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WHATCOM COUNTY COUNCIL
Regular County Council

January 16, 2007

Council Member 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
Dan McShane
Sam Crawford
Seth Fleetwood
Carl Weimer
L. Ward Nelson

Absent:

None

FLAG SALUTE

ANNOUNCEMENTS

Caskey-Schreiber announced there was **consideration of an appeal of the Hearing Examiner's decision on APL06-0010, filed by David Cottingham on behalf of David Lobdell, regarding an Order to Correct (AB2006-412)** in executive session during the Committee of the Whole meeting.

Crawford moved to uphold the Hearing Examiner's decision.

Motion carried 6-1 with Brenner opposed.

SPECIAL ORDER OF BUSINESS

1. REORGANIZATION OF THE WHATCOM COUNTY COUNCIL (AB2007-022)

Council Chair

McShane nominated Councilmember Weimer.

Weimer nominated Councilmember Crawford.

Weimer voted for Crawford.

Nelson voted for Crawford.

Brenner voted for Weimer.

Caskey-Schreiber voted for Weimer.

Fleetwood voted for Weimer.

McShane voted for Weimer.

1
2 Crawford voted for Weimer.

3
4 Councilmember Weimer was voted Council Chair.

5
6 *(Clerk's Note: Councilmember Weimer assumed the duties of the Chair for the*
7 *remainder of the meeting.)*

8
9 Council Vice-Chair

10
11 Brenner nominated Councilmember Crawford.

12
13 Nelson nominated Councilmember Fleetwood.

14
15 Caskey-Schreiber voted for Fleetwood.

16
17 Nelson voted for Crawford.

18
19 Brenner voted for Crawford.

20
21 Weimer voted for Fleetwood.

22
23 Fleetwood voted for Fleetwood.

24
25 McShane voted for Fleetwood.

26
27 Crawford voted for Fleetwood.

28
29 Councilmember Fleetwood was voted Council Vice-Chair.

30
31 Executive Pro Tempore

32
33 McShane nominated Councilmember Crawford.

34
35 Brenner moved to approve the nomination by acclamation.

36
37 Motion carried unanimously.

38
39 Finance & Administrative Services Committee

40
41 Brenner nominated Councilmembers Nelson, McShane, and Crawford.

42
43 Crawford moved to approve the nominations by acclamation.

44
45 Motion carried unanimously.

46
47 Planning & Development Committee

48
49 Brenner nominated Councilmembers Fleetwood, McShane, and Caskey-Schreiber.

50
51 Nomination carried unanimously.

52
53 Public Works & Safety Committee

1
2 Brenner nominated Councilmembers Nelson, Caskey-Schreiber, and Brenner.

3
4 Nomination carried unanimously.

5
6 Natural Resources Committee

7
8 Brenner nominated Councilmembers Fleetwood, McShane, and Weimer.

9
10 Nomination carried unanimously.

11
12 Bellingham International Airport Advisory

13
14 Brenner nominated Councilmember Brenner.

15
16 Nomination carried unanimously.

17
18 Council of Governments (COG) (2)

19
20 Brenner nominated Councilmembers Fleetwood and Crawford.

21
22 Nomination carried unanimously.

23
24 Drayton Harbor Shellfish Protection District

25
26 Brenner nominated Councilmember Weimer.

27
28 Nomination carried unanimously.

29
30 Economic Development Council

31
32 Brenner nominated Councilmember Crawford.

33
34 Nomination carried unanimously.

35
36 Energy Facility Site Evaluation Council (EFSEC)

37
38 Weimer stated appointment will wait until there is an issue before EFSEC. No one
39 nominated.

40
41 McShane stated it doesn't have to be a councilmember to serve on that Council.

42
43 Public Health Advisory Board

44
45 Brenner nominated Councilmember Nelson.

46
47 Nomination carried unanimously.

48
49 Developmental Disabilities Board

50
51 Brenner nominated Councilmember Weimer.

52
53 Nomination carried unanimously.

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Mental Health Advisory Board

McShane nominated Councilmember Brenner.
Nomination carried unanimously.

Substance Abuse Advisory Board

Brenner nominated Councilmember Crawford.
Nomination carried unanimously.

Intergovernmental Tribal Relations committee (2)

McShane nominated Councilmembers Fleetwood and Brenner.
Nomination carried unanimously.

LEOFF Board

Crawford nominated Councilmember McShane.
Nomination carried unanimously.

Local Emergency Planning Committee (LEPC)

McShane nominated Councilmember Crawford.
Nomination carried unanimously.

Marine Resources Committee

Fleetwood nominated Councilmember McShane.
Nomination carried unanimously.

North Sound Mental Health Administration

Brenner nominated Councilmember Nelson.
Nomination carried unanimously.

Northwest Clean Air Agency

Brenner nominated Councilmember Caskey-Schreiber.
Nomination carried unanimously.

Northwest Regional Council (NWRC)

Brenner nominated Councilmember Nelson.

1 Nomination carried unanimously.

2
3 Portage Bay Shellfish Protection District

4
5 Crawford nominated Councilmember Weimer.

6
7 Nomination carried unanimously.

8
9 Opportunity Council

10
11 Brenner nominated Councilmember Caskey-Schreiber.

12
13 Nomination carried unanimously.

14
15 Public Defense Advisory

16
17 McShane nominated Councilmember Brenner.

18
19 Nomination carried unanimously.

20
21 Solid Waste Advisory

22
23 McShane nominated Councilmember Brenner.

24
25 Nomination carried unanimously.

26
27 Urban County Caucus

28
29 Crawford nominated Councilmember Weimer.

30
31 Nomination carried unanimously.

32
33 Whatcom Transit Authority

34
35 Crawford nominated Councilmember Fleetwood.

36
37 Nomination carried unanimously.

38
39
40 **OPEN SESSION**

41
42 The following people spoke:

43
44 Kris Ungern, 2095 Northshore Road, stated that Jesse Solomon's appointment to the
45 Planning Commission seemed like a backroom agreement. Other more experienced
46 candidates were available. The primary rationale for choosing Mr. Solomon was to lower
47 the average age of the Planning Commission members.

48
49 Councilmember Weimer voted against restoring funding for the Ski to Sea race. The
50 vote was against tourism and businesses that would benefit from the event. The Council
51 must follow the Growth Management Act, which requires planning for and accommodating
52 expected growth. Saying no to tourism or growth isn't okay. The public expects more
53 responsible behavior from their political leaders.

1
2 Johnnie Grames, 1506 E. Maplewood, Bellingham, stated he hopes this year the
3 Council will increase its staff. The other two branches of government have big budgets and
4 a lot of bureaucrats. He thanked the Council's staff for treating him so well. Also, install
5 cameras in Superior Court courtrooms to see what's going on in there. He hopes for open
6 government overall.
7

8 Cindy Anderson, 347 Van Wyk Road, Bellingham, submitted a neighborhood petition
9 regarding inclusion into the Bellingham northern urban growth area (UGA) (*on file*). The
10 land owned by the Black brothers is not included. They fully understand the contents of the
11 petition and had no outside encouragement or influence from the Black brothers. This
12 petition is the neighborhood's voice, not the voice of the Black's. She read the petition.
13

14 Fred Wicknick, 4508 Wall Street, stated he requests that the Council approve the
15 resolution in support of the stormwater management plan for Lake Whatcom regarding the
16 Wall Street neighborhood. This solution is a win-win for the County Council, the
17 community, and Lake Whatcom. The County must maintain water runoff to Lake Whatcom.
18 The community worked with County engineers to find an amicable solution to the problem.
19

20 Kent Nelson, 4511 Wall Street, stated he thanks the Council for everything they've
21 have done for his neighborhood. He has worked with the County staff to come up with an
22 amicable solution. Support the resolution regarding stormwater management for Lake
23 Whatcom regarding the Wall Street neighborhood.
24

25 Jeremy Knight, 4516 Wall Street, stated Wall Street is a flat street where children
26 tend to play. Nasty looking stuff accumulates in the swales. He is concerned with children,
27 pets, and wildlife. The street is so narrow it doesn't meet the 24-foot width for emergency
28 vehicles. If the swale system is built, the road could not be widened in the future. The
29 solution before the Council solves the problems. Support the resolution regarding
30 stormwater management for Lake Whatcom regarding the Wall Street neighborhood.
31

32 Mike Plenkovich, 4503 Wall Street, stated he appreciates the County's work to
33 ensure the water quality of Lake Whatcom as a domestic water supply. He supports the
34 comments expressed by previous speakers regarding the resolution regarding stormwater
35 management for Lake Whatcom regarding the Wall Street neighborhood. His greatest
36 concern is the increased amount of groundwater that would be deposited into an area that
37 is already oversaturated if swales are used. The ground can't absorb any more groundwater
38 from swales. He and his neighbors have to control water from leaking into their basements.
39 Swales would make the problem worse. The vault system and pipe as proposed is a much
40 better solution. It can be constructed at a similar cost and achieve a similar pollutant
41 removal efficiency. Accept the alternative proposal.
42

43 Nancy Ging, 2386 Tuttle Lane, Lummi Island, stated she would like the Council to
44 consider establishing a hiring advisory committee for filling the Public Works Director
45 position. The Council and public should be well-represented in making this decision. Public
46 Works is a huge part of the County budget. Hire someone they feel like they can all work
47 with. Communication with the Public Works Department has been difficult.
48

49 Brenner stated hiring is an administrative function. The Council doesn't have any
50 right to intrude on it.
51

52 Don Shepherd, 4518 Wall Street, stated his concern regarding stormwater
53 improvements in his neighborhood has to do with democracy. The citizens and County have

1 worked out a compromise. The Council should not vote against the compromise they've all
2 agreed upon. Someone will end up making a decision that everyone disagrees with. He is
3 concerned about that.
4

5 George Leonard, 247 Van Wyk Road, stated he owns 38 acres directly behind Wal-
6 Mart. Eight years ago, his property was in the five year review area for the expansion of
7 the urban growth area. It has now been put in the King Mountain review area. He can't
8 think of a better place than the former five year review area, now in the King Mountain
9 area, for expansion of the UGA.

10 Dave Wareing, Sudden Valley Community Association General Manager, stated he
11 offers himself to work with the County on issues regarding Sudden Valley and Whatcom
12 County. Sudden Valley is very much interested in the trust relationship it has with other
13 citizens of this county and in the stewardship relationship it has with the environment. He
14 looks forward to positively bringing the two together.
15
16
17

18 **PUBLIC HEARINGS**
19

20 **1. ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND**
21 **THE UR AND URM ZONING DISTRICTS RELATING TO LOT CLUSTERING,**
22 **RESERVE TRACTS AND WATER AND SEWAGE DISPOSAL FACILITIES**
23 **(AB2006-406) (REVISED VERSION)**
24

25 Weimer opened the public hearing and the following people spoke:
26

27 Mary Dickinson, Building Industry Association (BIA) of Whatcom County
28 Governmental Affairs Director, stated she thanks Planning Department staff person Matt
29 Aamot for all of his work on this ordinance. She also thanks the Planning Commission for
30 listening to her concerns and suggestions on this subject.
31

32 Many of her concerns were address by the Planning Commission. She appreciates
33 that the regulations will not apply to the Bellingham urban growth area (UGA), since those
34 issues are still being refined. The BIA agrees with several parts of the ordinance, including
35 building on the reserve tract and well placement on the reserve tract.
36

37 Regarding land supply, have ongoing monitoring of the county's buildable land
38 supply, particularly in the urban growth areas.
39

40 Hearing no one else, Weimer closed the public hearing.
41

42 ***Fleetwood moved*** to forward this item to the concurrency meeting.
43

44 Crawford stated he is in favor of the ordinance. The main issue in committee was
45 the issue with the reserve lot. It makes a lot of sense to require the reserve tract to hook
46 up to public facilities, when they become available.
47

48 ***Motion carried unanimously.***
49

50 **2. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 10.34, FERRY**
51 **RATES, AND WHATCOM COUNTY 2007 UNIFIED FEE SCHEDULE (AB2006-**
52 **260)**
53

1 Weimer opened the public hearing and the following people spoke:
2

3 Polly Hanson, Lummi Island, stated the newly proposed ferry rate schedule is about
4 as good as it can get right now. Other considerations should be made in the next few
5 months. She's glad that it recognizes the situation of those who have lower incomes. On
6 Lummi Island, they have to maintain the sense of community.
7

8 Jim Dickinson, 2094 West Shore Drive, Lummi Island, stated he has a problem with
9 the reason the money is needed. The docks are included in the fee schedule. They should
10 not be included in the ferry budget. They don't charge people to cross the bridges that are
11 in the county. The docks are equivalent to the bridges.
12

13 Lummi Island has the highest valuation per square foot in Whatcom County. He
14 would like the amount they contribute to the road fund to be taken into account.
15

16 He also has a problem with the truck fee, which makes it hard for people involved in
17 agriculture. Look at the truck fee more before it is adopted.
18

19 Rod Johnston, 4038 Legoe Bay Road, Lummi Island, stated it's been said that the
20 rate increase targets larger vehicles while rates for smaller vehicles are lowered, to
21 encourage more environmentally friendly modes of transportation. He asked what the
22 Lummi Island ferry has to do with the environment.
23

24 *(Clerk's Note: End of tape one, side A.)*
25

26 Johnston continued to state that they should come up with a fee for all Whatcom
27 County residents who have big gas guzzlers that use other roads and bridges in the county.
28 There is no reason to single out the Lummi Island ferry. He has a large vehicle because he
29 has a large family. He will be penalized for having a large family. He carries six people
30 when he rides the ferry. Smaller cars carry one or two people. He is more efficient with his
31 bigger rig. It isn't fair. A fair way to do it is to bring the fee back to the way it originally
32 was, which was a flat rate for passenger cars and trucks.
33

34 Crawford stated the ordinance is changed back. All passenger vehicles under 8,000
35 pounds will be under the same rate.
36

37 Weimer stated this is the same threshold as the current system.
38

39 Nancy Ging, 2386 Tuttle Lane, Lummi Island, stated she thanks the Council for all
40 the effort they've put into this proposal, especially Councilmembers Brenner and Weimer.
41 The multi-ride prices allow islanders to have an incremental increase that everyone asked
42 for during hearings. The fees shift the cost burden to the larger vehicles that cause more
43 wear and tear on the docks and vessel. Changes have to happen gradually. This is a step
44 in the right direction. Once this is settled, they must control costs.
45

46 Mark Mech, 2897 Cedar Avenue, Lummi Island, stated he is not sure what the
47 proposed rates are, but what he has heard seems rather steep. Multi-tickets would be an
48 acceptable increase. Create an annual pass for residents. He asked if they've considered it.
49 Everyone on Lummi Island who has anything delivered to the island will bear the cost of the
50 delivery. Consider the time of day that these vehicles occupy space on the ferry. Have
51 more punitive rates during busy times of the day for commercial vehicles.
52

53 Hearing no one else, Weimer closed the public hearing.

1
2 **Caskey-Schreiber moved** to adopt the ordinance.
3

4 Brenner stated she will support the ordinance. She agreed with Mr. Dickinson about
5 taking the docks out of the ferry fare rate. She moved to remove it at the last hearing, but
6 was voted down. Also, there is a great option for people who are having a delivery on the
7 island. Residents could get a multi-ride book for the truck drivers, who will then have a
8 reduced rate.
9

10 McShane stated he will probably vote for the ordinance. He's not happy with it, but
11 it's about as close as he's going to get. He appreciates the efforts of the County staff in the
12 Public Works Department. It was very difficult and contentious. Staff's ability to take
13 abuse was beyond what he could have taken. This will be an experiment. It's a big subsidy
14 to the ferry, regardless of the rate increase. He's bothered by the subsidy from the road
15 fund. He will not make progress on the issues he would like to address, so he won't hold up
16 the ordinance. He thanked Councilmember Weimer for coming up with a resolution they
17 can approve, at least for a year. Revisit the subsidy rate in a year.
18

19 Crawford stated he agrees with almost everything that Councilmember McShane
20 said. However, he will not support the ordinance. The low-income discount is not a way to
21 reduce the cost of the ferry. The cost of the ferry must be paid. Only the people in
22 unincorporated Whatcom County pay this. Those residents will have to make up the
23 difference, which is unfair. He is confident that the vast majority of the constituents in the
24 county are not interested in subsidizing people, based on need, to live on Lummi Island.
25 Don't start to adjust County fees based on need.
26

27 Brenner stated she disagrees with Councilmember Crawford's statements about the
28 low-income subsidy. The County taxpayers subsidize poor people in many ways. It would
29 be different if there was another way on and off the island. This will work itself out anyway.
30 There are many other costs involved with living on Lummi Island. Eventually, there will
31 probably not be any use of the low income discount, because only rich people will be able to
32 live there. She doesn't expect that the discount will be used much. The threshold is
33 extremely low. The County should not make people move off the island if they are poor.
34

35 Weimer stated no one is pleased with everything in the ordinance. At some point,
36 look at penalties for the time of day one rides. For now, this is as good as it will get.
37

38 **Motion to adopt carried 6-1 with Crawford opposed.**
39

40 **3. ORDINANCE APPROVING A CHANGE IN CONTROL OF GUINNESS**
41 **COMMUNICATIONS, INC. FROM DELTA CABLE COMMUNICATIONS, LTD. TO**
42 **PERSONAL COMMUNICATIONS CORP. (AB2006-466)**
43

44 Weimer opened the public hearing and the following person spoke:
45

46 John Thomas, Delta Cable Communications President, stated he is available to
47 answers questions.
48

49 Hearing no one else, Weimer closed the public hearing.
50

51 **Brenner moved** to adopt the ordinance.
52

53 **Motion carried unanimously.**

1
2 **4. ORDINANCE RE-ADOPTING AND AMENDING WHATCOM COUNTY CODE**
3 **16.20, WHATCOM COUNTY SHELLFISH PROTECTION DISTRICT (AB2006-**
4 **468)**

5
6 Weimer opened the public hearing and, hearing no one, closed the public hearing.

7
8 ***Fleetwood moved*** to adopt the ordinance.

9
10 Weimer stated there is a need to go forward with these. People would like to provide
11 an update soon to the Natural Resources Committee. They have some funding concerns,
12 also. A funding component has never been implemented, and they would like to make a
13 case for it.

14
15 McShane stated it would also be worthwhile to talk about the future sunset date on
16 this ordinance and a long-term plan. The lack of a long-term plan is what led to the need
17 for this ordinance. There has been some funding. There may not have been enough
18 funding to satisfy the needs and demands that exist as a result of problems. Progress has
19 been made.

20
21 ***Motion carried unanimously.***

22
23 **5. RESOLUTION ADOPTING A RECOMMENDATION FOR OPEN SPACE/TIMBER**
24 **(AB2006-435A)**

25
26 Weimer opened the public hearing and, hearing no one, closed the public hearing.

27
28 Elizabeth Olsen, Planning and Development Department, stated the history of the
29 application. The vote for the application failed. Staff still recommends approval for the
30 timber management plan, put forward by Aubrey Stargell of Nielson Brothers. It is a good,
31 viable plan.

32
33 Brenner asked if the Planning Commission spoke about the applicant rather than the
34 project. Olsen stated it did. It was more subjective than objective.

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

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

39
40
41 **CONSENT AGENDA**

42
43 ***Crawford*** reported for the Finance and Administrative Services Committee and
44 ***moved*** to approve Consent Agenda items one through seven and nine through 17.

45
46 ***Motion to approve Consent Agenda items one through seven and nine***
47 ***through 17 carried unanimously.***

48
49 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-122**
50 **TO SOLE BIDDER, ZUMAR INDUSTRIES, INC., FOR THE PURCHASE OF THE**
51 **ANNUAL SUPPLY OF TRAFFIC CONTROL SIGNS, IN THE APPROXIMATE**
52 **AMOUNT OF \$130,595.71 (PURCHASES ARE BASED ON NEED AND THE BID**
53 **WAS BASED ON AVERAGE USAGE) (AB2007-034)**

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2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-130 TO LOW BIDDER, HARDWARE SALES, FOR THE PURCHASE OF THE ANNUAL SUPPLY OF ADS N-12 CULVERT, IN THE AMOUNT OF \$81,646.05 (AB2007-035)
3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE PURCHASE OF AN ANNUAL SUPPLY OF LIGNOSITE FOR DUST CONTROL ON COUNTY ROADS FROM SOLE SOURCE VENDOR, MEENDERINK, LLC, ON AN AS NEEDED BASIS, IN THE ESTIMATED AMOUNT OF \$70,000 (AB2007-036)
4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE PURCHASE OF AN ANNUAL SUPPLY (ON AN AS NEEDED BASIS) OF THE FOLLOWING ITEMS, UTILIZING WASHINGTON STATE CONTRACTS: ROAD STRIPING PAINT & BEADS IN THE AMOUNT OF \$400,000; HERBICIDES IN THE AMOUNT OF \$80,000; TIRES IN THE AMOUNT OF \$50,000; GUARDRAIL & MATERIALS IN THE AMOUNT OF \$50,000; AND RUBBERIZED ASPHALT IN THE AMOUNT OF \$40,000 (AB2007-037)
5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND NORTHWEST REGIONAL COUNCIL TO PROVIDE FINANCIAL SUPPORT TO THE LONELINESS AND ISOLATION PROGRAM PROVIDED THROUGH THE INTERFAITH COALITION, IN THE AMOUNT OF \$20,000 (AB2007-038)
6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND NORSTAN COMMUNICATIONS, INC. D/B/A BLACK BOX NETWORK SERVICES TO PURCHASE AND INSTALL AN UPGRADE TO THE CURRENT PABX SYSTEM SOFTWARE, IN THE AMOUNT OF \$54,856.54 (AB2007-039)
7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND NORSTAN COMMUNICATIONS, INC. D/B/A BLACK BOX NETWORK SERVICES FOR THE PURCHASE OF ERICSSON ONE BOX/MX-ONE MESSAGING EQUIPMENT, INSTALLATION AND IMPLEMENTATION TO UPGRADE THE CURRENT VOICE MAIL SYSTEM, IN THE AMOUNT OF \$54,991.83 (AB2007-040)
8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN AGREEMENT BETWEEN WHATCOM COUNTY AND PUGET SOUND ENERGY, INC. FOR THE PURCHASE OF 100% GREEN ENERGY FOR COUNTY OPERATIONS AT \$0.01/KWH USED (APPROXIMATELY \$61,842) (AB2007-041)

Crawford reported for the Finance and Administrative Services Committee and *moved* to approve the agreement.

Caskey-Schreiber stated the added cost was added to the budget and was approved by Council resolution.

Crawford stated he is against the agreement. This program does not appropriately recognize what are and are not environmentally recognized as sound sources of power.

1 Brenner stated it doesn't recognize all environmentally sound types of energy, but it
2 recognizes some types. She will support it.

3
4 ***Motion carried 5-2 with Nelson and Crawford opposed.***

- 5
6 9. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
7 **CONTRACT BETWEEN WHATCOM COUNTY AND HOAGLAND'S PHARMACY TO**
8 **PROVIDE PHARMACEUTICAL SERVICES FOR THE WHATCOM COUNTY JAIL**
9 **AND WORK CENTER, IN THE ESTIMATED AMOUNT OF \$198,778 (AB2007-**
10 **042)**
- 11
12 10. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
13 **CONTRACT BETWEEN WHATCOM COUNTY AND DR. STUART ANDREWS TO**
14 **PROVIDE PHYSICIAN SERVICES FOR THE WHATCOM COUNTY JAIL AND**
15 **WORK CENTER, IN THE MAXIMUM ANNUAL AMOUNT OF \$46,000 (AB2007-**
16 **043)**
- 17
18 11. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
19 **CONTRACT BETWEEN WHATCOM COUNTY AND DR. RICH ULLSMITH, DDS, TO**
20 **PROVIDE DENTAL SERVICES FOR THE WHATCOM COUNTY JAIL AND WORK**
21 **CENTER, IN THE MAXIMUM ANNUAL AMOUNT OF \$25,000 (AB2007-044)**
- 22
23 12. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
24 **CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM COUNSELING AND**
25 **PSYCHIATRIC CLINIC TO PROVIDE PSYCHIATRIC SERVICES FOR THE**
26 **WHATCOM COUNTY JAIL AND WORK CENTER, IN THE MAXIMUM ANNUAL**
27 **AMOUNT OF \$34,320 (AB2007-045)**
- 28
29 13. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
30 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**
31 **EVERSON TO IMPLEMENT THE CITY/COUNTY JAIL INVESTMENT PROGRAM**
32 **(AB2007-046)**
- 33
34 14. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
35 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**
36 **BELLINGHAM TO OPERATE THE LAKEWAY YARD WASTE COLLECTION**
37 **FACILITY (AB2007-047)**
- 38
39 15. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT**
40 **AMENDMENT #8 BETWEEN WHATCOM COUNTY AND WASHINGTON STATE**
41 **UNIVERSITY TO CONTINUE THE SHARING OF COSTS FOR FACULTY**
42 **POSITIONS IN THE COOPERATIVE EXTENSION THROUGH DECEMBER 31,**
43 **2007, IN THE AMOUNT OF \$79,610, FOR A TOTAL CONTRACT AMOUNT OF**
44 **\$597,947.90 (AB2007-048)**
- 45
46 16. **REQUEST RATIFICATION OF THE SETTLEMENT AGREEMENT EXTENDING THE**
47 **2004-2006 IBU/MMP COLLECTIVE BARGAINING AGREEMENT THROUGH**
48 **DECEMBER 31, 2007 (AB2007-049)**
- 49
50 17. **REQUEST RATIFICATION OF THE 2008-2010 IBU/MMP COLLECTIVE**
51 **BARGAINING AGREEMENT (AB2007-050)**
52
53

1 **OTHER ITEMS**

2
3 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 3.08, PURCHASING**
4 **SYSTEM (AB2006-467)**

5
6 **Crawford** reported for the Finance and Administrative Services Committee and
7 **moved** to adopt the substitute ordinance.

8
9 Brenner stated the language in the substitute ordinance is far beyond what the
10 committee discussed. She is against the ordinance. The system wasn't broken to begin
11 with. County contracts in amounts above \$15,000 should come to the County Council. This
12 allows the Executive to approve many things the County does, without Council approval and
13 in any amount. This is not necessary. The increase in perceived efficiency is not worth the
14 decrease in the system of checks and balances.

15
16 Nelson stated they understand the purpose of being more efficient by using State
17 language to allow contracts to be administered more easily. He is concerned about the
18 language in Whatcom County Code (WCC) section 3.08.090(P). He asked for clarification
19 on the references to other ordinances.

20
21 Dewey Desler, Deputy Administrator, stated this section involves contracts that go to
22 the Council for budget authority. If the Council has any concerns, the administration is
23 willing to adjust the language. The goal is to make processing contracts and amendments
24 more efficient. If the Council would like to work on this further, he would be more than
25 happy for the Council to hold it in committee. The Council's time could be focused on large
26 projects that really need policy direction.

27
28 Brenner stated the most efficient thing would be for the administration to do
29 everything, and not come to the Council for anything. However, giving up one of the
30 Council's obligations to the public bothers her. It's not worth any perceived efficiency. The
31 system hasn't been inefficient. Desler stated the capital works road projects will come to
32 the Council in the form of the six-year road program, the one-year road program, and the
33 project budget. The request is that the Executive be allowed to then approve the contracts
34 consistent with those programs and the project budget.

35
36 Fleetwood asked if there is an urgency to adopt the ordinance at this meeting.

37
38 Joe Rutan, Public Works Department, stated the first Lincoln Road project based
39 budget is being introduced to the Council at this meeting, to be approved at the next
40 regular Council meeting. A delay in approval would delay the Lincoln Road project by two
41 weeks. They are waiting to hire a consultant to begin that design. The issue and the
42 concern being discussed is not related to the project based budget portion of this ordinance.

43
44 Brenner stated the County moves very slow on many things. A delay of two weeks
45 for a multi-million dollar project isn't a big deal. Rutan stated he was just making it clear
46 that there is an outcome to a delay in approval. Whether or not that outcome is significant
47 is up to the Council. The outcome is the delay in his ability to start the consultant on that
48 design, by a minimum of two weeks.

49
50 Brenner stated this ordinance talks about all kinds of contracts, not just that kind of
51 situation. The system isn't broken.

1 Nelson asked why they would want to take out "to existing contracts." That means
2 anything that comes through as pass-through money would not come to the Council.
3 Desler stated it is approved through the budget process. (*Inaudible.*)
4

5 Nelson stated that any projects not in the Council budget would still have to come to
6 the Council for approval before the contract is approved. Desler stated all the programs
7 would require budgetary authority on the part of the Council.
8

9 McShane stated additional pass-through money that comes along would be on a
10 budget sheet that the Council approves. Sometimes, the contract comes through that day,
11 two weeks later, or much later. The Council already has a chance to review the project.
12 The Council should really do its work during the budget amendment issues. He's not liked
13 an amendment to a budget in past situations. He had his fight and lost, but he won't hold
14 up the contract. Contracts are exceeded because of changed conditions and things they
15 can't anticipate. He is comfortable with an amendment of \$10,000 or ten percent of the
16 original contract, as long as it's within the original budget.
17

18 Caskey-Schreiber stated she is comfortable also, except with subsection .090(P).
19 There's no harm in letting the Council being part of the process.
20

21 Brenner stated there isn't a monetary limit of \$10,000 or ten percent. It allows a
22 change of any amount.
23

24 McShane stated the Council would see that budget before it goes as a contract. The
25 Council would already see that additional money is coming in and passed through.
26

27 Brenner stated they talk about things conceptually, not specifically, in the budget
28 process. They always have the safeguard that the specifics will come to the Council as a
29 contract. Don't give that up.
30

31 Crawford stated the language in subsection .090(P) is not significant. The real work
32 needs to be done through the budget process. The amendment to the budget process is the
33 supplemental budget process.
34

35 Caskey-Schreiber stated an existing contract is something the Council already
36 approved. There's no problem with that. If there are additional funds that come
37 throughout the year and that aren't in the initial budget, the Council should have a little
38 more control if it wants.
39

40 **Brenner moved** to amend section 3.08.090(P), "~~P. Contracts and~~ Amendments to
41 existing contracts which involve externally funded...." This is the language that existed
42 before the proposed change. Desler stated the administration is fine with the motion to
43 amend. This will happen about three times per year.
44

45 Nelson stated he supports the amendment. The Councilmembers must be
46 comfortable with it. They can try it out for a year or so.
47

48 **Motion to amend carried 6-1 with McShane opposed.**

49 **Motion to adopt as amended carried 6-1 with Brenner opposed.**
50
51

1 **2. CONSIDERATION OF HEARING EXAMINER’S RECOMMENDED APPROVAL OF A**
2 **PLANNED UNIT DEVELOPMENT, FILED BY CABOCHON CONSTRUCTION FOR**
3 **“1010 TELEGRAPH ROAD PLAT” (PUD06-0004) (AB2006-471)**
4

5 *Fleetwood* reported for the Planning and Development Committee and *moved* to
6 approve the request.
7

8 *Motion carried unanimously.*
9

10 **3. EMERGENCY ORDINANCE AUTHORIZING THE EXTENSION OF THE 2006**
11 **UNIFIED FEE SCHEDULE FOR 60 DAYS OR UNTIL ADOPTION OF THE 2007**
12 **UNIFIED FEE SCHEDULE (AB2006-440B)**
13

14 *Crawford moved* to adopt the ordinance. This should be the last extension they
15 need. The Finance Committee will likely recommend the 2007 schedule in February.
16

17 *Motion carried unanimously.*
18

19 **4. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS REAPPOINTMENT**
20 **OF GORDON ROGERS TO SERVE ON THE PARKS AND RECREATION**
21 **COMMISSION (AB2007-051)**
22

23 *Brenner moved* to confirm the appointment.
24

25 *Motion carried unanimously.*
26

27 **5. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS REAPPOINTMENT**
28 **OF JANET BOYHAN TO SERVE ON THE WHATCOM COUNTY RURAL LIBRARY**
29 **BOARD (AB2007-052)**
30

31 *Nelson moved* to confirm the appointment.
32

33 *(Clerk’s Note: End of tape one, side B.)*
34

35 *Motion carried unanimously.*
36

37 **6. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS APPOINTMENT OF**
38 **ROBERT BROWER, SR. TO SERVE ON THE AMERICANS WITH DISABILITIES**
39 **ACT COMPLIANCE COMMITTEE (AB2007-053)**
40

41 *Nelson moved* to confirm the appointment.
42

43 *Motion carried unanimously.*
44

45 **7. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS APPOINTMENT OF**
46 **RUD BROWNE TO SERVE ON THE WHATCOM COUNTY ETHICS COMMISSION**
47 **(AB2007-054)**
48

49 *Caskey-Schreiber moved* to confirm the appointment.
50

51 *Motion carried unanimously.*
52

- 1 8. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS APPOINTMENT OF
2 RON ADAMS TO SERVE ON THE NORTHWEST SENIOR SERVICES BOARD
3 (AB2007-055)
4
5 *Nelson moved* to confirm the appointment.
6
7 *Motion carried unanimously.*
8
9 9. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS APPOINTMENT OF
10 FRANCINE KINCAID TO SERVE ON THE WHATCOM COUNTY CIVIL SERVICE
11 COMMISSION (AB2007-056)
12
13 *McShane moved* to confirm the appointment.
14
15 *Motion carried unanimously.*
16
17 10. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS APPOINTMENT OF
18 VINCENT DADDIO TO SERVE ON THE VETERANS ADVISORY BOARD
19 (AB2007-057)
20
21 *Nelson moved* to confirm the appointment.
22
23 *Motion carried unanimously.*
24
25 11. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS APPOINTMENT OF
26 SUSAN BURKE TO SERVE ON THE WHATCOM COUNTY MENTAL HEALTH
27 ADVISORY BOARD (AB2007-058)
28
29 *Brenner moved* to confirm the appointment.
30
31 *Motion carried unanimously.*
32
33 12. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS APPOINTMENT OF
34 DAVID CARPENTER TO SERVE ON THE DEVELOPMENT STANDARDS
35 TECHNICAL ADVISORY COMMITTEE (AB2007-059)
36
37 *Nelson moved* to confirm the appointment.
38
39 *Motion carried unanimously.*
40
41 13. RESOLUTION ACCEPTING THE TREASURER'S LIST OF PETITIONS FOR
42 PROPERTY TAX REFUNDS (AB2007-060)
43
44 *Nelson moved* to approve the resolution.
45
46 *Motion carried unanimously.*
47
48 14. DISCUSSION REGARDING PROPOSED STORMWATER IMPROVEMENTS FOR
49 THE GENEVA AREA (AB2007-063)
50
51 *Nelson moved* to approve the recommendation proposed by the administration for
52 the Wall Street neighborhood stormwater improvement.
53

1 Caskey-Schreiber stated she is against the proposal. She supports the staff's initial
2 recommendation. The vault systems don't remove phosphorus. They must slow down the
3 infiltration process. She understands the neighbors' concerns. However, they are living in
4 the watershed. This is a small price to pay for trying to reverse the trend for basin one,
5 which is severely degraded. They need aggressive treatment options, or basin one and the
6 other basins will continue to degrade. The Council will have to make tough decisions based
7 on scientific information and on what is environmentally best, not on what is politically
8 correct.
9

10 Brenner stated she supports the compromise presented. The people who are
11 causing most of the problem have to do retrofits. There are problems with individual
12 houses in the watershed. No one wants to discuss it. The compromise produces even
13 results with the original staff recommendation. It's important to defer to the neighbors.
14

15 McShane asked where the new pipe would be laid.
16

17 Kirk Christensen, Public Works Department, stated the pipe goes on the side of the
18 road. It will cross the street. They will have to remove some pavement. It will partially
19 use the existing system.
20

21 McShane asked if there is already pipe in the area where new pipe would lay.
22 Christensen stated there is. They would put in an additional pipe.
23

24 McShane asked the plan for the area above the pipe. Christensen stated it would be
25 restored to existing use.
26

27 McShane stated there would not be any native vegetation or rain garden installed.
28 The impervious surfaces would be replaced so there would be parking. Christensen stated
29 that is correct.
30

31 Nelson stated the Council is going to face many decisions. If they are going to get
32 compliance and community support, the Council must work with and try to accommodate
33 neighborhoods. The cost is not significantly different. The results would probably be the
34 same. The councilmembers are elected to work with the communities.
35

36 Weimer stated he is against the vault system. There is no evidence that any vault in
37 the watershed works at all on phosphorous. There is no plan to monitor the system to see
38 if it works. The influx of fast water from a pipe into the vault would probably cause the
39 phosphorus to move right through the vault. The State Department of Ecology and Dr.
40 Robin Matthews both think the combination of swales with a canister vault has a higher
41 value than just a vault. He will not support the motion.
42

43 Nelson asked if they are monitoring Geneva stormwater. Christensen stated there
44 are plans to monitor the swales and the vaults. That won't happen until next year. A
45 contractor is in place to determine the appropriate way to monitor the stormwater.
46

47 Nelson stated he hopes to find other alternatives for places where they can't do
48 swales. If they don't try other methods, the County's ability to provide stormwater
49 protection in all areas of the county will be restricted. Christensen stated vaults are
50 effective for other chemicals. They are probably not as effective as the swale, at this point.
51 It is better than nothing. They can change the vaults in the future, as technology changes.
52

1 McShane asked if the swales have a liner underneath them. Christensen stated they
2 do, when the soil is sandy.
3

4 McShane stated the purpose of a liner is to prevent infiltration outside the swale.
5 They've constructed a ditch filled with soil and vegetation. It works by recharging the
6 groundwater system. In this particular case, water would not be added to the groundwater
7 at that location, because of the liner. They are not introducing any additional groundwater
8 into that saturated zone along the Wall Street area. Christensen stated that is correct.
9

10 Brenner stated the State Department of Ecology (DOE) can't get the County the total
11 maximum daily load (TMDL) study, which it needs to advance on many things. She doesn't
12 trust what the people at DOE say. Instead, postpone this and go after the people who are
13 overtly causing problems with their plumbing systems and other things. Have those people
14 put in retrofits.
15

16 Nelson asked if the canisters used on Alabama hill are the same as the ones the
17 County would use. Christensen stated it is the same type of system, but the canisters
18 would be different.
19

20 Nelson asked if there are any other areas where there are swales along public
21 access. Christensen stated this is the first one the County has constructed.
22

23 Nelson stated they really don't know if they work for the County. Christensen stated
24 they haven't been tested. It's the best available technology, based on research.
25

26 Caskey-Schreiber stated this is a well-recognized technology for stormwater
27 treatment for slowing infiltration. The problem with basin one is that there is too much
28 impervious surface. Impervious surfaces over ten percent of the total area will impair the
29 ocean. Lake Whatcom is just like every other urban area lake. They must slow down the
30 stormwater that goes into the lake and carries phosphorus with it. The bio-swales are the
31 best-available controlled technology. It is well-recognized. Not a vault system in the
32 country today treats for phosphorus. Any good hydrology scientist will say that.
33

34 McShane stated there will not be increased water to the neighbors, which was a
35 concern, because the swale would be lined. These swales are state-of-the-art. They are
36 backed by good science. Whatcom County hasn't had them before, but they've been done
37 elsewhere, and are quite effective. The challenge is how to monitor their effectiveness and
38 how to monitor the maintenance. Create a biological system that captures that phosphorus
39 instead of letting it pass through. There is no better approach than the swale. It's why the
40 County embarked on this entire project. The engineers have addressed infiltrating water.
41 The biggest problem here is that it is going to reduce the residents' ability to park vehicles
42 along that street. The lane is wide enough. The Public Works Department staff
43 understands that and wouldn't put forward a project that would put the public at risk. They
44 are good at insisting that the roads are acceptable. He supports the original staff
45 recommendation.
46

47 Nelson stated he is concerned about the number of children playing on Wall Street.
48 The science about the swales is consensus science. The vault systems may have consensus
49 in the future, depending on the type of filters developed. He has a strong concern about
50 exposing children to the swale, which is water with contaminants. Err on the side of
51 protecting families and communities.
52

1 Caskey-Schreiber stated they have a responsibility to the community to protect its
2 water source.

3
4 Brenner stated she has asked several times about requiring property owners to
5 retrofit their properties so they are not the cause of contaminants in the lake. The Public
6 Works Department staff stated the compromise would be similar enough to produce results
7 that are just about the same, with less impact on the neighborhood.

8
9 Weimer stated Robin Matthews has a high opinion of vaults for many situations. She
10 hopes the media will change, so vaults will be a good thing. At this point, a combination of
11 the vault and swale is superior.

12
13 ***Motion to approve failed 3-4 with Crawford, Nelson, and Brenner in favor.***

14
15 Weimer asked if staff needs Council direction to approve the original staff proposal.

16
17 Bruce Roll, Public Works Department, stated that staff will put forward a contract
18 modification to change it back to the way it was originally. They terminated the work. The
19 contractual relationship with the contractor was completed with the first phase. He hoped
20 this would be combined with what would go in with the second phase, which is the Cable
21 Street end of the diversion.

22
23 Phosphorus is in two forms. There is a reactive form and non-reactive form. The
24 non-reactive phosphorous, which is the largest percentage, can be easily pulled from a
25 number of systems that retain sediment. The concern in Lake Whatcom is the ortho
26 phosphorus. The existing research started with very high levels of pollutants. When there
27 are smaller concentrations, like Lake Whatcom has, it will become more difficult to get that
28 small concentration of ortho phosphate out of the system. The smallest portion is the most
29 difficult to remove and to evaluate the effectiveness of any system. There is no simple
30 answer to the question of whether any system is effective or not.

31
32 **15. RESOLUTION APPROVING A CHANGE IN NAME FOR FIRE DISTRICT 13**
33 **(AB2007-031)**

34
35 ***Brenner moved*** to approve the resolution.

36
37 ***Motion carried unanimously.***

38
39
40 **INTRODUCTION ITEMS**

41
42 ***Fleetwood moved*** to accept the Introduction Items.

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

45
46 **1. RECEIPT OF APPEAL FILED BY EC HOFFMAN TRUST REGARDING CUP06-0021**
47 **FOR KINDER MORGAN CANADA (AB2006-472)**

48
49 **2. RECEIPT OF APPEAL FILED BY MAX HURLBUT REGARDING APL06-0032, AN**
50 **ADMINISTRATIVE DECISION REGARDING CORRECTIONS NOTICE (AB2006-**
51 **470)**

3. **ORDINANCE ADOPTING A MINERAL RESOURCE LANDS COMPREHENSIVE PLAN AND ZONING DESIGNATION ON BRECKENRIDGE ROAD (AB2006-422)**
4. **ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, FIRST REQUEST, IN THE AMOUNT OF \$182,659 (AB2007-061)**
5. **ORDINANCE REGARDING PROJECT BASED BUDGET REQUEST NO. 1 FOR CRP #902008 LINCOLN ROAD, SHINTAFFER ROAD TO SR 548, IN THE AMOUNT OF \$1,200,000 (AB2007-062)**

OTHER BUSINESS

Caskey-Schreiber stated she was contacted by Security Specialists Plus (SSP) that she needs to license her dogs. At first, she was upset about it. It's unfair that citizens have to adhere to laws when the company doesn't adhere to its own contract. They have all read Sheriff Elfo's investigation, and noticed that there was some substance to the complaints that she has heard. One complaint in particular was that the company had a veterinarian recommend that the staff put animals in the freezer in unsuccessful euthanasia cases. Sheriff Elfo felt like this was not done, but had the potential to be done because it was on their log book, directed by their veterinarians. She went through the contract. The contract says that euthanasia should be done by a licensed veterinarian or someone who is certified. Once again, she is asking that someone make sure that this organization is adhering to the contract it agreed to. She asked Executive Kremen to form the Animal Commission Group again, to have experts review their policies and procedures to make sure the company is doing the job that the County hired them to do. She also found out that Mr. Rustand has failed to license his dog with the City of Bellingham. She will license her dog, but she challenges him to license his, as well.

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

Caskey-Schreiber stated she had an opportunity to meet with Governor Gregoire last week. She was very pleasant to deal with. She is familiar with Whatcom County.

ADJOURN

The meeting adjourned at 9:03 p.m.

Jill Nixon, Minutes Transcription

The Council approved these minutes on February 13, 2007.



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Council Chair