



## BOARD OF DIRECTORS MEETING MINUTES

**ASSOCIATION NAME:** Birch Bay Village Community Club

**DATE AND LOCATION:** October 23, 2025

**I. CALLED TO ORDER AT:** 2:00 PM by David Wilbrecht.

**II. ROLL CALL - BOARD MEMBERS PRESENT** (check box):

- |                   |                 |              |
|-------------------|-----------------|--------------|
| ✓ David Wilbrecht | ✓ Bob Whale     | ✓ Dan Nedved |
| ✓ Randy Ambuehl   | ✓ Mathue Totten |              |
| ✓ Patrick Ryan    | ✓ Dave Owen     |              |

**BOARD MEMBERS EXCUSED ABSENCE:**

**STAFF MEMBERS:** David Franklin General Manager, Natasha Bialuski, Assistant General Manager and Justine Brooks, Executive Secretary.

**COMMUNITY MEMBERS PRESENT:** There were 3 people in person and 2 people via Zoom.

**CONFIRM QUORUM:** David Wilbrecht and David Franklin announced a quorum achieved.

**III. ADOPTION OF AGENDA**

**MOTION TO:** Approved the agenda.

MOTION BY: Dave Owen                      SECONDED BY: Bob Whale

APPROVED: X\_\_                      NOT APPROVED:                      TABLED:                      DIED:

IN FAVOR: 7                      OPPOSED:                      ABSTAINED:

**IV. HOMEOWNER PRESENTATIONS**

**Michael Butschli** (011-015) spoke regarding a marina slip that he had paid for and he could was unable to use due to a different boat being in the slip being worked on. He also stated that Sand Dollar Park needs some work to be done, there are a ton of pine needles that are never cleaned up.

**V. HEARINGS**

**a. Ticket Hearing**

There were 2 people who requested hearings

- i. **Bouma (003-013)** Speed Citation – Did not show up due to work.
- ii. **Schoen (12B-004)** Speed Citation

The member showed up later than they expected and the Board came back to this at 2:49pm.

The Member spoke and stated that they are seasonal members and have a boat in the marina. They love the atmosphere and appreciate the way things are managed.

Received a citation for exceeding the speed limit in the Village by going 25 mph. They got a new to them truck the day before and did not realize how fast they were going and cannot set cruise control on the truck at 20 mph. There was no emergency just a new truck.

The Board let them know that they would discuss this during executive session and staff would send them a letter with the decision.

**VI. CONSENT AGENDA**

- a. Approval of September 19, 2025, Board Meeting Minutes
- b. ACC – Accept Draft Minutes of October 7, 2025
- c. Lakes and Drainage – Accept Minutes of October 6, 2025
- d. Buildings and Grounds – Accept Minutes of October 2, 2025
- e. Golf Committee – Accept Minutes of October 14, 2025
- f. Marina Committee – Accept Minutes of September 23, 2025
- g. Finance Committee – Accept Minutes of October 1, 2025
- h. 64.90 Task Force – Meeting Notes October 10, 2025
- i. General Managers Report
- j. Action Item List
- k. Correspondence

**MOTION TO:** Approve consent agenda

MOTION BY: Mathue Totten      SECONDED BY: Dan Nedved

APPROVED:   X   NOT APPROVED:      TABLED:      DIED:

IN FAVOR:   7        OPPOSED:      ABSTAINED:

**VII. FINANCIAL REPORTS –**

David Franlin presented the financial reports for July stating that they are only in draft form at this time. The Finance Committee still needs to sign off on them and there hopefully would be July, August and September financial reports for the November meeting. Staff is currently trying to catch up and clean up financials and there may be some slight changes to the July reports but nothing substantial.

Dave Owen asked about the fee schedule and David Franklin noted that those were pull until the November meeting as they have the assessment amount on them and we don't want to get ahead of the budget either being approved or rejected. Dave O. stated that he had some concerns regarding the rental fee for the new golf carts.

**VIII. OLD BUSINESS AND VOTING AS NECESSARY**

**a. 2024 Audit**

David Franklin presented the 2024 Audit and that the only thing that we are currently discussing with the auditor is an internal issue with the special assessments and how we allocate that assessment. David asked the Board to approve the 2024 Audit that way we can get it in final form.

**MOTION TO:** approve the 2024 draft Audit and have the treasurer and general manager to sign for it to be moved to a final report

MOTION BY: David Wilbrecht      SECONDED BY: Patrick Ryan

APPROVED:   X   NOT APPROVED:      TABLED:      DIED:

IN FAVOR:   7        OPPOSED:      ABSTAINED:

**b. 2026 Reserves Studies**

David Franklin presented the 2026 Reserve Studies. These were provided to the Board for the last Board meeting at the last minute and were asked to review them to accept them at this Board meeting.

**MOTION TO:** accept the 2026 Reserve Studies

MOTION BY: Mathue Totten      SECONDED BY: Dave Owen

APPROVED:   X   NOT APPROVED:      TABLED:      DIED:

IN FAVOR:   7        OPPOSED:      ABSTAINED:

**c. Golf Cart Policy Revisited**

The Board revisited the Golf Cart Policy as the rule changes in 2026 all members will have the ability to comment on any rule or policy changes. For this policy we received 21 members' comments. Dave Owen reviewed the comments and presented that there were 6 members who were against and 15 members that were in favor of the golf cart resolution and policy. There were suggested changes that Dave O briefed the Board on and discussed. Dave O stated will revise the resolution and policy to reflect the changes and bring it back to the November Board meeting for review.

**IX. NEW BUSINESS AND VOTING AS NECESSARY**

**a. Tai Chi Club Registrations Request**

The Board reviewed that application and mentioned that this went to Krista, at the Pro Shop, to ensure that the times were available or provide times they could have Tai Chi at the Clubhouse.

**MOTION TO:** approve the Tai Chi Club Registration

MOTION BY: Patrick Ryan      SECONDED BY: Mathue Totten

APPROVED: X NOT APPROVED:      TABLED:      DIED:

IN FAVOR: 7      OPPOSED:      ABSTAINED:

**b. Marina Restroom Plan Review**

David Franklin presented the Marina restroom plan, that was a group effort to put together. This has been an item in the Reserve Study item that has been pushed down the line. The structure is currently pan-abode structure that has dry rot that has been covered up. Staff has looked into the options for replacement including a prefab structure and a pole/stick build structure to compare what the costs would be. We had a drafter, draft the plans for the marina bathroom and the other bathrooms within the Village so that they would have continuity. The plans provided make it so that all the bathrooms would be ADA compliant, be one stall and unisex, and would have a mechanical room. These plans went to the Building and Grounds Committee along with the prefab structure and the Building and Grounds Committee asked staff to bring the stick build plans to the Board for approval before we went out and got bids from contractors.

The Board discussed the project and asked that we have contractors come to see if we could repair the building or if a full replacement is needed.

**c. Elections Committee Member Application**

Bob Whale presented that the Elections Committee recommends Michael Sipes to be on the Committee. The Committee is going to need two new members for the beginning of 2026.

**MOTION TO:** Approve Michael Sipes as a member of the Election Committee

MOTION BY: Bob Whale      SECONDED BY: Dave Owen

APPROVED: X NOT APPROVED:      TABLED:      DIED:

IN FAVOR: 7      OPPOSED:      ABSTAINED:

**d. Building and Grounds Committee Recommendation**

David Franklin presented the Buildings and Grounds recommendation to the Board to move to a more carbon friendly, environmentally friendly equipment within the Village and to put it out in the community plan.

The Board discussed this recommendation and stated that this is not a board decision, this is a decision that is up to the General Manager and to allow them to buy electric equipment when and where possible.

**e. BBVCC & Whatcom County Cooperative Drainage Projects - MOU**

David Franklin presented the Memorandum of Understanding (MOU) to the Board. This project would allow the water from the ditch outside the BBVCC fence along Birch Bay Drive to go into Kwann Lake, allow Kwann Lake to rise and install an outflow (overflow) pipe go from Kwann Lake to Rogers Slough. This project was discussed in depth and Bill Reilly provided clarification as he has been an integral part of putting this MOU together.

**MOTION:** I move that the Birch Bay Village Board of Directors accept the terms of the proposed MOU addendum with Whatcom County and authorize \$115,312 to be expensed from the Roads and Drainage Reserve for construction and soft cost associated with the Birch Bay Drive to Kwann Lake and Kwan Lake to Rogers Slough drainage projects as outlined in the attached tables

MOTION BY: Randy Ambuehl SECONDED BY: Dan Nedved

APPROVED: X NOT APPROVED: TABLED: DIED:

IN FAVOR: 7 OPPOSED: ABSTAINED:

**X. AUTHORIZATIONS AND RESOLUTIONS**

**a. Reserve Transfers**

David Franklin presented the Reserve Transfers to the Board and mentioned that it has been a while since we have had the proper special assessment transfers in front of the Board as we have had issues with the spreadsheet.

**MOTION:** I move that the BBVCC Board authorizes the General Manager to transfer \$29,644.66 from Operating to Marina Reserves, \$3,550.62 from Roads and Drainage to Operating Reserves, and to transfer \$17,871.55 from General Reserves to Operating Reserves to balance interfund transfers as detail in the tables presented

MOTION BY: David Wilbrecht SECONDED BY: Mathue Totten

APPROVED: X NOT APPROVED: TABLED: DIED:

IN FAVOR: 7 OPPOSED: ABSTAINED:

**b. Authorization – Near Shore Conservation Credits– Boat Ramp Replacement**

David Franklin presented this to the Board. The Board had discussion regarding the project and what the mitigation regulations are.

**MOTION:** I move that the BBVCC Board of Directors authorize the general manager to obligate \$29631 to be paid to the Puget Sound Partnership for Near-Shore Conservation Credits offsets for the demolition and construction of a new boat launch ramp facility in the BBVCC Marina to be paid from the Marina Reserves.

MOTION BY: Randy Ambuehl SECONDED BY: Dave Owen

APPROVED: X NOT APPROVED: TABLED: DIED:

IN FAVOR: 7 OPPOSED: \_\_\_ ABSTAINED:

**c. Authorization – Marina Projects Archeology Report**

The Board discussed the future marina projects and the capability to not only have the archeology report be for the current Boat Ramp replacement project but also for the other 4 projects that could potentially be completed in the next 5 years. The report is good for 5 years and the cost would be greater if we did separate reports.

**MOTION:** I move that the BBVCC Board of Directors authorize the general manager to engage Drayton Archaeology to prepare an archeological report for the following projects:

- Boat Launch Ramp
- Replacement of the Bever Creek Splash Pad
- Near Shore Dredging and replacement of the A-D Dock Ramps
- Fuel Dock/ Tank Replacement and Bank Stabilization

In the amount of \$8,901.00 to be paid from Marina Reserves.

MOTION BY: Dave Owen           SECONDED BY: Randy Ambuehl

APPROVED: X NOT APPROVED:   TABLED:   DIED:

IN FAVOR: 7\_\_OPPOSED: \_\_ABSTAINED

**d. Authorization – Total Lighting Fixture Purchase**

David Franklin discussed and clarified this authorization as it voids the authorization from the last meeting for separating out the project by phase within a phase. The current cost of fixtures is slated to increase by 6-8% in January. It was recommended by Semia Renovations that to purchase all the fixtures for the full project this year to save some costs. This proposal also includes the labor for phase one of the project, which includes the Maintenance Shop, pool, Clubhouse, Pro Shop, Office and Marina area. The fixtures will include the portions that we will be doing next year when we are doing some of the repaving projects.

**MOTION:** I move that the Board approve the expenditure of \$71,139.04 inclusive of tax for all lighting fixtures and labor to complete Phases 1-3 of the lighting project in the proposed scope of work as provided by Semia Renovations to be funded from the General Reserves. In addition, I move that the Board approve the expenditure of \$25,879.71 inclusive of tax for all lighting fixtures only to complete Phases 4 & 5 of the lighting project as outline in the proposed scope of work as provided by Semia Renovations to be funded from General Reserves.

MOTION BY: Dan Nedved           SECONDED BY: Bob Whale

APPROVED: X NOT APPROVED:   TABLED:   DIED:

IN FAVOR: 7\_\_OPPOSED: \_\_ABSTAINED

**e. Resolution – Veterans Day Holiday**

This resolution for Veterans Day Holiday was moved to executive session.

**XI. DIRECTORS COMMENTS**

**Randy Ambuehl** asked that we get new microphones for the Board to use during the Board meetings as it is very difficult to hear at times via Zoom.

**Mathue Totten** asked for the Lakes and Drainage Committee to survey the community on allowing a trial fishing period for in the BBV Lakes. There has been some interest in it to the Lakes and Drainage Committee and they would like to get the Community opinion on the matter and use the comments as an opportunity to provide education to the members of the community on it. David Franklin will put together a strawman survey for the Board to review at the November Board meeting.

**Dan Nedved** spoke that he and Bev Franklin have been reviewing HOA software companies and will put together a matrix for David F and staff to review the bring to the Board.

**David Wilbrecht** spoke about putting together a workload plan for BBV. This would include a reporting structure where all staff would need to report what activities they do and why they are

doing it. This is not to micromanage the staff this would make it easier for in the future to explain the rising cost in dues.

**Dave Owen** asked that staff include the number of citations issued for the speed trailer separate from the ones issued by the lidar gun.

**Dave Owen** stated that he had rewritten the job descriptions for the staff 2 years ago and that it has not gone anywhere. David Franklin noted that Natash, the assistant general manager, is working on putting together an HR packet for the Board to review that will include the job descriptions, policies, employee handbook and the employee evaluation and forms.

**Dave Owen** asked that the performance evaluation resolution and forms be on the November meeting agenda. That the North Fence Cleanup be put in the Parking Lot on the next agenda.

**Dave Owen** stated that the artwork that has recently been put up looks incredible and that we should send them a thank you letter.

**Dave Owen** asked that the Board put together a recognition dinner for the standing committees and all the members including their spouses. Thanking them for the time and effort that they have put in.

## **XII. PARKING LOT**

- a. Committee Mission Statements
- b. Marina Dock Captains Safety and Compliance Checklist
- c. Performance Evaluation Resolution and Forms
- d. Golf Course Irrigation from Kwann Lake
- e. BBV Safety Manual
- f. Light Duty Commercial Vehicle Definition

**Dean Yeo (12A-010)** asked to speak before the Board went into executive session as he requested an appeal of the Boards decision on the fine that was assessed against him. He stated that staff did not follow procedures and issued a second notice and that they had never received a first notice. He had talked to staff previously but that was only to clear up the issue last year regarding 30-day rentals, and that was then and not now. Now the issue is that staff did not follow the procedures that are in place by issuing a second notice and not giving a first notice.

The Board asked some clarifying questions and Mr. Yeo went back to the statement that, that is not the issue at had the fact that staff did not follow policy is the issue at hand. The Board then thanked Mr. Yeo for his time and that they would be moving into executive session and he would get his response from staff in a letter.

## **XIII. EXECUTIVE SESSION**

**MOTION TO:** move into executive session at 5:11 pm to discuss personnel matters, possible violations of governing documents and possible legal issues.

**MOTION BY:** Dave Owen      **SECONDED BY:** Patrick Ryan

**APPROVED:** X **NOT APPROVED:**      **TABLED:**      **DIED:**

**IN FAVOR:** 7 **OPPOSED:**      **ABSTAINED:**

The Board moved out of executive session at 5:47 pm.

## **XIV. RATIFICAITON OF EXECUTIVE SESSION ACTIONS**

**MOTION:** uphold the citations for the speeding citations as is.

MOTION BY: David Wilbrecht      SECONDED BY: Mathue Totten

APPROVED:   X   NOT APPROVED:      TABLED:      DIED:

IN FAVOR:   7        OPPOSED:      ABSTAINED:

**MOTION:** for Mr. Yeo’s appeal, to uphold the original fine of \$1,000 for short-term rentals and \$300 for a rental transfer fee, for a total of \$1,300 that was previously fined at the September Board meeting.

MOTION BY: David Wilbrecht      SECONDED BY: Randy Ambuehl

APPROVED:   X   NOT APPROVED:      TABLED:      DIED:

IN FAVOR:   7        OPPOSED:      ABSTAINED:

**MOTION:** approve Veterans Day Holiday as a Holiday for BBV Staff.

MOTION BY: Davie Wilbrecht      SECONDED BY: Bob Whale

APPROVED:   X   NOT APPROVED:      TABLED:      DIED:

IN FAVOR:   7   OPPOSED: ABSTAINED:

**XV. ADJOURNMENT**

a. The meeting was adjourned at 5:51 pm.

**MOTION TO:** adjourn

MOTION BY: Dave Owen      SECONDED BY: Mathue Totten

APPROVED:   X   NOT APPROVED:      TABLED:      DIED:

IN FAVOR:   7        OPPOSED:      ABSTAINED:

Minutes Approved By: \_\_\_\_\_  
Board Secretary