



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

REGULAR SESSION OF THE BOARD OF COMMISSIONERS

Minutes

March 10, 2021

Board President Laura Abele called the Regular Session to order at 6:30 p.m.

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

Also in attendance: Keith Stewart and Russell Porter of Gray & Osborne
Brian Smith of Wilson Engineering
District Residents Stetson Shearer & Emma Martin
District Resident Luke Pinnow

All attendees participated remotely by phone or video conferencing.

Roll Call

General Manager Justin Clary performed a roll call to identify those in attendance, and then verbally confirmed that the meeting was noticed in accordance with Resolution No. 859 allowing remote meeting attendance as well as in compliance with current statutory requirements. It was confirmed that all participants were able to be heard and hear each other clearly.

Changes to Agenda

Clary informed the Board that the appellant related to Agenda Item 7.C: Petition to Waive or Adjust Connection Requirements 2377 North Shore Road Single Family Residence requested that the item be postponed to the March 31, 2021 meeting. The Board agreed.

Consent Agenda

Commissioner Ford pointed out a correction to be made to the minutes from the February 24, 2021 Regular Board Meeting, and the minutes were excluded from approval of the consent agenda.

Action Taken

Ford moved, McRoberts seconded, approval of:

- Payroll for Pay Period #05 (02/20/2021 through 03/05/2021) totaling \$43,233.90
- Payroll Benefits for Pay Period #05 totaling \$50,479.74
- Accounts Payable Vouchers totaling \$82,485.43

Motion passed.

Sudden Valley Water Treatment Plant Alternatives Analysis Briefing #5

Hunter recalled that Gray & Osborne was contracted after an initial condition assessment in July 2020, to perform an alternatives analysis of work to be done at the District's Sudden Valley Water Treatment Plant. The assessment identified high and low priority items that were subsequently broken down by major system.

The major systems as written in the scope of work agreement are:

- Pump Performance Test (Presented to Board 9/30/2020, Briefing #1)
- Chemical Systems Analysis (Presented to Board 11/25/2020, Briefing #2)
- Disinfection Systems Analysis (Presented to Board 2/10/2021, Briefing #4)
- Backwash Systems Analysis
- Filtration System Analysis (Presented to Board 12/30/2020, Briefing #3)
- Tier 2/3 Seismic and Structural Analysis (Presented to Board 11/25/2020, Briefing #2)
- Structural/Architectural Workspace Analysis
- NACE III Coating Inspection (Presented to Board 9/30/2020, Briefing #1)

For this meeting, Gray & Osborne presented the findings of the Backwash Systems Analysis. Keith Stewart of Gray & Osborne provided a presentation with visuals to summarize their findings and recommendations and collect Board comments. Discussion followed.

Customer Appeal of District Lien Against Property 2591 Lake Whatcom Boulevard

The District received a letter from Emma Martin dated February 8, 2021, requesting an appeal to the Board for relief from a lien filed by the District against property that Ms. Martin recently purchased (2591 Lake Whatcom Boulevard). The District filed a lien on June 14, 2017 for recovery of outstanding and future sewer bill payments that ultimately accumulated between November 1, 2016, and January 19, 2021 due to the prior property owner's failure to pay for service.

During its regularly scheduled meeting on February 24, 2021, the Board formally considered Ms. Martin's appeal. Ms. Martin and Mr. Shearer gave input to the Board on their proposal, which included a reduction of the lien obligation by \$2,213.61. The Board requested more information regarding the traditional real estate transaction process, and whether all liens on the property should have been satisfied as a condition of the sale. The Board chose to postpone action on the appeal to a future meeting, and requested that Ms. Martin and Mr. Shearer contact the bank and/or Sheriff's Office to inquire about how the proceeds from the sale might have paid off all liens. Ms. Martin and Mr. Shearer agreed.

Through further research and discussion with Legal Counsel, District staff learned that utility liens are senior to mortgage foreclosure, so not eligible for payment with excess funds from the foreclosure sale. Mr. Shearer again requested consideration from the Board and a reduction of the lien amount. Discussion followed, in which the Board discussed reducing the debt by 27%, representative of the operational cost of wastewater treatment relative to the overall cost of utility maintenance over the time during which charges accrued.

Action Taken

Citron moved, Carter seconded, to grant an exception to Administrative Code Section 2.10.3 and reduce the payment obligation associated with property located at 2591 Lake Whatcom Boulevard from \$3,241.16 to \$2,366.05, with lien release contingent on full payment. Motion passed.

Petition to Waive or Adjust Connection Requirements 1834 Lake Louise Road 3 Lot Short Plat

Hunter explained that Mr. Luke Pinnow is subdividing a 17-acre parcel located at 1834 Lake Louise Road into three (3) lots. There is one existing single family residence on the parcel that is served by the District's public water system and a private on-site sewage system. Mr. Pinnow is petitioning the Board for a waiver to the

requirement of extending a water main past and/or through the property as a condition of short plat development. He is requesting that the Board allow two additional water service connections to the LID #5 Booster Pump Station, which was originally designed to serve eight single-family homes. Currently there are five connections on the system.

Hunter highlighted schematics included in the agenda bill, as well as outlining past communications dating back to April of 2020 regarding District requirements for water service. He also explained the staff research and recommendation that the Board maintain the District's Administrative Code requirements to construct a public water main extension past and/or through the subject parcel.

Mr. Pinnow addressed the Board regarding the history of the issue, research conducted, and actions taken to this point. He expressed that one of his main concerns was questioning the ability to extend the water line without impacting and crossing the creek and wetland areas on the property. He also posited that the intent of the code regarding Developer Extension Agreements is not benefitted by extending the water main along Lake Louise Road as there is a lack of opportunity for future development beyond the lots he owns.

Discussion followed, and the Board elected to continue this discussion to a future meeting to be determined by staff based on further research requirements, likely at either the March 31, 2021 or April 14, 2021 regularly scheduled meeting.

Lake Whatcom Boulevard Sewer CIPP Project Public Works Contract Award

Hunter recounted that last fall Wilson Engineering completed a hydraulic analysis of the Lake Whatcom Boulevard Sewer Interceptor that prioritized segments for rehabilitation based on level of impact for improving hydraulic capacity. This project focuses on those segments identified as providing the greatest positive impact to flow capacity. The segments are located along Lake Whatcom Boulevard just west of Strawberry Point. The District published an advertisement for bids on February 3, 2021. Three bids were received.

To optimize the return on investment of District funds, the project was divided into four separate schedules. The base bid (Schedule A) included the two segments identified and budgeted in the District's 2021 approved budget. Optional additive bid alternates (Schedules B and C) were developed to increase the scope of work beyond the base bid to try and take advantage of some economy of scale with mobilization/ demobilization and additional quantity, and to provide the Board with the option to allocate additional available funding resources if bid prices were favorable. Optional Schedule D included pressure testing and chemical grouting deficient pipe joints before lining pipe.

Staff recommended that the Board select Schedules A + B + C to take advantage of the unit price economy of scale, utilize unallocated sewer funds, and make significant headway in increasing the flow capacity of the Lake Whatcom Boulevard Sewer Interceptor, thereby reducing future risk of sewer overflows during wet weather events. To do this, approximately \$65,000 of additional funding would need to be allocated to the project from the \$385,055 of extra unallocated sewer utility capital funds carried over from 2020. The Board's selection of additive bid alternate schedules determined the low bidder. Discussion followed.

Action Taken

Citron motioned, Ford seconded, to implement schedules A, B, and C. Motion passed.

Citron moved, Ford seconded, to direct \$65,000 of the unallocated sewer utility capital funds carried over from 2020 towards the 2021 Lake Whatcom Boulevard CIPP Project construction contract, for a total construction budget of \$160,000. Motion passed.

Citron moved, Ford seconded, to award the 2021 Lake Whatcom Boulevard Sewer CIPP Project public works contract, including Schedule A Base Bid and Schedule B Additive Bid Alternate and Schedule C Additive Bid Alternate to Michel's Corporation for a total contract price of \$158,258.10, including 8.5% sales tax, and authorize the general manager to execute the contract. Motion passed.

District Comment on the Department of Ecology Draft Puget Sound Nutrient General Permit

Clary revisited that in January 2020, the Washington State Department of Ecology (Ecology) announced the initiation of the development of a draft Nutrient General Permit that would focus on limiting discharge of excess nutrients, particularly nitrogen, to the Puget Sound from domestic wastewater treatment plants (WWTPs). Ecology's development of a general permit is intended reduce nitrogen concentrations in WWTP effluent, which contribute to low oxygen levels in Puget Sound.

The City of Bellingham's Post Point WWTP, which treats the District's wastewater through an interlocal agreement, is one of the WWTPs that will be regulated under the General Permit (in addition to an Individual Permit specific to the Post Point WWTP). It is anticipated that implementation of the General Permit and any associated Individual Permit will require significant upgrades to the WWTP. Therefore, though the District does not own or operate a WWTP that will be regulated under the Nutrient General Permit, it will likely be impacted by the requirements that are implemented. In working with WASWD, the District developed a draft letter for consideration for submittal prior to the March 15, 2021, closure of the public comment period. Discussion followed.

Action Taken

Carter moved, Ford seconded, to authorize the general manager to issue the comment letter to the Department of Ecology regarding the preliminary draft Puget Sound Nutrient General Permit, with the following revision: delete the second to last sentence in paragraph number 2 and add the Whatcom County Council to the distribution list. Motion passed.

General Manager's Report

Clary updated the Board on several topics, including the District's continued response to the COVID-19 pandemic, the Division 30 water transmission repair project, and current job openings. Discussion followed.

With no further business, Abele adjourned the Regular Session 9:27 p.m.



Board President, Laura Abele

Attest: 

Recording Secretary, Rachael Hope

Minutes approved by motion at Regular Special Board Meeting on March 31, 2021
Date Minutes Approved