

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD October 8, 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, Water Conservation Specialist Emily Resch, Operations Manager Mike Sowers and Attorney Robert Carmichael.

Agenda additions/changes: Item #14 Surplus Property was removed from the agenda.

Public Input: None

Consent Agenda included: Minutes for the Regular meeting of September 24, 2009; Accounts Payable Warrants #38856-38891 paying Claims #38856-38891 for \$47,307.00; September Payroll Warrants #6450-6473 for \$61,198.53; Adjusting entries to UBS for \$2,351.69 charges and \$525.74 credits, and to Assessments for \$25,485.63 charges; September EFTPS withholding deposit made 10/01/09 for \$22,197.85; September Department of Revenue excise tax payment made 10/02/09 for \$11,901.16; and September Financial Reports for review. It was moved by Reichhardt and seconded Alesse to approve the Consent Agenda. The motion passed unanimously.

Commissioner Reichhardt had a question regarding the 2009 budget and expenditures to date. Roger agreed to ask Glenn and have an answer by next board meeting.

BP: Dan reported to the Board that he has not received any comments back, but BP has agreed to a meeting on October 21st to discuss the issue.

SCADA/AMR: Mike informed the Board about SCADA/AMR systems and its applicability for the District. He explained what he has done thus far to transition the District towards SCADA/AMR upgrades and his evaluation of the technology based on research and tests conducted in the field.

Water Supply: Roger updated the Board on the status of the Cost Reimbursement Program. Hydrogeology consultants will have a report completed by the end of the month. The schedule shows that the District could have water rights by March 1st.

Both the City and District have submitted their Water System Plans and have received preliminary comments back from DOH.

Roger also updated the Board on the Water Supply Group and he and Bob provided additional information on the strength of tribal claims on water rights for fishing that was discussed during the September 24th commissioner meeting. The information focused on treaty language and related court cases.

Hogan Dr. Waterline Improvement: Dan presented to the Board the proposed agreement with Dar Kruse regarding relocating the waterline across his property if development occurs. Dar is currently reviewing the document. It was moved by Montfort and seconded by Alesse to authorize Roger to sign the Hogan Dr. agreement on behalf of the District. The motion passed unanimously.

PS #3 to WWTP Forcemain Update: Dan updated the board on the interested contractors for the forcemain project. Dan hopes to have the bid review ready by the next meeting. Dan also asked for approval for the CHS construction support scope and fee from the board to supplement the Pump #3 to WWTP forcemain project. The Board questioned cost elements of the scope and fee. It was

moved by Reichhardt and Alesse seconded to approve the CHS construction Support Scope and Fee. The motion passed unanimously.

State Park Conservation Audit: Dan updated the Board on the status of the State Park Conservation Audit. Dan addressed the issue of only drafting a memo versus a formal agreement to ensure that the State Park conservation audit recommendations are carried out by Park staff. It was moved by Reichhardt and Alesse seconded to approve the State Park Conservation Audit. The motion passed unanimously.

Developer Extensions: Dan updated the Board on developer extensions. Bay Breeze on Harborview and Blaine Rd has paid their deposit fee and staff will begin work. Dan also reviewed the draft DE agreement for Harbor Shores to the Board. The Board saw no objections with the DE agreement if signed.

Dearborn Ave. Water connection – The requested water connection location does not currently meet the comprehensive plan requirements. The comp plan requires a 16” diameter waterline, but will not be needed for several years. Dan proposed requiring a 20 ft. wide easement for waterline. The Board agreed with this approach.

The District was contacted by Keith Scarman from Birch Point about scheduling a meeting to talk about sewer and UGA issues with City, District and County staff.

President Montfort announced that the Board would go into Executive Session at 7:00 PM to discuss a personnel issue. The session would last for approximately 15 minutes with no action anticipated afterwards.

Coming out of Executive Session at 7:15 PM, there being no further business, it was moved by Alesse and seconded by Reichhardt to adjourn the meeting. 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 **October 8, 2009**.

BOARD SECRETARY

(minutes taken by Emily Resch)