

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD July 23, 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, Water Conservation Specialist Emily Resch, Attorney Robert Carmichael, John King and Sandra Kiska.

Agenda additions/changes: none

Public Input: John King was present to make a request regarding the district's lien position on his property. He is refinancing and the lender wants the district to subordinate its lien position after them. Attorney Carmichael stated that the district is a public agency and its connection charges and assessments are second only to property taxes in lien position. He also is of the opinion that it would be illegal for the district to subordinate its position. The commissioners did not approve Mr. King's request based on advice from attorney Carmichael. They did ask Bob to call the lender and explain the district's position on this issue.

Sandra Kiska was also present to discuss some observations she has made regarding district rates and procedures.

Consent Agenda included: Minutes for the Regular meeting of July 9, 2009; Accounts Payable Warrants #38642-38682 paying Claims #38642-38682 for \$99,265.98; and July Payroll Draw Warrants #6360-6373 for \$17,550.00; June Dept. of Revenue payment of utility taxes made electronically 07/10/09 for \$6,407.01. It was moved by Reichhardt and seconded Alesse to approve the Consent Agenda. The motion passed unanimously.

Water Conservation Program: Emily updated the commissioners on the Whatcom Water Alliance and the wide area it now represents. Emily was also able to arrange for Steve Banham (City of Blaine) to be interviewed by KGMI regarding the Alliance activities. She has also done another presentation at the state park. She will be doing one more presentation there next month. She reported on participation in the Discovery Days activities and felt it was successful. Next month is Leak Detection Month, with an article and ad in the Northern Light. Dan and Emily reviewed recent water usage.

Dan discussed the plans to make the new water supply line tie-in next Monday evening, as long as the water supply and storage are adequate.

Dan also discussed the water **Demand Forecast** that the district must give Blaine by September 1st. Dan will return to the board in late August with updated information and a recommendation on what to give Blaine for the forecast.

Dan talked about a proposed BP sewer line extension within plant property. BP has told Dan that they would like to build this as a private line. Dan will continue to negotiate with BP on this issue.

Roger briefly discussed the termination of the PUD water supply contract. The PUD board will be making a decision on this at their next meeting. It was moved by Reichhardt and seconded Alesse to allow Roger to sign the termination agreement if the agreement is approved by the PUD board. The motion passed unanimously.

Roger discussed recent activities in regional watershed planning.

Dan asked that the board authorize Don to sign the stormwater construction permit application for the force main project. It was moved by Reichhardt and seconded by Alesse to have Don sign the permit application. The motion passed unanimously.

The board reviewed the engineer's recommendation regarding Pump Station #4 forcemain alternatives. The recommendation is for the sewer flow from PS#4 to PS#3 continue to be conveyed by gravity lines vs. force mains. The board supported the engineer's recommended approach on this project.

Dan reported that he would be on vacation for 3 weeks next month and requested approval to go out to bid with the force main project. The bid documents are getting close to being ready. It was moved by Reichhardt and seconded Alesse to approve Dan's request and go ahead with the Forcemain bid when it is ready. The motion passed unanimously.

There was discussion about the impact of the decision in the Lane vs. Seattle lawsuit regarding the costs of providing fire hydrants. The Board directed staff to continue monitoring future developments with the lawsuit, but no further work on the District's current policy.

Dan briefly discussed the Horizons project irrigation problems. The board directed staff to follow policy regarding water accounts and delinquencies.

There being no further business, it was moved Reichhardt and seconded Alesse to adjourn the meeting at 7:45 PM. The motion passed unanimously.

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 **July 23, 2009**.

BOARD SECRETARY

(minutes taken by Glenn Golay)