with DNR staff last week regarding the extension of the district's aquatic lands lease for the outfall. Roger reviewed the history of the issue and discussed options for further action by the district to obtain the outfall easement extension. The commissioners authorized Roger to pursue a timely solution to this issue.

The commissioners and staff discussed a recent Supreme Court decision regarding responsibility for the costs of maintaining and using fire hydrants.

The commissioners reviewed a letter from the Community Assistance Program to accept a phone call guarantee-of-payment for delinquent accounts in order to avoid service lock off. Since this is not current accepted practice, staff asked the commissioners for their input on this request. After discussion, the commissioners approved the request and asked staff to keep them advised of any problems with this payment promise procedure.

Dan reviewed the engineer's recommendations on the Mallahan developer extension. After discussion, it was moved by Montfort and seconded by Reichhardt to approve the DE recommendations. The motion passed unanimously.

There being no further business, it was moved by Reichhardt and seconded by Montfort to adjourn the meeting at 7:55 pm. The motion passed unanimously.

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 13, 2008.**

BOARD SECRETARY

(minutes taken by Glenn Golay)