

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER AND SEWER DISTRICT,  
HELD **September 24, 2009**

Commission President Don Montfort called the meeting to order at 4:30 PM. Other persons present included Commissioner Carl Reichhardt, General Manager Roger Brown, Engineering Services Manager Dan Eisses, Water Conservation Specialist Emily Resch, Attorney Robert Carmichael, and Sandra Kisska.

**Agenda additions/changes:** none

**Public Input:** Sandra Kisska approached the Board about the cost of the District's maintenance/base billing charge and the potential of categorizing billing rates based on number of people or percentage of usage per household.

**Consent Agenda included:** Minutes for the Regular meeting of September 10, 2009; Accounts Payable Warrants #38823-38855 paying Claims #38823-38855 for \$54,059.54; and September Payroll Draw Warrants #6436-6449 for \$17,550.00. It was moved by Reichhardt and seconded Montfort to approve the Consent Agenda. The motion passed unanimously.

**BP:** Dan updated the Board about BP's interest in annexation. BP initially was not interested, but requested Dan to compile information for further review on how annexation would impact BP and the District. Dan reviewed the issues with the Board, indicating that BP is reviewing this information.

**Water Supply:** Roger discussed the strength of tribal claims on water rights for fishing. Bob Carmichael reviewed legal precedents on this issue.

**Hogan Dr. Waterline Improvement:** Dan updated the Board on the Hogan Drive project. The District should be able to get all the signatures for the waterline improvement. Dan proposes that the District get a written agreement with Dar Kruse about relocating the waterline across his property if development occurs. The agreement would state that the District would relocate the line to a mutually agreeable location at District expense. Dar is in agreement with the proposal. The Board agreed to this direction.

**Blaine Rd. Waterline Upgrade:** Dan updated the Board on the flow increase from the Blaine Rd. Waterline upgrade. Flow increase was greater than initially anticipated. The next step is determining what and when the next capital improvement project will be scheduled based on demand forecast, conservation and City of Blaine's supply improvement projects. Staff has been evaluating several different alternatives. Dan proposes that the District continue with shorelines permitting. The actual selection of an alternative should be postponed until the 2010 budget work

**County UGA – Water Availability Letter:** Roger discussed the changes that were made to the District's Water and Sewer Availability Commission Policy and asked the Board for approval. It was moved by Reichhardt and Montfort seconded to approve the changed Water Availability Letter Policy. The motion passed unanimously.

**Developer Extensions:** Dan updated the Board on developer extensions. The condos with oversized garages (northwest corner of Blaine and Alderson) will be receiving a water availability letter. Doug Campbell has requested a will serve letter for a project on Blaine Rd. just south of Alderson Rd. A DE agreement could be potentially ready for Harbor Shores by the next meeting.

There being no further business, it was moved Reichhardt and seconded Montfort to adjourn the meeting at 5:31 PM. The motion passed unanimously.

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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 **September 24, 2009**.

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BOARD SECRETARY

(minutes taken by Emily Resch)