



LAKE WHATCOM WATER AND SEWER DISTRICT
1220 Lakeway Drive
Bellingham, WA 98229

REGULAR SESSION OF THE BOARD OF COMMISSIONERS

Minutes *April 29, 2020*

Board President Laura Abele called the Regular Session to order at 8:00 a.m.

Attendees: Commissioner Laura Abele*	General Manager Justin Clary
Commissioner Todd Citron*	District Engineer/Assistant GM Bill Hunter
Commissioner John Carter*	Finance Manager/Treasurer Debi Denton
Commissioner Bruce Ford*	Operations & Maintenance Manager Brent Winters*
Commissioner Leslie McRoberts*	Recording Secretary Rachael Hope

*Attendees marked with an asterisk participated remotely by phone or video conferencing.

No public were in attendance.

Roll Call

General Manager Justin Clary verbally confirmed that this meeting was noticed in accordance with Resolution No. 859 allowing remote meeting attendance as well as in compliance with current statutory requirements.

Board Secretary Rachael Hope performed a roll call to identify those in attendance, as well as confirm that all participants were able to be heard and hear each other clearly.

Consent Agenda

Action Taken

McRoberts moved, Citron seconded, approval of:

- Minutes for the 3/25/20 Regular Board Meeting
- Minutes for the 4/8/20 Regular Board Meeting
- Payroll for Pay Period #08 (04/04/2020 through 04/17/2020) totaling \$44,909.38
- Payroll Benefits for Pay Period #08 totaling \$50,941.10
- Accounts Payable Vouchers totaling \$219,340.39
- 1st Quarter 2020 Payroll taxes totaling \$8,545.92

Motion passed.

Settlement Agreement and Release between Lake Whatcom Water and Sewer District and Eric Yurk

Clary explained that as part of its on-site sewage (septic) system conversion program, the District entered into an agreement with Eric Yurk on July 9, 2018, to enter Mr. Yurk's property at 4354 Lakehill Lane to abandon the septic system serving the home on the property and connect it to the District's sewer system. Conditions of agreement included that Mr. Yurk would make annual payments to reimburse the District for expenses incurred for the connection of the property to sewer, and that failure to make these annual payments would result in additional interest accruing on the outstanding payment(s).

The District completed connection of the home to District sewer in 2018. However, Mr. Yurk failed to provide the annual payment due to the District on July 1, 2019. After repeated attempts to contact Mr. Yurk and gain payment, the District followed the terms of the agreement and initiated the foreclosure process. The District subsequently was contacted by a lawyer representing Mr. Yurk with claims made by Mr. Yurk regarding the integrity of the construction of the sewer connection completed by the District's contractor.

District staff and legal counsel have since negotiated a settlement agreement that guarantees payment by Mr. Yurk of the 2019 installment due to the District, timely payment of future annual payments, and waiver of Mr. Yurk's claims pertaining to construction quality in exchange for the District waiving its attorney's fees and the interest that accrued since July 1, 2019, on the outstanding payment.

Action Taken

Citron moved, McRoberts seconded, to approve the settlement agreement and release between the Lake Whatcom Water and Sewer District and Eric Yurk as presented and authorize the general manager to execute the agreement on the District's behalf. Motion passed.

General Manager's Reports

Clary provided updates on several topics to the Board, including updates on next steps in the District's response to Covid-19. Field crew staff would revert to a normal work schedule while maintaining social distancing measures, and public access to the District office would remain largely closed through the end of May. Discussion followed.

Commissioner Citron expressed his appreciation for the diligence of General Manager Clary during the Covid situation, specifically noting the proactive response and emphasis on staff and customer safety.

Engineering Department Report

Hunter gave a status update on the bid opening for the Dellesta and Edgewater sewer lift stations, and informed the Board that demolition of the Lakeview Street reservoir will proceed as soon as construction activities are allowed. He also noted there has been a recent increase in requests for water availability forms and inspections as construction season approaches. Discussion followed.

Finance Department Report

Denton reported that the 2018-2019 State Audit has been completed with no findings and that the official report would be available soon, and presented the quarterly report for 1st Quarter of 2020. She also updated the Board on upcoming events in the Finance Department including a rate study and valuation of assets, both to be performed later this year. Discussion followed.

Operations Department Report

Winters gave a brief update on operations and maintenance activities, including water main flushing in the Eagleridge and Agate Heights neighborhoods. Discussion followed.

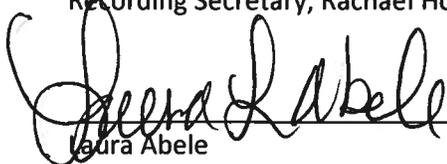
Other Business

Commissioner McRoberts asked for an update on the status of the City of Bellingham's Aquatic Invasive Species inspection program. Clary indicated that the opening of the program's boat inspections for 2020 was delayed from April 25 to May 5 due to the COVID-19 pandemic, and that the City of Bellingham was actively monitoring boat launches to assess activity levels during the delay. Discussion followed.

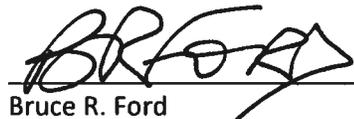
With no further business, Abele adjourned the Regular Session 8:57 a.m.



Recording Secretary, Rachael Hope



Laura Abele



Bruce R. Ford



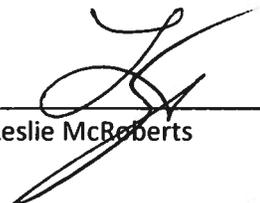
John Carter

May 13, 2020

Date Minutes Approved



Todd Citron



Leslie McRoberts

