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1 and its urban growth area (UGA) can handle the anticipated growth of about 31,000  
2 people in the next 20 years. They will involve the community to help answer that  
3 question. The visions document in the City's current Comprehensive Plan suggests  
4 directing that growth inward. He's trying to test different scenarios of how that  
5 growth can be accommodated in the existing UGA. So far, they've had a six-hour  
6 forum attended by more than 100 people. It is airing on channel 10. They are also  
7 doing community outreach activities. They are planning neighborhood meetings in  
8 August, and will reconvene the forum in September to plan for policy changes. He  
9 invited all to attend the drop in center at 120 E. Holly Street in Bellingham.

10  
11 John Lesow, 317 Madrona Place, Point Roberts, stated he submitted an  
12 application for the proposed Point Roberts Rural Advisory Committee (*on file*). He  
13 listed his qualifications. If appointed, his top priority would be implementation of  
14 the goals and objectives of the Point Roberts Subarea Plan. There should be some  
15 agreement and consensus on tree retention between the Council and Planning  
16 Commission. Trees can be a contentious issue that is not confined to Point Roberts.  
17 He's not in favor of scrapping the ordinance for Point Roberts, but it needs to be  
18 redefined.

19  
20 Regarding sewer, he talked with the Mayor of Delta about extending the  
21 sewer line that services the U.S. Customs station down Tyee Drive and Gulf Road to  
22 serve the Point Roberts village center.

23  
24 Trails in Point Roberts are a priority in the plan, but he's concerned about  
25 prescriptive easements. It needs to be addressed.

26  
27 Sharon Crozier, Bellingham, thanked the Council for holding a public hearing  
28 next week on the **ordinance providing for immediate removal from Lake**  
29 **Whatcom of all gas-powered craft (AB2004-242)** and the **ordinance**  
30 **amending Whatcom County Code 11.32, Boating and Swimming, Special**  
31 **Restrictions (AB2004-265)**. She encouraged the Council to do its job, listen to  
32 people who drink the water in Bellingham, and don't let the issue be decided by  
33 money or anger. If they take only two-stroke engines off the lake, then take all the  
34 two-stroke engines off. The cleaner two-stroke engines are only 25 percent better  
35 than the bad two-stroke engines.

36  
37 Tim Paxton, 2120 Ellis, Bellingham, stated a U.S. Geological Survey (USGS)  
38 study on mercury is coming out. Another PhD analyzed the methyl mercury and  
39 found that its production rate is 50 times that of other lakes in the Puget Sound. It  
40 is a serious concern. The Council, as the Board of Health, should consider hiring an  
41 outside expert toxicologist.

42  
43 Mike Kaufman, 1620 Huntley Road, stated he would speak on the **electrical**  
44 **power transmission line ordinance (AB2004-225)**. The original public  
45 initiative was 14 years ago. He thanked Planning Director Hal Hart. The Planning  
46 Commission passed the ordinance by a unanimous vote. This is one of the first  
47 times they are attempting to work with public right-of-way. The issue is a design

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1 that puts massive power in a public corridor rather than a private corridor. This  
2 allows for distribution throughout the community, but it still keeps massive amounts  
3 of industrial power off the public rights-of-way.  
4

5 Donna Clark, 2502 Northshore Road, stated she will speak on the **ordinance**  
6 **providing for immediate removal from Lake Whatcom of all gas-powered**  
7 **craft (AB2004-242)** and the **ordinance amending Whatcom County Code**  
8 **11.32, Boating and Swimming, Special Restrictions (AB2004-265)**. There  
9 are six boats in Agate Bay and six boats in basin two today. Boats on the lake are  
10 not the problem. She counts the boats that are on the lake. Don't be radical. They  
11 have summer for only six weeks. There aren't any more boats now than when she  
12 was in high school. They have a bigger problem that is not the boats.  
13

14 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated he recently went to  
15 Europe. They took a train from Belgium that went 186 miles per hour. They  
16 traveled through countryside that was truly rural. It was like nothing in Whatcom  
17 County. They couldn't build a train route in Whatcom County that would go that  
18 fast because it would have to keep going around someone's home.  
19

20 Jan Nauman, 8477 Pointe Road North, Blaine, stated her home is on Birch  
21 Point and she will talk about Birch Point related to the **ordinance adopting the**  
22 **Birch Bay Community Plan (AB2004-121)**. She asked the Council not to  
23 include Birch Point in the urban growth area for Birch Bay. This is very important.  
24 She has experience as a geologist. She sees development without adequate water  
25 management out there. Water movement within the subsurface permeable and  
26 impermeable beds is not understood well. There is slumping activity in her front  
27 yard due to Trillium clearing land across the road from her property. She is  
28 concerned about the lack of water management. She's seeing a lot more slumping  
29 activity and water flowing through the permeable sediments. Until there is time to  
30 do a thorough study of water management in the Birch Bay area, don't include Birch  
31 Point.  
32

33 Jo Slivinski, 6163 Semiahmoo Lane, stated she supports removal of Birch  
34 Point from the UGA in the **ordinance adopting the Birch Bay Community Plan**  
35 **(AB2004-121)**.  
36

37 She heard someone mention a probable lawsuit from Thousand Friends, and  
38 Councilmember Brenner said they wanted to bring forward an appeal no matter  
39 what the Council does. However, representatives from Thousand Friends have told  
40 her they do not want to promulgate an appeal, but will if they feel they have to.  
41 Removing the two Points from the UGA circumvents that issue. She wished that  
42 anyone who voted against the removal would reconsider. Lincoln Rudder is getting  
43 ready to send the Council a lengthy and impartial environmental study.  
44

45 The will of almost 70 percent of Birch Point property owners is to remove  
46 Birch Point from the UGA. She doesn't know about the Point Whitehorn area.  
47 Councilmember Nelson said during the last meeting that he wanted to err on the

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1 side of the neighbors, and then expressed his support for including the two Points in  
2 the UGA. That isn't erring on the side of the neighbors, but on the side of the Birch  
3 Bay Steering Committee, which doesn't represent Birch Point.  
4

5 In addition to the 70 percent of the property owners, there is support for  
6 removal from the State Department of Ecology, another State agency, the Puget  
7 Sound Action Team, the Audubon Society, the People for Puget Sound, and People  
8 for Responsible Development.  
9

10 A memo from Planning Manager Sylvia Goodwin said there is enough land to  
11 distribute the projected approved population, without the Point Whitehorn and Birch  
12 Point areas in the UGA. If Birch Point is part of the UGA, neighbors along the  
13 Lincoln Road boundary will have the same issues.  
14  
15

## 16 **PUBLIC HEARINGS**

### 17 18 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 6.04 ANIMAL** 19 **CONTROL (AB2004-261)**

20  
21 McShane opened the public hearing and, hearing no one, closed the public  
22 hearing.  
23

24 ***Nelson moved*** to adopt the ordinance.  
25

26 Crawford asked if it is legally appropriate to have the term "should seek the  
27 appropriate warrant" in Whatcom County Code section 6.04.060(K).  
28

29 Dave Grant, Senior Civil Deputy Prosecutor, stated it is.  
30

31 Crawford stated he doesn't want someone to interpret that the ordinance  
32 allows the animal control officers to violate anything else.  
33

34 ***Motion carried unanimously.***  
35

### 36 **2. RESOLUTION APPROVING THE WHATCOM COUNTY SIX YEAR** 37 **TRANSPORTATION IMPROVEMENT PROGRAM (AB2004-221)**

38  
39 Joe Rutan, County Road Engineer, gave a staff report and projected a County  
40 road map. It was presented to the Public Works Committee four weeks ago. It was  
41 also presented to the Bicycle/Pedestrian Advisory Committee and the Planning  
42 Commission. There were comments from the Bicycle/Pedestrian Advisory  
43 Committee to the Public Works Committee about listing some projects as having  
44 non-motorized enhancements, which he did.  
45

46 There is a group of projects along Hannegan Road. They want to get those  
47 projects done before the State Department of Transportation begins its Guide

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1 Meridian project in 2008. Make sure those Hannegan Road projects are out of the  
2 way, so the Hannegan Road can handle the traffic diverted from the Guide Meridian.  
3

4 There is a group of projects in the Birch Bay area that are unfunded for  
5 construction. As they move through the next two years of construction projects,  
6 the funding situation will become clearer. They will hopefully be able to direct  
7 unspent construction money to those projects.  
8

9 There are projects around Slater Road, Curtis Road, and Rural Road. The  
10 problems are with growth, the Coast Millennium Trail, and functional and obsolete  
11 bridges. They hope to obtain grant funding for some of these bridges.  
12

13 On Council packet page 274 is the six-year plan. Projects one through five  
14 are carry-overs from 2004. Project six is a project they'll begin in 2005. The 2005  
15 projects are listed through project 12. The 2006 projects are projects 13 through  
16 16. Project 17 is a carry-over from 2006.  
17

18 After that, construction funding starts dropping away from the projects.  
19 Expenditures are shown on packet page 285. In the past, they've maintained a \$10  
20 million to \$11 million fund balance. In 2007, the fund balance goes down to about  
21 \$1.6 million.  
22

23 There are numerous projects on the six-year plan they'd really like to get to.  
24 Lake Louise Road is one of the first that is unfunded for construction as they go  
25 down the list. In addition, the Lincoln Street connector and another connector are  
26 projects they'd like to get to.  
27

28 The Lake Whatcom/Lake Louise connector is still in the plan for engineering.  
29 They really want to get to the North Shore project. It is a road that rates the lowest  
30 for quality.  
31

32 Nelson asked if they can get information on the level of service (LOS) for a  
33 lot of these road projects. Rutan stated level of service is one factor of the priority  
34 rating program. There is a form from the County Road Administration Board that all  
35 counties use to look at volumes, accident rates, geometric form, lane widths,  
36 shoulder widths, horizontal and vertical curves, pavement condition, the ride, and  
37 the drainage. All those items are weighted. The lower the number, the worse the  
38 condition of the road. He can provide upon request information on specific LOS for  
39 each road.  
40

41 Nelson stated the rating for Lake Louise Road is in the 20's. Rutan stated  
42 that is very low. There is a poor geometric design. There is a lot of horizontal and  
43 vertical curve problems. There is a lack of shoulders and there are high volumes.  
44

45 Nelson stated that is not on the priority listing. Rutan stated it is the first  
46 project on the list that is not funded for construction. Construction funding will

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1 come as they move through the program the next few years and see what the  
2 spending rates are.

3  
4 McShane opened the public hearing and the following people spoke:

5  
6 Donna Clark, 2502 Northshore Road, stated she's worked on the Lake  
7 Whatcom connector since 1970. They've petitioned for it three times. The Council  
8 has it in its archives. The most important thing the County can do is to put in a  
9 corridor that has been needed for 25 years. Geneva is not the only issue anymore.  
10 There is a lot of traffic. When it snows, they are stopped at the bottom of Cable  
11 Street. One can't turn left from Portal or Birch. There is hardly any traffic on North  
12 Shore, and they are surveying for bike paths. She read a letter to the editor of the  
13 newspaper in the July 11<sup>th</sup> edition. The connector will protect the water quality and  
14 the watershed.

15  
16 *(Clerk's Note: End of tape one, side A.)*

17  
18 Doralee Booth, 818 Birch Bay Drive, stated the community wants Birch Bay  
19 Drive to be safe and friendly for recreation. They must lessen traffic on Birch Bay  
20 Drive. A Birch Point connector road would help. It would provide a safe and fast  
21 corridor for those commuters from Birch Bay Village and Birch Point to jobs outside  
22 the Bay area. There is a tremendous number of commuters. Many people speed.  
23 It would address the safety concerns of pedestrians on Birch Bay Drive, relieve the  
24 loads of traffic on Birch Bay Drive to the intersection of Harborview Road, and  
25 provide quicker responses from emergency vehicles to the northern populated  
26 areas.

27  
28 Claudia Hollod, 8240 Birch Bay Drive, stated she would speak on the Lincoln  
29 Road/Birch Bay Road connector. They have been working on it a long time.  
30 Another reason for the connector is to deal with pollution from cars. She is  
31 concerned about their priority on the list. Last year, they were at number 18.  
32 They've had secure funding for Lincoln Road. Preliminary engineering has been  
33 moved from 2004 to 2006 to 2007. Construction plans were removed from the  
34 current list. They keep getting bumped down the list, and they're the fastest  
35 growing area in the county.

36  
37 Carol Sandvig, 8212 Birch Bay Drive, stated they should give top priority to a  
38 Birch Bay Drive connector. She read a letter into the record (*on file*) from other  
39 Birch Bay Drive residents who are not able to attend. She fears that this has been  
40 put off so long that they will never see it happen.

41  
42 Mike Fleming, 8224 Birch Bay Drive, stated speed is a huge problem. From  
43 Memorial Day to Labor Day, only 33 speeding tickets were issued. He can't count  
44 the number of cars that he witnesses exceeding the speed limit because there are  
45 too many. It makes a very dangerous situation.

46  
47 Hearing no one else, McShane closed the public hearing.

1  
2       **Brenner moved** to approve the resolution and asked that Birch Bay be  
3 moved back to where it was. Rutan stated that the projects are in the same order  
4 as in past years, but the carry-over projects change the numbering. The projects  
5 planned for funding have been on the list for years, except for the Hannegan Road  
6 projects which need to be done before the State starts its project on the Guide  
7 Meridian, which it's doing in anticipation of the 2010 Olympics in Vancouver.  
8

9       Brenner stated the Hannegan Road will take care of itself. Even with the  
10 influx of people for the Olympics, it won't be a problem. She'd like to see the  
11 Hannegan Road lights go in, but she'd rather see the left hand turn lanes on Birch  
12 Bay Drive go in first. Rutan stated one project on Hannegan is a bridge project  
13 fully-funded by the federal government. Lake Louise Road and Lincoln Road are the  
14 first projects the County will put construction funds toward when they know their  
15 expenditure rate.  
16

17       Caskey-Schreiber stated the Birch Bay Subarea Plan puts an emphasis on  
18 traffic impact fees. An impact fee can't be used to fix existing problems. It can  
19 only be used to pay for the impacts from the added development. If they identify  
20 on the list that it needs to be fixed, they're undermining that road getting funding to  
21 be fixed. Rutan stated it also has to be on the six-year plan. There is a lot of  
22 growth occurring out there. He hopes to spend any transportation impact fees that  
23 become available on that area.  
24

25       Caskey-Schreiber stated she drives the Hannegan Road every day. At times,  
26 it is absolutely shut down between 5:00 p.m. and 6:30 p.m. The Smith Road has a  
27 stoplight, which backs up lines of cars at the East Pole Road and Hannegan Road  
28 intersection. There are no turn lanes. It's also a state truck route. There have  
29 been multiple accidents. It's a dangerous intersection.  
30

31       Roy stated her concern the last three years is that the list is arbitrary. The  
32 determination is made by few people. It can change a lot between years. On a six-  
33 year road plan, there should be consistency between what the list looked like three  
34 years ago and how it looks today. Projects should be moving up the list. As a  
35 community member, she's frustrated there isn't a lot of exchange with the  
36 community. It's very arbitrary. Rutan stated to prepare the list, staff starts with  
37 the previous year's approved list, crosses off the projects they've done, starts with  
38 the carry-over projects, and then inserts some projects that are fully funded from  
39 other sources. He hasn't moved the priority projects around except for the  
40 Hannegan Road projects and the fully funded projects. The projects they've  
41 developed since last year are put at the bottom of the list. This really is last year's  
42 plan with few modifications.  
43

44       Roy stated the reality in the communities is that the list has changed. Rutan  
45 stated that's why he's tried to organize the list so the numbers flow with the  
46 funding. A number one priority doesn't mean much if there's no funding. If they  
47 decide that Lincoln Road is something they want to fund, then it's easy to identify a

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1 project above it on the list that could be moved back. This year, he wanted to  
2 match some of the road projects more directly with the priority rating. He hasn't  
3 done that so he can keep moving forward what they've approved in the past. A  
4 project number may move from 20 to 28, but the year it is planned for construction  
5 has stayed the same.

6  
7 Crawford asked if the Garrison Road project is not on the list because they  
8 anticipate that it will be fully funded by the State. Rutan stated it is a fully-funded  
9 State project.

10  
11 **Crawford** stated the Lake Whatcom Yew Street connector was a part of this  
12 list as a high priority. In keeping with the tradition of keeping the older priority  
13 projects in their place, he **moved** to amend the list by moving the Yew Street  
14 Connector, project 57, to the highest place on the list of unfunded projects, project  
15 22. He does not discount the folks in Birch Bay. The Council has done a lot on that  
16 problem. Had the community thought moving the connector higher on the list was  
17 a possibility, a lot of people would have turned out for the meeting in support of the  
18 amendment.

19  
20 Nelson stated he supported the motion. Level of service is what impacts  
21 people. The only way they are going to determine the reason for the impacts is  
22 through the traffic volume and road quality. These numbers mean nothing. Rutan  
23 stated he would provide rating sheets to the Council next year. That priority rating  
24 is a compilation number based on volume, accident history, geometric design,  
25 vertical curves, and horizontal curves. All counties have to go through that  
26 analysis.

27  
28 Nelson stated another concern was about whether they want transportation  
29 to cause development. Communities need to have the information on engineering,  
30 costs, and land use. Have a future discussion on a possible Comprehensive Plan  
31 amendment to establish transportation corridors that won't cause future  
32 development.

33  
34 Roy stated she does not support the amendment. She is concerned that the  
35 connector road would increase development. These decisions are made without a  
36 lot of community input at all levels. With issues like transportation corridors and  
37 community priorities, many times the community doesn't even know what is going  
38 on. If they are going to consider this, think about a citizen advisory group or  
39 somehow broadening the decision base, if possible.

40  
41 Caskey-Schreiber stated she won't support the amendment. It would be  
42 extraordinarily expensive. They have so many problems with existing traffic  
43 corridors, they are trying to maintain those. She hopes that the Birch Bay  
44 community can create traffic impact fees to take traffic off the bay. It's essential  
45 those pollutants don't reach the Sound. They have to fix what they already have.  
46 She appreciates that Joe Rutan has worked very hard on this. The Public Works  
47 Committee worked on this ranking. People can participate by going to that

1 committee, which could be advertised before. Citizens, including the  
2 Bicycle/Pedestrian Advisory Committee, have weighed in before that committee.  
3

4 Jeff Monsen, Public Works, stated the six-year transportation program  
5 finishes work that has begun. As far as identifying corridors and other  
6 transportation priorities, the effort needs to be placed in the subarea planning  
7 exercise. This prioritization process looks at adopted land use plans and  
8 incorporates those policies in the ranking. The staff can allow more community  
9 access into the ranking process, but he would recommend instead putting their  
10 energy into the transportation chapters of the subarea plans. Also, Public Works  
11 staff can put more energy into a financing plan. Without a financing plan, they're  
12 dealing with cash as it comes in.  
13

14 Nelson stated the public is frustrated. There are new ideas they need to kick  
15 around. He would support the amendment. This is not a seasonal traffic condition  
16 around Lake Whatcom Boulevard. This is a year-round problem. They can't talk  
17 about protecting Lake Whatcom water quality without trying to find other solutions  
18 to a serious problem simply because they don't want to fund it. There are other  
19 mechanisms for funding.  
20

21 Brenner stated there was a study on the Lake Whatcom connector, which  
22 said it is prohibitively expensive and it won't solve the problem. That's affected her  
23 decisions on the connector. If it becomes affordable and will solve problems, she  
24 would be open to reconsidering.  
25

26 Caskey-Schreiber stated she received information from the City of Bellingham  
27 Public Works Department. During the wettest months of year, the benzene levels in  
28 the lake drop to almost zero. If cars really are a problem, they would show some  
29 increases. They don't. If she truly believed cars were the issue, she would be  
30 aggressive in addressing it. However, she doesn't approve of spending that kind of  
31 money for a road that will only alleviate traffic problems and not pollution problems.  
32

33 ***Motion to amend failed 2-5 with Nelson and Crawford in favor.***  
34

35 Nelson asked if an illumination light at the Yew Street Road and Samish Way  
36 intersection is included in project 13. Rutan stated the light has been installed at  
37 that intersection for four or five months.  
38

39 Nelson stated they still can't see the street sign. Rutan stated the lighting is  
40 installed at the location approved by the Council. When the County does project 13,  
41 it will greatly enhance visibility.  
42

43 McShane asked how much work has been done on project four. Rutan stated  
44 the bids for that project were opened this afternoon. The bids came in at about  
45 seven percent above the engineer's estimate. They will begin the project within the  
46 next two months. They expect that it may go into 2005, which is why he included  
47 the project on the list.

1  
2       **McShane moved** to make project four, Frost Road, a road closure instead of  
3 a bridge replacement.

4  
5       **Motion to amend passes 4-3 with Nelson, Crawford, and Brenner**  
6 **opposed.**

7  
8       **Fleetwood moved** to reconsider.

9  
10       **Motion to reconsider carried 5-2 with Caskey-Schreiber and McShane**  
11 **opposed.**

12  
13       **McShane moved** to close Frost Road, project four.

14  
15       **Motion to amend failed 3-4 with Roy, Caskey-Schreiber, and McShane**  
16 **in favor.**

17  
18       **McShane moved** to drop flood-proofing work from the Haxton Way project  
19 26.

20  
21       Caskey-Schreiber stated they could ask the Lummi Nation for cost-sharing.  
22 Rutan stated the Lummi Nation approached the County with a request for cost-  
23 sharing, which is why it's on the list. There is a little bit of project engineering  
24 money available. With that money, they can work with the Lummi Nation on the  
25 project. When they go out for grant funding, they can say it's on the six-year plan.

26  
27       Caskey-Schreiber asked if the chances for receiving grants would be hurt if  
28 they don't have it listed as it is. Rutan stated it helps to show that the elected body  
29 has determined it is something it wants to pursue. Flood-proofing is something  
30 they would determine during preliminary engineering.

31  
32       Nelson stated this is a major road to the reservation and also to Lummi  
33 Island. He asked why they would not flood-proof the road. Flooding is a serious  
34 issue out there.

35  
36       McShane stated that area floods, has always flooded, and will flood for only  
37 five days per year, at the most.

38  
39       **Motion failed 2-5 with Caskey-Schreiber and McShane in favor.**

40  
41       **McShane moved** to remove the Slater Road project 31, for the same  
42 reasons as Haxton Way. It's across the flood plain. In the end, it will be very  
43 expensive. The money might come from the federal government, but it may be  
44 federal money they want to direct elsewhere.

45  
46       Roy asked if it would affect salmon recovery. Monsen stated this project is  
47 part of the River and Flood Division's modeling work in reach one. Something will

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1 occur on Slater Road to deal with floodplain management below Ferndale. However,  
2 at this point, they will not ever ask for financing to deal with flood-proofing Slater  
3 Road. This item is on the list to deal with the issue of how they manage the flood  
4 plain in that reach.  
5

6 Roy asked if the Public Works Department considers salmon recovery as a  
7 factor of these evaluations. Monsen stated it does. The project is a combination of  
8 flood plain management, transportation, and salmon recovery. They don't know yet  
9 how those pieces will fit together.

10 ***Motion failed 2-5 with Caskey-Schreiber and McShane in favor.***

11 ***Motion to approve the resolution carried unanimously.***

12  
13  
14 Pete Kremen, County Executive, thanked Joe Rutan for a job well-done.

15  
16  
17 *(Clerk's Note: End of tape one, side B.)*  
18  
19

## 20 **COUNCIL "CONSENT AGENDA" ITEM**

21  
22 ***Crawford*** reported for the Finance and Administrative Services Committee  
23 and ***moved*** to approve Consent Agenda items one through five.

24  
25 McShane withdrew item two.

26  
27 ***Motion to approve Consent Agenda items one and three through five***  
28 ***carried unanimously.***  
29

- 30 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD**  
31 **CONTRACT FOR DESIGN, PLANNING AND CONSTRUCTION**  
32 **ADMINISTRATION FOR THE WHATCOM COUNTY MINIMUM SECURITY**  
33 **JAIL, COMMUNITY CORRECTION CENTER, TRIAGE CENTER, ELECTION**  
34 **CENTER AND STORAGE FACILITY TO HDR, INC., AND AUTHORIZE THE**  
35 **EXECUTIVE TO NEGOTIATE AND SIGN AN AGREEMENT WITH HDR,**  
36 **INC. IN THE AMOUNT OF \$925,800 (AB2004-267)**  
37  
38 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
39 **CONTRACT FOR SERVICES AGREEMENT BETWEEN WHATCOM COUNTY**  
40 **AND HDR ENGINEERING, INC. TO REVIEW POSSIBLE SITES FOR A**  
41 **REGIONAL JUSTICE CENTER IN THE CITY OF BELLINGHAM OR THE**  
42 **URBAN GROWTH AREA OF THE CITY OF BELLINGHAM IN THE AMOUNT**  
43 **OF \$24,426 (AB2004-268)**  
44

45 ***Crawford*** stated documents for this item were modified in Finance  
46 Committee. The committee recommends amendments. He ***moved*** to approve the  
47 request with the amendments from committee, to amend the agenda bill, "review

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1 identify." In addition, eliminate all references to "review" throughout the  
2 documents.

3  
4 McShane stated he voted against these amendments in committee because  
5 they should focus on the scope of work, on Council packet page 41. It's a matter of  
6 semantics. The scope of work matches the Council's wishes to review the potential  
7 sites and be given information on those sites so the Council can make a well-  
8 informed decision. It's critical that the Council get a review from experts. He  
9 prefers to support a contract and a scope of work that includes review of potential  
10 sites, not just identification of those sites.

11  
12 Brenner stated she requested that references to review be removed.  
13 Originally, she requested the identification of sites, not a review. The County will  
14 spend more money on review. If ten sites are identified and the Council looks at  
15 five, then five sites will be reviewed. Don't have the contractor review every site.  
16 It's a waste of money. Be cautious about the review. In the last review, they  
17 received a biased review. It doesn't make sense to review all the sites if the Council  
18 isn't interested in all of them.

19  
20 Caskey-Schreiber stated that for the money they're funding, the Council will  
21 get a general review of feasibility of the sites. She will propose that the contractor  
22 focus on downtown sites, not sites in the urban growth area. That was the original  
23 intent of the Council. It will narrow the contractor's focus enough to bring forward  
24 viable sites. If sites in the urban growth area (UGA) are included, then she would  
25 agree to only identify and not review sites.

26  
27 Crawford stated he is confident that the administration understands what the  
28 Council is looking for. He agreed that it is a matter of semantics. He will support  
29 any language.

30  
31 Pete Kremen, County Executive, stated Council packet page 41, the scope of  
32 work, has the word "identify" four times in the language. It's exactly what the  
33 Council and administration want.

34  
35 McShane asked if the committee amended the scope of work.

36  
37 Crawford stated the committee moved to remove the word "review" from all  
38 documents. It may not have been in the scope of work.

39  
40 Brenner stated the vote on the "review" amendment should be done after  
41 Councilmember Caskey-Schreiber makes her motion to remove the UGA from the  
42 identification area. She said it will affect her vote.

43  
44 ***Crawford withdrew his motion.***

45  
46 ***Caskey-Schreiber moved*** to withdraw the UGA from consideration for  
47 identifying sites during this stage.

1  
2           ***Motion failed 3-4 with Roy, Brenner, and Caskey-Schreiber in favor.***

3  
4           ***Brenner moved*** to amend the agenda bill, "review identify." In addition,  
5 eliminate all references to "review" throughout the documents and replace with the  
6 word "identify."  
7

8           Caskey-Schreiber asked if the motion means that the administration will not  
9 provide any information on whether or not the sites are feasible.

10  
11           Brenner stated the administration is going to identify feasible sites, but that  
12 doesn't require a review of the sites.  
13

14           Roy stated that she supports this change. She has a problem with item  
15 seven on Council packet page 42. The Council had been given two choices, for a  
16 location right here or outside the city on 50 acres of land. The Council didn't like  
17 those two choices. The Council questioned whether there were other places in  
18 Bellingham where they could site the jail. The administration's charge was to find  
19 out if there are other places in Bellingham to site the jail. The Council was feeling a  
20 little pressured from the first presentation by being given two radically different  
21 choices. She felt they were being guided toward one choice. Item seven on Council  
22 packet page 42 goes beyond identifying feasible sites. The Council only wants to  
23 know where else in Bellingham it might place a justice center. Item seven sounds  
24 like the Council would end up with evaluation and decisions being made on these  
25 sites. That's why she supports the motion. The next step will then be to have  
26 drawings of how a facility might look.  
27

28           McShane stated item 8e on Council packet page 41 reflects exactly what the  
29 Council was looking for, which was other sites in those areas. Keep in mind that the  
30 deciding body will be the City of Bellingham, anyway.  
31

32           Roy stated the City of Bellingham will be better prepared to make a  
33 reasonable decision if it knew the Council looked at a multitude of sites.  
34

35           Brenner stated that if the City of Bellingham isn't cooperative, then it can  
36 fund a new facility.  
37

38           McShane stated it will help the City if the County provides them with a lot of  
39 information.  
40

41           ***Motion to amend carried 5-2 with McShane and Crawford opposed.***

42  
43           ***Motion to approve the contract as amended carried unanimously.***

44  
45           **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
46           **PROFESSIONAL SERVICE CONTRACT BETWEEN WHATCOM COUNTY**  
47           **AND WESTCOAST COUNSELING & TREATMENT CENTER FOR**

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1            **OUTPATIENT SUBSTANCE ABUSE SERVICES (AB2004-269)**  
2

- 3    **4.    REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
4    **COLLECTIVE BARGAINING AGREEMENT BETWEEN WHATCOM COUNTY**  
5    **AND GENERAL TEAMSTERS LOCAL UNION NO. 231, SHERIFF'S**  
6    **SUPPORT STAFF BARGAINING UNIT, FOR THE PERIOD OF JANUARY 1,**  
7    **2004 THROUGH DECEMBER 31, 2006 (AB2004-270)**  
8  
9    **5.    REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
10   **RESIDENTIAL LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND**  
11   **THE WHATCOM COUNTY SHERIFF TO LEASE THE APARTMENT**  
12   **LOCATED AT SILVER LAKE PARK AT 9006 SILVER LAKE ROAD, MAPLE**  
13   **FALLS, WA FOR A TOTAL OF \$650 PER MONTH (AB2004-271)**  
14  
15

16   **OTHER ITEMS**  
17

- 18   **1.    ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET, 9<sup>TH</sup>**  
19   **REQUEST (AB2004-262)**  
20

21        *Crawford* reported for the Finance and Administrative Services Committee  
22 and *moved* to adopt the ordinance.  
23

24        *Motion carried unanimously.*  
25

- 26   **2.    RESOLUTION PROVIDING FOR SUBMISSION TO THE QUALIFIED**  
27   **VOTERS OF THE COUNTY A PROPOSITION AUTHORIZING A LOCAL**  
28   **SALES AND USE TAX OF ONE TENTH OF ONE PERCENT FOR THE**  
29   **PURPOSE OF PROVIDING FUNDS FOR COSTS ASSOCIATED WITH**  
30   **FINANCING, DESIGN, ACQUISITION, CONSTRUCTION, EQUIPPING,**  
31   **OPERATING, MAINTAINING, REMODELING, REPAIRING, RE-**  
32   **EQUIPPING, AND IMPROVEMENT OF JAIL FACILITIES (AB2004-263)**  
33

34        *Crawford* reported for the Finance and Administrative Services Committee  
35 and *moved* to approve the resolution.  
36

37        *Motion carried unanimously.*  
38

- 39   **3.    ORDINANCE AMENDING WHATCOM COUNTY CODE 20.82, PUBLIC**  
40   **UTILITIES, ADDRESSING TRANSMISSION LINES OF 115 KV AND**  
41   **TRANSMISSION LINES OF 115 KV OPERATING ABOVE 160 MW, AND**  
42   **MODIFYING WHATCOM COUNTY CODE 20.42 AND 20.43, RURAL AND**  
43   **COMMERCIAL FORESTRY CHAPTERS (AB2004-225)**  
44

45        *Brenner* reported for the Public Works and Safety Committee and *moved* to  
46 adopt the ordinance.  
47

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

3   **4.   REPORT ON COMMITTEE DISCUSSION REGARDING THE STATUS OF**  
4   **THE LUMMI ISLAND FERRY 20-YEAR PLAN (AB2004-238)**

5  
6           Brenner reported for the Public Works and Safety Committee.  
7

8   **5.   RESOLUTION ENDORSING THE EXPANSION OF THE DEMING LIBRARY**  
9   **(AB2004-266)**

10  
11           ***Brenner*** stated the County won't have to pay anything. The Library just  
12   wants the County's support. She ***moved*** to approve the resolution.  
13

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

16   **6.   REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**  
17   **GLEN HALLMAN AND CLIFFORD HENSEL TO THE NORTHWEST SENIOR**  
18   **SERVICES BOARD (AB2004-274)**

19  
20           ***McShane moved*** to confirm the appointments.  
21

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

24   **7.   APPOINTMENT TO THE FLOOD CONTROL ZONE ADVISORY**  
25   **COMMITTEE, ALTERNATE POSITION - APPLICANT: ROBERT**  
26   **STRACHILA (AB2004-264)**

27  
28           *(Clerk's Note: The Council acted as the Flood Control Zone District Board of*  
29   *Supervisors.)*  
30

31           ***McShane moved*** to appoint Robert Strachila.  
32

33           ***Motion carried unanimously.***  
34

35           ***McShane moved*** to appoint Will Munsell as an alternate.  
36

37           ***Motion carried unanimously.***  
38  
39

40   **INTRODUCTION ITEMS**  
41

42           ***Nelson moved*** to accept the Introduction Items, including the substitute  
43   Introduction Item two.  
44

45           McShane referenced Introduction Item one and stated the ordinance  
46   recommended by the Planning Commission uses the old Lake Whatcom overlay.  
47   He's not sure if that significantly changes anything.

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1  
2 Sylvia Goodwin, Planning Division Manager, stated she will take a look at that  
3 and prepare a substitute ordinance with the correct base text, if necessary. She will  
4 make sure the correct ordinance is in the Council packet.  
5

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

- 8 **1. ORDINANCE ADOPTING AMENDMENTS TO SECTIONS OF THE**  
9 **WHATCOM COUNTY ZONING ORDINANCE (TITLE 20) CHAPTER 20.10,**  
10 **COMPREHENSIVE PLAN AMENDMENTS, CHAPTER 20.71 WATER**  
11 **RESOURCES PROTECTION OVERLAY DISTRICT, CHAPTER 20.89**  
12 **DENSITY TRANSFER PROCEDURE, AND CHAPTER 20.90 AMENDMENTS,**  
13 **RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS (AB2004-**  
14 **275)**  
15  
16 **2. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET, 10<sup>TH</sup>**  
17 **REQUEST (AB2004-276)**  
18  
19 **3. ORDINANCE ADOPTING THE BIRCH BAY COMMUNITY PLAN (AB2004-**  
20 **121)**  
21  
22 **4. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**  
23 **PLAN TEXT AND MAP REGARDING THE BIRCH BAY URBAN GROWTH**  
24 **AREA (AB2004-122)**  
25

26  
27 **OTHER BUSINESS**  
28

29 Fleetwood stated the Birch Bay Subarea Plan was voted out of the Planning  
30 Committee and the Council will hold a public hearing on July 27, 2004.  
31

32 Fleetwood stated there will be a public hearing and special Council meeting at  
33 6:00 pm on July 20, 2004 regarding two ordinances. One is an **ordinance**  
34 **providing for immediate removal from Lake Whatcom of all gas-powered**  
35 **craft (AB2004-242)** and the other is an **ordinance amending Whatcom**  
36 **County Code 11.32, Boating and Swimming, Special Restrictions (AB2004-**  
37 **265)**. Also, an alternate version of AB2004-265 is available for review. It will  
38 make the regulation less restrictive than the current ordinance, so it will not require  
39 another introduction to the Council.  
40

41  
42 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**  
43

44 Nelson stated he received notice of the annual award to County Treasurer  
45 Barb Cory from the Washington Finance Officer's Association. It's commendable  
46 that their treasurer received this award from her State peers.  
47

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1           McShane stated he received a stipulation agreement between British  
2 Petroleum (BP) and the Whatcom County Council.  
3  
4

5           **ADJOURN**  
6

7           The meeting adjourned at 9:04 p.m.  
8  
9

10 \_\_\_\_\_  
11 Jill Nixon, Minutes Transcription  
12

13           The Council approved these minutes on July 27, 2004.  
14

15 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

16  
17  
18  
19  
20 \_\_\_\_\_  
21 Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Dan McShane, Council Chair