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WHATCOM COUNTY COUNCIL
Regular County Council

April 11, 2006

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

Present:

Barbara Brenner
Sam Crawford
Seth Fleetwood
Carl Weimer
L. Ward Nelson

Absent:

Dan McShane

FLAG SALUTE

ANNOUNCEMENTS

Caskey-Schreiber announced there was **discussion and negotiations update on open and other collective bargaining agreements (AB2006-018)** and **discussion regarding a potential property acquisition (AB2006-018)** in executive session during the Committee of the Whole meeting.

MINUTES CONSENT

Brenner moved to approve Minutes Consent items one through four.

Motion carried unanimously.

1. **REGULAR COUNTY COUNCIL FOR MARCH 14, 2006**
2. **COMMITTEE OF THE WHOLE FOR MARCH 28, 2006**
3. **REGULAR COUNTY COUNCIL FOR MARCH 28, 2006**
4. **SPECIAL COUNTY COUNCIL (INTRODUCE SUDDEN VALLEY ORDINANCE) FOR APRIL 4, 2006**

OPEN SESSION

The following people spoke:

Dennis Jones, 1487 Sudden Valley, stated Sudden Valley met with the City last Friday. It was a citizens agenda. There were people to argue for and against the petition. It won't fly out there. It was well intended.

He is in favor of the **ordinance continuing an interim moratorium on the acceptance of new applications for subdivisions within the Lake Whatcom**

1 **Watershed (AB2006-172).** It is necessary until the Total Maximum Daily Load (TMDL)
2 study is out. It's a time out, not a moratorium.

3
4 The Lake Whatcom cooperative management joint council session is coming up in a
5 month. Look at and fund the watershed as a whole.

6
7 Charles Law, Bellingham, stated the Minutemen are vigilantes. There have been
8 immigration marches on the streets. People are willing to leave their homes and come to
9 America. They are motivated by a chance for something better. Nearly 8 million
10 immigrants have come to America in the first five years of this century. Today, 12.1
11 percent of America residents are immigrants. The Constitution expressly ensures that
12 government must accord fair treatment to every individual, regardless of citizenship. The
13 Constitution guarantees equal protection and due process to all persons.

14
15 Recently, Minuteman Tom Williams stated he would mount operations against illegal
16 aliens, regardless of their country of origin. People like that are vigilantes and will quench
17 the desire for human liberty and freedom.

18
19 Kris Ungern, 2095 Northshore Road, stated Council actions are puzzling. Metering
20 residential building permits should be discussed by the Council's Planning Committee, not
21 the Natural Resource Committee. The full Council wisely rejected the proposal. He is
22 dismayed by the Council's process of putting an ordinance on the agenda, allowing public
23 comment, then immediately voting on the proposal. Some councilmembers don't pay
24 attention to public comment and have already made up their minds. If that is true, it is not
25 in the spirit of the Open Public Meetings Act.

26
27 The recent **ordinance imposing an interim moratorium on the acceptance of**
28 **short plat applications for subdivisions in the rural zones within Agricultural**
29 **Protection Overlay areas, Rural Forestry zones, Suburban Enclaves, and**
30 **Transportation Corridors (AB2006-110)** is a flawed process. The public came to the
31 Council prepared to address a broader moratorium affecting rural Whatcom County, but was
32 caught unprepared by last minute bait-and-switch tactics. Although the Appearance of
33 Fairness Doctrine may not apply to a legislative act, the obvious bias and lack of fair, open-
34 minded, objective, and impartial conduct deserves little public respect.

35
36 One introduction item is an **ordinance continuing an interim moratorium on**
37 **the acceptance of new applications for subdivisions within the Lake Whatcom**
38 **Watershed (AB2006-172).** This confirms previous public observations that there is no
39 such thing as a temporary or interim moratorium. The County appears to be awash in
40 property tax revenues. They won't have to "rob a bunch of money" for pet projects. He
41 submitted his comments (*on file, Exhibit B*).

42
43 Johnnie Graves, 4478 Northwest Drive, stated there is an article in the Whatcom
44 Independent about underage drinking. His 17 year old son is going through these
45 problems. The State and County took his son out of the home and away from his parental
46 authority. Citizens can only speak on issues like this for three minutes once per month.
47 This will only play on Channel 12. The County can do something about broadcasting on
48 Channel 10. It's a public channel. Encourage the City to play the program.

49
50 Jessica Welker, 1217 N. Garden Street, stated there was a protest last Wednesday
51 in opposition of HR 4437 and the Minutemen project in Whatcom County. There may not be
52 all those people here, but they support a resolution opposing the minutemen project. She
53 submitted a photo (*on file, Exhibit A*).

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3 **PUBLIC HEARINGS**
4

5 **1. ORDINANCE GRANTING PUGET SOUND ENERGY, INC., A WASHINGTON**
6 **CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE**
7 **FRANCHISE AND THE RIGHT, PRIVILEGE, AND AUTHORITY THEREUNDER TO**
8 **CONSTRUCT, ALTER, IMPROVE, RENEW, REPLACE, REPAIR, OPERATE, AND**
9 **MAINTAIN WATER AND WASTEWATER LINES UPON, UNDER, ACROSS, AND**
10 **ALONG CERTAIN ROADS AND RIGHTS-OF-WAY IN WHATCOM COUNTY,**
11 **WASHINGTON (AB2006-146)**
12

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

15 ***Nelson moved*** to adopt the ordinance.
16

17 Brenner asked what happens if the Council votes no.
18

19 Crawford stated this is about construction of a wastewater line. It would create a
20 problem for them. The County is granting them a franchise to do that.
21

22 Brenner stated this seems to be already done.
23

24 Nelson stated the law requires the County to grant the franchise.
25

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

28
29 **2. RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY SURPLUS**
30 **PROPERTY PURSUANT TO WCC 1.10 (AB2006-165A)**
31

32 Caskey-Schreiber opened the public hearing and, hearing no one, closed the public
33 hearing.
34

35 ***Nelson moved*** to approve the resolution.
36

37 Crawford stated the 15-passenger van only has 23,000 miles on it. He asked why
38 that van is being surplused.
39

40 Nelson stated the van may have been purchased for a program the County no longer
41 has.
42

43 Bruce Roll, Assistant Director, stated the van was part of a program that has been
44 terminated. It had to do with the outdoor recreational kayak program that was heavily
45 subsidized. The van is not out of date. Hopefully they can use the revenue to purchase
46 vehicles more appropriate for the program.
47

48 Brenner stated this van is going to be auctioned. Usually they get pennies on the
49 dollar. She asked if the County can use the van for anything. Roll stated this is the kind of
50 van that is very large. He doesn't know of any other departments that are interested.
51

52 Crawford stated the County has another van that is three years old and only has
53 9,000 miles. The County may not need this van. People will competitively bid on the van.

1
2 Caskey-Schreiber asked if there is a set low bid price. Roll stated he thinks there is.
3 An item like this won't go for pennies. It has a lot of value left on it.
4

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

8 **CONSENT AGENDA**
9

10 ***Crawford*** reported for the Finance and Administrative Services Committee and
11 ***moved*** to approve Consent Agenda items one through six.
12

13 ***Motion to approve Consent Agenda items one through six carried***
14 ***unanimously.***
15

- 16 1. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-04**
17 **AND ENTER INTO A CONTRACT WITH LOW BIDDER WESTERN ROOFING**
18 **COMPANY, INC., FOR ROOF REPAIRS AT THE COURTHOUSE, HEALTH**
19 **DEPARTMENT AND THE FOREST STREET ANNEX, IN THE AMOUNT OF**
20 **\$140,724.88 (AB2006-173)**
21
- 22 2. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
23 **INTERLOCAL COOPERATIVE ACT AGREEMENT BETWEEN WHATCOM COUNTY**
24 **AND THE WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS**
25 **(AOC) TO PROVIDE FOR THE AOC GRANTING FEDERAL FUNDS PROVIDED**
26 **THROUGH THE DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC**
27 **DEVELOPMENT UNDER THE FEDERAL STOP VIOLENCE AGAINST WOMEN**
28 **OFFICE GRANT (AB2006-174)**
29
- 30 3. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A SUB-**
31 **RECIPIENT AGREEMENT BETWEEN WHATCOM COUNTY AND DOMESTIC**
32 **VIOLENCE AND SEXUAL ASSAULT SERVICES TO PROVIDE ON-CALL**
33 **ADVOCATES FOR ALL VICTIMS APPLYING FOR PROTECTION, IN THE**
34 **AMOUNT OF \$15,750 (FUNDED BY STOP GRANT) (AB2006-175)**
35
- 36 4. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
37 **COOPERATIVE SERVICE AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
38 **U.S. DEPARTMENT OF AGRICULTURE TO CONDUCT WILDLIFE DAMAGE**
39 **MANAGEMENT ACTIVITIES TO CONTROL STARLING AND PIGEON**
40 **POPULATIONS WITHIN WHATCOM COUNTY, IN THE AMOUNT OF \$15,009**
41 **(AB2006-176)**
42
- 43 5. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
44 **AGREEMENT AMENDMENT #1 BETWEEN WHATCOM COUNTY AND LUMMI**
45 **COMMERCIAL COMPANY TO EXTEND THE PARKING LOT LEASE TO COINCIDE**
46 **WITH THE TIDELANDS LEASE AGREEMENT EXPIRATION IN 2009, IN THE**
47 **AMOUNT OF \$36,592 OVER THREE YEARS, AS WELL AS INCLUDING UP TO**
48 **\$50,000 IN ADDITIONAL SITE IMPROVEMENTS AND PLANNING**
49 **ASSISTANCE AT GOOSEBERRY POINT, IN PARTNERSHIP WITH THE LUMMI**
50 **COMMERCIAL COMPANY (AB2006-177)**
51
- 52 6. **RESOLUTION ORDERING THE CANCELLATION OF CHECKS MORE THAN TWO**
53 **YEARS OLD (AB2006-179)**

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3 **OTHER ITEMS**
4

5 **1. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, SIXTH**
6 **REQUEST, IN THE AMOUNT OF \$1,152,377 (AB2006-169)**
7

8 **Crawford** reported for the Finance and Administrative Services Committee and
9 **moved** to adopt the ordinance.
10

11 Nelson stated the County had a contract in the past. This facility was provided and
12 equipped under the contract for about \$360,000 per year. Now, because of things that
13 have gone on, the County will have to purchase the facility because the community has not
14 been able to work with the contractor. He is concerned about how this was approached. If
15 the County had done a better job working with the contractor, it would still have the
16 contractor for \$360,000 instead of having to purchase the building and still find a
17 contractor. Be more cautious when doing contracts. He is concerned about the additional
18 cost the County will pay for animal control when it had a fine and reputable contractor. He's
19 sorry to see that service leave. He hopes the administration will find alternatives. It will be
20 far more costly.
21

22 Brenner stated she agreed that the County had a very reputable company managing
23 the animal control service. She understood that it had nothing to do with why the County is
24 buying the property. She understood it was for personal reasons.
25

26 Caskey-Schreiber stated that when the County owns that building, it may have an
27 opportunity to improve the ventilation of the building.
28

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

31 **2. ORDINANCE REGARDING PROJECT BUDGET AMENDMENT NO. 2 OF THE 2006**
32 **BUDGET IN THE AMOUNT OF \$594,688 (AB2006-170)**
33

34 **Crawford** reported for the Finance and Administrative Services Committee and
35 **moved** to adopt the ordinance.
36

37 ***Motion carried unanimously.***
38

39 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
40 **AMENDMENT #6 TO THE INTERLOCAL AGREEMENT BETWEEN WHATCOM**
41 **COUNTY AND THE CITY OF LYNDEN, ALLOWING THE ANNEXATION OF**
42 **APPROXIMATELY 104 ACRES ON WEST MAIN STREET AND BERTHUSEN**
43 **ROAD WITHIN THE CITY OF LYNDEN'S URBAN GROWTH AREA (AB2006-178)**
44

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

48 Brenner stated this item is fine. In the future, there is a question of whether the
49 County can appeal an annexation of property in a short-term urban growth area (UGA) that
50 meets all the criteria of the interlocal agreement.
51

52 Hal Hart, Planning and Development Services Director, stated he believes that if
53 property is moved into the short-term UGA, and a city wants to annex the property, then

the annexation process is the County's time to comment. If the County is opposed, the Boundary Review Board will help the County through that process. The County can appeal the annexation.

Brenner stated she would like a legal answer at some point to know how the County could legally appeal, after the Boundary Review Board process, if the city meets the interlocal agreement.

Motion carried unanimously.

- 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A NEW LIQUOR LICENSE APPLICATION FOR SEUTZ ME, 974 VALLEY HIGHWAY #9, ACME, WA 98220 (AB2006-180)**

Nelson moved to approve the request.

Motion carried unanimously.

- 5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A NEW LIQUOR LICENSE APPLICATION FOR COMPLEMENTS, 1621 EAST 56TH STREET, BELLINGHAM, WA 98226 (AB2006-181)**

Fleetwood moved to approve the request.

Motion carried unanimously.

CORRESPONDENCE APPROVAL

- 1. LETTER PROPOSED BY COUNCILMEMBER BRENNER TO SENATOR MARIA CANTWELL REGARDING PROPOSED LEGISLATION TO FAST TRACK OFFSHORE FISH FARMS WITHOUT SAFEGUARDS (AB2006-057)**

Brenner stated this is being discussed in Congress right now. The letter is to Senator Cantwell. The Council has already taken a position to protect native species and the fishing community. They are ready to gut the National Environmental Policy Act, which would require an environmental impact statement. This legislation would eliminate the ability for the Senate Committee to assess this with any real understanding of what is going on. It may be a great idea, but without safeguards, they won't know if this is a good thing.

Brenner moved to approve the letter.

Motion carried unanimously.

INTRODUCTION ITEMS

Nelson moved to accept the Introduction Items.

Motion carried unanimously.

- 1. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, SEVENTH REQUEST, IN THE AMOUNT OF \$430,017 (AB2006-182)**

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- 2. **ORDINANCE REGARDING PROJECT BUDGET AMENDMENT NO. 3 OF THE 2006 BUDGET IN THE AMOUNT OF \$373,400 (AB2006-183)**
- 3. **ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM URBAN RESIDENTIAL (UR3) TO RURAL FIVE ACRE (R5A) FOR APPROXIMATELY 44 ACRES SOUTH OF FERNDALE, IN THE CHERRY POINT/FERNDALE SUBAREA (AB2006-184)**
- 4. **RECEIPT OF PLANNING COMMISSION RECOMMENDATIONS REGARDING REZONE OF LONG TERM PLANNING AREA TO SHORT TERM PLANNING AREA IN THE FERNDALE URBAN GROWTH AREA ON THE WEST SIDE OF VISTA DRIVE (AB2006-185)**
- 5. **ORDINANCE CONTINUING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR SUBDIVISIONS WITHIN THE LAKE WHATCOM WATERSHED (AB2006-172)**

OTHER BUSINESS AND COUNCILMEMBER REPORTS

Brenner stated the councilmembers were invited to the Sustainable Connections workshop. It will give them all a better understanding of low impact development.

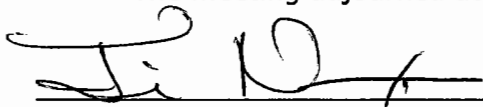
Nelson stated he and Dr. Roll will meet on Monday at 10 a.m. about the continuing scope of work for the countywide water coordination plan.

Caskey-Schreiber stated she will meet on April 25 to figure out the agenda for the Joint Lake Management meeting. She will discuss it with Councilmember Nelson after his meeting with Dr. Roll.

Brenner stated the Mental Health Advisory Board learned yesterday that a group called the Seattle Human Rights Commission is advertising to entice people with mental health issues out of the mental health system. According to the meeting, this group is a subset of the Church of Scientology. She hopes that the media will require a disclosure so people don't think this group is part of a human rights commission.

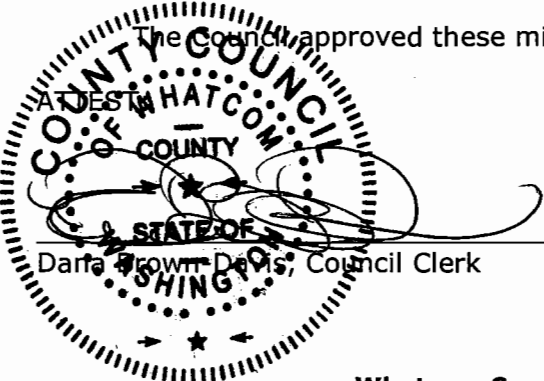
ADJOURN

The meeting adjourned at 7:33 p.m.



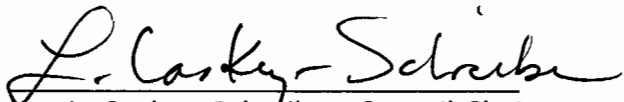
 Jill Nixon, Minutes Transcription

The Council approved these minutes on April 25, 2006.



Darla Brown DeOs, Council Clerk

WHATCOM COUNTY COUNCIL
 WHATCOM COUNTY, WASHINGTON



 Laurie Caskey-Schreiber, Council Chair