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1 WHATCOM COUNTY COUNCIL
2 **Finance and Administrative Services Committee**
3

4 December 9, 2003
5

6 The meeting was called to order at 11:08 a.m. by Committee Chair Sam
7 Crawford in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.
8

9 Present:

10 L. Ward Nelson

11 Sharon Roy
12

Absent:

None

13 Also Present:

14 Barbara Brenner

15 Laurie Caskey-Schreiber
16
17
18

19 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**
20

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

28 Crawford read a letter into the record. There were 22 lots in question. Of
29 those, one has an adjacent property owner interested in purchasing the adjacent
30 lot. The Sudden Valley Community Association prefers that three of these lots have
31 restrictive covenants. This leaves 18 lots with considerable value, more than
32 \$300,000.
33

34 A property owner with holdings in the Lake Whatcom watershed has been
35 contacted about using this amount of money to purchase a restrictive covenant that
36 would not allow any future development on 80 acres currently zoned rural, one unit
37 per five acres (R5A). That party is interested in pursuing this negotiation. That
38 proposal would eliminate 16 potential home sites as a tradeoff for these 18, but
39 those 16 home sites would require infrastructure such as roads, septic, and tree
40 clearing in undeveloped areas around the lake. On the other hand, the proposed
41 18 lots are already serviced with this infrastructure.
42

43 Approve the tax title redemption in cooperation with the City of Bellingham
44 and Water District #10 without these 18 lots, for a total of 65 lots. The transfer
45 and restrictive covenants on the 65 lots can proceed. Should they not be able to
46 trade the 18 lots in the future, they can revert back to conveying them to the
47 Sudden Valley Community Association. This will give them a chance to pursue the

1 best benefit for the money invested in watershed protection, while not stalling the
2 process of transferring the 65 lots they know they want to transfer.

3
4 **Nelson moved** to approve the sale of 65 of the 83 lots. He liked the
5 proposal. Hold the 18 lots if this is something they can work out. They can always
6 convey the other 18 back to Sudden Valley. Also, Sudden Valley may like to collect
7 the dues from those 18 lots. He also liked the opportunity to remove the 80 acres
8 from development potential in the watershed. He'd like to know the location and
9 impact of the 80 acres.

10
11 Steve Greiser, Sudden Valley Community Association General Manager,
12 stated this sounds like an option worth looking at, but the information is
13 misleading. He never identified three lots that he wanted held out. The lots on the
14 list are ranked in terms of the ability to be built upon. All the lots on the list were
15 rated the worst for building on. They are all steep lots that meet the County's land
16 acquisition criteria. That's why they were all put together in a package.

17
18 It sounds like they're talking about transfers of development rights (TDR)
19 within the watershed. The idea was always to transfer the rights out of the
20 watershed, not within the watershed. They have to look at the fact that Sudden
21 Valley was exempted from the TDR program originally because of its density
22 reduction program. Sudden Valley won't bid against someone for lots. If someone
23 wants to bid for a higher amount for these lots, they can. These are not desirable
24 chunks of land that can be built on. They're steep lots.

25
26 Crawford asked Mr. Greiser to characterize a recent meeting with a property
27 owner. Greiser stated he met with Brandon Jordan. Mr. Jordan wrote a list of
28 properties just by looking at the entire list. It didn't seem that Mr. Jordan put in a
29 lot of forethought.

30
31 Caskey-Schreiber stated she agreed with Mr. Greiser. The arrangement
32 among the City of Bellingham, Water District #10, the Sudden Valley Community
33 Association, and Whatcom County took a lot of time to develop. It equates to
34 everyone paying \$220 to remove a development right from a very dense area. The
35 slopes are the risk to the watershed. All these areas are sloped. There are still
36 over 900 Sudden Valley lots to be developed. Don't undermine this partnership.
37 This won't be the only density reduction plan they will see. She hoped there is
38 another plan in the works. There will be a significant tax burden to the County if
39 900 more homes are developed in Sudden Valley. The County still has to provide
40 services to that area. She read recently that it costs \$10,000 to \$15,000 to provide
41 services to areas outside of an urban area, versus \$3,000 to provide services to
42 areas in a city. This is an excellent example of everyone working together.

43
44 Nelson stated the County worked with Sudden Valley on density reduction for
45 many years without the support of the City of Bellingham. He asked if the Sudden
46 Valley Community Association Board of Directors were concerned about not
47 reducing the dues collected from a density reduction program to the point where

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1 they can't support their infrastructure. Greiser stated the original target was 1,400
2 lots. The new group of lots will put them close to that target. The board recently
3 talked about whether they should establish a new goal. The decision was that they
4 have to put a series of policies in place to continue the density reduction program.
5 The program will continue until the board changes those policies.
6

7 Nelson stated he doesn't understand the problem with transferring
8 development rights. The lots are already there and platted. They aren't
9 transferring additional density to Sudden Valley. Greiser stated the program is
10 about reducing the ability to build, not about transferring density.
11

12 Nelson stated the density will be either in Sudden Valley, where they already
13 have infrastructure, or on the 80 acres that doesn't have the infrastructure. The
14 density is in the watershed. It's not a transfer of development rights. They will
15 either reduce the density in Sudden Valley or at the 80 acres. He asked if the
16 Sudden Valley board has identified these or other lots. Greiser stated it doesn't
17 matter. Sudden Valley takes the lots and puts them in a pool of lots. Some of the
18 lots they sell because they are less critical for watershed protection. Other lots
19 they restrict. On any of these tax lots, Sudden Valley acquires the lots and agrees
20 to put a restrictive covenant on the same number of lots. They may not be the
21 same lots that are purchased in the sale, but they are the same number of lots.
22

23 Brenner stated the Sudden Valley Community Association is concerned about
24 water quality. She asked what the community association would think about a deal
25 like this if the trade was a wash. Greiser stated it sounds like a proposal like this
26 could reduce the amount of impervious surfaces. Theoretically, it increases density
27 in Sudden Valley. Eventually, they will probably have 18 other lots they'll get
28 through donations or the next tax sale. His biggest concern is that these lots have
29 been floating for a long time. The County is not collecting tax revenue. The
30 community association is not collecting dues. Everyone is working hard to clean up
31 these loose ends. Everyone worked for over a year to put this agreement together.
32 If there are 18 lots that the County thinks it can sell, then do so. Put a time limit
33 on how long this will last. He may have different board members or not enough
34 money to buy these lots in the future if the County can't sell them. It took a long
35 time to get this agreement together between these four entities. They may all be
36 on a different page in six months.
37

38 Roy stated she won't support the motion for that reason. It seems they are
39 leaping to satisfy someone's speculative nature. Mr. Greiser's analysis of the value
40 of the lots seems to be quite different from the individual making the proposal. The
41 amount of work that went into developing the agreement with everyone,
42 categorizing the lots, and doing other work should not be upset because of this one
43 request. Any individual has a right to go to the auction.
44

45 Brenner stated she thought they weren't going to put these in the auction.
46

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1 Roy stated they're not. Other properties will be in the auction. There are
2 other opportunities out there.

3
4 Erika Stroebel, Resources Planner, stated these lots would go to a public
5 auction, but with a restrictive covenant. If there are lots they are considering
6 outside of Sudden Valley, those densities could be applied to the TDR program.
7 Those densities could be transferred outside the watershed. There are other
8 options that wouldn't require a transfer within the watershed.

9
10 Crawford stated he agrees with everything Councilmembers Caskey-
11 Schreiber and Roy said. There is a sense of urgency that is greater than what he
12 thought there would be. His concern is not to satisfy one speculative developer.
13 His concern is to make certain they are pursuing the best benefit for the money
14 invested. Don't make assumptions about how much work people have put into
15 things as opposed to doing what's right for environmental protection and on behalf
16 of the taxpayers. He was also unaware of Sudden Valley's rating system, and that
17 these lots were categorized as the worst for development. Greiser stated the rank
18 is based mostly on slope. It's not done by experts, but it's a quick view of the lots.

19
20 ***Nelson withdrew his motion.***

21
22 ***Nelson moved*** to recommend approval. He'd still like to see specifics from
23 the proponents.

24
25 Stroebel stated the old version of the agreement is included in the Council
26 packet. There is a new version she distributed two weeks ago at the previous
27 committee meeting. There was further information in Exhibit A describing the
28 minimum bid prices and clarifications in the text of the agreement.

29
30 ***Nelson amended his motion*** to recommend approval of the substitute
31 version of the agreement submitted two weeks ago.

32
33 ***Motion carried unanimously.***

34
35 **2. ORDINANCE AMENDING THE 2003 WHATCOM COUNTY BUDGET,**
36 **THIRTEENTH REQUEST (AB2003-385)**

37
38 Brad Bennett, Finance Division Manager, stated this appropriates
39 expenditures related to grants.

40
41 Crawford asked if any aren't grant-funded and are funded from the general
42 fund. Bennett stated the Public Defender has a \$10,000 appropriation.

43
44 ***Nelson moved*** to recommend approval to the full Council.

45
46 Jon Ostlund, Public Defender, stated the supplemental budget request was
47 made to cover certain items through the remainder of the year. One item is

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1 professional services court evaluations, in the total amount for the year of \$63,500.
2 Another item is for interpreters, in the total amount for the year of \$12,995. He is
3 overextended for those two items by \$11,000. He will use money from other line
4 items, even if this is approved. The interpreter service is self-explanatory. The
5 County must provide interpreters for interviews and court appearances. The other
6 item is also tied to the types and number of cases they get. Because of the
7 dramatic increase in felony cases, he went over budget.

8
9 Nelson asked the number of less lethal force weapons that are being
10 purchased and the cost for each.

11
12 Marvette Gwinner, Accountant, stated the weapons cost about \$850 each.
13 They are trying to outfit every deputy with a weapon. They purchased ten. They
14 will purchase more with this grant.

15
16 Nelson asked if the officers purchase their own weapons. Gwinner stated the
17 Sheriff's Office purchases the weapons.

18
19 Nelson asked how the officers carry the weapon. They typically sit in the
20 trunk. He is concerned about this purchase. It's appropriate that these weapons
21 be available to the officers. He'd like to know how often they're used. He'd also
22 like to see the policy for using the items and how officers are trained. Gwinner
23 stated officers have already been trained.

24
25 Crawford stated he doesn't question the purchase as long as he understands
26 the funding. Gwinner stated this is money the Sheriff's Office got from Lummi Law
27 and Order from the casino.

28
29 Crawford stated the money is discretionary. This is the need that was
30 identified by the Sheriff. He doesn't have any problem with it.

31
32 Roy stated she takes exception to Councilmember Nelson's characterization
33 of these. They need to show respect for the professionalism of all the department
34 heads. Assume there is a professional reason for making this request. Make
35 assumptions in terms of the fact that the weapons won't sit in the trunk. The
36 Sheriff and his officers know that if they are buying expensive equipment, it will be
37 used appropriately.

38
39 Nelson asked if Councilmember Roy would make that assumption on all
40 requests from staff.

41
42 Roy stated she would assume that when department heads come to her,
43 they have policies and procedures for equipment they want to buy, and she would
44 make that assumption.

45
46 Nelson stated he doesn't make that assumption.
47

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1 Caskey-Schreiber stated she agrees with Councilmember Roy. This purchase
2 is something the Sheriff has deemed quite important if he is willing to stock every
3 deputy with the weapon. It could save the County in the long run in their arrest
4 procedures. These weapons are very effective in getting someone under control.
5

6 Brenner stated she discussed this issue with the Sheriff's Office. She is
7 comfortable with the request.
8

9 Nelson stated he approves of the use of the weapon. His concern is in how
10 they are going to be used and if there are other things they can use this funding
11 for. He wants to see how they are going to be used. There are legal ramifications
12 for using these weapons.
13

14 ***Motion carried unanimously.***
15

16
17 **COUNCIL "CONSENT AGENDA" ITEM**
18

- 19 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
20 **CONTRACT ADDENDUM BETWEEN WHATCOM COUNTY AND DR.**
21 **GRANT DEGER, M.D. TO RENEW THE CURRENT JAIL PHYSICIAN**
22 **SERVICES CONTRACT FOR ONE YEAR AND ADDRESS A COST OF**
23 **LIVING INCREASE IN THE AMOUNT OF \$850 FOR A TOTAL AMENDED**
24 **CONTRACT IN THE AMOUNT OF \$42,850 (AB2003-392)**
25

26 ***Nelson moved*** to recommend approval.
27

28 ***Motion carried unanimously.***
29

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

36 ***Roy moved*** to recommend approval of Consent Agenda items two and
37 three.
38

39 ***Motion carried unanimously.***
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)**

1
2 See Consent Agenda item two.
3

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

10
11 *Roy moved* to recommend approval.
12

13 *Motion carried unanimously.*
14

- 15 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
16 **LEAD ENTITY OPERATIONAL GRANT CONTRACT BETWEEN WHATCOM**
17 **COUNTY AND WASHINGTON DEPARTMENT OF FISH AND WILDLIFE**
18 **TO SUPPORT CORE SALMON RECOVERY FUNCTIONS IN WRIA 1 FOR**
19 **THE PERIOD JULY 1, 2003 THROUGH JUNE 30, 2004, IN THE AMOUNT**
20 **OF \$65,000 (AB2003-396)**
21

22 Crawford asked if this is a continuation of what they're already doing.
23

24 John Thompson, Resources Planner/Endangered Species Act, stated this is a
25 continuation of lead entity program from previous years. The primary function is to
26 shepherd the Salmon Recovery Funding Board grants through the process.
27

28 *Nelson moved* to recommend approval.
29

30 *Motion carried unanimously.*
31

- 32 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
33 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
34 **CITY OF BELLINGHAM FOR RENEWAL OF OPERATION OF THE**
35 **LAKEWAY YARDWASTE COLLECTION FACILITY, IN THE AMOUNT OF**
36 **\$120,000 (AB2003-397)**
37

38 *Nelson moved* to recommend approval.
39

40 Jeff Monsen, Public Works Director, stated he's not certain this will be
41 enough to complete the work. If an adjustment is needed next year, it will probably
42 fall within the administrative capacity.
43

44 *Motion carried unanimously.*
45

- 46 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
47 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**

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1 **BURLINGTON ENVIRONMENTAL, INC., A SUBSIDIARY OF PHILIP**
2 **SERVICES CORPORATION, TO OPERATE THE MODERATE RISK WASTE**
3 **FACILITY IN THE AMOUNT OF \$287,996 ANNUALLY, OR \$863,988**
4 **FOR THE THREE YEAR TERM (AB2003-398)**

5
6 *Nelson moved* to recommend approval.

7
8 *Motion carried unanimously.*

9
10 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
11 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
12 **DEPARTMENT OF ECOLOGY TO CONDUCT NEW AND ONGOING**
13 **ASSESSMENTS OF HAZARDOUS WASTE DISPOSAL SITES AND**
14 **POTENTIAL SITES IN WHATCOM COUNTY; THE GRANT ALSO**
15 **PROVIDES FUNDS FOR THE RESPONSE, ASSESSMENT AND CONTROL**
16 **OF NEWLY DISCOVERED CLANDESTINE METHAMPHETAMINE DRUG**
17 **LABS, FOR A TERM OF JULY 1, 2003 THROUGH JUNE 30, 2005, IN THE**
18 **AMOUNT OF \$144,760 (AB2003-399)**

19
20 *Roy moved* to recommend approval.

21
22 Caskey-Schreiber asked if this is in anticipation of labs being discovered, or if
23 there are already labs they have discovered.

24
25 Don Vesper, Environmental Health Services Supervisor, stated it is for the
26 contaminated sites. Those sites are reported to the Health Department.

27
28 *(Clerk's Note: End of tape one, side A.)*

29
30 Vesper continued to state that this is a scope of work they negotiated with
31 the Department of Ecology, based on historical patterns.

32
33 *Motion carried unanimously.*

34
35 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
36 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND BENNETT**
37 **ENGINEERING, LLC FOR PHASE IV, Y ROAD LANDFILL ASSESSMENTS,**
38 **IN THE AMOUNT OF \$72,511.39 (AB2003-400)**

39
40 Jeff Monsen, Public Works Director, stated this agreement is a continuation
41 and to bring closure of the Y Road landfill. They will begin to design solutions that
42 will prevent any problems in the future. The scope of work is reduced from the
43 original scope suggested in phases I and II, because of the limited contamination
44 and limited movement of those contaminants.

45
46 Caskey-Schreiber stated they've already done studies of this area and didn't
47 find a big connection. She asked why they will minimize with the money. Monsen

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1 stated a significant portion of the cost is to collect samples and do ongoing
2 monitoring. The County will have to continue to monitor the site. There is a limited
3 amount of money that is for potential reduction.
4

5 Crawford asked the source of the funds. Monsen stated the funds come
6 through the solid waste fund primarily from the excise tax charged against
7 collection services. The State obligates the County to have a reserve, which is in
8 the solid waste fund.
9

10 ***Nelson moved*** to recommend approval.
11

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

14 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
15 **PROFESSIONAL SERVICE CONTRACT BETWEEN WHATCOM COUNTY**
16 **AND DAVID EVANS AND ASSOCIATES, INC. FOR RIGHT-OF-WAY**
17 **ACQUISITION FOR SUNRISE ROAD PROJECT FROM BIRCH BAY-**
18 **LYNDEN ROAD TO WEST BADGER ROAD, IN THE AMOUNT OF**
19 **\$111,616 (AB2003-401)**
20

21 ***Nelson moved*** to recommend approval. He thanked Joe Rutan for the fine
22 presentation of information.
23

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

26 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
27 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND LINSLEY,**
28 **KRAEGER ASSOCIATES, LTD. INCREASING THE SCOPE OF SERVICES**
29 **AND CONTRACT AMOUNT TO INCLUDE ADDITIONAL TASKS AND**
30 **COSTS TO CONTINUE UNSTEADY FLOW MODELING OF THE LOWER**
31 **NOOKSACK RIVER IN ACCORDANCE WITH THE ADOPTED**
32 **COMPREHENSIVE FLOOD HAZARD MANAGEMENT PLAN, IN THE**
33 **AMOUNT OF \$149,200, FOR A TOTAL AMENDED CONTRACT IN THE**
34 **AMOUNT OF \$672,960 (AB2003-402)**
35

36 ***Roy moved*** to recommend approval.
37

38 Nelson asked if the modeling was done on the upper Nooksack River.
39

40 Paula Cooper, River and Flood Division Manager, stated the modeling was
41 developed for the lower Nooksack River. They have not done a model for the upper
42 Nooksack River. They're modeling from Deming to Bellingham Bay. They put the
43 gauge record in at Deming. Unfortunately, the gauge record at Deming is flawed.
44 That's been the challenge over the last three years. One way to get the model on
45 the lower Nooksack is to develop a hydrologic model of the upper watershed.
46 However, because there is a gauge at Deming, they've used that.
47

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1 Nelson asked if they are going to get an accurate model without the
2 information from the upper Nooksack. Cooper stated they've been able to use the
3 Ferndale gauge on the overflows to back out a hydrograph for Deming. They've
4 been able to model three flood events with this model. They want to run the latest
5 floods through the model.

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

8
9 **12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
10 CLEAN WATER SECTION 319 NONPOINT SOURCE FUND GRANT
11 AGREEMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON
12 DEPARTMENT OF ECOLOGY FOR RIPARIAN REVEGETATION
13 PROGRAM, IN THE AMOUNT OF \$166,667 (AB2003-403)**

14
15 Paula Cooper, River and Flood Division Manager, asked to withdraw this
16 item. The State was not able to complete review. She hopes to start spending this
17 grant on January 5. She requested prior authorization from the State to do that.
18 They would have to enter into a small contract with the Conservation District
19 through the Executive's Office. She will come back with the grant agreement and
20 amendment with the Conservation District until January.

21
22 Roy asked the latitude staff has in terms of projects for which they request
23 funding. She asked if they all have to be riparian projects. Cooper stated this is a
24 Clean Water Act grant so it has to be applied to riparian areas.

25
26 Roy asked if this requires follow up on the plantings. Cooper stated they
27 maintain the plantings.

28
29 Roy stated the follow up is very important.

30
31 **13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
32 CONTRACT RENEWAL BETWEEN WHATCOM COUNTY AND BOSMAN,
33 INC. FOR CARD LOCK FUELING SYSTEM, EXTENDING THE TERM FROM
34 NOVEMBER 1, 2003 THROUGH OCTOBER 31, 2005 (AB2003-404)**

35
36 ***Nelson moved*** to recommend approval.

37
38 ***Motion carried unanimously.***

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

1 **Nelson moved** to recommend approval of the repairs.
2

3 Mike Russell, Facilities Division Supervisor, stated the repairs are to the
4 outside of the building. Water is getting behind the exterior, and sections are falling
5 off. They are cleaning it off, finding out what's loose, making repairs to the loose
6 material, and sealing and painting the building.
7

8 Nelson asked if this work is for the wall itself, or includes the roof. Russell
9 stated the roof has been repaired.
10

11 Crawford asked if there has been any discussion or thought about the other
12 bids being within the same range, and this bidder being so much lower. Russell
13 stated it is a reasonable price for this material. They have no idea how much
14 material will need to be replaced. This is the same process they used for replacing
15 the roof insulation.
16

17 **Motion carried unanimously.**
18

19 **15. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #03-**
20 **84 TO THE LOWEST RESPONSIVE BIDDER, PUGET SOUND PAINTING,**
21 **FOR PAINTING WITHIN THE INTERIOR OF THE COURTHOUSE, IN AN**
22 **AMOUNT NOT TO EXCEED \$60,000 (AB2003-406)**
23

24 Mike Russell, Facilities Division Supervisor, stated they are going to repaint
25 two and a half floors of the courthouse. It has been several years since the interior
26 was done. They are going to start on the sixth floor and work their way down. The
27 County will pick the paint and the times they paint. The bidder will supply the paint
28 to the County's specification.
29

30 Brenner stated she doesn't see where the courthouse interior needs
31 repainting. Russell stated he would show her areas that need repainting.
32

33 **Roy moved** to recommend approval.
34

35 **Motion carried unanimously.**
36

37 **16. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #03-**
38 **85 TO THE LOWEST RESPONSIVE BIDDER, PIONEER MASONRY**
39 **RESTORATION CO., FOR NEW DECK COATING IN THE SALLY PORT OF**
40 **THE JAIL, IN THE AMOUNT OF \$55,182 (AB2003-407)**
41

42 **Nelson moved** to recommend approval. He asked when this was done last.
43

44 Mike Russell, Facilities Division Supervisor, stated the Council approved this
45 item once before, but the company backed out of the contract. It didn't get done.
46 A deck coating was put on ten years ago, but it didn't go.
47

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

3 **17. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
4 **PURCHASE AND SALE AGREEMENT BETWEEN WHATCOM COUNTY AND**
5 **BLACK ROCK CABLE FOR 24-STRAND FIBER OPTIC CABLE**
6 **CONNECTING THE COURTHOUSE TO THE NORTHWEST ANNEX**
7 **FACILITY, IN THE AMOUNT OF \$58,000, AS WELL AS A JOINT**
8 **OPERATING AGREEMENT BETWEEN WHATCOM COUNTY AND BLACK**
9 **ROCK CABLE FOR MAINTENANCE OF THE FIBER OPTIC SYSTEM**
10 **(AB2003-408)**

11
12 Crawford stated he thought the Public Utility District (PUD) was going to do
13 this work.

14
15 Jeff Monsen, Public Works Director, stated there was a supplemental budget
16 request in April to purchase fiber from the PUD. The PUD's ability to provide the
17 material to the County depended on an agreement between the PUD and Black Rock
18 Cable. The PUD recommended the County go directly to Black Rock Cable rather
19 than use the PUD as an intermediary. The current rate to lease these lines would
20 be in excess of \$200,000 for ten years. The County is able to buy the material for
21 \$58,000.

22
23 Brenner stated she heard comments from people that there was some kind
24 of bad investment and the whole thing blew up in the PUD's face. Monsen stated he
25 doesn't know anything other than that the PUD went full force into the fiber
26 business, and has had second thoughts.

27
28 ***Nelson moved*** to recommend approval.

29
30 ***Motion carried unanimously.***

31
32 **18. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
33 **AGREEMENT BETWEEN WHATCOM COUNTY AND GREG RUSTAND, INC.**
34 **FOR THE OFFSITE WORK RELEASE FACILITY, IN THE AMOUNT OF**
35 **\$529,250 FOR 2004 AND \$538,375 FOR 2005 (AB2003-409)**

36
37 ***Nelson moved*** to recommend approval.

38
39 Roy asked about the per bed cost of \$29 for 2004, increasing to \$29.50 for
40 2005. She asked how the per bed rate fits into the going rate for this kind of thing.

41
42 Wendy Jones, Chief of Corrections, stated there is no other facility quite like
43 this arrangement. Because it's a private/public partnership, the County does part of
44 the work and the contractor provides housing. It's less than the per diem rate if the
45 County shipped the inmates to Yakima. That would cost the County \$50 to \$60 per
46 bed. The rate for this arrangement isn't very high. Mr. Rustand has worked well
47 with her over the years to keep the costs down.

1
2 Crawford stated the County provides the meals. Jones stated the meals
3 come from the jail, but Mr. Rustand pays for them. The cost of labor is a lot less
4 when they're talking about minimum security.

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

7
8 **19. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
9 **LETTER OF UNDERSTANDING BETWEEN WHATCOM COUNTY AND**
10 **INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS,**
11 **PACIFIC MARITIME REGION, AND INLANDBOATMEN'S UNION OF THE**
12 **PACIFIC EXTENDING EXPIRED 2000-2002 AGREEMENT THROUGH**
13 **2003; AND AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
14 **COLLECTIVE BARGAINING AGREEMENT BETWEEN WHATCOM COUNTY**
15 **AND INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND**
16 **PILOTS, PACIFIC MARITIME REGION, AND INLANDBOATMEN'S**
17 **UNION OF THE PACIFIC FOR THE PERIOD JANUARY 1, 2004**
18 **THROUGH DECEMBER 31, 2006 (AB2003-410)**

19
20 Karen Goens, Human Resources Division Manager, stated part of this
21 collective bargaining agreement has an excess compensation impact because there
22 is a Public Employment Retirement System (PERS) I employee who is retiring. She
23 recommends bringing the PERS I policy in line with the other collective bargaining
24 agreements. People hired before a certain date get to cash out at 50 percent. This
25 is the last remaining agreement that didn't have that provision. There will be an
26 added cost to the County of about \$6,000. They need to have an official
27 announcements. She only needs to announce for the record that this is part of the
28 agreement.

29
30 ***Roy moved*** to recommend approval.

31
32 Nelson stated it is more appropriate to not make a recommendation until
33 they have full discussion of these items in executive session.

34
35 ***Roy withdrew her motion.***

36
37 Crawford stated he would withdraw this item from the Consent Agenda at
38 the evening meeting, and deal with it as a separate item.

39
40 **20. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
41 **RIGHT OF WAY EASEMENT BETWEEN WHATCOM COUNTY PARKS AND**
42 **RECREATION AND CASCADE NATURAL GAS IN THE NORTHEAST**
43 **CORNER OF BAY HORIZON PARK ON ALDERSON ROAD (AB2003-411)**

44
45 ***Roy moved*** to recommend approval. She asked if the regulator would have
46 a noise impact.

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1 Mike McFarlane, Parks and Recreation Director, stated he didn't think it
2 would be noisy, but he hasn't asked that question. There is an existing regulator at
3 that location. They are upsizing the current regulator.
4

5 Roy stated noise is a huge issue with that community. She asked if they can
6 ask that question. McFarlane stated he would find out.
7

8 Crawford asked if delay until January would harm anything. McFarlane
9 stated they would like to move forward on this. They've been working on this since
10 September. They had to get an okay from the National Parks Service. There is
11 already an existing station they would like to take down. This is related to a
12 proposed development that would be adjacent to the park. They need to upgrade
13 the gas line to service new development in the area. There is a permitting process.
14

15 Roy stated there is a hostel at that location, also, with overnight guests.
16 They need to address the noise issue.
17

18 ***Roy withdrew her motion.***

19
20 **21. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
21 **PUBLIC AUCTION, REQUEST #09-03 (AB2003-412)**
22

23 ***Nelson moved*** to recommend approval of Consent Agenda items 21
24 through 31.
25

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

28 **22. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
29 **PUBLIC AUCTION, REQUEST #10-03 (AB2003-413)**
30

31 See Consent Agenda item 21.
32

33 **23. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
34 **PUBLIC AUCTION, REQUEST #11-03 (AB2003-414)**
35

36 See Consent Agenda item 21.
37

38 **24. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
39 **PUBLIC AUCTION, REQUEST #12-03 (AB2003-415)**
40

41 See Consent Agenda item 21.
42

43 **25. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
44 **PUBLIC AUCTION, REQUEST #13-03 (AB2003-416)**
45

46 See Consent Agenda item 21.
47

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

3
4 See Consent Agenda item 21.
5

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

8
9 See Consent Agenda item 21.
10

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

13
14 See Consent Agenda item 21.
15

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

18
19 See Consent Agenda item 21.
20

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

23
24 See Consent Agenda item 21.
25

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

28
29 See Consent Agenda item 21.
30

31 **OTHER BUSINESS**
32

33 Roy stated they are looking at the **ordinance adopting the 2004**
34 **Whatcom County Unified Fee Schedule (AB2003-350)** at the evening
35 meeting. She asked if there will be a public hearing.
36

37 Nelson stated there will be.
38

39 Bennett stated there was a problem with the proposed parking rates in the
40 Unified Fee Schedule. He submitted changes (*on file*). Parking rates will remain
41 the same, with the exception of violation fines.
42

43 Crawford asked if there are seven parking spaces for councilmembers.
44

45 Brenner stated there are not. The administration makes spaces on Council
46 days.
47

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1 Mike Russell, Facilities Division Supervisor, stated his staff cones four
2 additional spaces in the parking lot.

3
4 Crawford asked what the councilmembers are supposed to do if there aren't
5 any parking spaces, and if they are supposed to contact the Facilities Management
6 Division if someone's in a councilmember parking space. Russell stated they are to
7 contact his staff.

8
9 Crawford stated that if councilmember spaces are full, he will try and park in
10 a white space. Russell stated this problem happens every day. Councilmembers
11 can park on Lottie Street, and the administration will work it out.

12
13 Roy stated she was told that the administration quit putting up the cones
14 because the councilmembers kept running over them. Russell stated the problem
15 will cure itself when they start writing citations. Once they start writing citations,
16 people will stop parking in everyone's parking spots.

17
18 Nelson stated the Hearing Examiner always parks in the councilmembers'
19 parking spots. They've allowed him to do that on days other than Tuesdays.

20
21
22 **ADJOURN**

23
24 The meeting adjourned at approximately 12:30 p.m.

25
26
27 _____
28 Jill Nixon, Minutes Transcription

29
30
31 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

32
33
34
35
36 _____
37 Dana Brown-Davis, Council Clerk

Sam Crawford, Committee Chair