

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1 **1. WHATCOM COUNTY EXECUTIVE PETE KREMEN TO READ A**
2 **PROCLAMATION REGARDING KATIE HOFSTETTER (AB2005-017)**
3

4 Pete Kremen, County Executive, stated he has come and declared many
5 proclamations. Most are joyful. This one is different and very difficult. He read the
6 proclamation. He proclaimed September 27 as Katie Hofstetter Day.
7

8
9 **MINUTES CONSENT**

10
11 **1. REGULAR COUNTY COUNCIL FOR SEPTEMBER 13, 2005**
12

13 *Brenner moved* to approve the minutes as amended.
14

15 *Motion carried unanimously.*
16
17

18 **OPEN SESSION**
19

20 The following people spoke:
21

22 Jere Boyd, 1845 Marine Drive, Bellingham, submitted a petition (*on file*) and
23 stated there is a flood emergency in Marietta. Citizens have beefed up the dike and
24 managed to keep most of the water out of Marietta in 2003. Last year, there was a
25 flood equal to the 1990 flood in height, but not duration. The community needs
26 sand bags, jail crews, and bobcats to move to prepare for this winter. They need
27 sandbags before the emergency actually hits.
28

29 Brenner stated she will schedule this item in the Public Works Committee in
30 the near future.
31

32 Barbara Rofka, Human Right Task Force Co-Chair, read from the task force
33 mission statement. She would like the professional law enforcement in place, not
34 people from out-of-state. A number of them carry concealed weapons. The
35 Minutemen have said that people with felonies can't become a member of the
36 Minutemen group. However, one of the members does have a felony. He is not
37 allowed into Canada because of the felony.
38

39 She is concerned about people patrolling the border looking for people who
40 do not look like them. Whatcom County is very diverse. Protect all the citizens.
41 The Sheriff's Office and Border Patrol are doing a good job. People should be
42 welcomed here but they should not be taking over what the professionals already
43 do.
44

45 Sharon Montero, Bellingham, stated she invites anyone to a vigil hosted by
46 the Coalition for Professional Law and Border Enforcement at the Peace Arch border
47 on October 1. This is the same day the Minutemen are beginning their border

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1 patrols. The vigil is for spiritual healing. Bring symbols of peace for a peace altar.
2 The Canadians are planning their own day. It is not a rally or demonstration. They
3 are standing up for peace in Whatcom County.
4

5 In addition, hunters, hikers, and people who ride bikes along the border
6 should be concerned and careful. There will be armed vigilantes patrolling the
7 border in static positions. She read from information from the Minutemen project.
8 Law enforcement should patrol the borders, not armed vigilantes.
9

10 Penny Henderson, 4215 Cedar Hills Court, Bellingham, stated there are water
11 issues in her neighborhood, which is the Ridgewood development. There has been
12 a lot of development above hers that has increased the water flow to her area.
13 There is a culvert in her yard that drains the water from a development uphill. The
14 culvert runs into her neighbor's backyard. The culvert hasn't been sufficient to take
15 care of the water flow, so there have been floods. She removed the culvert from
16 her yard and put in a trench. Include her area in some study for the runoff.
17

18 Paul Ridley, 1827 Marine Drive, stated he was born and went to school in
19 Whatcom County. People are protesting the Minutemen. He works for a veteran's
20 group in Whatcom County. Their group includes from people all across the country.
21 He has Native American, Vietnamese, and aboriginal relatives. He is offended that
22 protestors accuse him of discrimination. He wonders at people who want to allow
23 people to sneak across their border. All the Minutemen have police background
24 checks and have background experience in law enforcement and the military. Their
25 average age is over 60 years. He submitted the standard operating procedures for
26 the Minutemen. The purpose is to draw attention to the fact that law enforcement
27 and border patrol are at-risk just like he was when he was on the front line in
28 Vietnam. The President should have not provided more staff. The equipment is
29 antiquated. The cameras at the border don't work. The safety officer for the
30 Minuteman operation in Washington State is Dr. Tom Williams, who is a retired
31 psychologist and naval academy graduate with active military experience.
32

33 Tom Williams, 6320 Rutsatz Road, Deming, stated he's lived here ten years.
34 He graduated from the naval academy. He was a Marine Corps intelligence and
35 infantry officer during two tours in Vietnam. He came back and became a
36 psychologist specializing in post-traumatic stress disorder. He worked as a police
37 psychologist and taught at the Federal Bureau of Investigation (FBI) and the police
38 academies and police across the nation and in other countries.
39

40 He's been tasked with setting up a program to bring the Minutemen in to
41 make a political statement along the border. Some people will be armed, but he
42 and the security people won't be armed. Anyone who is armed will have a copy of
43 their concealed weapons permit. Every day, the Sheriff and Border Patrol will know
44 who on the line has a concealed weapons permit. His job is to keep everyone safe,
45 give these patriots a place to stand on the border, and to make a statement that
46 they need more attention to border security. He doesn't care who comes into the

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1 country as long as they come in the front door and sign the guestbook. Homeland
2 Security can figure out the rest.

3
4 Crawford asked where they go and if they are visible. Williams stated they
5 are visible. They are giving people the Minutemen logo, a cell phone, and field
6 glasses. Some people will be on private property. Most of the time, they'll be
7 where they see the border patrol agents now, at the end of the roads. They've
8 worked with the Sheriff, Blaine Police, and Sumas Police about their positions. They
9 must remain in static positions. They are not allowed to move. They will be
10 wearing reflective clothing. They will be supervised and watched. Most have
11 already been cleared. Most are from Washington and Oregon.

12
13 Eric Jacoby, 2363 Mosquito Lake Road, Acme, stated the **ordinance**
14 **amending Whatcom County Code Title 11, Boating and Swimming, to limit**
15 **the use of limb-propelled flotation devices on the South Fork of the**
16 **Nooksack River from June 1 through October 31 (AB2005-173A)** is
17 important to protect the environment. They need to start considering the fish.
18 There is a lack of oversight on the river. Local people are getting tired of the litter
19 and the destruction of the environment. The forestry industry has footed most of
20 the bill for salmon recovery.

21
22 Roy reported for the Natural Resources Committee and stated that the
23 committee forwarded this item to the Council for a public hearing.

24 25 26 **PUBLIC HEARINGS**

27 28 **1. ORDINANCE ESTABLISHING A FEE FOR MANDATORY ARBITRATION** 29 **TO OFFSET THE COST OF THE PROGRAM (AB2005-359)**

30
31 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
32 public hearing.

33
34 ***Fleetwood moved*** to adopt the ordinance.

35
36 ***Motion carried unanimously.***

37 38 **2. RESOLUTION TO SELL TAX-TITLE PROPERTY BY NEGOTIATION TO** 39 **WHATCOM COUNTY PUBLIC WORKS, REQ. #01-05 (AB2005-356A)**

40
41 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
42 public hearing.

43
44 ***Nelson moved*** to approve the resolution.

45
46 ***Motion carried 6-0 with Brenner out of the room.***

47

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1 **3. ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO LAKE**
2 **WHATCOM WATER & SEWER DISTRICT (AB2005-361)**

3
4 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
5 public hearing.

6
7 *Nelson moved* to adopt the ordinance.

8
9 *Motion carried 6-0 with Brenner out of the room.*

10
11 **4. ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO THE**
12 **HILLTOP WATER OWNERS ASSOCIATION (AB2005-362)**

13
14 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
15 public hearing.

16
17 *Nelson moved* to adopt the ordinance.

18
19 *Motion carried unanimously.*

20
21
22 **CONSENT AGENDA**

23
24 *Nelson* reported for the Finance and Administrative Services Committee and
25 *moved* to approve Consent Agenda items one through 12 and 14 through 17. Item
26 13 comes forward with no recommendation.

27
28 *Motion to approve Consent Agenda items one through 12 and 14*
29 *through 17 carried unanimously.*

30
31 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
32 **STANDARD CONSULTANT AGREEMENT BETWEEN WHATCOM COUNTY**
33 **AND REICHHARDT & EBE ENGINEERING, INC. FOR THE PHASE 2**
34 **FINAL DESIGN FOR THE SIGNALIZATION OF THE HANNEGAN ROAD**
35 **AND SR 544 INTERSECTION, IN THE AMOUNT OF \$205,860 (AB2005-**
36 **366)**

37
38 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
39 **JOINT FUNDING AGREEMENT WITH THE US GEOLOGICAL SURVEY**
40 **FOR ANNUAL OPERATION AND MAINTENANCE OF THE COUNTY'S**
41 **STREAM GAGE NETWORK, IN THE AMOUNT OF \$63,245, OF WHICH**
42 **\$51,245 IS REQUESTED BE FUNDED BY THE COUNTY AND \$12,000**
43 **WILL BE FUNDED BY THE USGS (AB2005-367)**

44
45 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
46 **PROFESSIONAL SERVICES AGREEMENT BETWEEN WHATCOM COUNTY**
47 **AND PHILIP WILLIAMS & ASSOCIATES, LTD. FOR A SHORELINE**

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- 1 **ASSESSMENT IN THE AREA OF THE LEGOE BAY ROAD SEAWALL, IN**
2 **THE AMOUNT OF \$44,778.58 (AB2005-368)**
3
- 4 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
5 **AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM ALLIANCE**
6 **FOR HEALTHCARE ACCESS TO PROVIDE IMPROVED ACCESS TO**
7 **HEALTH CARE SERVICES FOR LOW INCOME AND UNINSURED PEOPLE**
8 **IN WHATCOM COUNTY, IN THE AMOUNT OF \$125,000, OF WHICH**
9 **\$50,000 IS REQUESTED BE FUNDED BY THE COUNTY AND \$75,000**
10 **WILL BE FUNDED BY DSHS MEDICAID ADMINISTRATIVE MATCH**
11 **FUNDS (AB2005-369)**
12
- 13 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
14 **AGREEMENT BETWEEN WHATCOM COUNTY, WHATCOM COUNTY**
15 **SHERIFF'S OFFICE DIVISION OF EMERGENCY MANAGEMENT AND**
16 **SPECIALIZED EMERGENCY RESPONSE PROGRAM (SERP) HAZARDOUS**
17 **MATERIALS UNIT FOR EQUIPMENT DISTRIBUTION IN ORDER TO**
18 **ENHANCE OUR COMMUNITY PREPAREDNESS TO COMBAT**
19 **TERRORISM, IN THE AMOUNT OF \$44,703.38 FUNDED FROM THE**
20 **SNOHOMISH COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT,**
21 **WASHINGTON STATE MILITARY DEPARTMENT AND US DEPARTMENT**
22 **OF HOMELAND SECURITY (AB2005-370)**
23
- 24 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
25 **CONTRACT AMENDMENT TO WHATCOM COUNTY CONTRACT**
26 **200411025 BETWEEN WHATCOM COUNTY AND COMPU-TECH, INC.,**
27 **WHICH EXTENDS THE AGREEMENT THROUGH JUNE 30, 2006,**
28 **INCREASING THE MAXIMUM CONSIDERATION BY \$92,400, FOR A**
29 **TOTAL AMENDED CONTRACT AMOUNT OF \$372,000 (AB2005-371)**
30
- 31 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
32 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
33 **CITY OF SUMAS CONCERNING ANNEXATION (AB2005-372)**
34
- 35 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
36 **AGREEMENT BETWEEN WHATCOM COUNTY AND CH2M HILL TO**
37 **PREPARE A COMPREHENSIVE STORMWATER PLAN FOR THE**
38 **WATERSHEDS OF BIRCH BAY, IN THE AMOUNT OF \$153,000**
39 **(AB2005-373)**
40
- 41 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO RENEW**
42 **INSURANCE FOR THE WHATCOM CHIEF FERRY FOR POLICY YEAR**
43 **9/30/2005 THROUGH 9/30/2006, IN THE AMOUNT OF \$33,801**
44 **(AB2005-374)**
45
- 46 **10. RESOLUTION TO SET HEARING TO SELL SURPLUS PROPERTY BY**
47 **AUCTION, REQ. #02-05 (AB2005-375)**

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1
2 **11. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
3 **NEGOTIATION, REQ. #2005-01 (AB2005-376)**

4
5 **12. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
6 **NEGOTIATION, REQ. #2005-02 (AB2005-377)**

7
8 **13. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
9 **PUBLIC AUCTION, REQ. #2005-03 (AB2005-378)**

10
11 *Nelson* reported for the Finance and Administrative Services Committee.
12 The administration told him that the language in the auction item about the building
13 being non-buildable to make the public properly informed of what the parcel was.
14 The good faith intent was to let the public know there is not a suitable building site
15 on this property. He hoped government would always be above-board and honest
16 with the citizens it represents. He *moved* to retain the property for the public
17 good.

18
19 Crawford stated the parcel adjacent is not built on and is buildable. There
20 may be a square footage issue, depending on Blaine's city code, on how much area
21 they need and how much service they can cover. If this guy purchases the
22 adjacent property, he may be able to achieve the square footage that he needs. He
23 may be able to consolidate the lots, and the structure could go over the property
24 line on that high point.

25
26 The bigger issue is that the County is not in the business of determining
27 whether a parcel is buildable for tax title properties, other than with the Sudden
28 Valley where they are trying to remove buildable parcels. That's not what the
29 County does with tax title properties. Determining whether a parcel is buildable lies
30 with the jurisdiction in charge, which is not Whatcom County in this case.

31
32 According to legal counsel, the County does not want to incur a liability of
33 telling people that the County has done an analysis of whether or not a property is
34 buildable. For instance, the County may incur a liability be determining and
35 disclosing that this property is not buildable, but not other properties. No engineer
36 or anyone has done any analysis on this property.

37
38 Caskey-Schreiber asked if the critical areas ordinance prohibits anything from
39 being constructed on property that goes underwater. Maybe the Council should
40 make that policy change to inform people.

41
42 Nelson stated Councilmember Crawford is saying that the individual may be
43 able to build on an adjoining parcel. It's also not the County's business to sell land
44 that is underwater if it's not necessary. Their job is to determine the use of the
45 property that is best for the public good.

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1 Crawford stated they don't know if the keeping the property is in the public's
2 interest. Move this item to a public hearing, when they can determine whether
3 keeping the property is in the public's best interest.
4

5 **McShane moved** to hold in committee. It should not go to a public hearing
6 until things are resolved. Look closer at whether it's in the County's interest to sell
7 the property. The community in Drayton Harbor has an interest in protecting its
8 shellfish growing areas.
9

10 Nelson stated the lot is predominantly underwater, with a corner piece of
11 sand that may be used. The public is interested in environmental protection and
12 riparian habitat. His concern is about selling it as a building lot.
13

14 **Motion to hold in committee carried 4-3 with Roy, Brenner, and**
15 **Caskey-Schreiber opposed.**
16

17 **14. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
18 **PUBLIC AUCTION, REQ. #2005-04 (AB2005-379)**
19

20 **15. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
21 **PUBLIC AUCTION, REQ. #2005-05 (AB2005-380)**
22

23 **16. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
24 **PUBLIC AUCTION, REQ. #2005-06 (AB2005-381)**
25

26 **17. RESOLUTION TO SET HEARING TO SURPLUS COUNTY-OWNED**
27 **PROPERTY FOR REVERSION TO NORTH WEST INDUSTRIES (NWI),**
28 **REQ. #2005-07 (AB2005-382)**
29
30

31 OTHER ITEMS

32

33 **1. ORDINANCE AMENDING THE 2005 WHATCOM COUNTY BUDGET,**
34 **NINTH REQUEST, IN THE AMOUNT OF \$393,883 (AB2005-358)**
35

36 **Nelson** reported for the Finance and Administrative Services Committee and
37 **moved** to adopt the substitute ordinance in the amount of \$413,883.
38

39 **Motion carried unanimously.**
40

41 **2. APPROVAL OF REQUEST FROM JOHN COX, JONES ENGINEERS, FOR**
42 **EXTENSION OF THE PRELIMINARY PLAT APPROVAL OF GOVERNOR**
43 **ROAD PHASE II (AB2005-363)**
44

45 **Fleetwood** reported for the Planning and Development Committee and
46 **moved** to approve the request.
47

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1 *Motion carried unanimously.*

- 2
3 **3. ORDINANCE TO AMEND A PORTION OF THE OFFICIAL WHATCOM**
4 **COUNTY ZONING ORDINANCE, CHAPTER 20.97 – DEFINITIONS AND**
5 **20.40.250 – MINIMUM LOT SIZE AND LAND SUBDIVISION (AB2005-**
6 **360)**

7
8 *Fleetwood* reported for the Planning and Development Committee and
9 *moved* to adopt the ordinance.

10 Brenner stated this is an embellished scrub.

11
12 *Motion carried unanimously.*

- 13
14
15 **4. RESOLUTION REMANDING A PROPOSED ORDINANCE AMENDING**
16 **WHATCOM COUNTY CODE 20.80.800, LIVESTOCK REGULATIONS, TO**
17 **THE WHATCOM COUNTY PLANNING COMMISSION FOR FURTHER**
18 **REVIEW (AB2005-316A)**

19
20 *Caskey-Schreiber moved* to approve the resolution.

21
22 *Motion carried unanimously.*

23
24
25 **INTRODUCTION ITEMS**

26
27 *Nelson moved* to accept the Introduction Items, except item five.

28
29 *Motion carried unanimously.*

- 30
31 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 20.80.735 TO**
32 **IMPOSE A SEASONAL CLEARING ACTIVITY RESTRICTION WITHIN**
33 **THE LAKE WHATCOM AND LAKE SAMISH WATER RESOURCE SPECIAL**
34 **MANAGEMENT AREAS BETWEEN SEPTEMBER 1 AND APRIL 30**
35 **(AB2005-125B)**

- 36
37 **2. RESOLUTION TO SELL SURPLUS PROPERTY BY AUCTION, (PARCEL #S**
38 **400606-305209-0000, 390527-428080-0000, 390531-419037-0000**
39 **AND 390531-406027-0000) REQ. #02-05 (AB2005-375A)**

- 40
41 **3. RESOLUTION TO SELL TAX-TITLE PROPERTY BY NEGOTIATION,**
42 **(PARCEL #400316-431348-0000) REQ. #2005-01 (AB2005-376A)**

- 43
44 **4. RESOLUTION TO SELL TAX-TITLE PROPERTY BY NEGOTIATION,**
45 **(PARCEL #390601-165135-0000) REQ. #2005-02 (AB2005-377A)**
46

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- 1 5. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,
2 (PARCEL #400106-217174-0000) REQ. #2005-03 (AB2005-378A)
3
- 4 6. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,
5 (PARCEL #380208-427312-0000) REQ. #2005-04 (AB2005-379A)
6
- 7 7. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,
8 (PARCEL #400521-541341-0000) REQ. #2005-05 (AB2005-380A)
9
- 10 8. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION
11 (PARCEL #400522-012340-0000) REQ. #2005-06 (AB2005-381A)
12
- 13 9. RESOLUTION TO SURPLUS COUNTY-OWNED PROPERTY FOR
14 REVERSION TO NORTH WEST INDUSTRIES (NWI), (PARCEL
15 #380214-136121-0000) REQ. #2005-07 (AB2005-382A)
16
- 17 10. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY
18 COMPREHENSIVE PLAN RELATING TO TRANSPORTATION IMPACT FEE
19 BACKGROUND INFORMATION (AB2005-084C)
20
- 21 11. ORDINANCE AMENDING THE WHATCOM COUNTY HOME RULE
22 CHARTER TO CORRECT SCRIVENER'S ERRORS AND CLARIFY THE
23 EFFECTIVE DATE OF ADOPTED ORDINANCES (AB2005-365)
24
25

26 OTHER BUSINESS

27
28 Brenner stated the Public Works Committee has discussed the **ferry system**
29 **costs and rate-setting policy (AB2005-357)**. They have to make many
30 improvements to the ferry system.
31

32 *(Clerk's Note: End of tape one, side A.)*
33

34 Brenner continued to state they are dealing with changes in the costs. Those
35 costs will be calculated as changes in ferry rates. She hopes that people on Lummi
36 Island and anyone who uses the ferry get actively involved. This will be an
37 important issue. It's important to move forward on this. Come to these meetings
38 when it is on the committee agenda.
39

40 OTHER ITEMS

41 **ADDENDUM:**

- 42
- 43
- 44 5. REQUEST AUTHORIZATION TO ENTER INTO A CONTRACT WITH
45 BRICKLIN NEWMAN DOLD, LLP, FOR LEGAL REPRESENTATION
46 RELATING TO TWO COUNTY ORDINANCES REGULATING MUSHROOM
47 SUBSTRATE PRODUCTION (AB2005-105B)

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28

Caskey-Schreiber moved to approve the request.

Motion carried unanimously.

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

There were no reports or other items.

ADJOURN

The meeting adjourned at 7:53 p.m.

Jill Nixon, Minutes Transcription

The Council approved these minutes on October 11, 2005.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Council Chair