

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD July 9, 2009

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

Agenda additions/changes: Dan asked to add an item regarding BP issues.

Public Input: none

Consent Agenda included: Minutes for the Regular meetings of June 25, 2009; Accounts Payable Warrants #38602-38641 paying Claims #38602-38641 for \$401,357.81; June Payroll Warrants #6336-6359 for \$68,460.36; June adjusting entries to UBS for \$1,904.82 charges and \$4,047.70 credits; June EFTPS withholding deposit made on 06/30/09 for \$22,722.00; and June Financial Reports for review. It was moved by Reichhardt and seconded by Alesse to approve the Consent Agenda. The motion passed unanimously.

Dan reported that BP is moving their administration buildings, which would require a new sewer line to the new location and BP would like to run the line along Grandview Road. BP had brought this up about a year ago, and the District had informed them that there was quite a bit of negotiating that would be necessary for it to be a District line. The District had not heard anything else about this request until yesterday. Dan asked the board for their approval to have the District manager sign a modified DE agreement or deposit agreement regarding this change so that discussions could go ahead with BP on this issue and the costs for that work would be funded by BP. The sewer line could be reviewed and inspected to District standards while it was constructed to keep open the possibility of turning it over to the District if the negotiations were successful. It was moved Reichhardt and seconded Alesse to approve Dan's request. The motion passed unanimously.

Dan reviewed the water use and influent flow data from the 4th of July weekend. That period is generally the annual peak use weekend for the District. The usage was not abnormally high, and District supply was sufficient to meet demand.

Dan reported on his attendance at the PUD meeting.

Dan and Steve Banham (City of Blaine) had a meeting this morning in Everett with DOE staff regarding the **Cost Reimbursement Program**. Dan reported on the issues discussed at the meeting and felt it was a good meeting.

Commission President Don Montfort called to order the **Public Hearing on the Whitehorn Way Reimbursement Agreement** at 5:05 PM. No one other than those listed above were in attendance. There being no public input, Commissioner Montfort closed the Public Hearing at 5:06 PM.

After discussion, it was moved by Alesse and seconded by Reichhardt to approve the District manager signing the Whitehorn Way Reimbursement Agreement. The motion passed unanimously.

Dan and Rodney briefed the commissioners on the progress of the design and procedure for construction of the **Birch Bay Drive sewer force-main**, Pump Station #1 relocation, and the access road culverts replacement. They discussed the work accomplished to date and other issues they're currently working on. Rodney reviewed major items in a draft Memorandum of Agreement with the State Park for this project. Rodney also discussed their review of the proposed project pipe size. Dan is anticipating being ready to ask the board, either at the next board meeting or the one after, for approval to go out to bid in September.

Archeological services: Dan discussed some projects that need some archeological consultant work as they're developed. He wanted to make sure that the board was aware that he is going to use the district "on-call" archeologist for this work. The commissioners agreed to Dan's approach.

Dan discussed the **Hogan Drive waterline** replacement and the agreements that need to be obtained from the impacted property owners. The commissioners agreed with Dan's proposed method to obtain the needed signatures.

Dan reported that funds were transferred from the **Horizons DE** account in order to pay the Horizons irrigation bill. There seems to be some questions regarding current water use and future payment. He wanted the commissioners to be aware of this issue and will report back to them as needed.

Dan reported that he and Emily met with **State Park** staff to review their water facilities as part of a usage audit. He gave a review of their findings and possible recommendations for some improvements.

President Montfort announced that the Board would go into **Executive Session** at 6:30 PM to discuss an issue of potential litigation. The session would last for five minutes with no action anticipated afterwards.

Coming out of Executive Session at 6:35 PM, there being no further business, it was moved by Alesse and seconded by Reichardt 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 **July 9, 2009**.

BOARD SECRETARY

(minutes taken by Glenn Golay)