



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

REGULAR SESSION OF THE BOARD OF COMMISSIONERS

Minutes  
May 11, 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 Jenny Signs  
Commissioner Bruce Ford                      Operations Manager Brent Winters  
Commissioner Leslie McRoberts                      Recording Secretary Rachael Hope  
District Legal Counsel Bob Carmichael

Also in attendance were the following members of the public:

- Jon Humphrey
- Mike Belisle
- Skakti Rebekah
- Steven Kersey
- Kevin Bardosh
- Danica Thiessen
- D.I. Feldberg
- Martin Driscoll
- Jana Feldberg
- Gerri Ray
- Elizabeth Ruff
- Eric Prestbo
- Ken Loveless
- Laura Rink
- John Neeter
- Nicole Staron

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**

Commissioner Abele opened the public comment period, explaining that commenters would be given 3 minutes each to comment. Comment was received from each member of the public in attendance regarding the District's lease with Dish Wireless for the construction of a cell tower on District property at 1010 Lakeview Street.

### **Additions & Changes to Agenda**

Clary requested the addition of Item 8A, Update on Puget Sound Nutrient General Permit, under Other Business. The Board agreed.

Clary requested the addition of Item 11: Executive Session related to legal matters following the second public comment opportunity. The Board agreed.

### **Consent Agenda**

#### **Action Taken**

**McRoberts moved, Ford seconded, approval of:**

- **Payroll for Pay Period #09 (04/16/2022 through 04/29/2022) totaling \$49,005.01**
- **Payroll Benefits for Pay Period #09 totaling \$52,747.63**
- **Minutes from the 4/27/22 Regular Board Meeting**
- **Accounts Payable Vouchers totaling \$173,198.29**

**Motion passed.**

### **City of Bellingham Resource Recovery Project Discussion**

Clary recalled that the City of Bellingham owns and operates the Post Point Wastewater Treatment Plant, which receives and treats the District's wastewater through an interlocal agreement between the City and District. The solids handling process equipment (including incinerators) at the facility are reaching the end of their useful lives and require replacement. Based upon the City's policy for climate action and community feedback on various replacement options, a digestion process with energy recovery has been identified as the preferred solution. Since the last presentation to the Board in April 2021, the City and its consultant have been proceeding with design, permitting, and cost estimating associated with this project (referred to as the Resource Recovery Project).

Based upon the community's concern with the potential for PFAS in the compostable end product of the proposed digestion process, the City has held significant discussion pertaining to the current Resource Recovery Project, and if any additional processes should be considered to address PFAS. With the potential for any additional processes to increase project costs significantly relative to the already historically costly project, the City provided an update to the Board on the project during the Board's April 27 meeting.

Discussion followed, including the topics of liability, housing affordability, climate action goals, and operational costs related to the District's portion of this project.

### **Other Business: Update on Puget Sound Nutrient General Permit**

Clary introduced this topic, explaining that the Puget Sound Nutrient General Permit was adopted by the Washington Department of Ecology with a measured approach. Concerns have been raised by stakeholders, and District Legal Council Bob Carmichael highlighted some of the ongoing litigation and appeals. Discussion followed.

### **General Manager's Report**

Clary updated the Board on several topics, including a recent meeting with the Whatcom County Health Department regarding community messaging around sewage releases, upcoming Department of Health routine sanitary survey of the Agate Heights Water Treatment Plant, District work with the Whatcom Conservation District to identify considerations around wildfire resilience at District facilities, and the Whatcom Water Alliance rebate program.

Clary also recognized District Construction Engineer Kristin Hemenway for her dedication during issues that arose during the Lake Whatcom Boulevard Cure in Place Piping Improvement Project. Hemenway was on site with the contractor far past normal business hours representing the District with dedication and commitment.

**Public Comment**

Comment was received from District customers Mike Belisle, Kevin Bardosh, Eric Prestbo, and Jana Fedlberg regarding the District’s lease with Dish Wireless for the construction of a cell tower on District property at 1010 Lakeview Street.

**Executive Session Per RCW 42.30.110(1)(i)(iii): Legal Risks/Potential Litigation – 30 Minutes**

Abele recessed the Regular Session to Executive Session at 8:20 p.m. It was estimated that the Executive Session would take 30 minutes. The purpose of the Executive Session was to discuss matters related to litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency.

Abele recessed the Executive Session and reconvened the Regular Session at 8:51 p.m. No action was taken.

Abele re-recessed the Regular Session to Executive Session for continuation of the same discussion at 8:51 p.m., estimating the discussion would last an additional 30 minutes.

Abele recessed the Executive Session and reconvened the Regular Session at 9:09 p.m. No action was taken.

With no further business, Abele adjourned the Regular Session 9:09 p.m.

  
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Board President, Laura Abele

Attest:   
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Recording Secretary, Rachael Hope

Minutes approved by motion at  Regular  Special Board Meeting on June 8, 2022  
Date Minutes Approved