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1 LEED program is that Built Green is for residential homes and LEED is for larger
2 buildings. The BIA adopted the Built Green Program last August. They have hired
3 the finest consultant in the northwest to establish the other five Built Green
4 Programs in Washington State.

5
6 The program gives homeowners an opportunity to choose from a checklist of
7 over 200 items that address energy efficiency, environmental protection, and other
8 things to create a better quality, sustainable home. Approve the resolution.

9
10 Doug Rovell, 817 - 25th Street, Bellingham, asked the Council to ban the sale
11 of tobacco, pass a resolution establishing a department of peace, and more
12 vigorously prosecute people who litter.

13
14 Marion Beddill, 3600 Seely, Bellingham, stated she agreed with the
15 recommendation of the previous speaker.

16
17 The Council will introduce an ordinance establishing new precinct names for
18 elections. She has been working on the Whatcom Citizens Elections Advisory
19 Committee. She supports the change with a minor hesitation. The numbering
20 system is made in the unincorporated area with no gaps in the numbers which may
21 not allow for growth in the area.

22
23 She invited the Council to the Whatcom Human Rights Task Force annual
24 award ceremony at the Faith Lutheran Church on Northwest Road at 7:00 p.m. on
25 Thursday, June 9.

26
27 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated the Public Works
28 Committee discussed the **resolution approving the Whatcom County Six Year
29 Transportation Improvement Program for 2006 through 2011 (AB2005-
30 246)**, specifically Lincoln Road. Birch Bay is an urban area. Think about speed
31 control. Put in a three-way stop sign at Birch Bay Drive and Shintaffer Road.
32 People from Birch Bay Village would have to stop there. Also, put in a four-way
33 stop at Shintaffer Road and Lincoln Road. That would give automobiles from
34 Shintaffer Road to get onto Lincoln Road. There is a problem on Lincoln Road. Post
35 the speed at 35 miles per hour. People are concerned about having a stoplight at
36 the corner where the gas station is on Harborview Road. Encourage the gas station
37 to join the Birch Bay Public Lighting District to put up a light at that location.

38
39
40 **PUBLIC HEARINGS**

41
42 **1. ORDINANCE TO REMOVE EXISTING SCHOOL ZONE ON GULF ROAD**
43 **(AB2005-225)**

44
45 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
46 public hearing.

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1 *Fleetwood moved* to adopt the ordinance.

2
3 *Motion carried unanimously.*

4
5 **2. RESOLUTION APPROVING THE WRIA 1 WATERSHED MANAGEMENT**
6 **PLAN (AB2005-227)**

7
8 Caskey-Schreiber opened the public hearing and the following people spoke:
9

10 Tim Slater, 103 E. Holly Street, Bellingham, stated the plan is not a
11 completed plan. He talked to Tom Anderson, Dick Grout, and Bruce Roll. No one
12 will say it's a completed plan. According to the Revised Code of Washington (RCW)
13 90.82, the planning units, once there is a complete plan, will approve the plan by
14 consensus, then bring it to the county for approval. The Lummi Tribe resolution
15 refers to it as a road map for future planning. He's heard it said that it's a planned
16 plan.

17
18 He wrote a letter to Bruce Roll asking to look at certain records. However,
19 when he went to look at the records, he was put in a room with about 75 binders
20 and was told that the information he wanted was in there somewhere. He didn't
21 have time to go through the binders, but he did find a summary of expenditures to-
22 date. According to the information from the County, \$5,420,000 from flood
23 assessment fees have gone into this plan. That is an astronomical sum of money,
24 and they don't have a plan. They want the Council to approve an incomplete plan
25 and spend a bunch more money to get a plan.

26
27 On the financial assessment, he didn't see where the U.S. government or the
28 local tribes have put in one penny. No one has a common understanding of
29 whether the tribes' reserved rights will be quantified.

30
31 Marlene Dawson, 4029 Salt Spring Drive, Ferndale, stated the State
32 legislature set up a procedure for county caucuses to address their water rights.
33 This procedure was to limit litigation with tribes, which have senior water rights.
34 Few people admit that the Point Elliot Treaty tribes never received title to
35 reservation lands. Therefore, no tribal senior water right exists. The Point Elliot
36 Treaty tribes were the only tribes in Washington that did not receive assigned land
37 within the reservation boundaries. U.S. District Court Judge Thomas Zilly
38 confirmed that finding in May. The reservation groundwater is a property right that
39 attaches to the land, which went to the individual natives when the lands were
40 allotted, and passes to subsequent purchasers. In addition, Judge Zilly said the
41 primary purpose of the reservation was for agriculture and homesteading, and that
42 fisheries is not a primary purpose because tribe was never granted exclusive rights
43 to the fish within reservation waters. Other court cases determined that fisheries is
44 not viewed as a civilizing effect, such as homesteading and agriculture is viewed, so
45 it cannot be considered a primary purpose of the reservation.
46

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1 The Environmental Protection Agency (EPA) refused to grant the Lummi Tribe
2 surface water quality control about five years ago. At that time, the County Council
3 wrote a letter to the EPA challenging the Tribe's request for such control. Unknown
4 to the Council, the EPA refused the Tribe's request because it could not prove tribal
5 governance authority over any lands per its treaty. The treaty does not even
6 mention the Lummi Tribe within the treaty in the context of establishing
7 reservations. None of the 20 tribes are identified as to which of the four
8 reservations they were assigned. False claims have empowered the tribes.
9 Negotiations with tribes, which hold no more rights than any other property owner,
10 is a waste of public resources. Please reconsider the tribes' placement at the water
11 resource inventory area (WRIA) 1 table.

12
13 Jeff McKay, 4693 Sucia Drive, Ferndale, stated there isn't a lot to show for
14 what they've spent, but there is a framework for a process, at a cost of \$5 million.
15 He is not opposed to the WRIA process. The Council must make sure the process
16 continues with a firm timeline and accountability. The process should be
17 transparent. There should be a funding plan that doesn't rely on flood funds. The
18 final result should be based on good science, good law, and good sense.

19
20 Elizabeth Kilanowski, Bellingham, asked the Council to pass the WRIA 1
21 Watershed Management Plan. She participated in the process as a citizen and
22 environmental caucus member. The plan is necessary to manage water resources.
23 The plan isn't perfect. It lacks a funding mechanism and contains too many
24 generalities. However, it embraces the concept of adaptive management, which
25 may allow decision makers and county residents to change the language to fit
26 future needs.

27
28 Separate the watershed management plan from the other more controversial
29 products from Utah State University (USU). Much disagreement surrounded the
30 role of USU.

31
32 Many county residents spent many hours on this plan voluntarily. Begin the
33 process of understanding and managing water resources.

34
35 Bob Wiesen, 3314 Douglas Road, Ferndale, stated he supports going forward
36 with the WRIA plan, but they have spent too much time and money to get to this
37 point. In the future, be more efficient. The volunteers had a difficult time staying
38 involved. Set goals and budgets to make sure they get something for the money
39 spent.

40
41 Marion Beddill, 3600 Seeley, Bellingham, stated she supports the Council's
42 approval of the plan as it is even though it is not a detailed plan. An enormous
43 amount of work has gone into the plan. It has merit and value, and is a base for
44 ongoing activity.

45
46 Those who are making complaints in the process were not involved in it.
47 Every interested group could have participated and made proposals to develop the

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1 plan. There has been a public process. Have some financial accountability and
2 direct success. They have to do all they can to manage water for all.
3

4 Judy Slotemaker, 840 E. Pole Road, Lynden, Whatcom Water Systems
5 Caucus, stated she worked on the plan. The process is an essential part of the
6 solution. The plan is finally a reality. Skeptics say it is just a process generating a
7 lot of paper and not much substance. Development of the plan did take a long
8 time, but the process worked. To make it all happen, no one got mad, had to
9 compromise their principles and values, or walked away. All parties involved
10 worked together on the common goal with unprecedented cooperation. The group
11 will continue to develop an effective decision making process as they gear up to
12 meet the water resource challenges. The process was slow, but stable. Some say
13 more should have been accomplished. On the contrary, the plans limited approach
14 to test pilot projects is one of the plan's greatest strengths. Key water resource
15 issues are still uncertain, which demands the cautious, incremental approach
16 embodied in the plan. The plan will evolve over time as they learn more.
17

18 She suggested sunset clause on the funding. These efforts have a tendency
19 to take on a life of their own and become self-perpetuating, tax-consuming
20 processes long after their initial purpose has been fulfilled or lost. Prevent that
21 undesirable transformation. Wind down the funding as the goals of the project are
22 achieved.
23

24 Marco Hubert, 4457 Dewey Road, Private Well Owners Caucus
25 representative, stated he urged the Council to approve the plan as it is. A
26 tremendous amount of work has gone into it. It is a good, representative plan.
27

28 Carl Weimer, 1055 W. Laurel Road, Ferndale, Environmental Community
29 Caucus representative, stated he agrees with everything Judy Slotemaker just said.
30 He recommends approval of the resolution and the funding to go along with the
31 plan. Without funding, the plan is a waste of time.
32

33 Tom Anderson, Public Utility District (PUD) 1 General Manager, stated he
34 recommends that the Council approve the resolution. This is the fifth effort he has
35 engaged in with the Tribes and other water users to resolve the water rights issues.
36 By far, this is the greatest progress they've made since 1991. Based on State and
37 federal law and court cases, water law is very complex. They are making good
38 progress. The original budget estimate for completing this plan was \$12 million.
39 They have not spent that much yet. That amount pales in comparison to the court
40 costs that the County would have incurred if they end up in a contentious litigation
41 over water. Fights over water in the Western United States have taken decades
42 and cost tens of millions of dollars. They are far ahead financially and in terms of
43 accomplishing goals for the community. He supports the plan and future funding.
44

45 Tom Mortimer, Seattle, stated he is the Washington Water Council legal
46 counsel. His professional opinion is that this plan meets the requirements. It is a
47 substantial plan. It is not an easy process, but it's better than litigation. He

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1 encourages the Council to pass the plan tonight. In addition, the Lummi Tribe is
2 recognized as a federal tribe by the federal government. The local planning group
3 is obliged to negotiate with the Lummi Tribe, which it has. He welcomes their
4 ongoing participation.
5

6 Fleetwood asked about the claim that it's not ready for approval because it's
7 not complete. Mortimer stated the State Department of Ecology has substantial
8 discretion to determine whether a plan is complete. The statute requires a water
9 quantity assessment and a study that assesses the various natural and
10 environmental conditions that occur in the basin. Relative to other plans the
11 Department of Ecology has approved and which are a fraction of the size of this
12 plan, the WRIA 1 plan is complete. The agency has discretion on the plan given the
13 content and substance of the plan.
14

15 Henry Bierlink, 1796 Front Street, Lynden, Agricultural Caucus
16 representative, stated he encourages the Council to pass the plan. The plan goes
17 to the principles of watershed planning, which is letting local people wrestle the
18 issues and devise local solutions. The plan has done that. The plan does not get
19 them to where they want to be, but it leads them in the right direction. He is
20 looking forward to the next step of implementing the plan. Certain implementing
21 projects have received grant funding already.
22

23 Vern VandeGarde, 8837 Double Ditch Road, Bertrand Watershed
24 Improvement District (WID), thanked the Council for its support. He encourages
25 the Council to approve the resolution. It is not a finished product, but it gets them
26 to where they want to go. It provides local control and gets people talking locally.
27

28 Nelda Sigurdson, 5171 Ferndale Road, stated her caucus doesn't agree. She
29 feels betrayed because she thought her tax money was going to flood control. They
30 don't even intend to mow the dikes to see where the weaknesses are. She depends
31 on the dikes in front of her place for protection. Rather than saving salmon, they
32 should be saving land and crops, given the population growth. She's been working
33 on this since the 1940's. The cost of water charged to her customers is more than
34 the water is worth because they have to keep up with the what they must put on
35 paper. There is no concrete result. The County spent an astronomical amount of
36 money on this project. The County hasn't gotten any approval from the tribes.
37 Don't appoint the representative who has, in the past, represented other tribes.
38

39 Robert Bezona, 2219 Lummi Shore Road, Bellingham, stated he agreed with
40 what Nelda Sigurdson, Marlene Dawson, and others said. Wait until Judge Zilly
41 gives his report and quantifies this water before they go too far. The Lummi Tribe
42 may be curtailed a little bit. Now, they get preferential treatment. He has been
43 negotiating with them for 20 years, without success. If the County wants to
44 negotiate, get someone who knows what they're talking about.
45

46 *(Clerk's Note: End of tape one, side A.)*
47

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1 Slater stated he spent four years at the negotiation table with the Lummi
2 Tribe, Department of Ecology, and the federal government. That experience
3 resembles what they are doing with this plan. He thought he was getting
4 somewhere, but the goalpost was constantly moved. People think that the result of
5 this process will be quantification of tribal reserved water rights. However, the
6 tribal resolutions say that is not their objective.

7
8 He is concerned about the cost, also. The Council is looking at funding
9 sources for many projects. There is a finite amount of resources. The plan is not
10 complete, and the Department of Ecology would not consider it a complete plan.
11 The question is whether the statute allows approving an incomplete plan with hopes
12 that instream flows, water quality standards, and other things will eventually be
13 addressed in a future complete plan. He respects the people who have been
14 involved for the last six years. His experience with negotiations was a waste of
15 time. Only a judge can quantify water rights.

16
17 Linnea Smith, 2808 Leeward Way, Bellingham, stated she is concerned about
18 a tax that is referred to in section four to pay for this. If the County approves this
19 resolution, it is saying that it approves the tax. She asked if the councilmembers
20 really know everything that is in the plan and are prepared for the consequences.

21
22 Richard Grout, Department of Ecology Bellingham Office Manager, stated the
23 statute provides that Department Ecology be the lead agency for all State agencies
24 in ESHB 2514 watershed planning. It's primary responsibility is to ensure that the
25 State has been a party to discussions and agrees to any obligations imposed on
26 State agencies by any of the watershed plans. They have done that with the
27 Whatcom County plan. Mr. Mortimer is right about the statute giving the agency
28 broad latitude. People in Olympia have reviewed the plan and determined there is
29 nothing in this plan that makes the plan incomplete, especially since the Nooksack
30 River already has an instream flow rule. The Department of Ecology hopes that a
31 result is a better instream flow rule. Nothing in the plan would cause the
32 Department of Ecology to say the plan is incomplete. He has been involved in this
33 for 11 years. This is the most hopeful he's been that they might actually get to a
34 solution. If they don't, they will go forward with more creative approaches or will
35 do a traditional general stream adjudication. The Yakima County adjudication is in
36 its 30th year, and it is just winding down. The cost of this process pales in
37 comparison to Yakima's adjudication cost.

38
39 Ed Henken, Ferndale, Diking and Drainage Caucus representative, stated he
40 is in favor of the plan. The plan is not perfect, but better than the alternative.
41 They have to get the agricultural water users legal.

42
43 Elisabeth Britt, 1403 North Shore Drive, Bellingham, submitted and read her
44 testimony (on file). She strongly encourages the Council to adopt the plan. The
45 plan represents the entire community. They can continue to plan a strong future.

46
47 Hearing no one else, Caskey-Schreiber closed the public hearing.

1
2 **Nelson moved** to approve the resolution. They will be able to solve this
3 problem without spending the many millions of dollars that other have spent.
4 Budgetary funding mechanisms will be necessary. There will be interjurisdictional
5 statutory requirements. Local control is an essential element of the plan. He is
6 happy they have come this far. He thanked the community for working
7 collaboratively on this project.
8

9 Brenner stated the plan is not a complete, finalized plan. It is an evolving
10 plan serving as a framework. That is what it was intended to be and that is what
11 they've done. They may not avoid court costs, but this plan may reduce court
12 costs. If they operate in good faith, it will show in court. She supports the plan.
13 Nothing in the WRIA plan commits the County to collecting a tax. There are many
14 funding options. One idea is to wean the County from being the money provider.
15 Make sure certain taxing districts contribute their fair share. No matter how good
16 this plan is, the process can derail if they don't keep close track of it and help it
17 along. She came into this process reluctantly. However, she's never seen such a
18 diverse, polarized group of people get together to create a framework like this. It's
19 a good start, but it's only a start.
20

21 Fleetwood stated that in the face of rampant growth, the plan is necessary.
22 He supports the plan resolution.
23

24 Roy stated Mr. Slater said he spent 100 hours with the County's record.
25 However, 100 hours is not even close to the time the Council has spent on this
26 plan. She acknowledged Dr. Roll for his efforts and hard work. The staff worked
27 hard to get the Council to support their efforts.
28

29 If they went to litigation right now, the agricultural community, which does
30 not have water rights, would not be considered vested parties in the discussions.
31 They would be eliminated from all of the discussions about water rights. That is
32 one of the reasons they are doing this. They are working through a process where
33 the agricultural community has legitimate water rights. She is in favor of the
34 resolution and the plan.
35

36 Crawford stated the Council spends more time on this issue than any other.
37 Former Councilmember Dawson helped him understand the importance of water
38 issues in the community. This issue has brought folks together. He encouraged
39 Ms. Slotemaker to submit her testimony to Scott Ayers at the Bellingham Herald for
40 the public to read. It will help folks understand where they are today.
41

42 McShane stated he agrees with everyone's comments.
43

44 Caskey-Schreiber stated she is in favor of the plan. There was much
45 community participation. Many volunteers spent their personal time working on
46 this plan to find community solutions. She has hope for implementing the plan.
47 She would like to know how much it would cost to implement some of the elements

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1 in the plan. In the future, they will have to proceed step by step to win community
2 support from the bottom up. Throughout the community and outside of the county,
3 many people have a lot of respect for the plan because it is so thorough. This plan
4 could be a model for other counties. She feels bad that people are dissatisfied with
5 the plan, and hopes people will feel more comfortable once they begin
6 implementation. This path is better than adjudication.

7
8 *Motion carried unanimously.*
9

10
11 **CONSENT AGENDA**
12

13 *Nelson* reported for the Finance and Administrative Services Committee and
14 *moved* to approve Consent Agenda items one through 12.

15
16 Caskey-Schreiber withdrew items two and 11.

17
18 *Motion to approve Consent Agenda items one, three through ten, and*
19 *twelve carried unanimously.*
20

21 *Motion carried unanimously.*
22

- 23 1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
24 CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND HANSEN
25 INFORMATION TECHNOLOGIES FOR THE PURCHASE, INSTALLATION
26 AND MAINTENANCE OF A MAINTENANCE MANAGEMENT SOFTWARE
27 SYSTEM, IN THE AMOUNT OF \$214,000 (AB2005-234)
28
29 2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
30 CONTRACT FOR SERVICES AGREEMENT, SUPPLEMENT #2, BETWEEN
31 WHATCOM COUNTY AND DAVID EVANS & ASSOCIATES FOR RIGHT-
32 OF-WAY ACQUISITION RELATED TO SUNRISE ROAD IMPROVEMENT
33 PROJECT CPR #998023, IN THE AMOUNT OF \$20,000 FOR A TOTAL
34 AMENDED CONTRACT IN THE AMOUNT OF \$131,616 (AB2005-235)
35

36 *Nelson* reported for the Finance and Administrative Services Committee and
37 *moved* to approve the request.
38

39 Crawford stated the concern would be appropriately addressed to item 11.
40 The firm has already done this work, and this is a contract extension.

41
42 Caskey-Schreiber stated she realizes that the work has already been done,
43 but she has not supported the work. She does not support the condemnation or
44 the request.
45

46 *Motion to approve carried 4-3 with Roy, Brenner, and Caskey-*
47 *Schreiber opposed.*

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- 1
2 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
3 **CONTRACT EXTENSION BETWEEN WHATCOM COUNTY AND ISLAND**
4 **COMMUTER SERVICES FOR THE PERIOD AUGUST 1, 2005, THROUGH**
5 **JULY 31, 2006, TO PROVIDE ON-CALL EMERGENCY AND DRY DOCK**
6 **COVERAGE FOR THE LUMMI ISLAND FERRY, IN THE AMOUNT OF**
7 **\$30,000, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF**
8 **\$120,000 (AB2005-236)**
9
- 10 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
11 **AMENDMENT TO A CONTRACT BETWEEN THE WASHINGTON TRAFFIC**
12 **SAFETY COMMISSION AND WHATCOM COUNTY SHERIFF'S OFFICE**
13 **PROJECT NO. 05ST-14 TO INCREASE SPENDING BY \$9,000, FOR A**
14 **TOTAL AMENDED CONTRACT IN THE AMOUNT OF \$74,750 (AB2005-**
15 **237)**
16
- 17 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
18 **AMENDMENT TO THE COUNTYWIDE JOINT POWERS AGREEMENT**
19 **BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM TO**
20 **SOLIDIFY EFFORTS TO KEEP THE COUNTYWIDE MEDIC ONE**
21 **PROGRAM OPERATION AT CURRENT LEVELS THROUGH DECEMBER 31,**
22 **2006 (AB2005-238)**
23
- 24 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #05-**
25 **35, THE ON-CALL CONTRACTOR/EQUIPMENT LIST, TO ALL 21 NAMES**
26 **ON THE LIST AND OBTAIN APPROVAL TO ENTER INTO CONTRACTS**
27 **WITH EACH OF THE RESPONSIVE CONTRACTORS. CONTRACTORS**
28 **WOULD ONLY BE USED SHOULD A SPECIFIC NEED ARISE (IT IS**
29 **POSSIBLE THAT MORE THAN \$35,000 COULD BE SPENT WITH A**
30 **SINGLE VENDOR) (AB2005-239)**
31
- 32 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #05-**
33 **37 TO THE LOWEST RESPONSIVE BIDDER, BARKERS**
34 **WOODCHIPPING, FOR THE DELIVERY AND SUPPLY OF LARGE TREES**
35 **WITH ROOTWADS, TO BE USED IN A PLANNED FLOOD CONTROL**
36 **PROJECT, IN THE AMOUNT OF \$77,976 (AB2005-240)**
37
- 38 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #05-**
39 **39 TO THE LOWEST RESPONSIVE BIDDER, WHITE CAP**
40 **CONSTRUCTION, FOR THE DELIVERY AND SUPPLY OF COIR CLOTH,**
41 **TO BE USED IN A PLANNED FLOOD CONTROL PROJECT, IN THE**
42 **AMOUNT OF \$51,382.89 (AB2005-241)**
43
- 44 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
45 **RESIDENTIAL LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND**
46 **DAN BOYCE AND TERESA BOYCE TO LEASE THE HOUSE LOCATED AT**

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1 **5305 NIELSEN AVENUE, FERNDALE, IN THE AMOUNT OF \$795.00 PER**
2 **MONTH (AB2005-242)**
3

4 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
5 **RESIDENTIAL LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND**
6 **BRIAN SHAUN THOMPSON AND GINGER THOMPSON TO LEASE THE**
7 **HOUSE LOCATED AT 673 N. LAKE SAMISH DRIVE, BELLINGHAM, IN**
8 **THE AMOUNT OF \$1,100.00 PER MONTH (AB2005-243)**
9

10 **11. RESOLUTION AMENDING COUNTY ROAD PROJECT NO. 998023,**
11 **SUNRISE ROAD IMPROVEMENTS FROM BIRCH BAY-LYNDEN TO WEST**
12 **BADGER ROAD, AND REQUEST AUTHORIZATION FOR THE EXECUTIVE**
13 **TO AWARD CONSTRUCTION CONTRACT TO IMCO GENERAL**
14 **CONSTRUCTION, INC. AS LOW BIDDER IN THE AMOUNT OF**
15 **\$3,259,945.60 (AB2005-244)**
16

17 **Nelson** reported for the Finance and Administrative Services Committee and
18 **moved** to approve the resolution.
19

20 Caskey-Schreiber stated she is against the motion. There are other pressing
21 road projects with no funding but with much higher volumes of traffic. This road
22 can wait. It is not much used at all, compared with the volumes of other roads that
23 are under duress. This item should be a lower priority on the six-year road plan.
24

25 Roy stated she agreed with Councilmember Caskey-Schreiber. They can't do
26 it all. There is a situation close to an emergency at intersections with a level of
27 service rating close to F. There is nothing they can do about those intersections
28 unless something higher on the list is removed. This project is based on a 20-year
29 old plan. The road doesn't get much traffic. There are other routes people can use
30 to avoid this road. There is \$4 million from this project that needs to be used on
31 roads the citizens heavily travel.
32

33 **Brenner** asked councilmembers to reprioritize the list. It doesn't mean this
34 project will not get done. Once this money is committed, it will be difficult to
35 reprioritize, which is the purpose of the six-year road improvement plan. There are
36 new circumstances. They know how bad it is at Birch Bay. The County is funneling
37 a lot of growth to Birch Bay. They must fix and upgrade the roads in Birch Bay.
38 She **moved** to hold this item in committee.
39

40 Nelson stated that even if they wanted to do this, no timeframe will change
41 on the Birch Bay issue. There are other ways to address the issue with Birch Bay,
42 such as fees from developer. Staff from engineering is short. There is no way the
43 staff can get to this project, so the project will just sit. Therefore, nothing will have
44 been done on Lincoln Road and they would have wasted time on this project.
45

46 Crawford stated he agreed with Councilmember Nelson. The County all-
47 weather road project was heavily lobbied for and was a successful planning effort of

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1 the agricultural, traffic, and other industries who need essential supply routes in all
2 weather conditions. This is the final leg of that route. The dairy industry needs and
3 uses this connection. The road is in really bad shape. It badly needs replaced,
4 whether or not it is all-weather. He understands the concerns with Birch Bay and
5 other areas in the county. A number of areas are getting more congested. This is
6 one of them. He cannot tell the residents that Birch Bay should be the highest
7 priority. To forgo a 20-year project of all-weather roads without hearing from the
8 trucking or agricultural industries would be inappropriate.

9
10 Brenner stated she agrees, which is why she would like to table the issue.
11 They don't have all the information on this issue. The Engineering Division doesn't
12 have the staff it needs to work on Lincoln Road. Mr. Bovencamp is negotiable
13 about supplying funding and engineering capacity on the project. Get more
14 specifics.

15
16 Roy stated this is not the place to get into the relative merits of the different
17 projects. When they do discuss the merits, the Council is always told why it can't
18 change the priority. Put this item back in committee. Have an honest, real
19 discussion instead of being told why nothing can happen. The Lincoln Road
20 extension has also been going on for 20 years.

21
22 Fleetwood asked if there is any harm to be done by holding the Sunrise Road
23 project.

24
25 Jim Karcher, Engineering Manager - Design/Construction, stated Sunrise
26 Road is one of the worst roads in the county. Staff has spent a considerable
27 amount of time and effort on this project. The utilities will be moved in a week.
28 They have all the right-of-way. This project is poised and ready to go.

29
30 Caskey-Schreiber asked where people are traveling now. Karcher stated he
31 can't speak to whether this road is the highest priority in the county. It's a
32 dangerous road. They have two 8-foot panels for a 16-foot roadway with little
33 shoulder. They have been spending maintenance money trying to keep the
34 shoulders filled in. A car has to move off the panel to pass a truck. The County has
35 some liability there to not fix that road. If held for two weeks, it will affect the
36 schedule. There are two bridges that have a fish window associated with the
37 replacement. There has been wetland mitigation.

38
39 Crawford stated he can't believe that this is becoming a sacrificial lamb. This
40 project has been planned. It appears this opposition is a knee-jerk reaction to a lot
41 of folks who came to a meeting today from another area. The Council would not be
42 responsible by taking this off the table at this point.

43
44 Caskey-Schreiber stated she wanted to pull this item even before hearing
45 anyone testify today. She spoke against this project the last time it came up. If
46 the citizens on the road are fighting the County against the road repair, there is no

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1 reason for the County to put funds toward the project when other areas need
2 attention.

3
4 Brenner stated this is not a knee-jerk reaction for her. The Lincoln Road
5 connector has weighed heavily on her for a long time. She was told today that the
6 county funding is getting low, and they need to be careful of how they are going to
7 spend the money. Regarding six-year road plans in general, she's not interested in
8 being a rubber stamp for anyone. She asked the reason for bringing the plan to
9 the Council, if there is no negotiating the project priority. It seems like they always
10 talk about doing things differently, but nothing ever happens because staff claims
11 they can't make any changes. She has been on Sunrise Road. It is in bad shape.
12 Roads all over the County are in equal or worse shape. Don't talk about liability.
13 The County is a rural provider of service, not urban provider of service.

14
15 Nelson stated capacity is a significant issue. They have reserve funds that
16 can be borrowed from and paid back by the road fund. Funding is available. If the
17 project is that important, they can get the funding. The issue is whether or not
18 they have time to get it done. Holding the money from this project will not solve
19 the concerns. He is also concerned about Lincoln Road, but funding is not the
20 issue.

21
22 McShane stated it's important to have debate and discussion on the six-year
23 road plan. He had not supported projects on the plan in the past. However, when
24 the contract comes forward, the issue is whether the contract is acceptable. The
25 Council adopted the annual construction plan with this project ranked highly. A few
26 times, the Council had questioned the project ranking. The Council is really starting
27 to think about priorities, which is controversial. They need a healthy debate about
28 the project ranking in the next round. This contract is a good, sound contract that
29 meets the will of the Council. He's not thrilled about the project, but they should
30 go forward with the contract.

31
32 Roy stated she is frustrated when given something to prioritize and then
33 being told they can't change the priority. The Public Works Department told the
34 councilmembers that the problem was financial. The Council was told that it could
35 move two projects out of the list to put the Lincoln Road connector higher on the
36 list. However, those two projects were projects the Council would never move.
37 They were told they have a choice, but they really don't. They are really being
38 asked to just approve it as it is. That's her perception of what happens in this
39 process. She will not support this item. Either don't ask the Council to approve the
40 plan, or give the Council some latitude to change the priority.

41
42 *(Clerk's Note: End of tape one, side B.)*

43
44 Nelson stated the process is frustrating for all the councilmembers. They all
45 hear from their constituents. They must work with what they have. This is a plan.
46 It is not etched in granite. Consider that the county is growing, how they can

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1 address the issues, identify the areas that are growing, and determine the
2 resources that are available. Those elements constantly change.

3
4 ***Motion to hold in committee failed 3-4 with Roy, Brenner, and***
5 ***Caskey-Schreiber in favor.***

6
7 ***Motion to approve carried 4-3 with Roy, Brenner, and Caskey-***
8 ***Schreiber opposed.***

9
10 **12. RESOLUTION ESTABLISHING COUNTY ROAD PROJECT NO. 904021, E.**
11 **SMITH CREEK BRIDGE NO. 277 REPLACEMENT, AND REQUEST**
12 **AUTHORIZATION FOR THE EXECUTIVE TO AWARD CONTRACT TO**
13 **STRIDER CONSTRUCTION AS LOW BIDDER IN THE AMOUNT OF**
14 **\$634,265.50 (AB2005-245)**

15
16
17 **OTHER ITEMS**

18
19 **1. RESOLUTION PROMOTING THE USE OF LEED STANDARDS IN THE**
20 **CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS AND IN**
21 **THE CONSTRUCTION PRACTICES OF THE PRIVATE SECTOR (AB2005-**
22 **233)**

23
24 ***Fleetwood*** reported for the Planning and Development Committee and
25 ***moved*** to approve the substitute version.

26
27 Crawford stated he will vote for this resolution, but he has a concern. The
28 resolution says that the State of Washington passed legislation requiring all new
29 public buildings to meet these Leadership in Energy & Environmental Design (LEED)
30 standards anyway, so the State legislation may trump the County resolution.

31
32 Brenner stated the State legislation is applied to State public buildings.

33
34 Crawford stated they should allow future councils the maximum amount of
35 flexibility in investing in future facilities. This is commendable if the County is
36 allowed to weigh the financial merits of various building designs. This resolution
37 resolves to meet the silver rating for buildings over 5,000 square feet. If the
38 Council has an option that does not meet that rating, yet there is a cost analysis
39 showing the option is the financially prudent way to go, then don't tie the hands of
40 future councils from making that decision. He trusts that the lifecycle cost analysis
41 will show that a project can meet the silver rating and still be the most cost-
42 effective, so he will approve the resolution. However, he is concerned they are
43 tying the hands of future councils.

44
45 Brenner stated the Building Industry Association and others around the
46 country are getting on board with this because of the combination of long-term
47 costs, which public agencies need to address. This is an excellent collaborative

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1 effort between the building and environmental groups. LEED is about having that
2 balance. She supports the resolution.
3

4 Caskey-Schreiber stated this type of building may cost more than a normal
5 building in construction, but there are savings in energy costs, worker health, and
6 other areas. In the long run, LEED buildings produce a cost savings.
7

8 ***Motion carried unanimously.***
9

10 **2. APPOINTMENT TO ACME WATER DISTRICT BOARD OF**
11 **COMMISSIONERS, APPLICANTS: EUGENE ROBERTS, JACKLYN**
12 **ROSSING (AB2005-214)**
13

14 Caskey-Schreiber stated that Ms. Rossing's husband is the manager of Water
15 District 18. She asked if that is a conflict.
16

17 Jacklyn Rossing, applicant, stated Acme Water District is a special water
18 district in the county. It is sometimes referred as Water District 18.
19

20 Caskey-Schreiber asked if her husband receives a paid salary. Rossing
21 stated he does.
22

23 Karen Frakes, Senior Civil Deputy Prosecutor, stated there may be
24 circumstances that arise that could be a conflict of interest for Jacklyn Rossing.
25

26 Brenner stated she would like to take the time to find out for sure.
27

28 Caskey-Schreiber stated the board supervises and works with the staff.
29

30 ***Nelson withdrew*** his motion.
31

32 The Council concurred to hold in committee for two weeks.
33

34 Crawford asked the number of water users in the district. Rossing stated
35 there are around 200 water users in the district.
36

37 **3. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
38 **AMY VERGILLO THE BICYCLE/PEDESTRIAN ADVISORY COMMITTEE**
39 **(AB2005-247)**
40

41 ***Brenner moved*** to confirm the appointment.
42

43 ***Motion carried unanimously.***
44

45 **4. ORDINANCE AMENDING WHATCOM COUNTY CODE 20.92.210,**
46 **HEARING EXAMINER, FINAL DECISIONS, TO CLARIFY PREVIOUSLY**
47 **ADOPTED LANGUAGE (AB2005-215)**

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1
2 *Brenner moved* to adopt the ordinance.
3

4 *Motion carried unanimously.*
5
6

7 **INTRODUCTION ITEMS**
8

9 *McShane moved* to accept the Introduction Items.
10

11 *Motion carried unanimously.*
12

- 13 1. **ORDINANCE AMENDING 2005 WHATCOM COUNTY BUDGET, SIXTH**
14 **REQUEST (AB2005-248)**
15
16 2. **ORDINANCE REPLACING WHATCOM COUNTY CODE 1.14 (IN ITS**
17 **ENTIRETY), DESIGNATING ELECTION PRECINCT NAMES AND THEIR**
18 **LEGAL DESCRIPTIONS (AB2005-252)**
19
20 3. **ORDINANCE AMENDING THE TEXT OF THE OFFICIAL WHATCOM**
21 **COUNTY ZONING ORDINANCE, SPECIFICALLY THE ADDITION OF**
22 **CHAPTER 20.15 – MUSHROOM SUBSTRATE PRODUCTION FACILITIES**
23 **SITING REQUIREMENTS, ESTABLISHING LOCATIONAL CRITERIA AND**
24 **ZONING DISTRICTS IN WHICH SUCH FACILITIES WILL BE ALLOWED**
25 **(AB2005-105) (AS REVISED BY THE COUNCIL ON MAY 24, 2005)**
26
27

28 **OTHER BUSINESS**
29

30 There was no other business.
31
32

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

35 Fleetwood stated the Planning and Development Committee received an
36 update on the subarea planning process. Bellingham must accommodate 31,000
37 people, which equals 14,000 housing units. Approximately 9,000 housing units
38 would be in the existing city limits and the remaining in the existing urban growth
39 area (UGA) or the five-year review area. City and County planners are working
40 with the community on a steering committee to develop recommendations for how
41 to do that. The process is ongoing. The Council will act on this some time by the
42 end of the year. The timeline for finishing the UGA planning are mandated to be
43 done by then.
44

45 **ADJOURN**
46
47

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1 The meeting adjourned at 8:52 p.m.

2

3

4 _____
Jill Nixon, Minutes Transcription

5

6 The Council approved these minutes on June 21 , 2005.

7

8 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

10

11

12 _____
Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Council Chair