



LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

REGULAR SESSION OF THE BOARD OF COMMISSIONERS

Minutes

July 13, 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
Recording Secretary Rachael Hope	

Also in attendance were Curt Schoenfelder & Brian Smith of Wilson Engineering, Dan Burwell of RH2 Engineering, Catherine Moore of Carmichael Clark, and the following members of the public:

- Mike Belisle
- Lori Hill
- Dianne Foster
- Deborah DeWees
- Tim Holland
- Olga Mellor
- Leslie Shankman
- Melanie Whitley
- Steven Kersey
- Carol Holland
- Hannah
- Erik Herron
- Stella
- Breck Ketchum
- Carolyn Taylor
- Nicole Staron
- Gerri Rea
- Nilo Camden
- Emily Prestbo

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, with a maximum of 45 minutes total. Comment was given by Lori Hill, Leslie Shankman, Steven Kersey, Breck Ketchum, Carolyn Taylor, Dianne Foster, Melanie Whitley, Deborah DeWees, Olga Mellor, Tim Holland, Mike Belisle, Erik Herron, Carol Holland, and Nilo Camden related to the District's lease with Dish Wireless for the construction of a cell tower on District property at 1010 Lakeview Street.

Consent Agenda

Action Taken

Citron moved, Ford seconded, approval of:

- Payroll for Pay Period #14 (06/25/2022 through 07/08/2022) totaling \$48,594.11
- Payroll Benefits for Pay Period #14 totaling \$54,456.91
- Accounts Payable Vouchers totaling \$181,769.52

Motion passed.

Resolution No. 884—Establishing a Biennial Budget Adoption Process

Signs recalled that Resolution No. 767, adopted by the Board of Commissioners on November 24, 2010, set District policy for the annual development and adoption of budgets. This policy is codified in Section 2.2.1 of the District Administrative Code. Since its implementation, the annual budget process has proven to be an effective means of managing the District's finances.

During the regular Board meeting on June 29, 2022, staff presented a memo to the Board to highlight some of the pros and cons in making the transition to a biennial budget beginning with the 2023-2024 fiscal years of the District. Under the Board's direction, staff developed Resolution No. 884 "Establishing a Biennial Budget Adoption Process" to revise the District's Administrative Code to allow for the transition to a biennial budget adoption process. Discussion followed.

Action Taken

Ford moved, Citron seconded to adopt Resolution No. 884 as presented. Motion passed.

Lakewood Lane Right-of-Way Vacation Petition

Clary explained that following the Board's approval during its regularly scheduled March 9, 2022 meeting, DISH Wireless LLC initiated land use permitting processes with Whatcom County for the construction of a wireless communication facility on District-owned property located at 1010 Lakeview Street.

In its review of DISH's application, Whatcom County Planning and Development Services issued a Notice of Additional Requirements (NOAR), one of the which is associated with the proposed facility location relative to property boundaries. Whatcom County Code (WCC) 20.13.092(6) requires the setback from adjacent property lines for the proposed facility be at least "...a distance equal to the height of the wireless communications support structure..." However, the 135-foot-tall facility is proposed 124-feet from the property line to the east. The NOAR proposed that a possible solution could be to have the District, as the adjoining property owner, pursue formal vacation of the 30-foot half-width of the Lakewood Lane right-of-way.

District staff have visited the Lakewood Lane right-of-way immediately adjacent to the District's property, and concluded that acquiring the additional 30-foot half-width of the existing right-of-way would be of no current value to the District. Additionally, acquiring property with the sole purpose of enabling DISH to lease the District's property could be considered a gift of public funds. For these reasons, the District is likely legally prohibited from pursuing the vacation. Discussion followed, including comments from two members of the public and District Legal Counsel Catherine Moore; and no action was taken.

2022 Lake Whatcom Boulevard Sewer CIPP Project Public Works Contract Close Out

Hunter reported that in the Fall of 2020 Wilson Engineering completed a hydraulic analysis that prioritized segments of gravity pipe along the Lake Whatcom Boulevard Sewer Interceptor for rehabilitation, ranking them from the greatest positive impact to the least impact, on improving hydraulic capacity. The segments are located along Lake Whatcom Boulevard just west of Strawberry Point. This project is the second of a series. For

2022, the scope of work included rehabilitation of 697 feet of 10-inch diameter sanitary sewer pipe, traffic control, and sewage bypass pumping. The District awarded the construction contract to Insta-Pipe, Inc. on March 30, 2022. The contractor completed all work and contract requirements, therefore staff recommended accepting the project as complete and closing out the public works contract.

Action Taken

Citron moved, Ford seconded to accept the 2022 Lake Whatcom Boulevard Sewer CIPP Project public works contract performed by Insta-Pipe, Inc. as complete and authorize staff to close out the public work contract. Motion passed.

Division 7 Reservoir Replacement Project Briefing #2

Hunter provided a brief recap of the project, which replaces the existing 1-million gallon welded-steel Division 7 Reservoir that was constructed in 1970 with two reservoirs that meet current seismic design standards and that are sized for full community build-out. The project also implements an earthquake early warning system (ShakeAlert®) to automatically isolate a portion of the stored volume from rapid depletion due to water main breaks following a major earthquake. The project is located on Camp Firwood property near the top of the hill above Swallow Circle in Sudden Valley.

Hunter introduced Curt Schoenfelder & Brian Smith of Wilson Engineering, who provided a project briefing on predesign and tank sizing efforts completed to date. This included an update on project progress, upcoming milestones, comments collected during the July 12 informational meeting, and recommendation of a reservoir volume size. Discussion followed.

Action Taken

Citron moved, Ford seconded, to proceed with Division 7 Reservoir Replacement project design and permitting that includes two proposed reservoirs totaling 475,800 gallons as presented. Motion passed.

Rocky Ridge and Lakewood Sewer Pump Stations Improvements Project Briefing

Hunter stated that as part of the District's long-term capital improvement plan, the Rocky Ridge and Lakewood Sewer Pump Stations, constructed in the late 1970's, are scheduled for renewal or replacement. Both stations are located on the south shoreline of Lake Whatcom with challenging physical access due to steep slopes and no public or private access roads.

On November 24, 2021 the Board authorized RH2 Engineering to begin Phase 1, Predesign. Phase 1 includes an alternatives analysis intended to facilitate consideration of a broad range of options as well as an initial topographic survey, gathering of pump and electrical information, predesign report, 30% design plans, and Whatcom County shorelines permitting.

Dan Burwell of RH2 Engineering presented the Draft Predesign Report, including analysis of four alternatives. Staff and the consultant recommended either of two alternatives, Alternative #1 or Alternative #2. Alternative #1 is a Smith & Loveless dry prime pump station with an estimated total project cost of \$1.5 million. Alternative #2 is a Gorman Rupp belt driven pump station with an estimated total project cost of \$1.2 million. Discussion followed.

Action Taken

Citron moved, Carter seconded to proceed with the recommended Alternatives #1 and #2, using funds already included in the District's 2022 budget, as presented in the Draft Predesign Report,

which are both top-mounted pump stations by competing manufacturers. The motion passed with Commissioners Abele, Citron, and Carter voting in favor, and Commissioner Ford voting against.

General Manager's Report

Clary updated the Board on several topics, including progress on the City of Bellingham's Post Point Resource Recovery project, District customers utilizing the Whatcom Water Alliance rebate program, and the vacant Commissioner #4 position.

Public Comment

Comment was given by Tim Holland related to the District's lease with Dish Wireless for the construction of a cell tower on District property at 1010 Lakeview Street.

With no further business, Abele adjourned the Regular Session 9:50 p.m.



Board President, Laura Abele

Attest: 

Recording Secretary, Rachael Hope

Minutes approved by motion at Regular Special Board Meeting on July 27, 2022
Date Minutes Approved