

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD June 24, 2010

Commission President Patrick Alesse called the meeting to order at 4:30 PM. Other persons present included Commissioner Don Montfort, General Manager Roger Brown, Engineering Services Manager Dan Eisses, Treasurer Glenn Golay, Attorney Robert Carmichael, Dustin Sellinger, and Doug Wiebe.

Agenda additions/changes: Glenn asked that two customer requests be added to the agenda.

Public Input: Doug Wiebe was present to ask the board for relief on his water bill because of a waterline break. The request had originally been denied by staff and Mr. Wiebe is appealing that decision to the board. After review by the commissioners, the appeal was granted and the water leak policy will be applied on this occurrence.

Consent Agenda included: Minutes for the Regular meeting of June 10, 2010; Accounts Payable Warrant #39697 paying Claim #39697 for \$312,831.91, and Warrants #39698-39733 paying Claims 39698-39733 for \$407,313.24; and June Payroll Draw Warrants #6782-6795 for \$17,350.00. It was moved by Montfort and seconded Alesse to approve the Consent Agenda. The motion passed unanimously.

BP: Roger and Dan discussed the sewer contract review. Dan and Mike are reviewing it for comment and then Roger will send it on to Attorney Carmichael for his input. It will then be forwarded to BP for their review.

Roger also talked about the conditions precedent to vesting of the water supply contract between the district and BP. One of the conditions precedent was acquisition of at least one million gallons per day in additional water rights, either in the form of permits or an amended wholesale water supply contract with Blaine. The second condition precedent was BRB approval of District service to BP. Such a change would require a Comp plan update, SEPA notice, and submittal to the county and the Boundary Review Board. There will be costs (estimated at \$15,000) incurred in getting approval. Roger proposed going ahead with the work on the approval and then get reimbursed by BP for those costs, in lieu of seeking a BP deposit before proceeding. A provision for that is in the current contract. The commissioners approved Roger's request.

Water Supply: Roger talked about his discussions with PUD manager Steve Jilk. He also is working on contract amendment issues with the city supply document.

Forcemain Project: Dan briefed the board on the status of the project: the state has made a decision about the disposition of the remains gathered during the project – which have been given to the Lummi Tribe for final arrangements; actual cost of grinding; cost of change from backfill gravel to crushed rock (required by the county); and cost of culvert reinstallation (Dan recommends deleting that from the contract and have someone else finish that work). The commissioners supported Dan's position on these issues.

Outfall Inspection: Dan discussed the information he's received from the consultant regarding the scope and fee for the outfall inspection. Dan has discussed issues with the proposal and recommended going ahead with approval of the work. It was moved by Montfort and seconded by Alesse to approve the proposal from Cosmopolitan Engineering Group. The motion passed unanimously.

Developer Extensions: Dan presented a developer request for sewer near Anchor Manor. There is a parcel there that has a failing septic system. The board deferred any decision on this issue.

Dan reported on the review of a proposal to install a fire hydrant on Kickerville Road near the district reservoir.

The board then reviewed a request from Gayla Gildnes to waive late charges on a utility account that was delinquent and that she re-acquired because of foreclosure. After review, it was moved Montfort and seconded Alesse to credit late charges on the account. The motion passed unanimously.

There being no further business, it was moved by Montfort and seconded Alesse to adjourn the regular meeting at 6:30 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 **June 24, 2010**.

BOARD SECRETARY

(minutes taken by Glenn Golay)