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2
3
4 WHATCOM COUNTY COUNCIL
5 **Regular County Council**

6
7 February 22, 2005
8
9

10 Council Chair Laurie Caskey-Schreiber called the meeting to order at 7:00
11 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.
12

13 Present:

14 Barbara Brenner
15 Dan McShane
16 Sam Crawford
17 Seth Fleetwood
18 Sharon Roy
19 L. Ward Nelson
20
21

Absent:

None

22 **FLAG SALUTE**
23
24

25 **PUBLIC HEARING**
26

27 **2. RESOLUTION TO SELL SURPLUS PROPERTY (AB2005-081B)**
28

29 Caskey-Schreiber stated the Lummi Island parking hearing is cancelled. The
30 Council may decide later on this evening to have a hearing and bring it back on
31 March 15.
32

33 *(Clerk's Note: Discussion continued after Minutes Consent.)*
34

35 **OTHER ITEMS**
36

37 **5. ORDINANCE AMENDING TEXT OF THE OFFICIAL WHATCOM COUNTY**
38 **ZONING ORDINANCE, SPECIFICALLY THE ADDITION OF CHAPTER**
39 **20.15 – MUSHROOM SUBSTRATE PRODUCTION FACILITIES SITING**
40 **REQUIREMENTS, ESTABLISHING LOCATIONAL CRITERIA AND**
41 **ZONING DISTRICTS IN WHICH SUCH FACILITIES WILL BE ALLOWED**
42 **(AB2005-105)**
43

44 Caskey-Schreiber stated this item was held in committee, so they don't know
45 yet when the public hearing will be held on this item.
46
47

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1 **ANNOUNCEMENTS**
2

3 There were no announcements.
4
5

6 **MINUTES CONSENT**
7

8 ***Nelson moved*** to approve Consent Agenda items one through three.
9

10 ***Motion carried unanimously.***
11

12 **1. BOARD OF HEALTH FOR FEBRUARY 1, 2005**

13
14 **2. REGULAR COUNTY COUNCIL FOR JANUARY 25, 2005**

15
16 **3. REGULAR COUNTY COUNCIL FOR FEBRUARY 8, 2005**
17

18
19 **PUBLIC HEARING**
20

21 **2. RESOLUTION TO SELL SURPLUS PROPERTY (AB2005-081B)**
22

23 Crawford stated the committee decided that the County Council can take a
24 vote on this issue if a councilmember who originally voted against the resolution
25 moved to reconsider the motion. He asked if that is not correct.
26

27 Caskey-Schreiber stated it can't happen that way.
28

29 Crawford asked if they need to have another hearing.
30

31 Caskey-Schreiber stated that is correct.
32

33 Brenner asked about the contract with Wilson Engineering.
34

35 Dana Brown-Davis, Clerk of the Council, stated that contract was officially
36 withdrawn from the agenda this morning. The Council can't bring them up. A
37 notice was sent to the media this morning and it was announced during Finance
38 Committee that there would not be a hearing tonight. The Council needs to
39 reschedule the items.
40

41 Caskey-Schreiber stated the Council will need to address it at the next
42 meeting.
43

44
45 **OPEN SESSION**
46

47 The following people spoke:

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1
2 Tim Paxton, 2120 Ellis, Bellingham, stated he congratulates the Council for
3 taking action on the **ordinance imposing an interim moratorium on the**
4 **acceptance of new applications for subdivisions and new building permits**
5 **within the Lake Whatcom Watershed (AB2005-072)**. The Clean Water
6 Alliance is happy about it. Get some public health toxicology experts to look at
7 certain things that may not come up with the logging, stormwater, and runoff
8 issues. The County Council, as the Health Board, needs to get someone to speak
9 who has expertise.

10
11 The Clean Water Alliance is appealing the decision to adopt the **ordinance**
12 **amending the Whatcom County Comprehensive Plan, Chapter 2 – Sudden**
13 **Valley Provisional Urban Growth Area (AB2004-339)**. Reconsider the urban
14 growth area (UGA) designation in light of the moratorium. If Sudden Valley
15 becomes a city, it can exempt itself from any kind of any County development
16 moratoria. Sudden Valley is definitely trying to become a city and is spending a lot
17 of money before the Growth Management Hearings Board, Snohomish Superior
18 Court, and Washington State Supreme Court. The interlocal agreement with the
19 community association will not bind them to any development plans. They will
20 need to build out to create a tax base to meet the State’s requirements for a city.
21 Don’t undermine the moratorium by allowing this city to be created.

22
23 Duncan McLane, Lummi Island Fire District 11 Chief, spoke regarding the
24 **request authorization for the Executive to enter into a professional**
25 **services agreement between Whatcom County and Wilson Engineering,**
26 **L.L.C. to provide permitting, design and construction phase professional**
27 **services for a proposed public parking lot at the ferry terminal on Lummi**
28 **Island, in the amount of \$58,645 (AB2005-076A) and resolution to sell**
29 **surplus property (AB2005-081B)**. The Fire District has been working with the
30 Lummi Island Transportation Committee to communicate the Fire District’s
31 concerns regarding the parking problems. A countywide mutual aid agreement
32 enables all fire districts and cities in the county to work together. Mutual aid is not
33 received in the same timeframe as on the mainland, due to operations of the
34 Whatcom Chief. The overcrowded parking at the dock create an unsafe
35 environment for the patient to be transferred to Medic One. He requested that the
36 Public Works Department designate a fire lane at the terminal, but the request was
37 denied. Safely negotiating the fire apparatus around the parking lot and
38 surrounding roads is difficult because of the increased overflow parking. During
39 island event weekends and dry dock, it is common to have the roadway north of
40 the terminal narrowed to single vehicle passage only. Mutual aid for fires adds
41 additional large apparatus. Additional delays in response will increase, and the
42 potential of significant loss of property increases. Essential services are
43 increasingly difficult to provide. Reduce the risk of unnecessary loss of life by
44 expediting a resolution to the situation.

45
46 Dennis Jones, 1487 Sudden Valley, stated Sudden Valley needs improved
47 roads and stormwater management.

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1
2 He supports removing Sudden Valley from the urban growth area.
3 **Ordinance amending the Whatcom County Comprehensive Plan, Chapter 2**
4 **– Sudden Valley Provisional Urban Growth Area (AB2004-339).** Going
5 through the process of creating a city would have required environmental review
6 and a charter for Sudden Valley. He prefers to stay a member of the county.
7 Sudden Valley is a club. Sudden Valley has started on a community plan.
8

9 William Lee, Lummi Island Transportation Committee Acting Chair, spoke on
10 the **request authorization for the Executive to enter into a professional**
11 **services agreement between Whatcom County and Wilson Engineering,**
12 **L.L.C. to provide permitting, design and construction phase professional**
13 **services for a proposed public parking lot at the ferry terminal on Lummi**
14 **Island, in the amount of \$58,645 (AB2005-076A) and resolution to sell**
15 **surplus property (AB2005-081B).** He agrees with the comments from Fire
16 Chief McLane. Delaying the creating of additional parking extends the burden to
17 the islanders. They are not talking about convenience. They are talking about
18 safety. If they can't create additional parking by going ahead with the plans, the
19 community will need interim or temporary parking on a regular basis, not just for
20 dry dock. People park illegally and unsafely on a regular basis.
21

22 Sharon Crosier, Bellingham, stated she thanks the Council for adopting the
23 **ordinance imposing an interim moratorium on the acceptance of new**
24 **applications for subdivisions and new building permits within the Lake**
25 **Whatcom Watershed (AB2005-072).** There are 500 building permits because
26 the permitting department felt obliged to stay open extra hours to get around what
27 the County is trying to do, which is slow things down. They succeeded. They
28 managed to issue a record number of permits in a minimum amount of time. Don't
29 consider those permits a done deal. Make sure those homes won't add to the
30 problem the Council is trying to fix now.
31

32 Bob Bush, 3612 Sunrise Road, Lummi Island, spoke on the **request**
33 **authorization for the Executive to enter into a professional services**
34 **agreement between Whatcom County and Wilson Engineering, L.L.C. to**
35 **provide permitting, design and construction phase professional services**
36 **for a proposed public parking lot at the ferry terminal on Lummi Island, in**
37 **the amount of \$58,645 (AB2005-076A) and resolution to sell surplus**
38 **property (AB2005-081B).** He invites the Council and County Executive to come
39 and ride in an emergency vehicle on Lummi Island to experience the problem
40 firsthand.
41

42 Polly Hanson, 2781 West Shore Drive, Lummi Island, spoke on the **request**
43 **authorization for the Executive to enter into a professional services**
44 **agreement between Whatcom County and Wilson Engineering, L.L.C. to**
45 **provide permitting, design and construction phase professional services**
46 **for a proposed public parking lot at the ferry terminal on Lummi Island, in**
47 **the amount of \$58,645 (AB2005-076A) and resolution to sell surplus**

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1 **property (AB2005-081B).** She is in favor of safety and keeping the cars from
2 parking illegally and dangerously. It's time to provide sufficient parking for the
3 ferry without blocking the emergency vehicle. Development of the parking lot in a
4 timely way does not need to stop the Land Trust proposal. Make sure to maintain
5 the house, trees, and shrubs in the parking area to present a better entryway to
6 the island. Solve the problems as they come up without being over-dramatic.
7 They don't have to say that people will die if they go forward with the proposal.
8 Many islanders want to help get this done.
9

10 Wanda Terry, 2882 N. Nugent Road, Lummi Island, spoke on the **request**
11 **authorization for the Executive to enter into a professional services**
12 **agreement between Whatcom County and Wilson Engineering, L.L.C. to**
13 **provide permitting, design and construction phase professional services**
14 **for a proposed public parking lot at the ferry terminal on Lummi Island, in**
15 **the amount of \$58,645 (AB2005-076A) and resolution to sell surplus**
16 **property (AB2005-081B).** There are speeding problems on the island
17 throughout the year, but mostly during the summer. The Sheriff's Office loaned the
18 community its radar trailer and a deputy began to arrive on the island randomly to
19 create the impression of law enforcement. Those measures helped the problem.
20

21 In addition, there is a tremendous amount of tickets that have been issued
22 for illegal parking due to inadequate parking spaces. People didn't seem to grasp
23 the problem caused to the fire department until they started getting ticketed.
24 When the deputy is not patrolling the island, people still park illegally. The roads
25 are narrow and curvy, which contribute to emergency response delays.
26

27 Michelle Morrisey, Lummi Island, spoke on the **request authorization for**
28 **the Executive to enter into a professional services agreement between**
29 **Whatcom County and Wilson Engineering, L.L.C. to provide permitting,**
30 **design and construction phase professional services for a proposed public**
31 **parking lot at the ferry terminal on Lummi Island, in the amount of**
32 **\$58,645 (AB2005-076A) and resolution to sell surplus property (AB2005-**
33 **081B).** She is concerned about the public process. There are conflicting stories
34 about public input on the design and unclear stories about what to expect. Don't
35 give the public conflicting stories.
36

37 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated there are utility
38 subsidies that promote growth in the rural areas. People in rural areas expect first
39 class services. The County will be faced with this problem more and more in the
40 future. The people who live in the more efficient service areas end up paying for
41 the subsidies.
42

43 Dave Ernst, 2884 West Shore Drive, Lummi Island, submitted information
44 (*on file*) regarding the **request authorization for the Executive to enter into a**
45 **professional services agreement between Whatcom County and Wilson**
46 **Engineering, L.L.C. to provide permitting, design and construction phase**
47 **professional services for a proposed public parking lot at the ferry terminal**

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1 **on Lummi Island, in the amount of \$58,645 (AB2005-076A) and resolution**
2 **to sell surplus property (AB2005-081B).** Many islanders and Public Works staff
3 want to work to create additional parking by dry dock. He is optimistic about the
4 progress they can make in the next two weeks.
5

6 Michelle Luke, 3342 Sunrise Court, Lummi Island, spoke on the **request**
7 **authorization for the Executive to enter into a professional services**
8 **agreement between Whatcom County and Wilson Engineering, L.L.C. to**
9 **provide permitting, design and construction phase professional services**
10 **for a proposed public parking lot at the ferry terminal on Lummi Island, in**
11 **the amount of \$58,645 (AB2005-076A) and resolution to sell surplus**
12 **property (AB2005-081B).** A community center is a worthy project. However,
13 the community needs parking. Don't let vague proposals for unrelated and
14 contradictory uses delay or derail parking.
15

16 Albert Marshall, West Shore Dr., Lummi Island, spoke on the **request**
17 **authorization for the Executive to enter into a professional services**
18 **agreement between Whatcom County and Wilson Engineering, L.L.C. to**
19 **provide permitting, design and construction phase professional services**
20 **for a proposed public parking lot at the ferry terminal on Lummi Island, in**
21 **the amount of \$58,645 (AB2005-076A) and resolution to sell surplus**
22 **property (AB2005-081B).** The Embrey house could be used by the Boys and
23 Girls Club. The Club members pleaded for a place to meet. This house would serve
24 that purpose. The house could serve other similar needs. He's sympathetic to the
25 needs of the Fire District. If they are careful, they can solve those problems with
26 innovative thinking. More enforcement will get people to obey parking rules. They
27 can find temporary parking. Allow the Land Trust to go forward with buying the
28 Carlisle property for the land swap. Support the Land Trust proposal.
29

30 Brenner asked if the person in charge of the Boys and Girls Club requested
31 that the Embrey house be retained. Marshall stated he understands the person in
32 charge spoke in favor of retaining the house, and then talked about the club's
33 needs for a place to meet.
34

35 Brenner stated she heard the opposite.
36

37 Art Thomas, Lummi Island, spoke on the **request authorization for the**
38 **Executive to enter into a professional services agreement between**
39 **Whatcom County and Wilson Engineering, L.L.C. to provide permitting,**
40 **design and construction phase professional services for a proposed public**
41 **parking lot at the ferry terminal on Lummi Island, in the amount of**
42 **\$58,645 (AB2005-076A) and resolution to sell surplus property (AB2005-**
43 **081B).** The Boys and Girls Club has not approached the community Land Trust to
44 use the Embrey House. The issue is parking. It's clear they need parking. Stick to
45 the issue. Let the community put together a community center. Consider whether
46 a community center is more important than a parking lot.
47

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1 Colleen Berg, Lummi Island Land Trust Director, 2109 Tuttle, Lummi Island,
2 spoke on the **request authorization for the Executive to enter into a**
3 **professional services agreement between Whatcom County and Wilson**
4 **Engineering, L.L.C. to provide permitting, design and construction phase**
5 **professional services for a proposed public parking lot at the ferry terminal**
6 **on Lummi Island, in the amount of \$58,645 (AB2005-076A) and resolution**
7 **to sell surplus property (AB2005-081B).** During a recent public meeting, it
8 was said that the Boys and Girls Club is interested in a meeting site, the Embrey
9 house site would do fine, but it is not interested in delaying the parking issue. Her
10 children go to the Boys and Girls Club. There is no running water or bathroom.
11 They get to use the current building for free. It's possible to provide temporary
12 parking at the Islander Store. She asked the fire station about using their parking
13 lot temporarily.
14

15 The Hilltop Water Association assured her that water would probably be
16 available if they change the use of the house from residential to commercial. She
17 intends this to be a productive community project, not the political battle it has
18 turned into. The Land Trust wants to work with the community.
19

20 Steve Luke, 3342 Sunrise Court, Lummi Island, spoke on the **request**
21 **authorization for the Executive to enter into a professional services**
22 **agreement between Whatcom County and Wilson Engineering, L.L.C. to**
23 **provide permitting, design and construction phase professional services**
24 **for a proposed public parking lot at the ferry terminal on Lummi Island, in**
25 **the amount of \$58,645 (AB2005-076A) and resolution to sell surplus**
26 **property (AB2005-081B).** During last week's public meeting with the Land
27 Trust, there was a lot of opposition to the proposal. The resistance isn't to the
28 plans for the house. The resistance is to using the house in the middle of the ferry
29 parking lot. Money is invested in the property for a parking lot, but there is no
30 parking lot. Give the Land Trust 30 days to move the house, or sell it to someone
31 else. Landscape the parking area so it is not unsightly.
32

33 Craig Smith, 2522 Taft Drive, Lummi Island, Lummi Island Fire District 11
34 Commissioner, spoke on the **request authorization for the Executive to enter**
35 **into a professional services agreement between Whatcom County and**
36 **Wilson Engineering, L.L.C. to provide permitting, design and construction**
37 **phase professional services for a proposed public parking lot at the ferry**
38 **terminal on Lummi Island, in the amount of \$58,645 (AB2005-076A) and**
39 **resolution to sell surplus property (AB2005-081B).** If there is parking at the
40 fire station, there will have to be a shuttle van to get the people to the ferry dock.
41 That option is doable, but not very feasible.
42

43 Wanda Cucinotta, 2303 Tuttle Lane, Lummi Island, spoke on the **request**
44 **authorization for the Executive to enter into a professional services**
45 **agreement between Whatcom County and Wilson Engineering, L.L.C. to**
46 **provide permitting, design and construction phase professional services**
47 **for a proposed public parking lot at the ferry terminal on Lummi Island, in**

1 **the amount of \$58,645 (AB2005-076A) and resolution to sell surplus**
2 **property (AB2005-081B).** Five loads of gravel can be put down without a permit
3 to allow for temporary parking. With time, they can research stormwater
4 management to do a better job of that. The Council is supposed to consider public
5 beach access when making a decision. The Lummi Island Land Trust proposal will
6 provide the County three adjoining lots on the beach. They can solve the parking
7 problem and go forward with the proposal. The area is hydrologically sensitive. It
8 should all be a special water resource management area. The neighbors are
9 concerned about the water. They don't need any more pavement. Get funding for
10 alternatives to pavement.

11
12 Jeff Monsen, Public Works Director, stated a key issue is the confusion from
13 mixed and incomplete messages. He envisioned that the design process will allow
14 that disclosure to occur. An early procedural step was to contract with a design
15 company to help the County and make a decision on the house. Before that design
16 process, he needed the Council's decision on the house. Once the decision is made
17 on the house, he can begin the design process. Without that decision, there is
18 nothing to start.

19
20 The Land Trust proposal makes it necessary to look at all the alternatives.
21 Because of the one aspect of the proposal that gives the County use of the
22 adjoining parcel, the County should wait for the Parks Department plan and take
23 the time to look at it. Whether or not they take that time over the next few
24 months, construction will happen next year. If the Council decides tonight to move
25 ahead with the original process, construction might be accomplished this calendar
26 year.

27
28 *(Clerk's Note: End of tape one, side A.)*
29

30 Monsen continued to state that he is reluctant to say a parking lot could be
31 done before dry dock. He is on a short time line to deliver the parking lot. He
32 intentionally looked for ways in the design and permitting process to use the entire
33 period of time to engage the community. He is saddened to hear the public say he
34 is disguising or withholding information before going into the permit process. He
35 planned to use the permit process to access and educate the community.

36
37 This house decision is not resolved. Therefore, he is prepared to engage the
38 Lummi Island Land Trust, County Parks Department, and Lummi Island community
39 to look at the alternatives. He presumes that the issues will resolve themselves in
40 the next few months. By mid- to late-summer, he will be back again to ask for a
41 design contract so construction can be done next year, before dry dock in 2006.

42
43 This parking lot has never been the solution to the dry dock parking problem.
44 This delay allows him to refocus on temporary and permanent parking issues. He
45 will look at spaces that can be improved somewhat for temporary issues. He
46 recommends that they do not consider any temporary work on any County parcels
47 because the law doesn't require the County to get a permit. Once they do that, the

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1 County may perform work that will eventually be thrown away. He would rather
2 withhold any work on the County parcels to make them useful for temporary
3 purposes, which will still require a great amount of work.
4

5 Roy asked if the new parking lot alone, as originally planned, will still not
6 solve the parking problem during dry dock. Monsen stated the new parking lot will
7 go a long way in dealing with the problem. However, some people may still park
8 illegally because the illegal parking is done close to the boat. Enforcement will still
9 need to occur.

10
11 Nelson asked if there will be no parking lot this year. Monsen stated there is
12 no way to deal with the legal matters required of the Land Trust's proposal in time
13 to finish the parking lot this calendar year.
14

15 Nelson asked if the administration will come back to the Council with this
16 issue in two weeks. Monsen stated he will have to come back to the Council for a
17 decision on the land exchange. That is one step in the process.
18

19 Brenner asked if the staff can cut down blackberries and grade the area so
20 people can park there for this year. Monsen stated the ground is wet the latter part
21 of the year. Therefore, sod would need to be removed and replaced with gravel.
22 For the short-term, he can focus on low-cost temporary parking for dry dock. For
23 long-term parking, don't create a temporary fix.
24

25 Caskey-Schreiber stated the County's insurance will only cover \$58,000 of
26 the \$172,000 Lummi Island dock repair. She is in favor of not dumping money into
27 something temporary. The community process is more than they planned, but that
28 is not a bad thing.
29

30 Roy stated the Council is not getting solid information from the Land Trust.
31 She supported bringing the original item up again in three weeks. She asked if the
32 parking lot, however, will not be done even if the Council approves the original
33 plan. The staff has set up a process. The first part of the process will determine
34 whether the land swap is viable. Her major reason for voting for the proposal is
35 because of the land swap. She asked how soon they will know if the land swap can
36 go through and if the County must start from the beginning if it doesn't go through.
37 Monsen stated that is okay. The relocation of the house is a key issue to finish the
38 parking lot project. They must take into account where the house goes.
39

40 Caskey-Schreiber stated the Council already approved the purchase of a
41 larger ferry. She asked if that purchase would eliminate the dry dock situation,
42 when they have the Whatcom Chief as backup. Monsen stated it will. Once the
43 County acquires the new boat, it will retain the Whatcom Chief for dry dock
44 purposes. This parking lot deals with year-round use of the ferry. The bigger
45 challenge is having reliable parking at Gooseberry Point. Keeping the Whatcom
46 Chief will solve both problems.
47

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1 Brenner asked if there is anything the County can do to help the Fire District
2 in the meantime. Monsen stated he will try to create as much space as possible
3 along the roadside to give fire apparatus room. It's a challenge to reserve space
4 around the ferry landing because of conflicting use. There isn't a lot of space
5 unless they remove the building.
6
7

8 **ANNOUNCEMENTS**

9
10 Caskey-Schreiber stated the Committee of the Whole also discussed mileage
11 reimbursement for Flood Advisory Committee members. The Clerk of the Council
12 will speak with Executive Kremen on the matter.
13
14

15 **CONSENT AGENDA**

16
17 **Nelson** reported for the Finance and Administrative Services Committee and
18 **moved** to approve Consent Agenda items one through 11. Item nine includes a
19 substitute agreement and substitute language for Section VIII.
20

21 McShane withdrew item number nine.
22

23 ***Motion to approve Consent Agenda items one through eight, ten, and***
24 ***eleven carried unanimously.***
25

- 26 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
27 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND NEW**
28 **WAY MINISTRIES TO PROVIDE TWO SHELTER UNITS FOR HOMELESS**
29 **INDIVIDUALS AND/OR FAMILIES, IN THE AMOUNT OF \$20,000**
30 **(AB2005-110)**
31
- 32 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
33 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND OLD**
34 **TOWN CHRISTIAN MINISTRIES TO PROVIDE OPERATING AND STAFF**
35 **SUPPORT AND ADDITIONAL VOUCHERS TO THE STEPPING STONES**
36 **PROGRAM, IN THE AMOUNT OF \$28,209 (AB2005-111)**
37
- 38 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
39 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**
40 **WOMENCARE SHELTER AND DOMESTIC VIOLENCE SERVICES TO**
41 **SUPPORT ADDITIONAL OPERATIONS STAFFING, IN THE AMOUNT OF**
42 **\$20,000 (AB2005-112)**
43
- 44 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
45 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**
46 **NORTHWEST YOUTH SERVICES TO DEVELOP AND OPERATE THE**

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1 **PROPOSED "NWYS YOUTH HOME", IN THE AMOUNT OF \$25,000**
2 **(AB2005-113)**

3
4 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
5 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND SUN**
6 **COMMUNITY SERVICES TO PROVIDE SHELTER BEDS FOR HOMELESS**
7 **MENTALLY ILL AND/OR INDIVIDUALS WITH CO-OCCURRING**
8 **SUBSTANCE ABUSE PROBLEMS, IN THE AMOUNT OF \$32,000**
9 **(AB2005-114)**

10
11 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
12 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND LYDIA**
13 **PLACE TO PROVIDE TRANSITIONAL HOUSING BEDS FOR WOMEN**
14 **WITH CHILDREN, IN THE AMOUNT OF \$20,000 (AB2005-115)**

15
16 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
17 **AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN**
18 **WHATCOM COUNTY AND WESTCOAST COUNSELING & TREATMENT**
19 **CENTER FOR SUBSTANCE ABUSE OUTPATIENT SERVICES, IN THE**
20 **AMOUNT OF \$155,035, FOR A TOTAL AMENDED CONTRACT IN THE**
21 **AMOUNT OF \$294,909 (AB2005-116)**

22
23 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
24 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**
25 **CATHOLIC COMMUNITY SERVICES RECOVERY CENTER FOR**
26 **EVALUATION AND DRUG AND ALCOHOL SERVICES TO YOUTH**
27 **REFERRED UNDER AND SENTENCED UNDER THE CHEMICAL**
28 **DEPENDENCY DISPOSITION ALTERNATIVE IN JUVENILE COURT, IN**
29 **THE AMOUNT OF \$30,000 (AB2005-117)**

30
31 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
32 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND LUMMI**
33 **INDIAN BUSINESS COUNCIL FOR THE SLATER ROAD FLOOD-**
34 **PROOFING PROJECT, IN THE AMOUNT OF \$1,000,000 (AB2005-118)**

35
36 ***Nelson moved*** to approve the request with the substitute agreement and
37 substitute language for Section VIII.

38
39 McShane stated this commits the County to quite a large project. The
40 Lummi Indian Business Council is pursuing Federal Emergency Management Agency
41 (FEMA) money. He doesn't want this project to compete with other FEMA work the
42 County is doing. Other communities consider it normal for a road to close once or
43 twice each year.

44
45 Nelson stated this road is a major thoroughfare for an industrial area and the
46 entire Lummi Nation.

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1 Roy stated the traffic in Ferndale backs up all the way to the freeway
2 because Slater Road was closed. It is a major thoroughfare.

3
4 McShane stated the community he referenced was in Riverside County,
5 California. In specific, one closed road had traffic counts four times more than
6 Slater Road's traffic counts, and it was the only access to the freeway for a city with
7 a population of 68,000. On average, that road would go under water for two days,
8 twice per year.

9
10 Brenner stated there are many communities out that way. It's also
11 appropriate because the County is getting help from the Lummi Nation.

12
13 Caskey-Schreiber asked if the cost will be paid from the road fund, and if the
14 County can also pursue a grant.

15
16 Jeff Monsen, Public Works Director, stated the cost will come from the road
17 fund. He isn't allowed to match federal money with federal money. This cost is a
18 local share. Whatcom County looked at the possibility of a grant in the past for this
19 project, but wasn't able to do the project on its own. The Lummi Nation has access
20 to similar grant programs, but reserved for tribal purposes. This is one project on
21 the Tribe's list of things that need to be fixed. Therefore, the Tribe is the grant
22 applicant. He doesn't believe the Tribe is contributing any of its own funds, other
23 than staff time. He submitted earlier a substitute version of the ordinance and also
24 substitute language for one particular section.

25
26 Crawford stated this is a win-win project for everyone. This is a County
27 road, not a Lummi road, that is of vital importance to the Tribe's access to the
28 freeway and places beyond the reservation. He asked the total project cost.
29 Monsen stated the total cost is approximately \$4 million.

30
31 Crawford stated the County's share is only \$1 million.

32
33 Fleetwood asked how much money is spent annually from the road fund.
34 Monsen stated the County spends annually about \$20 million.

35
36 Caskey-Schreiber stated the County spent \$5 million on the Park Road, which
37 doesn't have the same volume as this road. Every year, this road comes forward
38 as a problem. It floods every year. She said in the past that she would support
39 the project if the City of Ferndale or the Lummi Tribe helped. She's happy the Tribe
40 stepped up to help solve the problem.

41
42 ***Motion carried 6-1 with McShane opposed.***

43
44 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
45 **CONSULTANT AGREEMENT BETWEEN WHATCOM COUNTY AND**
46 **NORTHWEST HYDRAULIC CONSULTANTS FOR SCOUR EVALUATION**

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1 **OF WHATCOM COUNTY BRIDGES, IN THE AMOUNT OF \$57,223**
2 **(AB2005-119)**

- 3
4 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
5 **JUVENILE ACCOUNTABILITY BLOCK GRANT AWARD BETWEEN**
6 **WHATCOM COUNTY AND WASHINGTON STATE DEPARTMENT OF**
7 **SOCIAL AND HEALTH SERVICES TO ENHANCE ACCOUNTABILITY OF**
8 **JUVENILE OFFENDERS, IN THE AMOUNT OF \$38,550 (AB2005-120)**
9

10
11 **PUBLIC HEARINGS**

- 12
13 **1. RESOLUTION CONDITIONALLY APPROVING THE SAMISH WATER**
14 **DISTRICT COMPREHENSIVE SEWER PLAN (AB2005-107)**

15
16 Caskey-Schreiber opened the public hearing and the following people spoke:
17

18 Terry Klimpel, Samish Water District Manager, stated update has to do
19 mainly with the capital improvement program, which identifies capital needs for the
20 next 20 years. The plan is also used as a tool for setting district rates and charges.
21

22 A water reclamation project is also in the plan. Wastewater would be taken
23 from the residents around the lake, treating it to a class A water, and discharging it
24 to Friday Creek for flow augmentation. He asked for Council approval.
25

26 Hearing no one else, Caskey-Schreiber closed the public hearing.
27

28 ***Brenner moved*** to approve the resolution.
29

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

33 **OTHER ITEMS**

- 34
35 **1. ORDINANCE AMENDING THE 2005 WHATCOM COUNTY BUDGET,**
36 **SECOND REQUEST (AB2005-103)**
37

38 ***Nelson*** reported for the Finance and Administrative Services Committee and
39 ***moved*** to adopt the ordinance.
40

41 ***Motion carried unanimously.***
42

- 43 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
44 **PROFESSIONAL SERVICES AGREEMENT BETWEEN WHATCOM COUNTY**
45 **AND WILSON ENGINEERING, L.L.C. TO PROVIDE PERMITTING,**
46 **DESIGN AND CONSTRUCTION PHASE PROFESSIONAL SERVICES FOR**

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1 **A PROPOSED PUBLIC PARKING LOT AT THE FERRY TERMINAL ON**
2 **LUMMI ISLAND, IN THE AMOUNT OF \$58,645 (AB2005-076A)**
3

4 Nelson reported for the Finance and Administrative Services Committee and
5 stated this item was withdrawn from the agenda.
6

7 **3. RESOLUTION SUPPORTING THE WHATCOM ALLIANCE FOR**
8 **HEALTHCARE ACCESS (WAHA) TO HELP PROVIDE HEALTHCARE**
9 **ACCESS TO UNINSURED AND PARTIALLY INSURED RESIDENTS OF**
10 **WHATCOM COUNTY (AB2005-124)**
11

12 **Nelson** reported for the Finance and Administrative Services Committee and
13 **moved** to approve the resolution. He submitted additional information.
14

15 Caskey-Schreiber asked if this is a one-time expenditure.
16

17 Nelson stated it is.
18

19 Caskey-Schreiber stated this will reduce the burden on emergency services
20 in the long-run. People don't have appropriate health care insurance, so they avoid
21 preventative health care and end up in emergency rooms.
22

23 **Motion carried unanimously.**
24

25 **4. ORDINANCE AMENDING WHATCOM COUNTY CODE BY THE ADDITION**
26 **OF A NEW SECTION TO WHATCOM COUNTY CODE, TITLE 16,**
27 **ENVIRONMENT, CHAPTER 16.28 – MANURE AND AGRICULTURAL**
28 **NUTRIENT MANAGEMENT, SECTION 16.28.045 – APPEALS AND**
29 **ADDITION OF NEW LANGUAGE TO WHATCOM COUNTY CODE, TITLE**
30 **20, ZONING, CHAPTER 20.92 – HEARING EXAMINER, SECTION**
31 **20.92.210 – FINAL DECISIONS (AB2005-104)**
32

33 Fleetwood stated the Planning and Development Committee discussed and
34 approved the **resolution initiating Comprehensive Plan and zoning**
35 **amendments for 2005 (AB2005-084) - Docket #2005-F: Cherry Point UGA**
36 **Expansion and resolution initiating Comprehensive Plan and zoning**
37 **amendments for 2005 (AB2005-084) - Docket #2005-S: Appendix G,**
38 **Transportation Impact Fee Background Info.**
39

40 **Fleetwood** reported for the Planning and Development Committee and
41 **moved** to adopt the ordinance.
42

43 **Motion carried unanimously.**
44

45 **5. ORDINANCE AMENDING TEXT OF THE OFFICIAL WHATCOM COUNTY**
46 **ZONING ORDINANCE, SPECIFICALLY THE ADDITION OF CHAPTER**
47 **20.15 – MUSHROOM SUBSTRATE PRODUCTION FACILITIES SITING**

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1 **REQUIREMENTS, ESTABLISHING LOCATIONAL CRITERIA AND**
2 **ZONING DISTRICTS IN WHICH SUCH FACILITIES WILL BE ALLOWED**
3 **(AB2005-105)**
4

5 Fleetwood reported for the Planning and Development Committee and stated
6 this item is held in committee.
7

8 **6. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
9 **ORDINANCE, TITLE 20, CHAPTER 20.80 TO DESIGNATE THE BIRCH**
10 **BAY WATERSHED AS A STORMWATER SPECIAL DISTRICT AND A**
11 **WATER RESOURCE SPECIAL MANAGEMENT AREA (AB2005-106)**
12

13 **Fleetwood** reported for the Planning and Development Committee and
14 **moved** to adopt the ordinance.
15

16 Nelson asked the purpose of this ordinance.
17

18 Sylvia Goodwin, Planning Division Manager, stated this ordinance adds the
19 onsite stormwater requirements and erosion control requirements. It does not add
20 the impervious surfaces, tree retention, or seasonal land clearing.
21

22 Brenner stated this has been an interim ordinance for quite awhile. This
23 ordinance makes it permanent.
24

25 Goodwin stated this item is in the Birch Bay plan.
26

27 **Motion carried unanimously.**
28

29 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A NEW**
30 **LIQUOR LICENSE APPLICATION FOR ANTOJITOS MINA, 880 E. POLE**
31 **ROAD, LYNDEN (AB2005-121)**
32

33 **McShane moved** to approve the request.
34

35 **Motion carried unanimously.**
36

37 **8. JOINT RESOLUTION ADOPTING THE LAKE WHATCOM 2005-2009**
38 **WORK PLAN (AB2005-082)**
39

40 **Fleetwood moved** to approve the resolution.
41

42 **Motion carried unanimously.**
43

44 Crawford stated some of the ideas he brought up, such as mechanical
45 aeration, he will pursue at future joint meetings. There are other things they can
46 do. As they work on future management plans, they need to extend their horizons.
47

1
2 **INTRODUCTION ITEMS**
3

4 Caskey-Schreiber suggested that the **interim ordinance amending**
5 **Whatcom County Code, Title 20, Section 20.80.735, to implement a**
6 **seasonal restriction on land clearing activities within the Lake Whatcom**
7 **Watershed Water Resource Special Management Area between October 1**
8 **and April 30 (AB2005-125)** be scheduled on the Council work session on March
9 1.

10
11 The Council concurred.
12

13 Roy stated she has seen rainfall statistics for this part of the county. She
14 would like those presented at the work session.
15

16 McShane stated they don't need to rush this through. Make sure they get
17 good information on rainfall, but they also need to look at growing days in
18 September. That's the issue. He is concerned about root establishment and
19 growth. Don't schedule a public hearing at this time. Work on it during the work
20 session first, then send it to committee.
21

22 Nelson stated he would like information from the administration on the range
23 of rainfall that happens from the perspective of water volume. If they allow land
24 clearing in a wet season, set the standard toward the high volume.
25

26 ***Caskey-Schreiber moved*** to accept the Introduction Items including the
27 addendum item.
28

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

31 **1. COMMUNITY DEVELOPMENT BLOCK GRANT CLOSEOUT -**
32 **COMPREHENSIVE PLAN HOUSING CHARTER UPDATE (AB2005-122)**
33

34 **2. ORDINANCE REGARDING ESTABLISHMENT OF THE SPEED LIMIT ON**
35 **EAST KELLOGG ROAD (AB2005-123)**
36

37 **Addendum:**

38 **3. INTERIM ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE**
39 **20, SECTION 20.80.735, TO IMPLEMENT A SEASONAL RESTRICTION**
40 **ON LAND CLEARING ACTIVITIES WITHIN THE LAKE WHATCOM**
41 **WATERSHED WATER RESOURCE SPECIAL MANAGEMENT AREA**
42 **BETWEEN OCTOBER 1 AND APRIL 30 (AB2005-125)**
43

44
45 **OTHER BUSINESS**
46

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1 Brenner stated the Mental Health Advisory Board discussed State House Bill
2 1290, which will take all local control away from the County, eliminate the County's
3 authority on mental health issues, allow transfer for all systems into health
4 management organizations (HMO's) rather than the North Sound Regional Support
5 Network and local services, and interfere with the coordination of federal, state,
6 and county funded public mental health efforts. At the same time, Senate Bill 5763
7 does just the opposite. She read a motion from the Mental Health Advisory Board
8 opposing House Bill 1290 (on file). Kelli Linville is a sponsor of House Bill 1290.
9 There was no conversation with the local Mental Health Advisory Board about
10 House Bill 1290. People can contact her to talk to her about it. Senator Brandland
11 is a sponsor of Senate Bill 5763, which she favors. Support it.

12
13 Pete Kremen, County Executive, stated House Bill 1290 takes away a
14 county's role in providing mental health services. Mental health problems will
15 remain in the community.

16
17 Crawford asked the argument for the House Bill. Kremen stated one
18 motivation is money. It is a power grab by the State. They want control.
19 However, the local community is where the problems will be experienced.
20 Whatcom County will be left without the tools to address the wide range of mental
21 health problems. He urged the Council to oppose House Bill 1290. He is writing a
22 letter to the legislators. The Council can join him in the letter. The Mental Health
23 Advisory Board and Washington State Association of Counties strongly oppose the
24 bill. The Senate Bill is a good, bipartisan piece of legislation. He recommends that
25 the Council write a letter in support of the Senate bill.

26
27 Nelson stated this region has a very good mental health system. The North
28 Sound Regional Support Network does very well managing dollars and taking care
29 of crisis services. The State has tried to fix the system in other areas of the state.
30 The past State Behavioral Health Program went broke trying to administer mental
31 health programs. This is an effort by the State to get more dollars. Unfortunately,
32 the dollars that come to the region for crisis services are mixed. The region uses
33 them for different crisis services. When they remove a lot of money, it depletes the
34 region's ability to care for patients. This region was asked to undertake a pilot
35 project.

36
37 Dewey Desler, Deputy Administrator, stated the region asked to be a pilot
38 project in developing some of the concepts proposed by the task force.

39
40 Nelson stated the local region must demonstrate to the State that it already
41 knows what it is doing.

42
43 *(Clerk's Note: End of tape one, side B.)*

44
45 Nelson continued to state that Executive Kremen is a strong advocate for the
46 Healthcare Alliance. Get people into services without tying up emergency services.
47 He supports the motion.

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1
2 Fleetwood asked if Mr. Kremen is going to go to Olympia and lobby against
3 this.

4
5 Caskey-Schreiber stated the County has a lobbyist now.
6

7 Kremen stated he is composing a letter. Don't duplicate efforts. Write a
8 joint letter from the Council and the Administration. A joint letter would also send
9 the message that the County is unified against this action. He will keep the time to
10 a minimum, and fax or email the legislative delegation. He is disappointed that one
11 of the local members of the House of Representatives is a co-sponsor of House Bill
12 1290. Hopefully, they will be able to enlighten that representative.
13

14 **Brenner moved** to jointly write a letter opposing House Bill 1290 and a
15 letter supporting Senate Bill 5763, to be written by the Executive's Office.
16

17 She was pleased to see Senator Brandland's name on this Senate Bill that is
18 so good. He sits on the local Mental Health Advisory Board and has been
19 instrumental in putting through great legislation.
20

21 **Crawford suggested a friendly amendment** that Council Chair Caskey-
22 Schreiber sign the letter on behalf of the entire Council, and that is so noted on the
23 letter.
24

25 **Brenner accepted** the friendly amendment.
26

27 **Motion carried unanimously.**
28

29 Crawford stated he is sure that Representative Linville has good reasons for
30 this House Bill, but she's not here and the Council doesn't get to hear those
31 reasons.
32

33 Brenner stated that representative never contacted or spoke with the local
34 Mental Health Advisory Board. No one on the State committee will know how much
35 damage will be done by that House Bill unless they speak with members of the
36 mental health community.
37

38 Caskey-Schreiber stated she is on the board of the Northwest Clean Air
39 Agency, which supports the bill adopting the California Auto Emission Standards.
40 She asked if the Council is interested in sending a letter of support for that bill.
41 She will talk to the councilmembers individually when she gets a copy of the bill
42 and the standards.
43

44 George Boggs has been asked to apply for the top position at the State
45 Department of Agriculture. **She moved** to send letter in support for George Boggs'
46 application to the State Dept of Agriculture.
47

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1 Fleetwood stated he would support Mr. Boggs.
2

3 Roy stated Whatcom County will miss Mr. Boggs much, but there are other
4 good people who can take his place.
5

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

8
9 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
10

11 Caskey-Schreiber stated councilmembers are invited to go to Lummi Island
12 on Sunday at 11:30 a.m. to ride the fire truck and experience the problem with
13 lane widths at the ferry.
14

15
16 **ADJOURN**
17

18 The meeting adjourned at 8:42 p.m.
19
20

21 _____
22 Jill Nixon, Minutes Transcription
23

24 The Council approved these minutes on March 15, 2005.
25

26 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

27
28
29
30
31 _____
32 Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Council Chair