

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD **October 22, 2009**

Commission Vice President Carl Reichhardt called the meeting to order at 4:38 PM. Other persons present included Commissioner Patrick Alesse, General Manager Roger Brown, Engineering Services Manager Dan Eisses, Treasurer Glenn Golay, and Attorney Robert Carmichael.

Agenda additions/changes: On agenda item #7, add decision on CHS design overrun and discuss the construction bid contract approval.

Public Input: none

Consent Agenda included: Minutes for the Regular meeting of October 8, 2009; Accounts Payable Warrants #38892-38950 paying Claims #38892-38950 for \$126,537.05; and October Payroll Draw Warrants #6474-6487 for \$17,550.00. It was moved by Alesse and seconded Reichhardt to approve the Consent Agenda. The motion passed unanimously.

BP: Dan updated the Board on his meeting Tuesday with BP staff on the new wastewater contract. He feels they are very close on agreement to the monthly rate. The proposed connection charge is still being discussed. Also a back-charge on over-contract loading is being discussed. Dan thinks there will be a draft of key contract terms for review soon.

Water Supply: Roger discussed the PUD's meeting minutes.

Roger also presented for the commissioner's review the 2008 water supply rate true-up from the city. Roger will review the document and report back to the board.

Dan presented Resolution #686, listing surplus miscellaneous equipment with an aggregate value of less than \$2,500. It was moved Alesse and seconded Reichhardt to approve resolution 686. The motion passed unanimously.

Dan presented a rough estimate to install a sewer line along Jackson Road that would serve five properties. Dan thinks that going with an estimate of \$100,000 for the project would make the per property price around \$20,000. The board agreed with that approach. Dan will discuss that concept with the property owners.

Developer Extensions: Dan presented the DE agreement paperwork for the Bay Breeze project. The project had been on hold for a few years, but the new owner of the project has brought his fees current and would like to continue with the project. It was moved Alesse and seconded Reichhardt approve the new DE agreement for Bay Breeze.

Dan noted that the State Park manager has been working with Dan and Emily on resolution to problems found from their water audit.

Commission President Don Montfort arrived for the meeting at this point, 5:10 PM.

Dan discussed the bid opening last Tuesday on the Forcemain (PS#3 to WWTP) project. Jansen Inc. was the apparent low bidder. He analyzed the bid proposal from Jansen, reviewing their work experience history and references, and proposed project approach. Dan's recommendation is that Dan and Rodney meet with Jansen to make sure they fully understand the project. Dan feels that if staff are satisfied with their position, he would recommend approval of the bid. The commissioners would agree with that recommendation unless there are any significant issues that arise. It was

moved by Reichhardt and seconded Alesse to grant authority to the general manager to sign the project contract with Jansen after review by staff. The motion passed unanimously. It was also directed that if staff perceived issues that required additional discussion before award, it would be appropriate to contract the President about the possibility of setting a special meeting.

Dan presented a proposed archeological service contract with Widener for the Forcemain project. It was moved Reichhardt and seconded Alesse to approve the contract proposal. The motion passed unanimously.

The commissioners reviewed a request from CHS regarding over-budget engineering expense on the Forcemain project design. Dan recommended an approach on the request that would recognize payment for the extra work because it wasn't part of the original engineering scope. The cost savings from the sub-consultants work would be credited to the District. The board agreed with Dan's recommendation and it was moved Alesse and seconded Reichhardt to approve payment for the increased engineering expense. The motion passed unanimously.

Water Supply Group: Roger and Commissioner Montfort reported on their involvement with the regional water supply group.

There being no further business, it was moved Reichhardt and seconded Alesse to adjourn the meeting at 7:10 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 **October 22, 2009**.

BOARD SECRETARY

(minutes taken by Glenn Golay)