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1 City, County, and State law enforcement officials will be able to talk to each  
2 other through the internet as a result of a project the Law and Justice Council is  
3 working on called Whatcom Exchange Network (WENet). The Law and Justice  
4 helped to get a federal grant for that program.

5  
6 The Law and Justice Council is to provide strategic planning for the County  
7 Council in the forms of suggestions and good ideas.

8  
9  
10 **MINUTES CONSENT**

11  
12 *Brenner moved* to approve Minutes Consent items one through six.

13  
14 *Motion carried unanimously.*

- 15  
16 **1. SPECIAL COUNTY COUNCIL FOR APRIL 26, 2005**  
17  
18 **2. WATER RESOURCES WORK SESSION FOR APRIL 19, 2005**  
19  
20 **3. REGULAR COUNTY COUNCIL FOR MAY 10, 2005**  
21  
22 **4. SPECIAL COUNTY COUNCIL FOR MAY 3, 2005 (PARKS PLAN)**  
23  
24 **5. SPECIAL COUNTY COUNCIL FOR MAY 3, 2005 (MORATORIUM**  
25 **RESPONSE)**  
26  
27 **6. SPECIAL COUNTY COUNCIL FOR MAY 10, 2005 (MORATORIUM**  
28 **RESPONSE)**

29  
30  
31 **OPEN SESSION**

32  
33 The following people spoke:

34  
35 Dennis Jones, 1487 Sudden Valley, stated Sudden Valley community put  
36 together a Sudden Valley Practice and Research Team. He referred the team to  
37 County Senior Planner Sue Blake. Dissolved oxygen is a concern. The Practice and  
38 Research Team came up with a lot of studies and a solution regarding glacier pools  
39 in Lake Whatcom. Take a look at that information.

40  
41 The City and County did work on Lake Whatcom a year ago. There are  
42 things they can do to achieve a 110 percent solution. It's time for another  
43 committee to get on it with Mr. McFarlane in the lead.

44  
45 David Davidson, City of Sumas Administrator, stated the Council has a  
46 recommendation regarding the Haul Road Extension from the Economic  
47 Development Investment Board. The project is a \$533,000 project to extend a

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1 road to open up some area zoned industrial. They've been working on the project  
2 for 18 months. Many folks have collaborated on the project and have contributed  
3 money. They will receive 58 percent of the total cost from other funding sources,  
4 and are asking for 42 percent of the money from the County in the form of a grant.  
5 The total request is for \$225,000 as a grant.  
6

7 They picked this project carefully, and tailor fit it to the program guidelines  
8 the County Council established a few years ago. The guideline says to build  
9 infrastructure that leads to job creation. That is what this project does. The  
10 application includes estimates of the number of jobs that will be created. It  
11 includes existing companies with known expansion plans. A total of 96 jobs will be  
12 created in three years. It might lead to another 170 jobs over time. Sumas has  
13 the highest proportion of people in the county that are low- and moderate-income.  
14 It is a needy area. The existing companies will provide jobs to people in that area.  
15

16 Confirm that this project makes sense to the County. He's going for another  
17 application. He would like to be able to say the County supports the project.  
18  
19

## 20 **PUBLIC HEARINGS**

### 21 22 **1. ORDINANCE AMENDING TEXT OF THE OFFICIAL WHATCOM COUNTY** 23 **ZONING ORDINANCE, SPECIFICALLY THE ADDITION OF CHAPTER** 24 **20.15 – MUSHROOM SUBSTRATE PRODUCTION FACILITIES SITING** 25 **REQUIREMENTS, ESTABLISHING LOCATIONAL CRITERIA AND** 26 **ZONING DISTRICTS IN WHICH SUCH FACILITIES WILL BE ALLOWED** 27 **(AB2005-105)** 28

29 Fleetwood opened the public hearing and the following people spoke:  
30

31 Ken Ryan, 7098 Goodwin Road, Everson, stated he speaks for the entire Glen  
32 Echo community. He acknowledged the Council's patience with this situation. It is  
33 important not to rush to judgment. Consider details of the ordinance. The  
34 community supports the original ordinance. Half mile buffers can be justified.  
35 However, they understand the Council does not support it for existing uses.  
36

37 Someone suggested allowing the existing facility a variance. His primary  
38 concern is that they want the Health Code to be required equally to everyone.  
39 Regulation should ensure this requirement. It is best to rely on a practical buffer.  
40

41 He decided to look at the buffers from an engineer's standpoint. The buffers  
42 are a tolerance specification. These specifications are built into an engineering  
43 design, so the design runs well. They must consider the knowns, unknowns,  
44 human element, and probability of outcome. If an engineer reduces the tolerance  
45 for error, there must be more expectations on other parts of the design to follow  
46 through. Some of the known issue to consider are choice of facility type, quality  
47 construction, operation competency, and the specific airshed.

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1  
2 Residents never wanted to keep a facility from operating as it functioned  
3 historically. They have raised their families with the facilities. The facility has had  
4 problems, but they are tolerant country people.  
5

6 Greg Barlean, Hopewell Neighborhood Association, stated he lived most of his  
7 life in the east side of Everson. He spent ten years recycling spent mushroom  
8 substrate. In that time, he received a basic education in how the mushroom  
9 industry works. When he found out his neighborhood would be sandwiched  
10 between two large open air substrate production facilities, he became very involved  
11 in this issue. He's talked to experts worldwide, and has developed a good working  
12 knowledge of this industry. This isn't over for the association. They expect legal  
13 action, even now.  
14

15 He thanked the Council for being a part of this process. He has no objection  
16 to the amendments that may happen tonight. He will speak again at the public  
17 hearing in two weeks.  
18

19 Hearing no one else, Fleetwood closed the public hearing.  
20

21 ***Brenner moved*** to adopt the ordinance.  
22

23 ***Brenner moved*** to strike language in the definition of expansion, section  
24 20.15.020(3), "...effective date of this chapter ~~or any construction, addition or the~~  
25 ~~enlargement that either expands the footprint or increases the square footage of~~  
26 ~~the active area by more than 5% or 500 square feet, whichever is less."~~ The  
27 Council's concern is with the noxious emissions, not the look of the facility or  
28 potential expansion of the buildings. They don't have any dealing with the size of  
29 the footprint or increase in square footage. The rest of the expansion definition is  
30 not appropriate.  
31

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

34 ***Brenner moved*** to amend section 20.15.070 to insert a new item four, and  
35 renumber the existing item four to item five:

36 "(4) Notwithstanding any other provisions in this ordinance or in Title 20,  
37 on-farm mushroom substrate production facilities that are non-  
38 conforming shall be eligible for a variance from buffer or setback  
39 requirements if it can be demonstrated that such additional buffer or  
40 setback is not required to mitigate adverse impacts on adjacent land  
41 uses and if the criteria established in WCC 20.84.120 have been  
42 satisfied.

43 {4} (5) The facility shall..."  
44

45 They are all looking to prevent the kind of problems that they had with IMS  
46 and the very noxious emissions from mega-production facilities. It was no one's  
47 intention to pick on an existing facility or ever pick on agricultural operations.

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1 Mushroom substrate production is a manufacturing process. Any existing or future  
2 mushroom farmer in Whatcom County can farm as many mushrooms as they want.  
3 This regulation is merely about substrate production, not mushroom farming.  
4

5 Allow a nominal expansion of the existing facility's ability to expand substrate  
6 production, as long as it stays within the line of on-farm producers, not commercial  
7 producers. However, don't allow it to expand too much. This is not a compromise.  
8 It's a good substitute that allows all stakeholders to feel protected.  
9

10 Crawford stated he supports the motion. These amendments will require  
11 another public hearing in two weeks. He is concerned about the word variance. He  
12 understands that a variance is a process ruled on by the Hearing Examiner. Some  
13 of the intent of this is being written as an exemption, which is not a process. He  
14 would like clarification on the intent within the next two weeks. It seems strange to  
15 write in the zoning code that someone is eligible for a variance. If they allow a  
16 variance, they must give the Hearing Examiner very specific regulations on what to  
17 allow a variance.  
18

19 Brenner stated this is not an exemption. Future on-farm facilities already  
20 can obtain a variance of buffers and setbacks. Ostroms is a nonconforming use  
21 because it doesn't meet the requirements of the new law. Nonconforming uses are  
22 not automatically eligible for a variance. This allows them to go through the same  
23 process that any future on-farm facility can go through.  
24

25 Crawford stated the language is to allow Ostroms to go through the specific  
26 variance process.  
27

28 Nelson asked if Title 24 is regulated by the Health Department.  
29

30 Brenner stated the variance process would go through the Hearing Examiner.  
31 There is no administrative approval process.  
32

33 **McShane** stated he is hesitant to adopt this ordinance in two weeks. He  
34 **suggested a friendly amendment** to schedule a public hearing in four weeks,  
35 and place the issue in the Planning and Development Committee in two weeks.  
36 Review these for consistency with the current code. He needs clarification on how  
37 the variance procedure would work in this situation.  
38

39 **Brenner accepted** the friendly amendment.  
40

41 Fleetwood asked if Planning or legal staff have reviewed the amendments.  
42

43 Brenner stated she spoke with Planning staff, who is comfortable with the  
44 amendment. A private attorney who used to be County legal counsel okayed the  
45 amendment. She has no problem waiting.  
46

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1           ***Brenner amended the friendly amendment.*** Have a public hearing in six  
2 weeks.

3  
4           Roy stated a variance is not an exemption. The applicant would have to  
5 prove certain things to get the variance. She supports the motion. This item has  
6 been before the Council for over a year. She thanked Councilmember Brenner for  
7 working on this issue.

8  
9           ***Motion to amend carried unanimously.***

10  
11           ***Motion to accept the amended version and have a public hearing in***  
12 ***six weeks carried unanimously.***

13  
14 **2. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**  
15 **ORDINANCE, TITLE 20, CHAPTERS 20.37 – POINT ROBERTS**  
16 **TRANSITIONAL ZONE (TZ) DISTRICT, 20.71 – WATER RESOURCE**  
17 **PROTECTION OVERLAY DISTRICT, AND 20.97 – DEFINITIONS TO**  
18 **CLARIFY REQUIREMENTS AND STANDARDS FOR CLUSTER**  
19 **SUBDIVISIONS (AB2005-149)**

20  
21           Fleetwood opened the public hearing and the following people spoke:

22  
23           Mary Dickinson, Building Industry Association of Whatcom County  
24 Governmental Affairs, submitted and read from information (*on file*). An individual  
25 property owner can no longer live on the open reserve tract. That is a concern.  
26 She is also disappointed that the number of allowed building lots was reduced from  
27 16 to 10 without a detailed analysis. The 80 foot separation between lots will  
28 seriously diminish the lot size and make creative stormwater and building design  
29 techniques difficult. Define the term ‘known cultural resources.’ It’s not defined  
30 now.

31  
32           Hearing no one else, Fleetwood closed the public hearing.

33  
34           Brenner asked for staff to comment on the reserve tract. She has concerns  
35 about the 80 foot separation between clusters. Regarding the reserve tract, she  
36 understands that the number of building lots is the same, but they’re clustered to  
37 leave room for a reserve tract.

38  
39           Amy Peterson, Planner II, stated the open space reserve area requirements  
40 have always intended the reserve area to be a non-buildable open space area.  
41 However, that intent was not clear, which spurred these amendments. A number of  
42 changes were made to how an open space reserve tract is set aside. Instead of  
43 setting aside a non-buildable open space reserve tract, one could do a reserve area  
44 that could be a tract or a portion of a reserve tract that meets specific percentage  
45 requirements. An easement could be dedicated to the Land Trust. One could still  
46 develop any portion of the reserve area that is not permanently preserved. For  
47 instance, if the lot is bigger than the required permanent open space area, a house

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1 could be put on the remainder. There is more flexibility than before in the  
2 ordinance

3  
4 Roy asked about the definition of cultural resources.

5  
6 Dickinson stated there is no definition in Title 20.

7  
8 Pederson stated the existing language in the Point Roberts special district  
9 refers to known archaeological sites, which may have been clearer than known  
10 cultural resource areas. That may be an alternative.

11  
12 **Roy moved** to amend all sections of this code, known ~~cultural resources~~  
13 **archaeological sites"**

14  
15 Crawford stated there are known archaeological sites in the watershed  
16 resource protection areas.

17  
18 McShane stated those sites are proprietary. They only have a rough idea if  
19 they are within a certain area. No maps are readily available of the exact sites, to  
20 protect the sites.

21  
22 Jeff Chalfant, Senior Planner, stated there is a data set from the Office of  
23 Archaeology and Historic Preservation that gives staff that location information.  
24 However, the information is not open to the public. A property owner can get that  
25 information for their own property, but it's not open to the public.

26  
27 Nelson stated the Lummi Nation has done extensive identification of sites in  
28 the Lake Whatcom watershed and other areas. People generally don't know where  
29 they are. Those sites are a big deal for forestry practices.

30  
31 ***Motion to amend carried unanimously.***

32  
33 Crawford stated the Building Industry Association expressed a concern about  
34 reducing the maximum number of lots from 16 to 10. He asked if someone could  
35 do two clusters of ten lots together, if that person had the acreage, or if that person  
36 is limited to ten lots. Pederson stated a person limits the number of lots in one  
37 cluster. A person still has the right to develop at full density.

38  
39 *(Clerk's Note: End of tape one, side A.)*

40  
41 Crawford stated there is a cost savings for the property owner to cluster.

42  
43 Brenner stated people will get the same number of buildable lots they would  
44 have had without clustering, but there will be economic savings from clustering and  
45 less impervious surface.

46  
47 Crawford stated 80 feet is not a lot of distance.

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1  
2 Nelson asked what can be done on a reserve tract, and if all the property  
3 owners share the expense of the reserve tract. Pederson stated there are a  
4 number of options for the reserve tract. The lot owners can own the reserve tract  
5 jointly. The original property owner may own it, or ownership may be divided up  
6 for the lot owners. The cluster reserve area is intended to meet the definition of  
7 open space.

8  
9 Nelson asked if the reserve area is one lot or divided among all the lots.  
10 Pederson stated the reserve area is 50 percent of the parent parcel. The purpose is  
11 to maintain open space for passive recreation, critical area protection, and resource  
12 protection.

13  
14 Nelson asked what happens when the property owners can't agree on what  
15 to do with the reserve area. He asked if there is a mechanism to define what  
16 happens. Pederson stated the open space reserve area is intended to meet the  
17 definition of Whatcom County Code 20.97.275. She read the definition.

18  
19 Brenner stated the ownership of the reserve tract will be decided when the  
20 lots are developed. If one property owner doesn't like how it's used, the situation  
21 will be addressed by covenants. The County won't be in the position of refereeing  
22 arguments. The open space area can be either shared or owned by the parent  
23 parcel. Pederson stated it can be done either way.

24  
25 ***Brenner moved*** to adopt the ordinance as amended.

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

28  
29  
30 **CONSENT AGENDA**

31  
32 ***Nelson*** reported for the Finance and Administrative Services Committee and  
33 ***moved*** to approve Consent Agenda items one through six.

34  
35 ***Motion to approve Consent Agenda items one through six carried***  
36 ***unanimously.***

- 37  
38 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**  
39 **AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON STATE**  
40 **UNIVERSITY FOR FOOD STAMP NUTRITION EDUCATION IN**  
41 **WHATCOM COUNTY, IN THE AMOUNT OF \$14,277.62 (AB2005-218)**  
42  
43 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
44 **PROFESSIONAL SERVICES CONTRACT BETWEEN WHATCOM COUNTY**  
45 **AND SARGENT ENGINEERS, INC. FOR DESIGN OF INNIS CREEK ROAD**  
46 **DRAINAGE AND FISH PASSAGE IMPROVEMENTS, IN THE AMOUNT OF**  
47 **\$46,791 (AB2005-219)**

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- 47
3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT FOR SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND DAVID EVANS & ASSOCIATES FOR THE HANNEGAN ROAD/SR 544 INTERSECTION IMPROVEMENT PROJECT, CRP #904002, IN THE AMOUNT OF \$19,843 (AB2005-220)
4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A MITIGATION GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON STATE MILITARY DEPARTMENT FOR THE JONES CREEK ALLUVIAL FAN ACQUISITION PROJECT, IN THE AMOUNT IF \$435,000 (AB2005-221)
5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE CHANGE OF VENDOR TO WILSON MOTORS FOR THE PURCHASE OF 8 HYBRID SEDANS, IN THE AMOUNT OF \$177,274.30 (AB2005-222)
6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #05-25 FOR AN IBMA/400 MODEL I520 COMPUTER SYSTEM TO THE LOW BIDDER, PACIFIC SOFTWARE ASSOCIATES, IN THE AMOUNT OF \$364,557.29 (AB2005-223)
7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND SEQUOIA VOTING SYSTEMS, INC. FOR AN ELECTION TABULATION SYSTEM AND ELECTRONIC VOTING DEVICES FOR PEOPLE WITH DISABILITIES, IN THE AMOUNT OF \$533,449.82 (AB2005-230)

*Nelson moved* to approve the request.

*Motion carried unanimously.*

Crawford stated Auditor Shirley Forslof must be complimented on her work with the community on this project. There was quite a concern among the community. Citizens wanted to be part of the process to work on elections equipment. They were facing substantial changes in technology. Out of that work came a unanimous decision from the advisory committee and the Elections Division staff on this purchase.

#### **OTHER ITEMS**

1. ORDINANCE AMENDING 2005 WHATCOM COUNTY BUDGET, REQUEST #5 (AB2005-211)

*Nelson* reported for the Finance and Administrative Services Committee and *moved* to approve the ordinance.

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

4   **2.    REQUEST FOR FUNDING APPROVAL FOR 2060 REHABILITATION**  
5       **PROJECTS (AB2005-216)**  
6

7       ***Nelson*** reported for the Finance and Administrative Services Committee and  
8   ***moved*** to approve the request.  
9

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

12   **3.    REPORT FROM THE WHATCOM COUNTY ECONOMIC DEVELOPMENT**  
13       **INVESTMENT PROGRAM ADVISORY BOARD (AB2005-217)**  
14

15       ***Nelson*** reported for the Finance and Administrative Services Committee and  
16   ***moved*** to accept the recommendations.  
17

18       ***McShane moved*** to amend the funding for the Whatcom County, East  
19   Whatcom Regional Resource Center:

20       ~~“\$400,000~~ **200,000** (loan - Economic Development Investment (EDI) funds)  
21       ~~\$200,000~~ **400,000** (grant - EDI funds)  
22       \$400,000 (grant from the County portion of the rural sales tax fund)  
23

24       The Council received supplemental information from the administration  
25   today. The supplemental information more thoroughly defines the funding. The  
26   Executive is comfortable with the change.  
27

28       Crawford stated this Council has consistently support the center. Also, he  
29   will defer to the Executive and Councilmember McShane since they both sit on the  
30   EDI Board. His only concern is that they put a lot of stock in the EDI Board  
31   recommendation. Make it a partial loan and partial grant, in line with the policies  
32   they’ve adopted for EDI programs.  
33

34       Brenner stated she thanks Dewey Desler and Pete Kremen for the work  
35   they’ve done on this project. She also thanked the people in the East County who  
36   have worked hard on this project. Should this come to fruition as she envisions, it  
37   will bring the community together. Something like that has been missing in the  
38   East County.  
39

40       ***Motion to amend carried unanimously.***  
41

42       McShane stated he tried to reflect the wishes of the County Council when  
43   serving on the EDI Board. He struggles with the City of Sumas proposal, but he will  
44   support it. As the City builds up its industrial land and tax base, he hoped they  
45   would consider a business and occupation (B&O) tax as a way to generate revenue  
46   for the benefit of the citizens of the city.  
47

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1 Brenner stated the Council agreed in the past to fund road work for a private  
2 development that was high quality and low impact. This particular development is  
3 now touted as one of the best examples of low impact development for an industrial  
4 site, which costs the developer much more than a traditional development. There  
5 are lots of extra benefits. There are plenty of times the County should fund  
6 infrastructure that may provide benefit to the local business, but also provides a  
7 benefit to the public. The project from the City of Sumas is one of those projects.

8  
9 ***Motion to accept the recommendations as amended carried***  
10 ***unanimously.***

11  
12 **4. RESOLUTION DECLARING INTENT TO VACATE A PORTION OF**  
13 **MOSQUITO LAKE ROAD (AB2005-213)**

14  
15 ***Brenner*** reported for the Public Works and Safety Committee and moved to  
16 ***approve*** the resolution.

17  
18 ***Motion carried unanimously.***

19  
20 **5. RESOLUTION TO ADOPT THE WHATCOM COUNTY MULTI-**  
21 **JURISDICTIONAL HAZARD MITIGATION PLAN (AB2005-228)**

22  
23 ***Brenner*** reported for the Public Works and Safety Committee and moved to  
24 ***approve*** the resolution.

25  
26 ***Motion carried unanimously.***

27  
28 McShane stated certain hazards were not named, and minor updates are  
29 needed. The coal mines are in an area that has not been taken seriously, especially  
30 how the City of Bellingham permits structures in the coal mine hazard area. He will  
31 forward his comments to the Emergency Management Division.

32  
33 Brenner stated this plan will be updated continuously. The Council is  
34 approving a resolution, which has no force of law. The plan can be updated at any  
35 time.

36  
37 **6. ORDINANCE DESIGNATING ALL VOTE-BY-MAIL ELECTIONS IN**  
38 **WHATCOM COUNTY (AB2005-212)**

39  
40 ***Nelson moved*** to adopt the ordinance.

41  
42 Brenner stated Auditor Forslof provided the Council a good presentation  
43 when this originally came up. She assumes nothing much has changed.

44  
45 Shirley Forslof, Auditor, stated the Governor signed a bill to allow a vote-by-  
46 mail election without changing the precincts much. There are 119 precincts that  
47 will be kept. The political parties won't have to appoint any more precinct officers.

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1  
2 Brenner stated she will vote for it, but she likes voting at the polls. Forslof  
3 stated the vote-by-mail election means all the ballots will be treated the same.  
4 There will be a paper trail of the ballots. The system is very accountable.  
5

6 Fleetwood stated some citizens are concerned about the contractor, Sequoia.  
7 Forslof stated the concerns are about open source software. No approved vendor in  
8 the United States has open source software. It's all proprietary. Sequoia is a  
9 dependable company. There will be paper ballots that are voted, counted, and can  
10 be hand-counted. The touch screen machines have a voter-verified paper ballot.  
11 Every voter will have the opportunity to verify that their ballot is counted.  
12

13 Fleetwood asked if the advisory committee commented. Forslof stated it did.  
14 The advisory committee looked at the request for proposals, were present for the  
15 equipment demonstrations, and recommended the Sequoia system. Her staff also  
16 believes it is the best system.  
17

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

20 **7. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**  
21 **KIMMER GORDON TO THE WHATCOM COUNTY DEVELOPMENTAL**  
22 **DISABILITIES BOARD (AB2005-224)**  
23

24 ***Brenner moved*** to confirm the appointment.  
25

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

28 **OTHER BUSINESS**  
29

30  
31 **DISCUSSION WITH THE ACME/VANZANDT FLOOD CONTROL SUB-ZONE**  
32 **DISTRICT ADVISORY COMMITTEE REGARDING CONCERNS WITH WORK**  
33 **BEING DONE ON THE NOOKSACK RIVER (AB2005-083)**  
34

35 Nelson reported the Finance and Administrative Services Committee and  
36 stated the committee recommends approval for the administration go forward with  
37 a contract for grant writing of an application for Salmon Recovery Funding Boards  
38 funds at a cost of \$40,000.  
39

40 Roy stated she talked to the flood sub-zone members, who have also been to  
41 the Natural Resources Committee. Chris Hatch will present an update to the  
42 Natural Resources Committee at its next meeting. He implied that there is an  
43 agreement among the tribes, County, and sub-zone. Jeff Monsen indicated that is  
44 correct. This request is to just start the process. A \$2 million grant is available  
45 that they need to start on.  
46

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1 Brenner asked the time and location of the community meeting. Also, this  
2 item should be more appropriately scheduled in the Public Works Committee. It's a  
3 public works project. She got a different impression when she talked with Mr.  
4 Hatch. They are not all accepting of it. She asked if the sub-zone, tribes, and Land  
5 Trust all agree with the new design.  
6

7 Jeff Monsen, Public Works Department Director, stated it's fair to say that  
8 people are willing to move ahead with the project as it is being put together. This  
9 preliminary design work and estimate will go a long way to finalize it. He can't say  
10 there won't be people who object, but they are closer than ever to having true  
11 support.  
12

13 Brenner stated she is concerned about getting into something that not  
14 everyone agrees on. Monsen stated it is a fair concern, but they need this grant  
15 application and estimate for this project to move forward. If they don't receive the  
16 Salmon Recovery Fund grant, the project is in trouble, no matter what it is.  
17

18 ***Nelson moved*** to request that the administration move forward with  
19 spending \$40,000 to get the consultant in place for the grant application and  
20 estimate.  
21

22 ***Motion carried unanimously.***  
23  
24

## 25 **OTHER ITEMS**

### 26 27 **8. RESOLUTION AUTHORIZING RESTORATION AND RELOCATION OF** 28 **THE CENTENNIAL POLE (AB2005-229)** 29

30 Tim Ballew, Lummi Nation, stated he supports the resolution. They want to  
31 restore the totem pole, located at the courthouse, bring it to the Lummi  
32 reservation, and create a companion pole. The Tribal chairman supports the  
33 restoration as well.  
34

35 Nelson asked to where the pole will be moved.  
36

37 Pete Kremen, County Executive, stated that location is not yet determined.  
38

39 Brenner stated she thanked the Executive for suggesting seed money for the  
40 project.  
41

42 ***McShane moved*** to approve the resolution.  
43

44 ***Motion carried unanimously.***  
45

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1  
2 **INTRODUCTION ITEMS**  
3

4 *Nelson moved* to accept the Introduction Items.  
5

6 *Motion carried unanimously.*  
7

- 8 1. **ORDINANCE AMENDING WHATCOM COUNTY CODE 20.92.210,**  
9 **HEARING EXAMINER, FINAL DECISIONS, TO CLARIFY PREVIOUSLY**  
10 **ADOPTED LANGUAGE (AB2005-215)**  
11  
12 2. **ORDINANCE TO REMOVE EXISTING SCHOOL ZONE ON GULF ROAD**  
13 **(AB2005-225) (HEARING TO BE SCHEDULED)**  
14  
15 3. **ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY CRITICAL**  
16 **AREAS ORDINANCE, WCC CHAPTER 16.16 – CRITICAL AREAS AND**  
17 **ASSOCIATED PROVISIONS OF WCC TITLE 2, CHAPTER 2.33, AND**  
18 **WCC TITLE 20 (AB2005-226)**  
19  
20 4. **RESOLUTION APPROVING THE WRIA 1 WATERSHED MANAGEMENT**  
21 **PLAN (AB2005-227)**  
22  
23

24 **OTHER BUSINESS**  
25

26 Brenner stated a local company, McEvoy Oil, recently had an accident with  
27 one of their trucks and did an exceptional clean up. No pollution got into the river.  
28 She has documentation of what they did to clean up the accident. The company  
29 has been fined by the Department of Ecology. She would like the Council to  
30 support this local business with a letter of support, and say that the company is  
31 being punished for something that was an accident that was cleaned up. Everyone  
32 affected was compensated.  
33

34 Crawford asked if they appealed the penalty.  
35

36 Brenner stated the company filed an appeal. Council support for the appeal  
37 wouldn't hurt. She would like a letter of support to go to the Ecology Director, the  
38 Governor, and their local State legislators.  
39

40 Nelson asked if there was an accident report from the State Patrol.  
41

42 Brenner stated there is a letter from the oil company that says the call was  
43 reported. The State Patrol thought they would be the number to call in an  
44 emergency to get the Department of Ecology. They believe the call was recorded.  
45 The information shows what the company went through to find out why what they  
46 did was wrong.  
47

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1 Fleetwood asked that the councilmembers review Councilmember Brenner's  
2 packet of information and that Councilmember Brenner bring the letter forward  
3 later for review.

4  
5 Crawford stated he is skeptical. This is between the company and the  
6 Department of Ecology. They have information from McEvoy, but it's tough for him  
7 to get into.

8  
9 Brenner stated they have documentation from the Department of Emergency  
10 Management, also. She's just asking the Council to look at it.

11  
12  
13 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

14  
15 Nelson stated he has concerns regarding mental health dollars. The  
16 Governor approved \$12 million for non-Medicaid eligible patients. It seems they  
17 will not lose money for this region, which he's glad to report.

18  
19  
20 **ADJOURN**

21  
22 The meeting adjourned at 8:30 p.m.

23  
24  
25 \_\_\_\_\_  
26 Jill Nixon, Minutes Transcription

27  
28 The Council approved these minutes on June 21, 2005.

29  
30 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

31  
32  
33  
34  
35 \_\_\_\_\_  
36 Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Seth Fleetwood, Council Vice-Chair