

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD May 28, 2009

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

Agenda additions/changes: none

Public Input: none

Consent Agenda included: Minutes for the Regular meeting of May 14, 2009; Accounts Payable Warrants #38482-38521 paying Claims #38482-38521 for \$42,541.82; and May Payroll Draw Warrants #6284-6297 for \$17,550.00. It was moved by Reichhardt and seconded Alesse to approve the Consent Agenda. The motion passed unanimously.

Jackson Road Sewer Extension: Dan discussed options to extend sewer service on Jackson Road, Currently there is no service in that area. Mike Kramer, who owns a parcel in the area, was present to listen to the discussion. Dan discussed funding possibilities. The number of parcels possibly served is too few (6) for a ULID. The DE process does not work well as there are multiple owners. There was some discussion regarding applying the LFC process on this project as was used at Birch Bay View. The board asked staff to develop a project scope and cost before making any decision.

Roger discussed recent activities in watershed planning.

Roger reported on his attendance at the most recent PUD meeting and the issues covered.

Dan reported that he and Dustin are working on the proposed wastewater rate for BP.

Dan gave an update on the Hall Rd/Blaine Rd project. Per the board's direction at the last meeting, Dan has asked P WTF for an extension on the water project loan term. There have been some additional problems with the bore under the railroad tracks, but that was solved and the bore is complete. Dan is hoping for project completion by the 4th of July.

Dan discussed his attendance at the most recent meeting with county staff and community members on the review of UGA's in the Birch Bay area.

Dan has talked with state park staff and they have expressed support for a water audit in the park.

Don gave an update on the Seattle vs Lane lawsuit, concerning the responsibility for the cost of installation and maintenance of fire hydrants.

Board President Montfort announced that the board would go into Executive Session at 6:10 PM to discuss an issue of potential litigation. The meeting will last 10 minutes, with possible action afterwards.

Coming out of Executive Session at 6:20 PM, it was moved Reichhardt and seconded Alesse to approve the proposed settlement amount with Mariners Cove for \$41,454.02. The motion passed unanimously. Also, the commissioners supported the direction that staff and the attorneys are developing with Birch Bay Resort Park concerning potential terms for settlement, including repair and operation of their sewer system.

There being no further business, it was moved Reichhardt and seconded Alesse to adjourn the meeting. 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 **May 28, 2009**.

BOARD SECRETARY

(minutes taken by Glenn Golay)