

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD April 29, 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, Treasurer Glenn Golay, Attorney Robert Carmichael, Emily Resch, Dustin Sellinger, and Engineer Rodney Langer.

Agenda additions/changes: none

Public Input: none

Consent Agenda included: Minutes for the Regular meeting of April 8, 2010 and Special meeting for April 14, 2010; Accounts Payable Warrants #39512-39563 paying Claims #39512-39563 for \$413,198.48; and April Payroll Draw Warrants #6706-6719 for \$17,350.00. It was moved by Montfort and seconded Reichhardt to approve the Consent Agenda. The motion passed unanimously.

BP: Roger reported that BP's attorney is reviewing the proposed agreement. Roger recently talked with Pat Pollock at BP who updated him on the status of contract review and inquired about the status of the District's efforts to develop new water rights.

Water Supply: Roger reported on his attendance at the last two PUD meetings.

Roger reported that the last Water Alliance meeting was well attended, and Emily described the issues discussed at the meeting.

Roger also reported on the Cost Reimbursement Program work on the water right approval issue. The final ROEs for the District and City of Blaine, approving the applications for water rights, were published April 22nd and there is a 30-day comment period. Roger was not aware of any appeals to those ROEs.

There has been no activity with the Water Supply Group.

Forcemain Project: Dan briefed the board on the status of the project: the third pipe is completely installed and connected at the head-works; the park waterline replacement has been installed and is in the process of being connected; the first lift paving is done from the project north end to the park bridge (about 2/3 of the project distance); the Federson side sewer was installed; project clean up has started; Larry walked the job with the state park manager and is putting together a list of clean up issues; final paving is planned for the week after next; Dan is still working to get the side sewer done for Cronk. Dan also discussed archeology issues that he is dealing with currently. Dan also said that the water department wants to replace the waterline from the state park pump station to the residential area (about 4,000 feet). He estimated the cost at around \$50,000 and would be funded from the current budget for waterline improvements this year. The commissioners supported allowing Dan to pursue getting the line replaced.

Roger and Dan reviewed the district Water and Sewer Availability process and how that is impacted by recent actions the County has taken. There also was some discussion about the district "no-protest ULID" form. The Board would like the wording regarding the property owner promoting a LID to be removed from the form.

Dan discussed a request by the Loomis Trail development to annex into the district. The group has asked the district to estimate the cost of the process. Dan would get a cost estimate from Rodney for CHS' assistance. The commissioners supported moving along with this proposal. Bob will work on a change to district code based on the discussion.

Roger, Dan and Dustin presented additional information concerning the district utility rate structure and some alternatives to that structure based on criteria previously discussed with the board. After input from the commissioners, staff will continue to develop information on this issue for presentation at a future board meeting.

The commissioners reviewed a complaint received from a property owner next to wastewater pump station #6 about the operation of the station power generator in a power outage situation. Roger and Bob have prepared a letter of response and the commissioners approved sending the letter as presented.

Developer Extensions: Dan noted that Mr. Bleakney has not yet signed his agreement. Also, Dan discussed the Jansen Broadway DE. It was moved by Reichhardt and seconded by Montfort to authorize Roger to sign an amendment to the agreement. The motion passed unanimously. It was then moved Montfort and seconded Reichhardt to conditionally accept the project subject to completion of all outstanding issues on the DE. The motion passed unanimously.

Dan discussed and asked direction from the board regarding an inquiry by a property owner in the Grandview Beach development asking if the district could provide water service to their development. Dan will keep the board informed as he meets with this individual.

There being no further business, it was moved Montfort and seconded Reichhardt to adjourn the meeting at 8:10 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 **April 29, 2010**.

BOARD SECRETARY

(minutes taken by Glenn Golay)