



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

REGULAR SESSION OF THE BOARD OF COMMISSIONERS

Minutes

March 9, 2022

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

Attendees:

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

Also in attendance were McKay Larrabee & Elliot Frank of FLO Analytics and District constituents Enock Ledet, Rick Porter, and Brian Cope, as well as one observation-only attendee.

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.

Public Comment

District constituent Rick Porter commented regarding the Eagleridge pump replacement process as it related to continued system ability to meet fire protection demands. Discussion followed.

Consent Agenda

Action Taken

McRoberts moved, Citron seconded, approval of:

- Meeting Minutes for the 02/23/2022 Regular Board Meeting
- Payroll for Pay Period #05 (02/19/2022 through 03/04/2022) totaling \$42,576.15
- Payroll Benefits for Pay Period #05 totaling \$48,729.62
- Accounts Payable Vouchers totaling \$119,861.64

Motion passed.

2020 Census Commissioner Redistricting Alternatives Public Hearing

Board President Abele explained that this agenda item served as a public hearing and opportunity for public comment regarding commissioner district boundary adjustments following the 2020 Census, and outlined the rules of order.

Clary explained that as a special purpose district authorized under Title 57 Revised Code of Washington (RCW), the District is governed by five commissioners who set its policies and rates. The District is divided into five distinct commissioner districts; each represented by a resident elected from that commissioner district to serve a six-year term of office. Every 10 years following receipt of the federal decennial census data, the District goes through the process of redrawing district boundaries to adjust for population changes in order to maintain commissioner districts that are relatively equal in population. This ensures all residents of the District have access to fair representation.

FLO Analytics (FLO) was contracted in Fall 2021 to assist the District in completing the redistricting process and presented two initial commissioner district boundary options to the Board during its regularly scheduled February 23, 2022 meeting. Based upon that discussion, both options were advanced to receive public input. McKay Larrabee of FLO made a presentation with information about the redistricting process and requirements, and discussion followed, including opportunities for public comment. No public comment was received during the public hearing.

Euclid Sewer Pump Station Improvements Public Works Construction Contract Award

Hunter summarized that this project consists of the replacement of the power service at the Euclid Sewer Pump Station with a 3-phase 480-volt service, refurbishment of existing pumps, temporary bypass pumping, site, stormwater and retaining wall improvements, electrical and automatic control improvements, and automatic transfer switch and stationary generator installation.

The District published an advertisement for bids in the Bellingham Herald on January 9, 2022, with bids due on February 16, 2022. Four bids were received, and staff determined that the low bidder, Colacurcio Brothers, Inc. met mandatory bidder responsibility criteria established by the state. The District's consultant engineer, RH2, determined that Colacurcio Brothers, Inc. met supplemental bidder responsibility criteria established by District bid documents. Both staff and RH2 recommended that the construction contract, including the additive alternate, be awarded to Colacurcio Brothers, Inc.

Action Taken

Citron moved, Ford seconded, to move to award the Euclid Sewer Pump Station Improvements public works contract, including the additive alternate, to Colacurcio Brothers, Inc. for a total contract price of \$542,565.60, including 8.6% sales tax, and authorize the general manager to execute the contract. Motion passed.

Customer Appeal – Water/Sewer Utility Bill

Signs recounted that the District received a letter on February 2, 2022, from Trang and Corby Worline requesting an appeal to the Board for relief from water consumption charges. Mr. and Mrs. Worline's appeal is associated with water utility charges incurred as a result of a leak in a water line break located in a crawl space that occurred during the bi-monthly billing period of February 1, 2022, which included usage from December 2021 through January 2022.

District Administrative Code allows for leak adjustments (Section 2.10.8) when leak adjustments are for "...water bills resulting from in-ground water service line breaks between the water meter and the outermost

exterior walls of the structure.” Signs indicated that the leak didn’t qualify for an adjustment under Section 2.10.8 due to the location of the break.

During the regular scheduled Board meeting on February 23, 2022, staff presented for discussion several areas in which the Board could consider revising the policy of Leak Adjustments. Discussion included what could qualify as a leak, what surrounding utility service providers allow for leaks, and how leak credits would be calculated. Ultimately, the Board chose to maintain the current language in the District Administrative Code as it pertains to the Leak Adjustment Policy and voted to table the final decision on the Worline’s appeal until the Board meeting scheduled for March 9, 2022.

Action Taken

McRoberts moved, Citron seconded, to uphold the District Administrative Code as written and implemented by the General Manager, and decline Mr. & Mrs. Worline’s appeal for a full leak adjustment. Motion passed.

DISH Wireless LLC Lease Agreement

Clary recalled that for over 40 years, the District has owned property located at 1010 Lakeview Street. The property is approximately 5-acres in size and is currently comprised of the District’s maintenance facility, the Geneva water reservoir, and forested hillside. In late-2020, the District was contacted by representatives of DISH Wireless LLC (DISH) inquiring about the District’s willingness to enter a long-term lease for a portion of the maintenance facility property for the construction and operation of freestanding cellular tower.

Recognizing a potential supplemental revenue source, the District engaged in discussions with DISH representatives. Crucial to the District was confirmation that any such facility not impact the District’s ability to maintain and/or expand infrastructure on the property over the life of the agreement. To meet this District criterion, DISH representatives identified an approximately 500-square foot location on the edge of the existing excavation spoils storage yard. In consultation with staff of the Engineering and Operations departments, the proposed location would not impact current operations, nor any future infrastructure anticipated to be constructed on the property.

The subsequently negotiated agreement between DISH and the District was presented for Board discussion and authorization. The fiscal impact would be additional revenue beyond the 2022 Budget in the form of a \$1,000 option, and \$1,500 per month once the cell tower is constructed (with an annual escalation of 2%). Discussion followed.

Action Taken

Ford moved, Carter seconded, to authorize the general manager to execute the Site Lease Agreement with DISH Wireless LLC for construction and operation of a cellular tower on District property located at 1010 Lakeview Street as presented. Commission Citron abstained from the vote. Motion passed.

COVID-19 Pandemic Response Discussion

Clary stated that with the onset of the COVID-19 pandemic in early 2020, the District revised its operations to protect its employees and commissioners as a means of mitigating potential impacts to continuity of services. Since that time, the District has continued to shift its operations in response to current pandemic conditions, and federal, state and local guidance. This topic provided the opportunity for Board discussion on the District’s current response, considering pending shifts in regulations (e.g., cessation of the mask mandate and neighboring local governments returning to in-person meetings). The Board requested staff provide information at a later date regarding technology upgrades that would be needed to facilitate hybrid in-

person/online meetings. The Board also directed staff to develop a resolution concluding the emergency declaration associated with the pandemic for Board consideration at a future meeting.

General Manager's Report

Clary updated the Board on several topics, including an update on the recruitment process for the open Maintenance Worker I position, the upcoming Lake Whatcom Management Program Joint Councils meeting and Washington Association of Sewer and Water Districts spring conference, and a short update on progress regarding the Nooksack River Adjudication. Discussion followed.

With no further business, Abele adjourned the Regular Session 8:22 p.m.



Board President, Laura Abele

Attest: 

Recording Secretary, Rachael Hope

Minutes approved by motion at Regular Special Board Meeting on March 30, 2022
Date Minutes Approved