



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

REGULAR SESSION OF THE BOARD OF COMMISSIONERS

Minutes

May 25, 2022

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 Jenny Signs
Commissioner Leslie McRoberts	Operations Manager Brent Winters
Recording Secretary Rachael Hope	District Legal Counsel Bob Carmichael

Excused Absence: Commissioner Bruce Ford

Also in attendance were:

- Rich Munson, District Employee
- Kevin Cook, District Employee
- Brian Smith, Wilson Engineering
- Curt Shoenfelder, Wilson Engineering
- Kevin Bardosh, public
- Joe O'Keefe, public
- Eric Prestbo, public
- 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

Commissioner Abele opened the public comment period, limiting individual comments to 2 minutes. She also informed the public that the Board does not respond during public comment periods, and all items commented on are on the docket for future meeting agendas.

General Manager Justin Clary and District Legal Council Bob Carmichael shared a brief update on the status of the District's potential lease with Dish Wireless.

Public comment was received from District constituents Kevin Bardosh and Eric Prestbo regarding the Dish Wireless cell tower lease, and from District constituent Joe O'Keefe regarding the Division 7 Reservoir Replacement project.

Additions & Changes to Agenda

Clary stated that staff reports may be limited depending on length of time used for business items in order to allow for executive session at the end of the meeting.

Consent Agenda

Action Taken

Carter moved, Citron seconded, approval of:

- Payroll for Pay Period #10 (04/30/2022 through 05/13/2022) totaling \$46,735.34
- Payroll Benefits for Pay Period #10 totaling \$53,294.44
- Accounts Payable Vouchers totaling \$99,918.04

Motion passed.

Division 7 Reservoir Seismic Upgrade and ShakeAlert Implementation Project Briefing #1

Hunter explained that following a 2016 Reservoir Seismic Vulnerability Assessment of all five of the District's welded steel reservoirs completed by BHC Consultants, the Division 7 Reservoir was identified as the highest priority for retrofit or replacement. In 2017, a system-wide reservoir capacity analysis found that the Division 7 Reservoir is oversized. Wilson Engineering LLC prepared a technical memoranda dated February 8, 2018 that analyzed options to perform seismic retrofits to the existing reservoir, or replace it with one or two new smaller reservoirs. The analysis concluded two new smaller reservoirs provided a significant advantage over retrofitting the existing reservoir.

In 2021, the District was notified of the receipt of a Hazard Mitigation Grant for the project with cost sharing as follows: FEMA 75%, Washington State Emergency Management Division (WA-EMD) 12.5%, and Lake Whatcom Water and Sewer District 12.5%. The FEMA grant funding is split into two phases: Phase 1 – Design/Permitting; and Phase 2 – Construction. Phase 1 is in progress with the goal to complete in 2022.

Curt Schoenfelder of Wilson Engineering gave a presentation, including project background, system operation, and proposed changes, project timeline, and construction costs. This briefing also included information on predesign and tank sizing efforts completed to date. Discussion followed.

City of Bellingham Resource Recovery Project Discussion

Clary recalled that 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 and the Board subsequently discussed the District's position on the project during its May 11 meeting. During the May 11 meeting, the Board directed staff to draft a letter to the City of Bellingham for the Board's consideration during its May 25 meeting. This letter was presented for Board approval.

Action Taken

Citron moved, McRoberts seconded, to authorize the issuance of the letter the City of Bellingham providing District comment pertaining to the City's proposed Post Point Resource Recovery Project as presented. Motion passed.

Public Comment

Public comment was received from District constituent Joe O'Keefe regarding the Division 7 Reservoir Replacement project.

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 9:31 a.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.

Commissioner Abele was excused from the meeting at 10:00 a.m. due to prior commitments, and Commissioner Citron stepped in as chair.

Citron recessed the Executive Session and reconvened the Regular Session at 10:12 a.m. No action was taken.

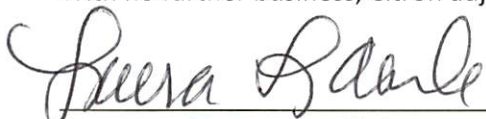
Citron re-recessed the Regular Session to Executive Session for continuation of the same discussion at 10:12 a.m., estimating the discussion would last an additional 10 minutes.

Citron recessed the Executive Session and reconvened the Regular Session at 10:22 a.m. No action was taken.

Citron re-recessed the Regular Session to Executive Session for continuation of the same discussion at 10:22 a.m., estimating the discussion would last an additional 20 minutes.

Citron recessed the Executive Session and reconvened the Regular Session at 10:39 a.m. No action was taken.

With no further business, Citron adjourned the Regular Session at 10:39 a.m.



Board President, Laura Abele

Attest: 

Recording Secretary, Rachael Hope

Minutes approved by motion at Regular Special Board Meeting on June 08, 2022
Date Minutes Approved