

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER AND SEWER DISTRICT,  
HELD May 13, 2010

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

**Agenda additions/changes:** Roger addressed a customer concern to the Board. Su Yong Kim is not registered to take mail directly at the café and picks up mail at Helweg. Carmichael agreed that further mail should be sent to his address on Helweg to avoid conflict with the post office.

**Public Input:** none

**Consent Agenda included:** Minutes for the Regular meeting of April 29, 2010; Accounts Payable Warrants #39564-39596 paying Claims #39564-39596 for \$49,563.27 and Warrants #39597-39621 paying Claims #39597-39621 for \$589,237.40; April Payroll Warrants #6720-66743 for \$66,158.76; April Adjusting Entries to UBS for \$1,121.03 charges and \$47.80 credits; April EFTPS withholding deposit made on 04/30/10 for \$25,826.27; April Department of Revenue payment made electronically on 05/04/10 for \$7,664.89. It was moved by Montfort and seconded by Reichhardt to approve the Consent Agenda. The motion passed unanimously.

**BP:** Pat Pollock updated the board on the sewer contract proposal and that they are still reviewing the current contract proposal.

**PUD:** Roger updated the Board on the most recent PUD meeting. The PUD discussed a way of dealing with their fire hydrant costs.

**Water Alliance Photo:** Emily updated the Board about the Water Alliance photo op with Wayne Drop at the Whatcom County Council of Governments office.

**Cost Reimbursement Program:** Roger discussed the LOOP agreement and Task Order #18 with the Board. The City and District agree to split the cost to pay for the Loops' well in Task Order #18 in return the Loops' do not challenge the City/District water rights in the release agreement. Roger asked for authority to sign Task Order #18 and the LOOP agreement. It was moved by Montfort and seconded by Reichhardt to give Roger authority to sign the release of claims with the Loop Family. The motion passed unanimously. It was moved by Montfort and seconded by Reichhardt to give Roger authority to sign Task Order #18. The motion passed unanimously.

Roger discussed with the Board how the City and District will carry out new water rights once they are obtained. Roger suggested that the District amend the original 2002 Water Supply Contract and update the ultimate capacity and contract demand to recognize the new water rights.

**Water Supply Group:** There was no news to report on the Water Supply Group.

**PS#3 to WWTP Forcemain Project:** Dan updated the commissioners on the progress of construction activity on the Birch Bay Drive Forcemain project. Contractors began paving on Monday and expect to get done Thursday (today). The project is on schedule to be completed this week.

Dan discussed the waterline replacement that was approved by the Board last meeting. Dan stated that the water crew with assistance from the sewer crew was able to complete the project without impacting the paving schedule.

Dan discussed the agreement with the Cronks. The agreement is getting very close and the District dug a hole for the pump package to make sure archaeology would not be a problem.

Dan reviewed the cost estimate of the forcemain project to the Board. His expected cost for the contractor is approximately \$356,000 over the original bid price. The major items for this cost increase were the waterline addition and overlaying the entire road.

**Availability Policy:** Roger highlighted the changes made to the Availability Letter and Policy to the Board. Roger will bring the availability policy and an updated version of the findings and conclusion section of the availability policy to the next Board meeting for approval.

**Annexation Code Charges:** Roger discussed the changes made to the Annexation Code Charges by Bob Carmichael. Roger requested approval from the Board of the changes made to the Annexation Code Charges. The resolution will be placed on the next meeting's consent agenda.

**PWTF Application:** Dan reviewed the PWTF application with the Board. Dan informed the Board that the District needs a greenhouse gas policy by June 30<sup>th</sup> to keep eligibility for PWTF.

**BBWARM:** Roger summarized the meeting with BBWARM county staff held on May 7<sup>th</sup>, 2010 to the Board.

**Developer Extensions:** Dan updated the board on current developer activity. Skip Jansen is pursuing getting Harbor Shores property switched to UR4. The public hearing is scheduled for May 13<sup>th</sup>, 2010. The switch in zoning designation will help determine type of sanitary sewer service in the future. Bleakney is still in the active application phase of the process.

Dan met with Grandview Beach Water Association to exchange information about water and sewer.

Birch Bay Bible Church approached Dan about getting appropriate fire service to the area.

President Alesse announced that the Board would go into Executive Session at 7:08 PM to discuss a personnel issue. The session would last for 10 minutes with no action anticipated afterwards. No action is expected.

Coming out of Executive Session at 7:20PM, there being no further business, it was moved by Montfort and seconded by Reichhardt to adjourn the meeting at 7:21 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 **May 13, 2010**.

\_\_\_\_\_  
BOARD SECRETARY

(minutes taken by Emily Resch)