

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1
2 ***Motion carried unanimously.***

- 3
4 **1. REGULAR COUNTY COUNCIL FOR NOVEMBER 25, 2003**
5
6 **2. SPECIAL COUNTY COUNCIL FOR NOVEMBER 18, 2003**
7
8 **3. WATER RESOURCES WORK SESSION FOR NOVEMBER 18, 2003**
9
10 **4. SPECIAL COMMITTEE OF THE WHOLE FOR NOVEMBER 18,**
11 **2003**

12
13
14 **OPEN SESSION**

15
16 The following people spoke:

17
18 Leonard Lindstrom, resident, stated people should stop playing those nasty
19 demented mind games. Walking on water only works for proper families with
20 proper communications.

21
22 Stephanie LeBlanc, 112 Ohio Street, #107, Bellingham, thanked Mr. Kremen
23 and his assistants for their assistance. She also thanked Hal Hart for his immediate
24 response to her phone calls. She also thanked Petur Sim, Kurt Baumgartner, and
25 most of the staff at Planning and Development Services. Her issue is not within the
26 County Council's jurisdiction, but she wants to make it public.

27
28 She attended a County Council meeting last month and voiced opinions and
29 objections regarding the **Ordinance Amending the Official Whatcom County**
30 **Zoning Ordinance, Title 20, Chapter 20.71 – Water Resource Protection**
31 **Overlay District, Chapter 20.80 – Supplementary Requirements**
32 **(Stormwater and Clearing), Chapter 20.85 – Planned Unit Developments,**
33 **and Chapter 20.97 – Definitions, to Provide Additional Regulatory**
34 **Protection for Sensitive Watersheds (AB2002-222B)**. She also voiced a
35 concern that she was taking a risk as a contractor of her permits being buried by
36 speaking on that issue. She never accused Lynn Morgan-Hill of burying her permit.
37 Last week, she called Ms. Morgan-Hill to find out whether her property is in a
38 critical area. Ms. Morgan-Hill called her back and commented during the phone call
39 that Ms. LeBlanc accused her of lying to the Council about burying a permit. Before
40 Ms. Morgan-Hill hung up on her, she called her a liar. If one of her employees said
41 that to a customer, that employee would be fired or put into a position that didn't
42 deal with the public. She would lose that customer. She has to continue to do
43 business with the County. She wants resolution on the issue. Ms. Morgan-Hill may
44 feel it's her responsibility to protect the environment, but the environment has
45 nothing to do with her slanderous accusation. She is a liability to the County and to
46 those who depend on her decisions regarding critical areas. After speaking to
47 several people, she's learned that Ms. Morgan-Hill's disrespectful and authoritative

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1 attitude has happened on many occasions and is becoming a pattern. It's obvious
2 that Ms. Morgan-Hill has her own agenda. Her procedures allow her to verbally
3 abuse people. She asked if the union and the County Council supports this
4 behavior. There needs to be a change to critical area determination. Lyn Morgan-
5 Hill should be removed from her position immediately or posted to another position.
6

7 Dennis Jones, 1487 Sudden Valley, stated many people worked to develop a
8 beautiful piece of legislation regarding Lake Whatcom. He didn't realize the total
9 maximum daily load (TMDL) and the Utah State University water resource inventory
10 area (WRIA) studies were two different studies. He apologized, and said he backed
11 off on his previous comments. That resolution states that they can build, forest,
12 and recreate in the watershed. On the other hand, the resolution says that it's
13 their water supply, with goals to do education, limit growth in the area, and have
14 scientific studies. There's a new administration for the Sudden Valley Community
15 Association. The new administration is modeling its visioning process after Birch
16 Bay. Sustain lake water quality.
17

18 Barbara Dykes, 4088 Mt. Baker Highway, stated she applied for a position on
19 the Planning Commission. She is a land use attorney and the Chief Civil Deputy of
20 the Snohomish County Prosecuting Attorney's Office. She would like to be a
21 member of the commission.
22

23 Bill Quehrn, 3805 Gablecrest Court, Bellingham, stated he is a member of
24 the Competitiveness Task Force convened by Executive Kremen earlier this year.
25 The top concern of the task force had to do with the permitting process and the
26 process problems faced by business trying to locate, remodel, or expand a facility.
27 One example is the attempt by Faber Brothers Construction to put in an office
28 building at Hinote's Corner. **Ordinance Amending the Official Whatcom
29 County Comprehensive Plan Map for 0.76 Acres in the Crossroads
30 Commercial Designation of Hinote's Corner (AB2003-075F).** The lot line
31 request from the Faber Brothers and recommended by the Planning Commission
32 would have allowed the type of quality building exemplifying this local family-owned
33 business reputation for excellent building products. The County Council recently
34 adopted an alternate proposal that was intended as a compromise. However, the
35 approved proposal renders a small portion of the property useless. It also makes
36 fire and emergency vehicle access difficult. It also makes access problems for
37 Faber Brothers use of the building.
38

39 Another unintended consequence may be harm to the Ten Mile Grange on
40 the property to the north. Faber Brothers has allowed the Grange to use part of
41 their property for overflow parking for Grange events. Faber Brothers has also
42 provided water service to the Grange. Without that contribution, the Grange hall
43 might have been forced to close its doors. The lot line adjustment approved might
44 make it difficult for the company to continue in that sharing process with the
45 Grange.
46

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1 Faber Brothers employs about 50 people in the Whatcom County
2 construction industry, which makes up 12 percent of the covered employment
3 wages in Whatcom County. It is the classic type of business Whatcom County
4 should encourage to bring jobs to the county and keep people in Whatcom County
5 who employ others. The immediate neighbors, including the Grange, have
6 expressed unanimous support for the project. The matter will come before the
7 Council again in January. He hoped the Council would reconsider the current
8 proposal and would approve the Planning Commission recommendation.
9

10 Mary Jane Anderson, 1025 unset Ave., Bellingham, stated she is an applicant
11 for the Board of Equalization. **Year end appointments to boards and**
12 **commissions in preparation for the year 2004 (AB2003-315).** She served on
13 the board for six years several years ago, and really enjoyed it. Her past
14 experience has been in real estate during the last 25 years. She worked at a title
15 insurance company. She did appraisal research on real estate sales for the
16 Bellingham Herald digest. She currently does appraisal research for local
17 appraisers. She has no political or personal agenda.
18

19 David Gallatly, 550 Calder Drive, Point Roberts, stated he is an applicant for
20 the Fire Commissioner in Point Roberts. **Resolution notifying the public of the**
21 **Council's intent to fill one vacant Point Roberts Fire Commissioner position,**
22 **per RCW 42.12 and RCW 52.14 (AB2003-387).** He introduced himself to the
23 County councilmembers.
24

25 Greg Rustand, 1641 Baker Creek Place, Security Specialists Plus (SSP)
26 Alternative Corrections, stated the Council took a chance ten years ago on SSP
27 Alternative Corrections. In ten years, the County has saved over \$5 million.
28 They've saved a lot of bed space in the County jail.
29

30 Dan Burks, 2150 Deer Road, Point Roberts, stated he supports Dave Gallatly
31 for Point Roberts Fire Commissioner. **Resolution notifying the public of the**
32 **Council's intent to fill one vacant Point Roberts Fire Commissioner position,**
33 **per RCW 42.12 and RCW 52.14 (AB2003-387).** He worked with Mr. Gallatly as
34 a commissioner in the early 1990's. He was the volunteer chief. He knows the
35 business well and would be a good choice.
36

37 **PUBLIC HEARING**

38
39
40 **1. RESOLUTION BY THE GOVERNING BODY OF THE WHATCOM COUNTY**
41 **FLOOD CONTROL ZONE DISTRICT (WCFCZD) MODIFYING AND**
42 **EXTENDING THE CURRENT WCFCZD FUNDING MECHANISM AND**
43 **LEVELS FOR THE SUMAS/NOOKSACK/EVERSON SUBZONE (COUNCIL**
44 **ACTING AS THE FCZDBS) (AB2003-365)**
45

46 McShane stated the public hearing has remained open from the meeting two
47 weeks ago.

1
2 Paula Cooper, River and Flood Division Manager, gave a staff report and
3 handed out a memo with the suggested amendments to the resolution (*on file*).
4

5 Hearing no one, McShane closed the public hearing.
6

7 **McShane moved** to approve the resolution as amended below:
8

- 9
- 10 • Page two, lines 28 and 29, "Fees for all parcels designated as "open
11 space," Classified Forest Land, ~~and~~ Designated Forest Land, and non-
12 commercial Forest and Forest Reserves will be reduced by 40%."
 - 13 • Page two to add, "BE IT FURTHER RESOLVED that the following
14 parcels are exempt from paying fees to the Sumas/Nooksack/Everson
15 Subzone:
16 a. all parcels owned by the Federal Government,
17 b. all parcels classified as Indian Lands held in trust,
18 c. all parcels exclusively classified as mineral rights,
19 d. all parcels owned by the State, classified as "bedlands or
20 tidelands,"
21 e. all parcels with assessed value less than or equal to
22 \$2,500."
23

24 **Motion carried unanimously.**
25

26 **2. RESOLUTION BY THE GOVERNING BODY OF THE WHATCOM COUNTY**
27 **FLOOD CONTROL ZONE DISTRICT (WCFCZD) MODIFYING AND**
28 **EXTENDING THE CURRENT WCFCZD FUNDING MECHANISM AND**
29 **LEVELS FOR THE ACME/VAN ZANDT SUBZONE (COUNCIL ACTING AS**
30 **THE FCZDBS) (AB2003-366)**
31

32 Hearing no one, McShane closed the public hearing.
33

34 **McShane moved** to approve as amended below:
35

- 36
- 37 • Page two, lines 28 and 29, "Fees for all parcels designated as "open
38 space," Classified Forest Land, ~~and~~ Designated Forest Land, and non-
39 commercial Forest and Forest Reserves will be reduced by 40%."
 - 40 • Page two to add, "BE IT FURTHER RESOLVED that the following
41 parcels are exempt from paying fees to the Acme/Van Zandt Subzone:
42 a. all parcels owned by the Federal Government,
43 b. all parcels classified as Indian Lands held in trust,
44 c. all parcels exclusively classified as mineral rights,
45 d. all parcels owned by the State, classified as "bedlands or
46 tidelands,"
47 e. all parcels with assessed value less than or equal to \$2,500."

1
2 ***Motion carried unanimously.***
3

4 **3. RESOLUTION BY THE GOVERNING BODY OF THE WHATCOM COUNTY**
5 **FLOOD CONTROL ZONE DISTRICT (WCFCZD) MODIFYING AND**
6 **EXTENDING THE CURRENT WCFCZD FUNDING MECHANISM AND**
7 **LEVELS FOR THE LYNDEN/EVERSON SUBZONE (COUNCIL ACTING AS**
8 **THE FCZDBS) (AB2003-367)**
9

10 Hearing no one, McShane closed the public hearing.

11
12 ***McShane moved*** to approve as amended below:

- 13
14
 - 15 • Page two, lines 28 and 29, "Fees for all parcels designated as "open
16 space," Classified Forest Land, and Designated Forest Land, and non-
17 commercial Forest and Forest Reserves will be reduced by 40%."
 - 18 • Page two to add, "BE IT FURTHER RESOLVED that the following
19 parcels are exempt from paying fees to the Lynden/Everson Subzone:
20 a. all parcels owned by the Federal Government,
21 b. all parcels classified as Indian Lands held in trust,
22 c. all parcels exclusively classified as mineral rights,
23 d. all parcels owned by the State, classified as "bedlands or
24 tidelands,"
25 e. all parcels with assessed value less than or equal to \$2,500."

26
27 ***Motion carried unanimously.***
28

29 **4. DEVELOPER RE-IMBURSEMENT APPLICATION FOR MISSION ROAD**
30 **(AB2003-369)**
31

32 Joe Rutan, County Road Engineer, gave a staff report and stated there is a
33 revised method of calculating the reimbursement. The Engineering Division does
34 not make a recommendation, only asks as an administrator according to the County
35 Code.
36

37 Brenner asked if it's usual that the County doesn't take a position. Rutan
38 stated it is.
39

40 McShane opened the public hearing and the following people spoke:
41

42 Doug Pullar, stated he has two 20-acre tracts on the Mission Road. The
43 Mission Road is not completed so he can access his two parcels. They are applying
44 for a latecomer's fee. If he is to develop his two 20-acre tracts into five-acre
45 tracts, they'll claim several thousand dollars in a latecomer's fee for each five-acre
46 tract. They didn't build the road all the way to his parcels. They came within 100
47 feet of his corner. Where they stopped, there is a large ravine with a dry creek

1 bed. It would be quite expensive if he was to continue the road to his parcels.
2 They reconstructed the road to benefit themselves, not him. If he was to develop
3 his lots, he would come in from the Smith Road rather than cross the ravine. Their
4 latecomer's fee would not benefit him. If they had accessed his parcels, then he
5 would have received a benefit.

6
7 Caskey-Schreiber stated Mr. Pullar is not included in the list of people who
8 would be assessed a fee.

9
10 Pullar stated he was told by the County that he is not being assessed a
11 charge.

12
13 Rutan stated Mr. Pullar's property is not within the assessment area.

14
15 Rick Axelson, 5098 Mission Road, stated he has one of three landowners that
16 has ten acres. His ten acres is subject to the latecomer's fee, even though he
17 already has a resident on five-acres of the land. It isn't right that his entire ten
18 acres is subject to the assessment fee, given the fact he could only develop five
19 more acres. Regarding the fee, it should have been a \$7,200 project. People who
20 have already developed their five-acres aren't subject to the latecomer's
21 assessment, only people who have undeveloped land. In July of 2000, one
22 neighbor asked the cost to have that road in the condition they asked for in the first
23 place. The County gave the neighbors a quote of \$6,000 for an all-weather surface
24 for that road distance. There's quite a discrepancy in the value of work done. It
25 was never up to the neighbors to decide what surface should be put down. He
26 asked what would happen if he applied for a permit for a portion of his land for
27 something like a pole building or an addition. He asked if he would be assessed the
28 fee. There are a few questions that need to be answered. He agrees that the
29 fellow has money coming to him for reimbursement of the work done. There is
30 quite a discrepancy between the amount of money spent and the estimate the
31 County provided. People who live there currently on five acres benefit as much as
32 anyone else does from the road improvements.

33
34 Caskey-Schreiber asked when he built his house. Axelson stated he built his
35 house in 1990. He's lived there for 20 years. There are two other ten-acre
36 sections of land to which this will apply.

37
38 Brenner asked if he contacted someone from the County, who said it would
39 cost \$6,000 to pave this section of the road. Axelson stated a neighbor contacted
40 the County July 31, 2000. The neighbor received a letter that said making the road
41 serviceable all year for all weather conditions, a BST surface, would cost \$6,000.

42
43 David Miller, 4975 Mission Road, stated he also has a ten-acre parcel. He
44 agrees with Mr. Axelson. He is also concerned with the provision that any
45 application for a building permit will trigger the assessment. The way he interprets
46 the language, a permit for a deck, for example, would trigger the assessment fee.
47 He can't subdivide his ten acres because his house is directly in the center of the

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1 ten-acre parcel. Although someone suggested it, he can't move his house. It's the
2 only dry place on the property. All of the runoff from both directions of Mission
3 Road runs directly onto his property. With the addition of .25 acre of pavement in
4 that runoff area, he gets another 30,000 gallons of water on a typical rainy
5 November day that would have been absorbed by the old road. He doesn't benefit
6 from the road. He would like an exemption from the assessment.
7

8 Tony Freeland, Freeland and Associates, stated he is the project engineer for
9 the Lloyd Hodges long-plat, which is associated with the road improvements. He
10 submitted information on the long-plat and the section of road that was improved
11 from a gravel road to a 22-foot wide paved road with four-foot gravel shoulders.
12 The suggestion of a \$6,000 improvement was probably the cost to re-chip seal the
13 existing gravel road. The cost of the new road came to about \$1.25 per square
14 foot, which is a very fair and reasonable cost to build a road to County road
15 standards.
16

17 When preparing the benefit area, he looked for additional five-acre tracts
18 that could be developed along Mission Road. Those tracts would have a benefit
19 similar to the Hodges plat. There were several ten-acre tracts. The ten-acre tracts
20 that did include a home were included because he thought that the property would
21 be developed into two five-acre tracts. Although the one house is already there, he
22 believed the owner will receive benefit from the road improvements. He's since
23 talked to the property owners and Mr. Hodges. His current proposal is to exempt
24 existing homes or existing homes on a short-platted lot. There would not be an
25 assessment on an existing house. He also suggested an amendment that the fee
26 only be triggered upon actual subdivision of land. The concerns about a remodel
27 would be addressed.
28

29 McShane asked if there are existing lots that are currently vacant. Freeland
30 stated there are. The latecomer's would be assessed against existing five-acre lots
31 with no existing improvements, and all other lots subject to subdivision, with
32 exemption for the lots with existing homes.
33

34 Brenner asked if the County required Mr. Freeland to use the materials they
35 used on the road rather than the BST. Freeland stated it did. The minimum road
36 standard for access is a 22-foot wide paved surface.
37

38 Brenner asked what happens with the fellow who has a house in the middle
39 of his ten-acre parcel. Freeland stated that if he doesn't subdivide, he doesn't have
40 to pay the assessment.
41

42 Lesa Starkenburg-Kroontje, 115 Front Street, stated she represented the
43 Yancey's. Because some of the landowners in the area are being exempted, the
44 assessment for the remaining parcels will be substantially higher. If they are
45 going to accept any alternative for assessment, the Council should allow people to
46 know and comment on the new assessment fee. The Yancey's purchased a five-
47 acre lot in May of this year. Before purchase, they installed a well, did septic work,

1 and estimated all the costs to build their retirement home. They had no way of
2 knowing from any title notice or disclosure from the developer or Whatcom County
3 that this was a lingering assessment that would rear its head. They found out
4 about the assessment within five months of their purchase, first from a County staff
5 person who said they weren't supposed to say anything, and then from the notice
6 in the mail. The same rationale that applies to excluding five-acre tracts that
7 already have a home should apply to their parcel. The Yancey's cannot further
8 divide their property. Their property was originally part of a plat within one lot that
9 was further divided. Every one of the five-acre tracts in this area can apply for an
10 accessory dwelling. She asked how that would be any different than the Yancey's
11 applying for their first single-family home. If the impact is the same to the road,
12 they shouldn't exclude single-family dwellings on five-acre dwellings while not
13 exclude the five-acre tract that doesn't have a home yet. It would make more
14 sense to exclude all parcels that are not available for development. Include only
15 those parcels that can be further divided.

16
17 Hearing no one else, McShane closed the public hearing.

18
19 Brenner asked about the latecomer process and the notification process to
20 the neighbors. She asked if all the property owners were notified when this
21 latecomer's assessment first happened. Rutan stated they were not.

22
23 *(Clerk's Note: End of tape one, side A.)*

24
25 Mary White, Engineering Technician III, stated the normal process is that
26 someone can file and record an application summary. It shows up on title reports.
27 However, it's not required by the code. It is optional.

28
29 Brenner asked how someone who wanted to purchase property would find
30 out about something like this. White stated there isn't a way through a title search
31 to find it out.

32
33 Brenner asked if the developer is required to notify people at the time the
34 road goes in. White stated the developer is not required to notify people.

35
36 Rutan stated there seems to be an oversight in the code that there's no way
37 for it to show up in a title search.

38
39 Caskey-Schreiber stated there's a risk when developing in the rural areas.
40 The buyer should beware.

41
42 Nelson asked who will be responsible for road maintenance and if this road
43 will be a County road. Rutan stated the State law and County code allows for a
44 latecomer's process for people who will benefit from the road. This person
45 happened to be the first person who developed in the area. The developer got hit
46 with the entire cost of the road. The County is allowed to ask as an administrator

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1 to assess the cost, set up the assessment area, and be a conduit through which the
2 funds would pass.

3
4 Brenner stated there's no way a buyer can be aware of something like this.
5 This is a glitch in the County code, not the buyer, that does not require the
6 developer to inform neighbors. All assessments and encumbrances on a property
7 are supposed to show up on the title. She supports the latecomer's schedule rather
8 than doing a blanket assessment whether they need the service or not. However,
9 this should have shown up on a legal document that the owner's could have
10 researched and found out.

11
12 Roy asked why the Council is involved in the first place. Rutan stated the
13 State law and County code requires the County to act as administrator. County
14 staff reviews the application to make sure it's acceptable in terms of the
15 assessment method and costs. The County Council can accept or modify the
16 application.

17
18 Fleetwood asked if there are any assumptions the Council can draw about
19 the positions of the property owners who didn't respond to the notification. Rutan
20 stated he couldn't speculate. A number of people sent letters or testified.

21
22 Crawford suggested that the administration bring forward an amendment to
23 the code to correct this oversight that doesn't require recording. He asked if Mr.
24 Freeland could come back and talk about triggering the fee at the point of
25 subdivision and development of existing undeveloped parcels. He asked the result
26 if assessment is only triggered upon future subdivision. The County could make an
27 effort to notify the property owners who could subdivide that they may face a fee.
28 He asked how many parcels would be removed. Freeland stated there are 18
29 parcels. If they removed one parcel, they would divide the total project cost by 17.
30 The total project cost is a little over \$72,000. Divide that by 18 total lots, nine
31 within the development and nine outside the development. He's requesting that
32 the developer be reimbursed for half the total project cost, distributed among the
33 nine lots. If they are to eliminate the lot, they are down to 17 lots. They would
34 divide the \$72,000 by 17. In fairness to Mr. Hodges, he has followed the
35 latecomer's policy, he invested the money for the improvements, and he's gone
36 beyond what the code requires. No property owner likes a notice like this. The fact
37 remains that a property owner will receive benefits from the improvements when
38 they build. They are asking Mr. Hodges to pick up the cost of the benefit.

39
40 Caskey-Schreiber stated she recognizes that this is a problem. County staff
41 needs to come up with a better plan for doing subdivisions in the rural areas. From
42 what she's read, this is a County impact fee for roads. Therefore, the County is
43 overseeing the process a bit.

44
45 ***Brenner moved*** to request County staff to bring forward a change of the
46 assessment from 18 lots to 17 lots. Remove the Yancey property from the
47 latecomer fee assessment and come back to the Council with a new formula for the

1 remaining 17 properties. The only thing that would trigger the assessment would
2 be a subdivision.

3
4 Caskey-Schreiber asked if the Council is setting a precedent that would pose
5 a problem down the road until they fix it.

6
7 McShane stated it's probably the risk of the ordinance, which leaves the
8 Council discretion when this comes forward.

9
10 Roy stated this is a no win situation. Property owners were not notified
11 appropriately. Someone who built the road deserves to be repaid by those who are
12 using the road. Mr. Hodges followed all the policies and rules. It's not fair to him.
13 She asked if the answer is to go back and recalculate the fee based on the Yancey's
14 issue. See if Ms. Starkenburg's prediction comes true about how they impact
15 everyone else.

16
17 **McShane moved** to hold in Public Works Committee on January 13, 2004.

18
19 **Motion to hold in committee carried 6-1 with Nelson opposed.**

20
21 **5. ORDINANCE ADOPTING THE 2004 WHATCOM COUNTY UNIFIED FEE**
22 **SCHEDULE (AB2003-350)**

23
24 Brad Bennett, Finance Division Manager, gave a staff report and stated there
25 are no real substantial fee changes except to the civil fees in the Sheriff's Office and
26 food inspection.

27
28 Brenner stated she thought they were going to have fines for illegal parking
29 and return the employee parking fee to what they used to be. Bennett stated
30 that's correct. Those changes were made during the Finance Committee. The
31 parking rates are unchanged. They changed the penalties for parking without
32 paying for the parking.

33
34 Fleetwood asked if the proposal is satisfactory to the employees who were
35 concerned about the parking lots. Bennett stated there is no change to the parking
36 fee for employees.

37
38 McShane opened the public hearing and, hearing no one, closed the public
39 hearing.

40
41 **Brenner moved** to adopt the ordinance as amended by the Finance
42 Committee.

43
44 McShane stated they need to think carefully about how they handle parking
45 facilities. They could provide an incentive to employees for not driving to work
46 rather than charging them to park.

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1 ***Motion carried unanimously.***
2

3 **6. RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY**
4 **SURPLUS PROPERTY PURSUANT TO WHATCOM COUNTY CODE 1.10**
5 **(AB2003-379A)**
6

7 McShane opened the public hearing and, hearing no one, closed the public
8 hearing.
9

10 ***Nelson moved*** to approve the resolution.
11

12 ***Motion carried 6-0 with Caskey-Schreiber out of the room.***
13

14
15 **COUNCIL "CONSENT AGENDA" ITEM**
16

17 ***Crawford*** reported for Finance and Administrative Services Committee and
18 ***moved*** approval of all items except items 12, 19, and 20.
19

20 Caskey-Schreiber withdrew items 21 through 31.
21

22 ***Motion carried unanimously.***
23

24 *(Clerk's Note: Discussion of Consent Agenda items nine and 31 continued*
25 *later in the meeting.)*
26

27 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
28 **CONTRACT ADDENDUM BETWEEN WHATCOM COUNTY AND DR.**
29 **GRANT DEGER, M.D. TO RENEW THE CURRENT JAIL PHYSICIAN**
30 **SERVICES CONTRACT FOR ONE YEAR AND ADDRESS A COST OF**
31 **LIVING INCREASE IN THE AMOUNT OF \$850 FOR A TOTAL AMENDED**
32 **CONTRACT IN THE AMOUNT OF \$42,850 (AB2003-392)**
33

34 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
35 **CONTRACT ADDENDUM BETWEEN WHATCOM COUNTY AND VISITING**
36 **NURSE PERSONAL SERVICES TO INCREASE THE 2003 MAXIMUM**
37 **CONTRACTUAL AMOUNT BY \$30,000 FOR A TOTAL AMENDED**
38 **CONTRACT IN THE AMOUNT OF \$409,469 (AB2003-393)**
39

40
41 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
42 **CONTRACT ADDENDUM BETWEEN WHATCOM COUNTY AND VISITING**
43 **NURSE PERSONAL SERVICES FOR RENEWAL OF CURRENT CONTRACT**
44 **AND PROVIDE FOR NURSE'S HOURS TO BE INCREASED TO**
45 **ACCOMMODATE FOR MEDICATION PASS TO INMATES, IN THE**
46 **AMOUNT OF \$67,376.50 FOR A TOTAL AMENDED CONTRACT IN THE**
47 **AMOUNT OF \$446,846 (AB2003-394)**

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46

4. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT ADDENDUM BETWEEN WHATCOM COUNTY AND WHATCOM COUNSELING AND PSYCHIATRIC CLINIC FOR RENEWAL OF CURRENT CONTRACT AND THE ADDITION OF 4.5 EXTRA HOURS OF CLINIC PER MONTH, RESULTING IN A MAXIMUM COMPENSATION OF \$26,400 (AB2003-395)**

5. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A LEAD ENTITY OPERATIONAL GRANT CONTRACT BETWEEN WHATCOM COUNTY AND WASHINGTON DEPARTMENT OF FISH AND WILDLIFE TO SUPPORT CORE SALMON RECOVERY FUNCTIONS IN WRIA 1 FOR THE PERIOD JULY 1, 2003 THROUGH JUNE 30, 2004, IN THE AMOUNT OF \$65,000 (AB2003-396)**

6. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM FOR RENEWAL OF OPERATION OF THE LAKEWAY YARDWASTE COLLECTION FACILITY, IN THE AMOUNT OF \$120,000 (AB2003-397)**

7. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND BURLINGTON ENVIRONMENTAL, INC., A SUBSIDIARY OF PHILIP SERVICES CORPORATION, TO OPERATE THE MODERATE RISK WASTE FACILITY IN THE AMOUNT OF \$287,996 ANNUALLY, OR \$863,988 FOR THE THREE YEAR TERM (AB2003-398)**

8. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND THE DEPARTMENT OF ECOLOGY TO CONDUCT NEW AND ONGOING ASSESSMENTS OF HAZARDOUS WASTE DISPOSAL SITES AND POTENTIAL SITES IN WHATCOM COUNTY; THE GRANT ALSO PROVIDES FUNDS FOR THE RESPONSE, ASSESSMENT AND CONTROL OF NEWLY DISCOVERED CLANDESTINE METHAMPHETAMINE DRUG LABS, FOR A TERM OF JULY 1, 2003 THROUGH JUNE 30, 2005, IN THE AMOUNT OF \$144,760 (AB2003-399)**

9. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND BENNETT**

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1 **ENGINEERING, LLC FOR PHASE IV, Y ROAD LANDFILL ASSESSMENTS,**
2 **IN THE AMOUNT OF \$72,511.39 (AB2003-400)**
3
4

5 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
6 **PROFESSIONAL SERVICE CONTRACT BETWEEN WHATCOM COUNTY**
7 **AND DAVID EVANS AND ASSOCIATES, INC. FOR RIGHT-OF-WAY**
8 **ACQUISITION FOR SUNRISE ROAD PROJECT FROM BIRCH BAY-**
9 **LYNDEN ROAD TO WEST BADGER ROAD, IN THE AMOUNT OF**
10 **\$111,616 (AB2003-401)**
11
12

13 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
14 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND LINSLEY,**
15 **KRAEGER ASSOCIATES, LTD. INCREASING THE SCOPE OF SERVICES**
16 **AND CONTRACT AMOUNT TO INCLUDE ADDITIONAL TASKS AND**
17 **COSTS TO CONTINUE UNSTEADY FLOW MODELING OF THE LOWER**
18 **NOOKSACK RIVER IN ACCORDANCE WITH THE ADOPTED**
19 **COMPREHENSIVE FLOOD HAZARD MANAGEMENT PLAN, IN THE**
20 **AMOUNT OF \$149,200, FOR A TOTAL AMENDED CONTRACT IN THE**
21 **AMOUNT OF \$672,960 (AB2003-402)**
22
23

24 **12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
25 **CLEAN WATER SECTION 319 NONPOINT SOURCE FUND GRANT**
26 **AGREEMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON**
27 **DEPARTMENT OF ECOLOGY FOR RIPARIAN REVEGETATION**
28 **PROGRAM, IN THE AMOUNT OF \$166,667 (AB2003-403)**
29

30 Crawford stated this item doesn't need any action. This item is withdrawn by
31 staff.
32

33 **13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
34 **CONTRACT RENEWAL BETWEEN WHATCOM COUNTY AND BOSMAN,**
35 **INC. FOR CARD LOCK FUELING SYSTEM, EXTENDING THE TERM FROM**
36 **NOVEMBER 1, 2003 THROUGH OCTOBER 31, 2005 (AB2003-404)**
37
38

39 **14. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #03-**
40 **83 TO THE LOWEST RESPONSIVE BIDDER, B & B PAINTING**
41 **COMPANY, FOR THE EXTERIOR REPAIRS TO THE PUBLIC SAFETY**
42 **BUILDING, IN THE AMOUNT OF \$92,811.80 AND REQUEST FURTHER**
43 **AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
44 **AGREEMENT WITH B & B PAINTING NOT TO EXCEED \$130,000**
45 **INCLUDING WASHINGTON STATE SALES TAX (AB2003-405)**
46
47

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- 1 **15. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #03-**
2 **84 TO THE LOWEST RESPONSIVE BIDDER, PUGET SOUND PAINTING,**
3 **FOR PAINTING WITHIN THE INTERIOR OF THE COURTHOUSE, IN AN**
4 **AMOUNT NOT TO EXCEED \$60,000 (AB2003-406)**
5
6
7 **16. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #03-**
8 **85 TO THE LOWEST RESPONSIVE BIDDER, PIONEER MASONRY**
9 **RESTORATION CO., FOR NEW DECK COATING IN THE SALLY PORT OF**
10 **THE JAIL, IN THE AMOUNT OF \$55,182 (AB2003-407)**
11
12
13 **17. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
14 **PURCHASE AND SALE AGREEMENT BETWEEN WHATCOM COUNTY AND**
15 **BLACK ROCK CABLE FOR 24-STRAND FIBER OPTIC CABLE**
16 **CONNECTING THE COURTHOUSE TO THE NORTHWEST ANNEX**
17 **FACILITY, IN THE AMOUNT OF \$58,000, AS WELL AS A JOINT**
18 **OPERATING AGREEMENT BETWEEN WHATCOM COUNTY AND BLACK**
19 **ROCK CABLE FOR MAINTENANCE OF THE FIBER OPTIC SYSTEM**
20 **(AB2003-408)**
21
22
23 **18. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
24 **AGREEMENT BETWEEN WHATCOM COUNTY AND GREG RUSTAND, INC.**
25 **FOR THE OFFSITE WORK RELEASE FACILITY, IN THE AMOUNT OF**
26 **\$529,250 FOR 2004 AND \$538,375 FOR 2005 (AB2003-409)**
27
28
29 **19. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
30 **LETTER OF UNDERSTANDING BETWEEN WHATCOM COUNTY AND**
31 **INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS,**
32 **PACIFIC MARITIME REGION, AND INLANDBOATMEN’S UNION OF THE**
33 **PACIFIC EXTENDING EXPIRED 2000-2002 AGREEMENT THROUGH**
34 **2003; AND AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
35 **COLLECTIVE BARGAINING AGREEMENT BETWEEN WHATCOM COUNTY**
36 **AND INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND**
37 **PILOTS, PACIFIC MARITIME REGION, AND INLANDBOATMEN’S**
38 **UNION OF THE PACIFIC FOR THE PERIOD JANUARY 1, 2004**
39 **THROUGH DECEMBER 31, 2006 (AB2003-410)**
40

41 ***Crawford moved*** to authorize the Executive to enter into a letter of
42 understanding between Whatcom County and International Organization of
43 Masters, Mates and Pilots, Pacific Maritime Region, and Inlandboatmen’s Union of
44 the Pacific extending the red 2000-2002 agreement through 2003.
45

46 ***Motion carried unanimously.***
47

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1 Crawford moved to authorize the Executive to enter into a collective
2 bargaining agreement between Whatcom County and the International Organization
3 of Masters, Mates and Pilots, Pacific Maritime Region, and Inlandboatmen's Union of
4 the Pacific for the period of January 1, 2004 through December 31, 2006.

5
6 ***Motion carried unanimously.***

7
8 **20. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
9 **RIGHT OF WAY EASEMENT BETWEEN WHATCOM COUNTY PARKS AND**
10 **RECREATION AND CASCADE NATURAL GAS IN THE NORTHEAST**
11 **CORNER OF BAY HORIZON PARK ON ALDERSON ROAD (AB2003-411)**
12

13 Crawford stated the Finance Committee deferred a recommendation.
14 Cascade Natural Gas wants to expand their easement in the northeast corner of
15 Bay Horizon Park on Alderson Road so they can put in a larger regulator. The
16 question was whether this new regulator system actually creates more noise than
17 the old one.

18
19 Roy stated she received two answers to her question in committee. The
20 Parks Department said the generator being put in wouldn't make any more sound
21 than an idling car. She called someone who is associated with the hostel on that
22 property. That person said the location wouldn't bother anyone. Move this request
23 forward.

24
25 ***Crawford moved*** to approve the authorization.

26
27 ***Motion carried unanimously.***

28
29 **21. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
30 **PUBLIC AUCTION, REQUEST #09-03 (AB2003-412)**
31

32 Caskey-Schreiber stated she loves to see density reduction occur according
33 to the plan Erika Stroebel worked on with the City of Bellingham, Whatcom County,
34 Sudden Valley, and Water District #10. She asked Sudden Valley Community
35 Association Director Steve Greiser about how they can facilitate more of those joint
36 projects. Mr. Greiser told her one way was to give Sudden Valley a better chance
37 at looking at some of these foreclosed properties in terms of the big picture and
38 building a plan. The way they come forward to the Council is property by property.
39 She asked if there is a way to hold these for an annual or biannual process so the
40 Sudden Valley Community Association can look at them all and respond. In the
41 past, they've purchased whatever was available. Certain properties may be more
42 advantageous for them to purchase. They are approaching their maximum goal of
43 density reduction. The question becomes how the County can facilitate moving
44 them to a more advanced level of targeting properties.

45
46 McShane stated they might want to sit down and develop a new agreement.
47

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1 Crawford stated there is a Property Management Committee. He suggested
2 the venue to discuss this is in this committee. A councilmember representative can
3 discuss it with that committee.
4

5 McShane stated they would need to include the City of Bellingham, Water
6 District #10, and the Sudden Valley Community Association.
7

8 Nelson stated it's a good idea to get options. He asked if they are required
9 to vote on these tonight.
10

11 McShane stated he's comfortable voting on these tonight. They might want
12 to rethink how they do these in the future. As a lot of development occurs in
13 Sudden Valley, people might want to go beyond their goal of reducing density.
14

15 Caskey-Schreiber stated that with everything that's happened and with their
16 density reduction goal, Sudden Valley still has 900 lots left to be developed. That's
17 a lot of new potential development in the watershed. She's comfortable with this
18 going forward, even though she probably won't vote for it. Sudden Valley doesn't
19 have an opinion on these specific items because they haven't had a meeting to
20 discuss them.
21

22 ***Motion to approve Consent Agenda items 21 through 31 carried 6-1***
23 ***with Caskey-Schreiber opposed.***
24

25 **22. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
26 **PUBLIC AUCTION, REQUEST #10-03 (AB2003-413)**
27

28
29 **23. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
30 **PUBLIC AUCTION, REQUEST #11-03 (AB2003-414)**
31

32
33 **24. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
34 **PUBLIC AUCTION, REQUEST #12-03 (AB2003-415)**
35

36
37 **25. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
38 **PUBLIC AUCTION, REQUEST #13-03 (AB2003-416)**
39

40
41 **26. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
42 **PUBLIC AUCTION, REQUEST #14-03 (AB2003-417)**
43

44
45 **27. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
46 **PUBLIC AUCTION, REQUEST #15-03 (AB2003-418)**
47

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1
2 **28. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
3 **PUBLIC AUCTION, REQUEST #16-03 (AB2003-419)**
4

5
6 **29. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
7 **PUBLIC AUCTION, REQUEST #17-03 (AB2003-420)**
8

9
10 **30. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
11 **PUBLIC AUCTION, REQUEST #18-03 (AB2003-421)**
12

13 **31. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
14 **NEGOTIATION, REQUEST #19-03 (AB2003-422)**
15

16
17 **OTHER ITEMS**
18

19 **1. RESOLUTION APPROVING A MINERAL RESOURCE STUDY FOR**
20 **WHATCOM COUNTY, RECENTLY COMPLETED BY GEO-ENGINEERS**
21 **(AB2003-391)**
22

23 Roy reported for the Natural Resources Committee and stated this item was
24 removed from the agenda.
25

26 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
27 **AGREEMENT BETWEEN WHATCOM COUNTY AND SUDDEN VALLEY**
28 **COMMUNITY ASSOCIATION, CITY OF BELLINGHAM, AND WATER**
29 **DISTRICT NO. 10 TO PURCHASE A RESTRICTIVE COVENANT ON 83**
30 **SUDDEN VALLEY TAX TITLE LOTS, IN AN AMOUNT OF**
31 **APPROXIMATELY \$18,210 (AB2003-378)**
32

33 **Crawford** reported for the Finance and Administrative Services Committee
34 and **moved** approval.
35

36 Caskey-Schreiber stated Erika Stroebel was a crucial part in getting this
37 agreement together. She spent over a year of her time negotiating this.
38

39 Crawford thanked Brandon Jordan, who took the initiative to speak out and
40 ask some good questions about the best use and what watershed protection really
41 meant. He thanked the County Council for allowing him to put this off for two
42 weeks.
43

44 ***Motion carried unanimously.***

45
46 **CONSENT AGENDA**
47

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1 **18. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
2 **AGREEMENT BETWEEN WHATCOM COUNTY AND GREG RUSTAND, INC.**
3 **FOR THE OFFSITE WORK RELEASE FACILITY, IN THE AMOUNT OF**
4 **\$529,250 FOR 2004 AND \$538,375 FOR 2005 (AB2003-409)**
5

6 McShane stated he missed this item in the Consent Agenda. He would have
7 abstained from voting on this item. He apologized to the Council. He's taken a
8 strong position on this item. The contract is with someone he's worked closely with
9 in the past and he considers a friend. Because of those reasons, it is hard for him
10 to be reasonable in his judgment on this issue.
11

12 **OTHER ITEMS**
13

14
15 **3. ORDINANCE AMENDING THE 2003 WHATCOM COUNTY BUDGET,**
16 **THIRTEENTH REQUEST (AB2003-385)**
17

18 **Crawford** reported for the Finance and Administrative Services Committee
19 and **moved** approval.
20

21 ***Motion carried unanimously.***
22

23 **4. RESOLUTION DECLARING FORMATION OF THE POINT ROBERTS PARK**
24 **AND RECREATION SERVICE AREA (AB2002-351D)**
25

26 **Brenner** reported for the Public Works and Capital Projects Committee and
27 stated this is an interesting dilemma. She **moved** to approve the resolution. The
28 resolution does not bind the County to any administration or costs in the future.
29 They can dissolve the service area if they choose.
30

31 The Council received a letter from the Port of Bellingham stating that they
32 have no intention of overseeing the construction of the pier. They are assuming
33 that the County is going to take over the construction. The County Council was
34 very clear that the County has no liability or responsibility for the funding of this
35 pier. She doesn't see any reason now why they formed this service area. They
36 already had a park district there. This could have been done through the existing
37 park district. No one ever brought to the Council's attention that they could have
38 done it through the existing park district, or that the County could get stuck being
39 the construction administrator. She's sure the Point Roberts people are sincere
40 about taking care of this so it won't become the County's responsibility. The
41 County needs to proceed with that understanding.
42

43 Crawford stated he is in favor of the motion. This is a step in a lengthy
44 process that has a lot of uncertainty, no matter how it ends up. Projects like this
45 happen with vision and leadership. It will take a number of years and a lot of effort
46 by a lot of people. The County Council has been supportive by letting the election
47 proceed. The measure was passed with a super-majority of voters in Point Roberts.

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1 It is now back to the County Council to affirm the vote and the formation of the
2 district. He volunteered, if needed, to be on a committee of folks to shepherd this
3 through the process. The Port reaffirmed it's commitment to this project. It's not a
4 contractual or legal commitment, but it is a part of the Port's economic
5 development efforts. They won't hesitate in helping. The primary issue now for the
6 special district is locating funds. The Port wants to help with that.

7
8 *(Clerk's Note: End of tape one, side B.)*
9

10 Caskey-Schreiber stated she was on the Public Works Committee when it
11 originally recommended this item. The reason the committee went this route was
12 because of the Port wanting it this way so it could help seek federal funds for this
13 project.
14

15 Brenner stated that doing this project through the existing park district
16 wouldn't have prevented the Port from making the same commitment. She doesn't
17 share Councilmember Crawford's optimism that the Port is as committed as it
18 sounded when it was in committee before. It sounds like the Port wants to turn the
19 administration and other dealings over to another agency, the County Council. If
20 they'd stuck with the park district, the park district has its own commissioners and
21 is an independent entity. With the recently approved service area, the County
22 Council is in charge. The County Council could set up an advisory committee to do
23 some of the same things, but it doesn't feel as authoritative as the park district
24 commissioners. She will approve because of the support of the people in Point
25 Roberts. She just doesn't want the County to get stuck administering pier
26 construction.
27

28 Nelson asked who would take care of the maintenance of the facility over the
29 long term.
30

31 Randy Watts, Chief Civil Deputy Prosecutor, stated that is the responsibility
32 of the service district. The service area has the ability to tax for maintenance of the
33 facility. It's a separate entity that has the County Council as its operating body.
34 The citizens have an opportunity to vote on tax levies. Once the dock is built,
35 maintaining it will be hard if the tax levy doesn't pass.
36

37 Brenner stated the problem wasn't ongoing maintenance. They had agreed
38 that, through the service area, the monies would come in and it would be
39 maintained by the Parks Department. The Council was adamant about not
40 administering pier construction.
41

42 ***Motion carried unanimously.***
43

44 **5. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
45 **MAP AND THE OFFICIAL WHATCOM COUNTY COMPREHENSIVE PLAN**
46 **MAP FOR SOME AREAS WITHIN THE LAKE WHATCOM WATERSHED**

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1 **(AS DEFINED ON THE OFFICIAL WHATCOM COUNTY ZONING MAP)**
2 **(AB2003-386)**

3
4 Fleetwood reported for the Planning and Development Committee and stated
5 the committee recommends amending the Planning Commission recommendation.
6 The Council will hold a public hearing on January 13, 2004.

7
8 **6. RESOLUTION FORWARDING A REQUEST TO THE WHATCOM COUNTY**
9 **AUDITOR TO INCLUDE THE QUESTION OF ANNEXATION OF THE CITY**
10 **OF BLAINE INTO FIRE DISTRICT 13 (IN ACCORDANCE WITH RCW**
11 **52.04) ON THE BALLOT AT THE NEXT SPECIAL ELECTION (AB2003-**
12 **388)**

13
14 *Nelson moved* to approve the resolution. He asked if this is the same
15 district they had before. He thought there was already an agreement with Fire
16 District #13 to provide protection. He asked why they are going through this.

17
18 Dave Cross, Fire District #13 Administrator, stated the contract is a five-year
19 contract that expires at the end of next year. The intent of the contract was to see
20 if the relationship between the fire district and City of Blaine would work. If it
21 works, they would go through the process of annexing the City into the fire district.
22 That's what they are doing. It eliminates the contract.

23
24 *Motion carried unanimously.*

25
26
27 **CONSENT AGENDA**

28
29 **31. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
30 **PUBLIC AUCTION, REQUEST #19-03 (AB2003-422)**

31
32 *Crawford moved* to change agenda language on item #31 to "by public
33 auction **negotiation**" rather than by public auction.

34
35 *Motion carried unanimously.*

36
37
38 **OTHER ITEMS**

39
40 **7. RESOLUTION NOTIFYING THE PUBLIC OF THE COUNCIL'S INTENT TO**
41 **FILL ONE VACANT POINT ROBERTS FIRE COMMISSIONER POSITION,**
42 **PER RCW 42.12 AND RCW 52.14 (AB2003-387)**

43
44 *McShane moved* to approve the resolution.

45
46 *Motion carried unanimously.*
47

1 **Brenner moved** to appoint Mr. Gallatly to the vacant position.
2

3 **Motion carried unanimously.**
4

5 **8. YEAR END APPOINTMENTS TO BOARDS AND COMMISSIONS IN**
6 **PREPARATION FOR THE YEAR 2004 (AB2003-315)**

7
8 Board Of Equalization - District 3
9

10 Roy nominated Jeff McKay and Mary Jane Anderson.

11
12 Brenner nominated Marlene Dawson and Jack Mulhern.

13
14 Crawford voted for McKay.

15
16 Caskey-Schreiber voted for Anderson.

17
18 Fleetwood voted for Anderson.

19
20 Nelson voted for McKay.

21
22 Brenner voted for McKay.

23
24 McShane voted for McKay.

25
26 Roy voted for McKay.

27
28 **Jeff McKay is appointed to the District 3 position.**
29

30 Board Of Equalization - At-Large
31

32 McShane nominated Marlene Dawson, Mary Jane Anderson, Linda James,
33 Jack Mulhern, and Chester Speziale.

34
35 Crawford voted for Dawson and Anderson.

36
37 Caskey-Schreiber voted for Anderson and James.

38
39 Fleetwood voted for Dawson and Anderson.

40
41 Nelson voted for Anderson and Dawson.

42
43 Brenner voted for Dawson and Anderson.

44
45 McShane voted for James and Anderson.

46
47 Roy voted for Anderson and James.

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1
2 ***Marlene Dawson and Mary Jane Anderson are appointed to the two***
3 ***alternate positions.***

4
5 Horticulture Pest and Disease Board

6
7 ***McShane nominated*** Duane Smith.

8
9 ***Nomination carried unanimously.***

10
11 Law and Justice Council

12
13 Caskey-Schreiber stated she would abstain from the vote. Her husband has
14 applied for the position.

15
16 Brenner asked if they can increase the membership of the Law and Justice
17 Council if it want this evening.

18
19 Dana Brown-Davis, Clerk of the Council, stated they cannot. They would
20 have to draft an ordinance.

21
22 Fleetwood nominated John Lesow.

23
24 Brenner nominated Greg Rustand.

25
26 Roy nominated Tom Schreiber. She asked if there are specific areas of
27 representation for the positions, and if there is currently a position for someone in
28 federal law enforcement. An audience member responded that there is not.

29
30 Crawford voted for Greg Rustand.

31
32 Fleetwood voted for Lesow.

33
34 Nelson voted for Rustand.

35
36 Brenner voted for Rustand.

37
38 McShane voted for Schreiber.

39
40 Roy voted for Schreiber.

41
42 McShane stated Mr. Lesow received only one vote, so Mr. Fleetwood would
43 have to revote for Mr. Rustand or Mr. Schreiber.

44
45 Fleetwood voted for Schreiber.

46
47 McShane stated there is a tie between Schreiber and Rustand.

1
2 **Brenner moved** to hold in Council until they can create a new ordinance
3 expanding the membership by one member. Both of the applicants have important
4 qualifications to bring to the committee. One has federal law enforcement
5 experience. The other operates the local low-impact offender facility.
6

7 Nelson asked if the current member would stay on the committee.
8

9 Brown-Davis stated they could extend the current member's membership.
10

11 Crawford stated he would be glad to change his vote if they could expand
12 the membership.
13

14 Pete Kremen, County Executive, stated there are two issue, who to appoint
15 and the composition of the council. There are 31 members. There are a lot of
16 members on this council. One of the appointees is appointed by the County
17 Council. The composition of the council is another issue.
18

19 **Motion failed 1-5-1 with Caskey-Schreiber abstaining.**
20

21 Crawford recommended they vote again. He voted for Schreiber.
22

23 Fleetwood voted for Schreiber.
24

25 Nelson voted for Rustand.
26

27 Brenner voted for Rustand.
28

29 McShane voted for Schreiber.
30

31 Roy voted for Schreiber.
32

33 **Tom Schreiber is appointed.**
34

35 Open Space Advisory Committee
36

37 **McShane nominated** Chris Hatch.
38

39 **Nomination carried unanimously.**
40

41 Planning Commission - District 2
42

43 Crawford nominated George Volker
44

45 Caskey-Schreiber nominated Barbara Dykes and Kenneth Mann. This was an
46 outstanding applicant pool. She asked that the applicants who are not appointed
47 reapply for the vacancy in one year.

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1
2 McShane asked if there are any openings on the Technical Advisory
3 Committee right now. Any one of these three applicants would be extremely good
4 on that committee.

5
6 Hal Hart, Planning and Development Services Director, stated there are
7 openings on the Technical Advisory Committee.

8
9 Crawford voted for Volker.

10
11 Caskey-Schreiber voted for Mann.

12
13 Fleetwood voted for Volker.

14
15 Nelson voted for Volker.

16
17 Brenner voted for Mann.

18
19 McShane voted for Mann.

20
21 Roy voted for Mann.

22
23 ***Kenneth Mann is appointed.***

24
25 Portage Bay Shellfish Protection District Advisory Committee

26
27 ***McShane nominated*** David Nock.

28
29 ***Nomination carried unanimously.***

30
31 Solid Waste Advisory Committee - Citizen, Public Interest, and Business/Industry

32
33 ***McShane moved*** to appoint Rodd Pemble as the citizen representative, Ted
34 Matts as the public interest group representative, and Brian Johnston as the
35 Business/Industry representative.

36
37 Crawford stated Mr. Pemble works for Sanitary Service Company.

38
39 McShane stated Mr. Pemble is already serving as the citizen representative.

40
41 ***Motion carried unanimously.***

42
43 Surface Mining Advisory Committee - Surface Mining Material User

44
45 ***McShane nominated*** Cleo Callen for the Surface Mining Material User
46 position.

47

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1 ***Nomination carried unanimously.***

2
3 Surface Mining Advisory Committee - Surface Mining Industry

4
5 ***Nelson moved*** to appoint Alvin Starkenburg.

6
7 ***Motion carried unanimously.***

8
9 Surface Mining Advisory Committee - Geologist

10
11 ***Nelson moved*** to appoint R. Scott Babcock.

12
13 ***Motion carried unanimously.***

14
15 Surface Mining Advisory Committee - Potable Domestic Groundwater Supply

16
17 ***Nelson moved*** to appoint Peter Willing.

18
19 ***Motion carried unanimously.***

20
21 Utilities Planning and Advisory Committee - District 1

22
23 ***Nelson moved*** to appoint John Wilson.

24
25 ***Motion carried unanimously.***

26
27 Utilities Planning and Advisory Committee - District 2

28
29 ***McShane moved*** to appoint Ben Denson and David Miller.

30
31 ***Motion carried unanimously.***

32
33 Water Conservancy Board

34
35 ***McShane moved*** to appoint Doug Campbell.

36
37 ***Motion carried unanimously.***

38
39
40 **9. APPOINTMENTS TO THE FLOOD CONTROL ZONE DISTRICT ADVISORY**
41 **COMMITTEE AND SUB-ZONES (AB2003-315A)**

42
43 Countywide Flood Control Zone District Advisory Committee

44
45 ***Crawford moved*** to appoint all nine applicants for the positions in which
46 they applied.

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1 **Motion carried unanimously.**

2
3 Acme/Van Zandt Flood Control Subzone Advisory Committee

4
5 **McShane moved** to appoint Robert Knudsen and Chris Hatch.

6
7 **Motion carried unanimously.**

8
9 Lynden/Everson Flood Control Subzone Advisory Committee

10
11 **McShane moved** to appoint Ron Bronsema and Sherman Polinder.

12
13 **Motion carried unanimously.**

14
15 Sumas/Everson/Nooksack Flood Control Subzone Advisory Committee

16
17 **McShane** stated a note from the Public Works Department says there is a
18 vacancy due on this committee due to a resignation. The department recommends
19 that Richard Adams be appointed to the Flood Control Zone District alternate list,
20 from which the Public Works Department can appoint him to fill the partial term.
21 He **nominated** Jerry Juergens and Michael Parker to the subzone.

22
23 **Nomination carried unanimously.**

24
25 McShane stated the Council already appointed Richard Adams to the Flood
26 Control Zone District Advisory Committee alternate list.

27
28 **10. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
29 **JAY CLEMENTS AND CHERI KILTY TO THE BELLINGHAM-WHATCOM**
30 **COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE (AB2003-423)**

31
32 **McShane moved** to confirm the appointments.

33
34 **Motion carried unanimously.**

35
36 **11. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
37 **RON AKESON AND BOB CECILE TO THE MARINE RESOURCE**
38 **COMMITTEE (AB2003-424)**

39
40 **McShane moved** to confirm the appointments.

41
42 **Motion carried unanimously.**

43
44 **12. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
45 **SANDRA ABERNATHY, JONATHAN MCGRATH AND THOMAS YOST TO**
46 **THE DEVELOPMENTAL DISABILITIES BOARD (AB2003-425)**

1 **Nelson moved** to confirm the appointments.
2

3 **Motion carried unanimously.**
4

5 **13. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
6 **DAVID DETERMAN TO THE BICYCLE/PEDESTRIAN ADVISORY**
7 **COMMITTEE (AB2003-426)**
8

9 **Fleetwood moved** to confirm the appointment.
10

11 **Motion carried unanimously.**
12

13 **14. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
14 **KYLE HAGGITH, CHAD SCHULHAUSER AND PAT JONES TO THE**
15 **DEVELOPMENT STANDARDS TECHNICAL ADVISORY COMMITTEE**
16 **(AB2003-427)**
17

18 **Brenner moved** to confirm the appointments.
19

20 **Motion carried unanimously.**
21

22 **15. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
23 **DAN TAYLOR AND ROBERT MCKISSICK TO THE PARKS AND**
24 **RECREATION COMMISSION (AB2003-428)**
25

26 **Crawford moved** to confirm the appointments.
27

28 **Motion carried unanimously.**
29

30 **16. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
31 **AMORY PECK TO THE RURAL LIBRARY BOARD (AB2003-429)**
32

33 **Roy moved** to confirm the appointment.
34

35 **Motion carried unanimously.**
36

37 **17. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
38 **MARTIN CHESS TO THE SUBSTANCE ABUSE ADVISORY BOARD**
39 **(AB2003-430)**
40

41 **Crawford moved** to confirm the appointment. Mr. Chess may be the most
42 contentious member of the board, and also one of the most insightful members
43 with the greatest contribution.
44

45 **Motion carried unanimously.**
46

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1 **18. REQUEST CONFIRMATION OF THE EXECUTIVE’S REAPPOINTMENT OF**
2 **JOHN GILLIES, RUSSELL SIMONSON AND JOHN STEENSMA TO A**
3 **SECOND TERM, AND THE APPOINTMENT OF JESSE WILLIAMS AND**
4 **BILL DEGROOT TO SERVE PARTIAL FIRST TERMS ON THE**
5 **AGRICULTURE ADVISORY COMMITTEE (AB2003-431)**

6
7 *Caskey-Schreiber moved* to confirm the appointments.

8
9 *Motion carried unanimously.*

10
11 **19. REQUEST CONFIRMATION OF THE EXECUTIVE’S APPOINTMENT OF**
12 **EMIL BAIJOT AND WILLIAM MITCHELL TO THE COUNTY APPEALS**
13 **BOARD (AB2003-432)**

14
15 *Brenner moved* to confirm the appointments.

16
17 *Motion carried unanimously.*

18
19 **20. REQUEST CONFIRMATION OF THE EXECUTIVE’S REAPPOINTMENT OF**
20 **IAN BROOKS TO THE MENTAL HEALTH ADVISORY BOARD (AB2003-**
21 **433)**

22
23 *Brenner moved* to confirm the appointment. Mr. Brooks is one of her
24 favorite people on the board. He is always at the meetings and is very insightful
25 and informative on the consumer’s point of view.

26
27 *Motion carried unanimously.*

28
29 **21. APPROVAL OF MEETING DATES FOR SPECIAL “STANDING” COUNCIL**
30 **MEETINGS (HEALTH BOARD, JOINT LAKE WHATCOM MANAGEMENT**
31 **COMMITTEE, AND WATER RESOURCE WORK SESSIONS) (AB2003-**
32 **389)**

33
34 *Brenner moved* to approve the meeting dates.

35
36 Nelson stated there was some discussion about the joint Lake Management
37 Committee meetings that he would like to continue regarding the productivity of
38 the meetings.

39
40 McShane stated there may be a way for the Councils and Commissioners to
41 set the agenda. The meetings haven’t been productive. He suggested they put
42 this discussion into the Natural Resources Committee.

43
44 Fleetwood asked if a facilitator could chair the meetings if that were to occur.

45
46 McShane stated that’s something the Natural Resources Committee can talk
47 about.

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1
2 ***Motion carried unanimously.***
3
4

5 **COMPREHENSIVE PLAN AMENDMENTS**
6

7 **1. ORDINANCE ADOPTING AMENDMENTS TO THE ENVIRONMENT**
8 **CHAPTER OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**
9 **(CHAPTER 11) (AB2003-075D)**

10
11 *(Clerk's Note: End of tape two, side A.)*
12

13 Roy reported for the Natural Resources Committee and stated there are
14 many amendments, so a public hearing will be scheduled.
15

16 **2. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
17 **COMPREHENSIVE PLAN AND ZONING ORDINANCE RELATING TO**
18 **ESSENTIAL PUBLIC FACILITIES (AB2003-075B)**
19

20 Brenner reported for the Public Works and Capital Facilities Committee and
21 stated this item is held in committee.
22

23 **3. ORDINANCE ADOPTING AMENDMENTS TO THE INTRODUCTION**
24 **CHAPTER OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**
25 **(AB2003-075A)**
26

27 Fleetwood reported for the Planning and Development Committee and stated
28 there are amendments so a public hearing will be scheduled.
29
30

31 **INTRODUCTION ITEMS**
32

33 ***Crawford moved*** to accept the Introduction Items, with the amendment to
34 the agenda title for item 11, request #19-03, "...public-auction **negotiation**...."
35

36 ***Motion carried 6-1 with Caskey-Schreiber opposed.***
37

38 **1. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
39 **REQUEST #09-03 (AB2003-412A)**
40

41 **2. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
42 **REQUEST #10-03 (AB2003-413A)**
43

44 **3. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
45 **REQUEST #11-03 (AB2003-414 A)**
46

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1 **4. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
2 **REQUEST #12-03 (AB2003-415A)**

3
4 **5. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
5 **REQUEST #13-03 (AB2003-416A)**

6
7 **6. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
8 **REQUEST #14-03 (AB2003-417A)**

9
10 **7. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
11 **REQUEST #15-03 (AB2003-418A)**

12
13 **8. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
14 **REQUEST #16-03 (AB2003-419A)**

15
16 **9. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
17 **REQUEST #17-03 (AB2003-420A)**

18
19 **10. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
20 **REQUEST #18-03 (AB2003-421A)**

21
22 **11. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
23 **REQUEST #19-03 (AB2003-422A)**

24
25 **OTHER BUSINESS**

26
27 There was no other business.

28
29
30 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

31
32 Crawford stated there are many people in the community who let him know
33 that they appreciate the County Council, with its diversity of opinions and
34 perspectives, as one of the better County Councils that this County has seen. He
35 thanked the councilmembers for putting up with his political views.

36
37 Caskey-Schreiber stated she's looking forward to the new year.

38
39 Fleetwood stated he and other councilmembers are halfway through their
40 first term. The experience has been a pleasure.

41
42 Brenner wished everyone Happy Holidays.

43
44 Nelson stated a health policy briefing was presented to the Council by the
45 Health Access Committee. He attended today's Health Access Committee meeting
46 that included State legislators. He has information on policy issues from the
47 meeting if anyone is interested.

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1
2 Roy wished everyone a nice holiday. She's developed an appreciation for
3 how difficult it must have been for some councilmembers who had three new
4 councilmembers thrust upon them. They get used to working together as a group.
5 She understands now how difficult it would be to put three new people on the
6 Council and appreciates the adjustment.
7

8 McShane stated this is one of the best places he's ever worked. Marina
9 Engels and Dana Brown-Davis have made a difference and have made life in this
10 office very nice.
11

12
13 **ADJOURN**

14
15 The meeting adjourned at 9:30 p.m.
16
17

18 _____
19 Jill Nixon, Minutes Transcription
20

21 These minutes were approved by Council on January 13, 2004.
22

23 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

24
25
26
27
28 _____
29 Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair