

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 **1. REGULAR COUNTY COUNCIL MEETING FOR MAY 18, 2004**

2
3 **Caskey-Schreiber moved** to approve the Minutes Consent item.

4
5 **Motion carried unanimously.**

6
7
8 **OPEN SESSION**

9
10 The following people spoke:

11
12 Jim Johann, Whatcom Fair Voting, Town Crier Publisher, and poll worker,
13 stated he would speak on the **request authorization for the Executive to enter**
14 **into a contract agreement between Whatcom County and DFM Associates**
15 **for purchase of a voter registration and election management system, in**
16 **the amount of \$99,074 (AB2004-203).** His organization didn't feel like it
17 communicated its concerns very well. Because of extra efforts of the
18 councilmembers and the Auditor's Office staff, the group now feels confident that
19 this purchase is appropriate. He recommends approval of the purchase.

20
21 Don Snodgrass, Port of Bellingham, stated the County Council is considering
22 the Washington Community Economic Revitalization Team (WACERT) ranking. The
23 Port of Bellingham has put forward one request on the list. They are in the process
24 of working with the Air National Guard to reacquire and redevelop a site for hanger
25 space. The scope of that project is to purchase the site, put in the infrastructure to
26 create capacity for local developers to develop hanger space. This is important
27 because of a growing need in general aviation in Whatcom County.

28
29 There are a lot of good projects on the list this year. The Port has worked
30 with the City of Blaine, which determined where its wastewater treatment site will
31 be located. The Port will collaborate with Blaine on environmental analysis done on
32 the site. The Port will partner on a fair share cost basis to do road improvements
33 on Marine Drive.

34
35 There is a new project on the list from the Whatcom County Agricultural
36 Preservation Committee for a value-added dairy project. The Port has an informal
37 working group with others to look at ways to create a local dairy processor that can
38 do more value-added production to support local dairy farmers and the dairy
39 industry.

40
41 He is in favor of the business and workforce center feasibility study,
42 proposed by Bellingham Technical College. Workforce skills are in need in the
43 county. The project is worth considering. There are a lot of other good projects.

44
45 Linda Franz, Whatcom Fair Voting, recommends approval of the **request**
46 **authorization for the Executive to enter into a contract agreement between**
47 **Whatcom County and DFM Associates for purchase of a voter registration**

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1 **and election management system, in the amount of \$99,074 (AB2004-**
2 **203).** She thanked the Auditor's staff for their help and time. She encouraged
3 formation of an elections systems advisory committee. The citizens must be
4 involved in the selection and use of their voting systems. They must work together
5 to audit all portions of the system, including voter registration. Other jurisdictions
6 in the state and country are interested in what they're doing. They need
7 involvement of the citizens in the elections.

8
9 Dennis Jones, 1487 Sudden Valley, stated the Sudden Valley Community
10 Association will budget \$300,000 for maintenance to greenways, surface and
11 stormwater, and structural items. He asked the Council to continue to support
12 Sudden Valley, which needs the County and City support. Keep up the good work.
13

14 Some advocates just don't tell the truth. They know basin one is polluted,
15 basin two is mixed, and that basin three has strong points. Stay with the plan.
16

17 Most have seen or been to Lummi Island. Some have been to Dr.
18 Oppenheimer's arts center. They may have seen the beach near Legoe Point that
19 could be public access. Use zoning, platting, and restrictions to keep Lummi Island
20 the jewel that it is.
21

22 Marian Beddill, Whatcom Fair Voting, stated she recommends approval of the
23 **request authorization for the Executive to enter into a contract agreement**
24 **between Whatcom County and DFM Associates for purchase of a voter**
25 **registration and election management system, in the amount of \$99,074**
26 **(AB2004-203).** The concerns she had expressed were not objections. It is
27 prudent to do review and study. She thanked the staff at the Auditor's Office for
28 working with Whatcom Fair Voting the last couple of weeks. If the citizen's
29 advisory committee were running a month ago, this would not have happened. It is
30 the duty of citizens to be watchful of and involved in government. Initiate the
31 citizens advisory committee.
32

33 Mary Lucille Dickinson, 4100 Legoe Bay Road, Lummi Island, stated she is
34 confused about the referral by Dennis Jones to public access to the beach at Legoe
35 Bay. Her family has owned most of the property from Legoe Bay to Village Point for
36 four generations. They're doing a good job of taking care of it. She would like
37 more information. There has never been public access at Legoe Bay. This comes
38 up every 20 years or so.
39

40 Jo Morgan, League of Women Voters, stated her organization was concerned
41 about the **request authorization for the Executive to enter into a contract**
42 **agreement between Whatcom County and DFM Associates for purchase of**
43 **a voter registration and election management system, in the amount of**
44 **\$99,074 (AB2004-203).** She was involved with the Election's Division staff, and
45 is now very comfortable with it. Because of local and state laws, the staff cannot
46 ensure all safeguards and measures they discussed. However, the interest of the
47 public will be met. The County election officials will work closely with her. Her

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1 organization recommends approval. She encouraged formation of the advisory
2 committee.

3
4 Sharon Crozier, Bellingham, stated she has a sufficient number of signatures
5 for the City of Bellingham initiative regarding the Boats Off initiative.
6 Unfortunately, they do not have a significant number of signatures for the County.
7 There is enough signatures for a mini-initiative, which will give the Council the
8 opportunity to enact this resolution. They didn't get enough signatures because
9 they couldn't get out into the county in the limited time they had. The measure will
10 ban motorized boats on Lake Whatcom.

11
12 The lake provides water to half the population of Whatcom County. In 1986,
13 800 total boat launches were recorded during the summer. Ten years later, the
14 number went up to 1,940. Bellingham will gain about 30,000 new people in 20
15 years. An impact of boating on lakes is the presence of petroleum products on the
16 water's surface. One gallon of gasoline will cover a square mile of water, which
17 kids swim in. There are a number of boating options on the lake that don't involve
18 gas-powered boats. There is a lot of money to say that people will die if they don't
19 allow motor boats, but they don't outlaw electric boats or emergency vessels. The
20 Chamber of Commerce, toward which the City contributes \$20,000 every year, says
21 that they are trying to get all boats off the water. Listen to Robin Matthews. The
22 reservoir is being attacked on all fronts. This is a small thing the County Council
23 can do for the citizens.

24
25 Tim Paxton, 2120 Ellis Street, Bellingham, stated he agreed with Sharon
26 Crozier. Getting almost 10,000 signature for a County initiative is difficult. Many
27 other counties require six or seven percent of the voters. Whatcom County
28 requires 15 percent. The Bellingham Herald included an insertion from the
29 Chamber of Commerce showing a canoe on the Nooksack River, which leads the
30 public to believe that this initiative would ban all boats from all over Whatcom
31 County. The County donates \$12,000 per year to the Chamber of Commerce. This
32 money is being used to put that type of information to the public through the
33 Bellingham Herald, which makes it difficult for advocates to gather signatures for
34 the initiative. Consider talking to the Chamber about what it is doing with taxpayer
35 funds.

36
37 Caskey-Schreiber stated she asked the County's legal counsel about that
38 issue, who believes the money from the County goes directly to the support of the
39 Ski to Sea race, not to Chamber political actions. Had the Council known that the
40 Chamber would take political action, the County would not fund it.

41
42 Pete Kremen, County Executive, stated the money from the County to the
43 Chamber is specifically used for the promotion of the Ski to Sea race. The County
44 will not recommend any line item expenditure for the Chamber of Commerce in the
45 coming year because the Chamber feels it wants to weigh in on political issues in
46 the future. It's time for the County to discontinue funding of that organization,
47 which the Chamber accepts.

1
2 Judy Russey, Bellingham, stated she is familiar with many places in the
3 region that are used for boating. She has gathered signatures for the Boats Off
4 initiative, and 80 percent of the people are signing the petitions to get motorized
5 boats off Lake Whatcom. Many people signing the petitions live on the lake and
6 can't stand the smell and sound of the motorboats. Many people opposed to the
7 initiative are worried about their land values. However, their land may be worth
8 more. Some people would never consider buying a house on a lake with
9 motorboats. This is a drinking reservoir. Other places fence off their drinking
10 water. It is time to protect the drinking water.

11
12 Jo Slivinski, 6163 Semiahmoo Lane, asked the Council to keep Birch Point
13 out of Birch Bay urban growth area. She recently began a petition to let the
14 Council know how the neighborhood feels. She has over 60 signatures, from
15 almost half the households. There are about 48 households in the Birch Point
16 neighborhood. The neighborhood strongly supports keeping Birch Point from the
17 urban growth area.

18
19
20 **PUBLIC HEARINGS**

21
22 **1. RESOLUTION ORDERING AN ASSESSMENT AGAINST PROPERTY AT**
23 **4739 ALDERSON ROAD, BLAINE, WA, PURSUANT TO THE UNIFORM**
24 **CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (AB2004-**
25 **200)**

26
27 McShane stated that the public hearing will be continued until the next
28 meeting due to property owner notification timeline.

29
30 Dewey Desler, Deputy Administrator, stated the County doesn't do this often
31 or lightly, but the issue is so egregious in this case that the administration felt it
32 should use the County's authority to act.

33
34 **McShane** opened the public hearing and, hearing no one, **moved** to extend
35 the public hearing for two weeks.

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

38
39 **2. RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY**
40 **SURPLUS PROPERTY PURSUANT TO WHATCOM COUNTY CODE 1.10**
41 **(AB2004-201A)**

42
43 McShane opened the public hearing and hearing no one, closed the public
44 hearing.

45
46 **Brenner moved** to approve the resolution.

47

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

3 **3. ORDINANCE TO PERMANENTLY CLOSE GARRISON ROAD FROM SR 9**
4 **(EAST BADGER ROAD) TO APPROXIMATELY 0.01 MILES SOUTH OF SR**
5 **9 (AB2004-210)**
6

7 Joe Rutan, County Road Engineer, gave a staff report and stated the
8 Washington State Department of Transportation (DOT) has a project planned for
9 2006 to realign the intersection to eliminate a series of 90 degree turns that have
10 to be made on Halverstick and Garrison roads. The railroad rejected the alignment,
11 which was very difficult. The option the railroad chose, which is before the Council,
12 is to close Garrison Road to eliminate the intersection issue. The northern leg
13 would be closed and returned to the County upon completion of the project. The
14 southern leg of the road, a County road, is the issue before the Council. The road
15 would close and become a cul de sac. The people on the southern leg of the road
16 would travel south to Lindsay Road and then to North Telegraph or Nooksack roads.
17 In the worst case scenario, the change would add two miles to the route of travel.
18

19 Fleetwood asked about the mixed feelings of the residents. Rutan stated
20 approximately 15 people who attended the open house and discussed both sides of
21 the issue. He could not discern a difference of opinion based on location of the
22 residents.
23

24 McShane opened the public hearing and the following people spoke:

25 *(Clerk's Note: End of tape one, side A.)*
26
27

28 Todd Harrison, Washington State Department of Transportation, stated the
29 project was funded by the State legislature in 2003. The project will provide much
30 needed safety and freight mobility improvements to the corridor. This section of
31 the highway is closed to freight and heavy traffic during freeze/thaw conditions.
32 Also, there are narrow roads. The project will add shoulders to and realign the
33 road. It will eliminate two 90 degree curves, which have caused recent accidents
34 involving trucks. The project will reduce the number of railroad crossings from two
35 to one, which is the subject of this road closure tonight. The railroad crossing is at
36 grade. Burlington-Northern rejected a permit for a design to locate the existing
37 south and north legs of Garrison Road as they are today. The department prefers
38 to close both legs of Garrison Road and eliminate that intersection. A second
39 option is to build a bridge over the railroad, which is out of character for the area
40 and is cost-prohibitive. The last option is to move the alignment to more of a 90
41 degree angle further to the south.
42

43 Sy Lautenbach, 8676 North Telegraph Road, Everson, stated he wants to
44 keep the roads open the way they are. The State bought his land 38 years ago to
45 build a highway, but they haven't done a thing. They aren't going to do anything
46 now.
47

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1 Dick Dykstra, 8604 Garrison Road, Everson, stated that if they move the
2 road south, it would only impact one or two families. No one has done a financial
3 impact study of the affected property owners. His farm equipment will have to take
4 a detour to where there would be a double yellow line on the road to prevent
5 passing. There are safety concerns regarding farm equipment on the road. Do
6 more studies to see how the closure affects people in the area.

7
8 Hearing no one else, McShane closed the public hearing.

9
10 Caskey-Schreiber asked about access for farm equipment to agricultural
11 lands. They need to access the agricultural land to the north. She asked if the
12 Department of Transportation has an alternate plan. Harrison stated this is the
13 least costly option.

14
15 Caskey-Schreiber asked about a public safety study and whether they looked
16 at diverting traffic to Telegraph Road. Harrison stated two farms would be affected
17 by the closure of South Garrison Road.

18
19 Brenner stated she distrusts the State. It's ridiculous to shut this road,
20 which is a perfectly straight road north to south. There is a way to do it better to
21 impact fewer or no people. She is against the ordinance.

22
23 Crawford asked about the weight restrictions. He assumed Highway 9 all the
24 way to Sumas doesn't have weight restrictions. Rutan stated this last winter, the
25 State did not close the portion of the road on which the County has restrictions. It
26 may be that the State is not concerned with the condition of the road and plans to
27 rebuild in two years.

28
29 Crawford asked if Garrison Road is currently not an all weather road. Rutan
30 stated it is not. The southern section that is a County road does not have all
31 weather standards.

32
33 Crawford asked if weight restrictions are not a big deal to Mr. Dykstra.
34 Dykstra stated the person who leases his family's lands has a contract with farmers
35 who buy his crops. Currently, the majority of the crops have been transported to
36 north of the Badger Road. Much of that traffic goes down Garrison Road to the
37 Badger Road. If all that traffic has to stay on Telegraph Road, which is a windy
38 road, someone will try to pass the farming vehicles doing 25 miles per hour and get
39 into an accident. The weight restrictions do not affect him. Now, they have access
40 for emergency response vehicles from both ends of the road. If they close the
41 north end of the road, and something blocks the south end, emergency vehicles will
42 not be able to respond.

43
44 Roy asked the amount of farm equipment that the two farms that would be
45 affected generate. Dykstra stated the farm traffic is seasonal. All the trucks have
46 to go around to the farmers to the north. The DOT hasn't done a study on the
47 financial impacts or the safety issues.

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1
2 Fleetwood asked how many loads they're talking about during prime farming
3 season, per farm. Dykstra stated there are about 100 loads of field corn. There
4 are 30 acres of corn and 30 acres of beans.
5

6 Crawford asked from where the emergency response comes. Dykstra stated
7 it comes from the south.
8

9 Caskey-Schreiber stated it's a nice country drive to Sumas. The road is fine
10 the way it is. The proposed route is bald eagle country in the winter months. She
11 doesn't want to put more traffic through that area.
12

13 Crawford stated this project is funded and going to happen. The County has
14 to deal with how it interacts with the intersection. To keep Garrison Road, it will
15 cost \$350,000 for signalization.
16

17 Brenner asked why the railroad doesn't do that. Rutan stated the signal
18 would cost \$350,000, but the railroad has rejected the option of installing a signal
19 there. The DOT has other options. With this proposed alignment, he would not
20 recommend this design. However, it is the safer of the two options. Those 100
21 agricultural vehicles are what they want to keep out of the unsafe intersection with
22 the railroad.
23

24 McShane asked what happens if the County does not close the Garrison
25 Road. He agrees that the intersection is scary because it's right on a railroad track.
26 He asked if that would trigger a different route proposal for that section of Highway
27 9. Rutan stated Mr. Harrison addressed the different options available.
28

29 Brenner asked if there is a signal there now. Rutan stated there is not.
30

31 Brenner asked the number of accidents at the location. Rutan stated he
32 doesn't have accident statistics.
33

34 Brenner stated they should leave it alone. Rutan stated he supports some
35 project on Highway 9 to eliminate the Garrison Road, which is very dangerous.
36 There is a dangerous deep ditch next to the fog line, and the trucks have to make a
37 series of right turns. Many take alternate routes.
38

39 Crawford suggested an alternative design and asked the potential cost.
40 Rutan stated they have to make sure the intersection doesn't back up on the
41 railroad. They would have to stop East Badger traffic on the railroad. He could not
42 offer an estimate now. There would be right-of-way and design issues to consider.
43 This is an issue that could be sent to the committee for further discussion.
44

45 McShane stated he would like to see other alternatives.
46

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1 Caskey-Schreiber stated she used to work for the railroad in the area. There
2 is only one train that goes on that line in the evening. People live on those roads
3 and drivers should not be speeding.
4

5 **McShane moved** to send this item to the Council Public Works and Safety
6 Committee for further review of alternative routes. Consider cost and safety.
7

8 **Roy suggested a friendly amendment** that they also consider impacts to
9 neighboring areas such as the farm community.
10

11 **McShane accepted** the friendly amendment.
12

13 Crawford stated he would support the motion. He is confident that the
14 Highway 9 realignment is an important part of their overall transportation plan. He
15 is grateful the State is moving forward with it. They must resolve this issue, but he
16 supports the realignment project.
17

18 **Motion carried unanimously.**
19

20 **4. RESOLUTION AUTHORIZING THE EXCHANGE OF COUNTY-OWNED**
21 **PROPERTY AND A CASH PAYMENT FOR CITY OF BELLINGHAM-**
22 **OWNED PROPERTY (AB2004-213)**
23

24 Dewey Desler, Deputy Administrator, gave a staff report and stated the
25 Executive's Office has been working on this issue for the last few months. The
26 property is appraised at \$873,000.
27

28 McShane opened the public hearing and the following people spoke:
29

30 Marla Bronstein, 1601 Broadway, stated her son was in an accident involving
31 a drunk driver, who was not worried about jail time, but about his insurance and a
32 fine. She is in favor of the sale. Don't let drunk drivers back on the road. The dire
33 need for beds should streamline this process.
34

35 Brenda Chevalier, 1207 Cranberry Court, stated she lives one-quarter of a
36 mile away from the proposed location and is a single mother. She has a masters
37 degree in psychology and has worked with people involved in substance abuse.
38 The housing development where she lives is home to many small children. The
39 area was zoned industrial. The mayor now supports the residents in keeping the
40 area industrial. Originally, the proposal was for a temporary jail. Eight or twelve
41 years is not temporary. That's permanent. Now the County admits it wants the
42 facility to be permanent. The public access near her home makes it easy for these
43 people to come into her backyard. The facility would also bring riffraff that visits
44 the inmates. The need is for a permanent larger facility, but somewhere else. This
45 is a rash and desperate facility, which can lead to bad outcomes.
46

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1 Brenner asked who said the County wants this to be a permanent facility.
2 Chevalier stated it was in the newspaper. Because of negotiations between the City
3 and County, Sheriff Elfo wants it to be permanent. That's the reason the City and
4 the mayor is now opposed.
5

6 Fleetwood asked if the concern is the risk that there would be escaped
7 fugitives running through the neighborhood. Chevalier stated the facility is in her
8 backyard. They are calling the facility a minimum security facility. Now, they are
9 letting out lower offenders so they can keep the higher level offenders out. In eight
10 to twelve years, there will be higher level offenders in the facility. They will come
11 and go with visitors. There will be a substance abuse location there. That is the
12 concern. They don't have enough beds now, and they won't have enough beds
13 with this temporary facility. She guarantees that there will be harmful people in
14 that facility and that are right in her backyard.
15

16 Mike Sebastiani, 1403 Cranberry Court, stated he is concerned about the
17 good faith. It is clear now that it is not going to be ten to twelve years. The article
18 in the paper stated the facility would operate for 25 years. However, 25 years is
19 not a bandaid. They need to focus funds on a permanent facility rather than always
20 being one step behind. They really need a permanent large jail. According to
21 Sheriff Elfo, a low risk offender is a multiple defense drinking under the influence.
22 The definition of low risk keeps changing. According to Gary Williams, the people
23 going to the facility for substance abuse wouldn't generally walk in or out of the
24 facility. Over time, that might change.
25

26 Laura Sebastiani, 1403 Cranberry Court, stated she has chosen to stay home
27 with her children. She got used to the idea of the temporary low risk facility. Now
28 she has been misled. They should push for something that meets the permanent
29 needs. It's as if they knew all along that the storage facility next to it could be
30 converted to meet the need, which would become more permanent. That's not an
31 appropriate site, which was zoned industrial to generate revenue for the city.
32 There is residential growth in that area. She doesn't understand why the hotel off
33 of Interstate 5 wasn't an option. She asked what the storage building is for. It
34 wasn't a priority in the first place. They should work towards a permanent
35 structure.
36

37 Patrick McKee, 2801 Grant Street, stated he is against the purchase of the
38 property. It's an unwise use of County money and city land. There hasn't been
39 enough investigation of the use of other jail space in the state. He's heard little
40 discussion about it. He suggested sending overflow prisoners to other jails that are
41 selling prisoner cells. The cost is comparable to the proposed maintenance and
42 operation costs projected. He asked why they are not considering a regional jail in
43 cooperation with other counties in the area.
44

45 Don Keenan, City of Bellingham Deputy Administrator, stated the City of
46 Bellingham is willing to work with the County to come up with creative solutions for
47 the intermediate- and long-term.

1
2 *(Clerk's Note: End of tape one, side B.)*
3

4 Keenan continued to stated that as they have more jail placements, they will
5 have increased costs. The City proposed an alternative that would be able to lower
6 general fund costs to the City and be more helpful for the City. They have many
7 outside forces that are pushing on Whatcom County, the City of Bellingham, and
8 other jurisdictions in the state that are keeping them from using funding sources
9 they've used in the past to solve these kinds of issues.

10
11 There are two remaining questions, including the number of new jail beds
12 would be added with the completion of this facility. At the end of this process, they
13 would like to have enough places to put people in jail. The second question is the
14 length of time this new facility will be used as a jail. The public hearings in
15 November and December gave people the impression this would be for a limited
16 amount of time. More recent comments allude to a period of 20 to 25 years. That
17 is something that goes against what they are trying to do, which is trying to build
18 and keep trust with the neighboring residents. If people are told in a public hearing
19 that the jail will be for a short amount of time, and the reality is that it will operate
20 for 20 to 25 years, the County has a credibility problem. They need to go back and
21 rework the issue from the beginning. The City wants to work with the County to
22 come up with a solution that will work for all in the short- and long-term.
23

24 Bill Elfo, Sheriff, stated he prefers that the facility not be built and that an
25 800-bed facility be built instead. However, it will be six to eight years until a
26 facility that large can be built. They need something now. Using out-of-county
27 jails is an option, but over 70 percent of inmates are pre-trial and need to be here
28 for hearings and trials. Most sentenced prisoners have other charges pending.
29 Chief Jones looked at the feasibility of regional jails. The National Institute of
30 Corrections did a study and found a regional jail with Skagit County isn't feasible.
31 They have been working toward this for a year now. The City of Bellingham has
32 been a willing partner in this. To make this change at the last minute puts the
33 County back to square one. They are in a crisis and need the facility now. If this
34 property doesn't go through, it will be September before the County can apply for
35 rezone in another location and December before planning is done. Construction will
36 be another 20 months after that. He asked how many more people will be victims
37 from crime because of the delay. He empathizes with the neighborhood's concerns.
38 However, their safety is more in danger from a drunk driver that isn't put in jail
39 than from inmates escaping from the facility. He asked the Council to support the
40 land transfer. He urged the City to move forward with the transaction.
41

42 Richard Maneval, 2405 Superior Street, Bellingham, stated he understands
43 why the citizens in the Bakerview Hannegan industrial area do not want the jail
44 there, but they need it now. They are already too late. Get moving now. He can
45 think of many other places he'd like to see the jail, but this is a temporary jail.
46 They have to go for a permanent jail. Get on track with that fast, but it will be six
47 to eight years out. They are now talking about a facility to take the pressure off

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1 the existing jail. He is a member of the Whatcom County Law and Justice
2 Committee. He's heard the consultants talk about the plan. The citizens on the
3 committee have also talked about what needs to be done. They need it now.
4 Citizens have talked about the danger on the street from the jail being close to
5 their homes. However, there are already dangers on the streets because they can't
6 get people into the jail. Recently, Bellingham Police Chief Randy Carroll
7 commented about how they periodically have to move as many as 60 homeless off
8 certain streets. Recently, a deputy spent six hours apprehending one person.
9 These are the people on the streets today, and they can't get them off the streets.
10 Move forward on the temporary jail in this location.

11
12 Hearing no one else, McShane closed the public hearing.

13
14 Brenner asked where the notion that this jail would be permanent came
15 from. Desler stated he said the County could use the jail for ten to twelve years or
16 longer because of his experience working for 35 years on this issue in this
17 community. It takes a long time to site a jail. This facility can be built to whatever
18 limit the Council decides. The facility is intended to be built so that it can be
19 converted back to an industrial use in the future. The other elements of the facility
20 provide for a rapid response to the mental health or substance abuse treatment
21 needs that most inmates have. When they began to move forward with a minimum
22 security jail on Port of Bellingham property, the Port said the County could have a
23 facility temporarily, for six to eight years. The County didn't think that was long
24 enough. The consultants said the County needs something for a longer period of
25 time. The Executive hopes to move forward with a main jail that would house 600
26 to 800 inmates and to get rid of this temporary facility in a reasonable amount of
27 time. Besides being too small, this facility has a number of problems. They can all
28 work together to get there. It will require a significant investment on the part of
29 the public and a cooperative arrangement among all communities. It might take 20
30 years. Things that are called temporary sometimes end up being longer. It could
31 be as long as 20 years. It wasn't his intent to say to the media that this facility
32 was always planned to be permanent.

33
34 **Caskey-Schreiber** stated it will be difficult for anyone to determine how
35 long the County will need this facility. Optimistically, she hopes they will only need
36 it for less than six years. Unfortunately, the process is slow. They got a sampling
37 today of how difficult it will be to site and pay for a permanent facility. However,
38 the County will get there because it needs a permanent facility. This temporary
39 facility is interim. It will get them from one point to another. Without it, the
40 community is at risk. She understands the concerns of the neighbors at Bakerview.
41 Right now, the Security Specialists Plus (SSP) security facility has operated there
42 for years. They're familiar with how to operate a facility safely, without impacting
43 the neighborhood. There are serious risks with homes being located next to an
44 industrial area. This County is not going to do this helter skelter. It will operate a
45 responsible operation. She is confident that Sheriff Elfo will make sure there are no
46 negative effects to the neighbors of this facility. There is a bigger risk of letting
47 these people stay in the community without any consequences for their behavior.

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1 If they don't have this interim jail with the cooperation of the City, the community
2 will be at risk for at least another three years. More people will be victimized. She
3 **moved** to approve the resolution.
4

5 Roy stated the County put an offer to the City. The offer was developed by
6 the County and the City administrations. Changing this at the last minute would be
7 annoying. She supported the proposal as it is presented.
8

9 Brenner stated she agreed with Councilmember Caskey-Schreiber. This was
10 always supposed to be an interim, not permanent solution. She won't support this
11 as a permanent solution. The County Council will decide where a permanent facility
12 is located. She will only support this as a temporary solution.
13

14 Crawford stated the Finance Committee supported appropriating the funding
15 for the land purchase. He asked about the real estate excise tax (REET) first
16 quarter funds being used to construct this building.
17

18 Dave Grant, Senior Civil Deputy Prosecutor, stated he has not reviewed the
19 question because the question was not put to him before now. Since fellow
20 prosecutor Dan Gibson initialed the document, he assumes that it must be okay.
21

22 Crawford stated he supports this facility. This is timely. It was anticipated.
23 If folks have the impression that last minute manipulation of the situation to
24 change the situation occurred on the County's part, he will say that they have done
25 a careful and lengthy process on this and with the master facilities plan.
26

27 Fleetwood stated he supports the resolution. It's not necessary to have
28 formal ownership. The goal all along was to relieve overcrowding in the jail. By
29 whatever means they get there is not a concern.
30

31 Brenner stated the County should own this because it would be too difficult
32 to go through an approval process with the City Council on every decision dealing
33 with construction of the facility. It will take years to get it built and used. Move
34 ahead with a permanent facility. It will be a lot more expensive to work with two
35 jurisdictions on everything. She is in favor of ownership of the property, not
36 leasing.
37

38 McShane stated that ultimately, these decisions will have to be done
39 mutually. This is part of a mutual decision. The City may or may not take the
40 offer. They've been moving toward a land exchange agreement the City would
41 support. He supports this item. It would take care of the problem of the lack of jail
42 space, which is also the City's problem. Hopefully they can work through the
43 complications on this facility and a more permanent facility, which will have to be
44 done through a joint process with the City government.
45

46 Roy stated the County has to site this jail in Bellingham. The Council decided
47 to keep the jails and courts together. It needs to be located in the County seat.

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

3
4 *(Clerk's Note: The Council continued action on this item in Other Business,*
5 *below.)*

6
7
8 **CONSENT AGENDA**

9
10 ***Crawford*** reported for the Finance and Administrative Services Committee
11 and ***moved*** to approve Consent Agenda items one through four.

12
13 ***Motion to approve Consent Agenda items one through four carried***
14 ***unanimously.***

- 15
16 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
17 **PROFESSIONAL SERVICES CONTRACT BETWEEN WHATCOM COUNTY**
18 **AND LARRY STEELE & ASSOCIATES FOR THE 2004 SURVEY**
19 **MONUMENTATION PROJECT, IN THE AMOUNT OF \$100,000 (AB2004-**
20 **217)**
- 21
22 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
23 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND NORSTAN**
24 **COMMUNICATIONS, INC. FOR INSTALLATION OF MD110 PHONE**
25 **SYSTEM AT WHATCOM COUNTY PARKS MAIN OFFICE, IN THE**
26 **AMOUNT OF \$16,510.12 (AB2004-218)**
- 27
28 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
29 **BID AWARD WITH THE BELLINGHAM HERALD TO BE DESIGNATED AS**
30 **WHATCOM COUNTY'S OFFICIAL NEWSPAPER AND AUTHORIZE THE**
31 **EXECUTIVE TO SIGN THE CONTRACT WITH THE BELLINGHAM HERALD**
32 **(AB2004-219)**
- 33
34 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
35 **49 TO THE LOWEST BIDDER, BRIM TRACTOR, FOR A ROADSIDE**
36 **MOWING TRACTOR, IN THE AMOUNT OF \$81,568.73 (AB2004-220)**

37
38
39 **OTHER ITEMS**

- 40
41 **1. REPORT ON COMMITTEE PRESENTATION REGARDING LAKE**
42 **WHATCOM WATER QUALITY AND THE LAKE WHATCOM MONITORING**
43 **2002-2003 FINAL REPORT (AB2004-228)**

44
45 Roy reported for the Natural Resources Committee and stated all the
46 councilmembers attended the presentation. Dr. Robin Matthews went over very
47 complicated data on the lake. The news is not good. There is an increase in

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1 phosphorous and a decrease in oxygen. All three basins are deteriorating. The
2 major factor of deterioration is development in the watershed. Dr. Matthews
3 explained that upping the treatment process for drinking water would add
4 carcinogenic to the water. The presentation was illuminating, but not real uplifting.
5

6 McShane stated there would be a follow-up presentation by Steve Hood,
7 Department of Ecology, regarding the total maximum daily load (TMDL) study at
8 the next Natural Resources Committee meeting.
9

10 **2. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET,**
11 **SIXTH REQUEST (AB2004-214)**
12

13 *Crawford* reported for the Finance and Administrative Services Committee
14 and *moved* to adopt the ordinance.
15

16 *Motion carried unanimously.*
17

18 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
19 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND DFM**
20 **ASSOCIATES FOR PURCHASE OF A VOTER REGISTRATION AND**
21 **ELECTION MANAGEMENT SYSTEM, IN THE AMOUNT OF \$99,074**
22 **(AB2004-203)**
23

24 *Crawford* reported for the Finance and Administrative Services Committee
25 and *moved* to approve the request.
26

27 *Motion carried unanimously.*
28

29 **4. REPORT ON COMMITTEE DISCUSSION REGARDING A PROPOSAL TO**
30 **CHANGE THE SPEED LIMIT FROM 35 TO 25 MPH FOR ROADS IN**
31 **UNINCORPORATED AREAS OF WHATCOM COUNTY (AB2004-215)**
32

33 Brenner reported for the Public Works and Safety Committee. The County
34 could change the Trigg Road speed limit to 25 miles per hour if it is necessary
35 because of the new development.
36

37 **5. REPORT ON UPDATED INFORMATION PRESENTED TO COMMITTEE ON**
38 **THE SCOPE OF WORK FOR SURFACE WATER QUANTITY MODEL**
39 **(AB2004-229)**
40

41 Brenner reported for the Public Works and Safety Committee and stated
42 three things came out of this report. The first was the surface water quantity
43 addition to the scope of work for Utah State University (USU), which is based on
44 three conditions. There is no recommendation from committee due to a 1-1 split
45 vote. She voted against the request because she will not support any money spent
46 on USU, which ripped off the County. She supports the concept of the scope of
47 work, but not who is doing the work.

1
2 **McShane moved** to approve the water quantity study with Utah State
3 University and Natural Resource Conservation Service (NRCS) as long as it is within
4 the budget and timeframe of the existing scope of work.

5
6 Caskey-Schreiber stated she didn't review the information in the packet.
7

8 McShane stated scope of work is to evaluate water quantity taken out of
9 shallow groundwater through drainage systems in agricultural fields. The Planning
10 Unit, especially the tribes, felt it is important to address in terms of instream flow.
11 He agrees. It's simple to do. The agricultural community has concerns about it
12 and may fear that they may not be able to drain their fields as rapidly, which would
13 interfere with agricultural activities. The Council received a memo from the
14 agricultural caucus, who wants the study to be done in coordination with the local
15 NRCS to make sure the model reflects local conditions.
16

17 Caskey-Schreiber asked if there is an additional funding amount required.
18

19 McShane stated the cost is included in the existing budget. USU would work
20 with the NRCS within the existing budget and timeframe of the existing scope of
21 work.
22

23 Brenner stated USU agreed initially to do the other work within the scope
24 and budget. It didn't do the groundwater modeling that it was supposed to do.
25 This money is within the budget. There is money still in the budget because USU
26 was supposed to do groundwater modeling. They are moving money around. The
27 money for groundwater modeling should be kept separate for when they do
28 groundwater modeling. They're rewarding a contractor who reneged on what they
29 agreed to do.
30

31 Roy stated one issue they had discussed was having a neutral local
32 contractor to do this work. One issue that kept coming up was that local groups
33 would not be impartial, and they needed someone from outside the area. That is
34 one reason to go with USU. She's comfortable that the situation that happened
35 before won't happen again.
36

37 ***Motion carried 5-1 with Brenner opposed.***
38

39 Brenner stated the committee also discussed the plan being available to the
40 public, but it won't be promoted yet. It is still a work in progress. It should be
41 ready for the County Council by January 2005, at which time it will be advertised.
42

43 Last, the Council received version six of the instream flow action plan, which
44 the councilmembers need to read before the work session next week.
45

46 **6. ORDINANCE ADOPTING THE BIRCH BAY COMMUNITY PLAN (AB2004-**
47 **121)**

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1
2 Fleetwood reported for the Planning and Development Committee and stated
3 this item is held in committee. He anticipates that the plan will be reintroduced on
4 June 15. He anticipates that a public hearing and possible adoption will be
5 scheduled for June 29.
6

7 **7. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
8 **DAVID REYNOLDS AS THE JUVENILE COURT ADMINISTRATOR, AS SET**
9 **FORTH IN THE WHATCOM COUNTY HOME RULE CHARTER, SECTION**
10 **3.23 (AB2004-222)**
11

12 Dewey Desler, Deputy Administrator, stated the County is losing Steve Paus
13 this summer, and introduced Mr. Reynolds as his replacement.
14

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

17 **McShane moved** to confirm the appointment.
18

19 **Motion carried unanimously.**
20

21 **8. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
22 **JANNETH HUNTER TO THE RURAL LIBRARY BOARD (AB2004-223)**
23

24 **Caskey-Schreiber moved** to confirm the appointment.
25

26 **Motion carried unanimously.**
27

28
29 **INTRODUCTION ITEMS**
30

31 **McShane moved** to accept the Introduction Items.
32

33 **Motion carried unanimously.**
34

35 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 11,**
36 **BOATING AND SWIMMING (AB2004-224)**
37

38 **2. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
39 **ZONING ORDINANCE, TITLE 20, ADDRESSING ELECTRICAL POWER**
40 **LINES OF 115KV AND TRANSMISSION LINES OF 115KV**
41 **TRANSMITTING POWER ABOVE 160 MW (AB2004-225)**
42

43 **3. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET, 7TH**
44 **REQUEST (AB2004-226)**
45

46 **4. PUBLIC HEARING TO REPORT ON PROJECT OUTCOME OF COMMUNITY**
47 **DEVELOPMENT BLOCK GRANT FOR NUGENT ROAD FRONTAGE**

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1 **IMPROVEMENTS AS REQUIRED OF LUMMI ISLAND COMMUNITY LAND**
2 **TRUST LOW-INCOME HOUSING PROJECT KNOWN AS THE CEDRUS**
3 **COOPERATIVE/NEWPORT (AB2004-227)**
4
5

6 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
7

8 Crawford stated only he and Councilmember Brenner are planning to attend
9 the methamphetamine seminar on Thursday at St. Luke's. The County Executive's
10 Office is providing funding for the daylong summit. There will be outcomes
11 addressing meth labs.
12

13 **OTHER BUSINESS**
14

15 **4. RESOLUTION AUTHORIZING THE EXCHANGE OF COUNTY-OWNED**
16 **PROPERTY AND A CASH PAYMENT FOR CITY OF BELLINGHAM-**
17 **OWNED PROPERTY (AB2004-213)**
18

19 Dewey Desler, Deputy Administrator, asked the Council to reconsider the
20 motion to approve the resolution regarding the minimum security facility to insert
21 the word "interim." That is the intent of the County Council.
22

23 ***McShane moved*** to reconsider the resolution.
24

25 ***Motion to reconsider carried unanimously***
26

27 ***McShane moved*** to approve the resolution with addition of language,
28 "...interim minimum security..." in all references in the resolution.
29

30 ***Motion carried unanimously.***
31
32

33 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
34

35 Caskey-Schreiber stated she will not be able to make the meth summit
36 because she just returned from vacation and has to work.
37

38 McShane stated he would like to attend the meth summit but is not sure if
39 he will be able to make it.
40

41 Crawford stated that if councilmembers want to drop in on the summit for an
42 hour or two, it would be best to do it during the morning sessions.
43

44 **ADJOURN**
45

46 The meeting adjourned at 9:27 p.m.
47

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Jill Nixon, Minutes Transcription

The Council approved these minutes on June 15, 2004.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair