

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

WHATCOM COUNTY COUNCIL
Regular County Council

March 13, 2007

Council Chair Carl Weimer called the meeting to order at 7:03 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Dan McShane
Sam Crawford
Seth Fleetwood
Laurie Caskey-Schreiber
L. Ward Nelson

Absent:

None

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced that they would take a moment of silence in honor of City Council Member Joan Beardsley, who passed away yesterday.

MINUTES CONSENT

Brenner moved to approve the Minutes Consent items.

Motion carried 6-0 with Nelson absent.

- 1. COMMITTEE OF THE WHOLE FOR FEBRUARY 13, 2007**
- 2. REGULAR COUNTY COUNCIL FOR FEBRUARY 13, 2007**
- 3. SURFACE WATER WORK SESSION FOR FEBRUARY 20, 2007**

OPEN SESSION

The following people spoke:

Dennis Jones, 1487 Sudden Valley, stated read John McAuliffe's comments about Joan Beardsley. It's time for a Lake Samish Subarea and a Chuckanut Mountains Parks District. The time has come to protect the area. There will be a vote on it in November. The cost of it is insignificant compared to what it can do. It's so much less expensive than having fire, stormwater, and school districts. Support the Chuckanut Mountains Parks Districts. The cost will be \$50 per year for six years.

Johnnie Games, 1506 E. Maplewood Avenue, stated he thanks the Council for listening to the people. This is sunshine week, which means open government and access to public records. The Bellingham Herald prints a lot of misinformation. They printed an

1 article about the County meeting the test of public access. The County hasn't done that for
2 him. Their targets are peace advocates and war protestors. The County is spending a lot of
3 money prosecuting and muzzling dissent. Juries have a lot of power. The people don't
4 have to wait until the end of a judge's term to petition the government for redress of
5 grievances.
6

7 Barbara Forss, Olson Road, Ferndale, stated she represents her husband, Jamie.
8 They began contacting Security Specialists Plus (SSP) in November 2004 about a herd of
9 llamas they felt was being neglected. They witnessed that the animals were not getting
10 proper nutrition. Their calls to SSP never resulted in any formal complaints. They were
11 never asked to sign anything. After her husband made about half a dozen calls, he was
12 accused of being a nuisance and harassing SSP. Over the next couple of years, they made
13 another half dozen calls to SSP, again complaining about the mistreatment and neglect of
14 these animals. A week ago, her friend went by the same property with the llamas. Three
15 or four times, her friend went by and thought she saw a dead llama on the hill. She met
16 her friend, and the llama owner and SSP were called to witness it. They were told that it
17 was none of her business. At that time, they got the media involved. From then on, things
18 have mushroomed. What they started out to do, which was find out why these animals
19 were neglected, has resulted in a big deal. She hasn't seen anything that SSP has done
20 that has been helpful. She's been told that they should not have gotten the media involved,
21 because it hinders their investigation. She was told that they were on top of it. Over three
22 years, many animals died. Seven of the herd had to be put down, as of this morning.
23 According to the veterinarians, the ones that are left are existing off of their own muscle.
24 Hold SSP accountable for this situation and find out why their contract was renewed, who is
25 in charge, and what they're doing. Make sure this kind of thing never happens again.
26

27 Caskey-Schreiber asked when Mrs. Forss first called SSP, and how many calls they
28 made. Forss stated her husband called November 2004. They made approximately a dozen
29 calls since then. The first paperwork they were asked to sign was at her request this week,
30 when she asked Officer Andrus why a formal complaint was never offered. Officer Andrus
31 told her that she didn't know anything, and that she'd only been there for two and a half
32 months.
33

34 Caskey-Schreiber asked if Mrs. Forss ever called the Sheriff's Office or 911. Forss
35 stated they were told that SSP would look into it and not to hinder them anymore.
36

37 Crawford asked if the County Executive could let them know what's happening
38 administratively with this.
39

40 Brenner stated the Sheriff's Office is doing a criminal investigation regarding this.
41 Forss stated Tom McCarthy is the detective in charge of the investigation. He has to make
42 a report to present to the Prosecuting Attorney. Her concern is not the prosecution of the
43 woman who owns the field. Her concern is that they don't allow this to happen again. The
44 taxpayers must take action to ensure that the agency directed to make sure these claims
45 are investigated follows through when a neighbor calls.
46

47 Caskey-Schreiber stated the contract states that the County may terminate the
48 contract with 30 days notice anytime there is substandard performance by SSP. Forss
49 stated their contract also calls for them to notify the Sheriff's Office if anyone complains.
50 She was told by the Sheriff's Office that this is the first complaint, and it was only after they
51 said they were getting the media involved.
52

1 Weimer stated the majority of the Council appreciates Mrs. Forss's efforts. They are
2 waiting to hear what the Sheriff has to say about the criminal investigation and the
3 administration has to say about the contract.
4

5 Kelly Wood, 3750 Sweet Road, Blaine, stated she dealt with SSP on January 2, 2007.
6 Her alpacas were attacked by neighborhood dogs. Her husband called 911 while the
7 animals were getting to the veterinarian. They were referred to SSP. Her husband called
8 them immediately, at 2 a.m., and talked to the dispatcher, who said that someone would
9 respond by 10 a.m. No one came. She called back at 12:15 p.m., and was told that they
10 were at lunch. She called back at 1 p.m., and they finally arrived at 1:30 p.m., but they
11 forgot the camera and had to leave. They didn't come back. They repeatedly lied to her.
12 They didn't question one neighbor. One of the rottweiler dogs ran west. There is a set of
13 rottweilers that have been reported to SSP six times. They live one mile west of them. SSP
14 didn't question those owners. SSP told her they talked to the neighbors, but they didn't talk
15 to any of them. She complained to the Sheriff's Office several times. Finally, the Sheriff's
16 Office told her that they removed SSP from the investigation because they hadn't done their
17 job. By then, it was too late to find any evidence against the dogs. Her veterinarian said it
18 was the worst attack he'd ever seen, and that the dogs would come back. She or her
19 husband always have be there at the house. They are under siege at their own house.
20 They can't leave because they're worried that these animals will come back. Greg Rustand
21 asked her not to call them any more, because she was calling and reporting loose animals
22 running around. One of their officers said they will do something about the dogs if they're
23 loose again. She called Greg Rustand, who told her not to call SSP and don't talk to the
24 media because it obstructs their investigation. They were chastised by one of the officers
25 because they called the Sheriff's Office. They got in trouble for trying to get something to
26 happen.
27

28 Brenner asked if they have a gun. Wood stated they don't. She would happily shoot
29 the dogs if they came to her property. They will probably come at night. She would have
30 to be out there to hit them, and not her animals. She talked to Bob Gardner and asked
31 what's being done. The Sheriff's Office recommended that they declare these rottweilers
32 dangerous because they've attacked people, also. They are unable to prove that it's the
33 same dogs, because there was no evidence collected. They didn't talk to these people until
34 six days after the attack. SSP refuses to tell her what's going on. It's like they're
35 protecting the dog owners from her. All she wants to know is if those dogs have been
36 destroyed or kept locked up.
37

38 Caskey-Schreiber stated she doesn't advise anyone to take the law into their hands
39 that way. The County pays a hefty amount of money for animal control services in this
40 county. If they're not doing their job, the County should find another provider. Wood
41 stated she would prefer not to shoot them. She just wants her alpacas to be safe on her
42 own property. Five of her animals were killed. Two were very disfigured.
43

44 Caskey-Schreiber stated she advises them to call 911 in the future. Wood stated
45 she did. 911 dispatch told them to call SSP. She had to ask the 911 dispatch four times
46 before they would take her report. She understands they are trying not to step on each
47 others' toes.
48

49 Caskey-Schreiber stated another constituent had the same kind of experience. She
50 talked to Sheriff Elfo yesterday, who told her he would straighten it out and tell people at
51 dispatch that he wants to know about any violation that threatens life, property, or animals.
52

1 Wood asked if SSP is supposed to be on-call for emergencies 24 hours per day,
2 seven days per week.

3
4 Caskey-Schreiber stated they are, which is why she wants to fire SSP.

5
6 John Lesow, 317 Madrona Place, Point Roberts, stated he is sad at the passing of
7 Joan Beardsley. She was a strong, intelligent, and compassionate person. She will be
8 missed.

9
10 He advocates that health insurance be provided for Planning Commissioners and
11 their families by the taxpayers of Whatcom County. He doesn't advocate for a salary, but
12 twelve years ago, water commissioners for Point Roberts received \$50 per meeting. That
13 practice continues in the county for fire, water, and parks districts. County employees' time
14 was factored at \$100 per hour, for the purpose of the unified fee schedule. There didn't
15 seem to be any serious opposition to that proposition. A Planning Commissioner's time is
16 worth \$100 per hour. Over the past two years, the County Planning Commission has met
17 42 times for public hearings and work sessions on the Bellingham land supply analysis and
18 urban growth. Some of these meetings have gone from 6:30 p.m. to 10:30 p.m. If the
19 average meeting time is two and a half hours, over 42 meetings that equals 100 hours of
20 meetings on that subject alone. That totals \$90,000 of professional citizen review that the
21 County received on this subject. That doesn't factor in travel or preparation. There is
22 honor in public service to Whatcom County. Planning Commissioners gladly serve without
23 compensation or the expectation of compensation, however there is value in the service. A
24 person's time is worth more than it ever has before. Having spare time is the ultimate
25 prerequisite. Providing health insurance would recognize that value in a person and
26 tangible way.

27
28 Brenner stated Mr. Lesow does an incredible job on the Planning Commission. She
29 appreciates the long hours he works. The problem is that there are many advisory
30 committees, which is what the Planning Commission is. It's a voluntary advisory
31 committee. She doesn't know if the County could do that legally. If they could, the
32 question is where they would draw the line. They have many people on advisory
33 committees. Part of the appreciation is that they do it for the love of doing it. She's been
34 on many advisory committees. She appreciates his service, but they can't look at this in a
35 vacuum of just the Planning Commission. Lesow stated he doesn't want the health
36 insurance. He doesn't need it. In June, there were 31 board and commission vacancies.
37 He served on the Sewage Control Appeals Board for four years. When he was appointed the
38 Planning Commission, the vacancy was opened, and it hasn't yet been filled. There are
39 many volunteers in the community, but many board positions are vacant because people
40 don't have the time and there is no incentive to serve. Perhaps they should consider
41 providing compensation for all these boards.

42
43 Dave Pros, 1466 Roy Road, stated he is sad at the passing of Joan Beardsley. She
44 was an interesting person who really cared about the community. He respected that.

45
46 He thanked the councilmembers for the Trillium issues this afternoon. Soon, the
47 Council will be asked to do another population projection. It can be done a couple of
48 different ways. It is a contentious issue. An easy way to do it is to ask the existing citizens
49 how they would like to see the county grow. The Council can put out a request for
50 proposals (RFP) and contract to ask community groups to give a projection of what kind of
51 land use guidelines would be in their best interest. Then, allow people to vote on those.
52 They can get some good information. Look now at the rules they want to put in place and
53 the population projection they need, to fulfill what the people in the community want. This

1 way, each group could have its own say. This could be a way to update and revitalize the
2 Comprehensive Plan. Allow all groups to come together, have their say, and put it to a
3 vote.
4

5 Brenner stated she thought that would be done with the legacy group. Pros stated
6 the legacy project is slightly different. It will come up with critical area maps and many
7 issues that should be factored in. There is an overriding issue of the amount of population
8 they will have in the future. An advisory vote can be a strong guiding document. An
9 election provides the opportunity to put the two issues together.
10

11 Christine Monroe, 5225 West 33rd, Ferndale, stated she is a local veterinarian. She
12 supports the public against the substandard care and efforts of SSP. Earlier this year, she
13 had an incident at her clinic. A client had picked up a cat that had been hit by a car and
14 was still alive. The cat began seizing in the car. The client was closest to SSP, so she
15 phoned them and asked if she could bring in the cat to be euthanized. She was informed
16 that SSP has no one who can perform euthanasia, and she needed to find help elsewhere.
17 The client asked her what she would have done in such a case. She told the client what she
18 is required to do ethically, personally, and by law. The client called SSP back and asked
19 what they do with animals who are dying or are severely injured and that need to be taken
20 care of. Her client was told by the person on the phone that they are to put the animal in
21 the freezer if the animal is close to death, because hypothermia will kill them. SSP is
22 supposed to provide animal control services. They have no right doing that if this is their
23 true practice. She hopes that there is a profound review of their actions since they've had
24 this contract. In the future, make sure there is some type of policing going on with any
25 facility. From the numerous complaints and observations she's heard about, they would
26 find that the facility is probably not up to State and County codes.
27

28 Caskey-Schreiber asked Dr. Monroe if she has ever met her. Monroe stated she has
29 not.
30

31 Caskey-Schreiber stated Dr. Monroe has said everything that she's asked this
32 administration to do for the last five years. At one point, an animal control commission
33 oversaw operations. It has since been allowed to dissolve. She's asked the Executive to
34 bring it back. It would be great if Dr. Monroe or someone she knows would be willing to
35 serve. If the Council or administration does not want to revoke this contract, they need
36 some oversight for this organization.
37

38 **PUBLIC HEARINGS**

39 **1. ORDINANCE ESTABLISHING THE BIRCH BAY WATERSHED AND AQUATIC** 40 **RESOURCES MANAGEMENT DISTRICT (AB2007-113A)**

41 Weimer opened the public hearing and the following people spoke:
42

43 Don Imhof, 2869 W. 63rd Lane, Ferndale, stated he lives in the county for the
44 freedom it provides, and those freedoms are being threatened. He only received notice of
45 this issue last Wednesday. His property is six miles from Birch Bay. He doesn't see the
46 need to include properties that far away from developments in Birch Bay. Water from his
47 property travels by ditch and creek to Lake Terrell. There is plenty of natural filtration
48 before it reaches Birch Bay. His community is Ferndale, not Birch Bay. He doesn't want to
49 pay to treat stormwater that far away, created by developments he had nothing to do with
50 and from which he receives no benefit.
51
52
53

1
2 James Kawa, 8395 Richmond Park Road, Birch Bay, stated he feels under attack
3 when this kind of thing happens. This happens several times per year. He would like a
4 governing body that just represents Birch Bay. It's almost like taxation without
5 representation. He pays taxes, and someone should understand his problems.
6

7 Linda Tucker, 4371 Bay Road, Blaine, stated she has a real problem with more fees
8 and taxes. The County and State get enough of her money. A development at the corner
9 of Bay Road and Jackson Road built artificial ponds for drainage that overflowed. They
10 pumped the water into the fields. The Planning Commission told her that was their right,
11 because the water would be filtered by the time it hits the bay. That property is closer to
12 the bay than her property. People don't know the use of having stormwater management.
13

14 Keith Reed, 3355 Aldergrove Road, Ferndale, stated he represents the Butler Ditch
15 District. The Birch Bay district will completely surround the ditch district. He asked if it will
16 supercede his ditch district, and how much he will be taxed. He wants something in writing
17 that he can take back to his constituents that explains this.
18

19 Brenner asked if he just receive notice, and if he'd heard of it before he received
20 notice. Reed stated he just received the same notice everyone else received. He did not
21 know about it before.
22

23 Brenner asked where the notice came from. Reed stated it came from the County
24 Stormwater Division.
25

26 Crawford stated Kirk Christensen is the point of contact.
27

28 Kathy Berg, 7585 Sterling Avenue, Birch Bay, stated she is in favor of the district. it
29 is the culmination of about six years worth of work. This is about the health and safety of
30 Birch Bay. The recent rain storm resulted in damage on Birch Bay Drive. The stormwater
31 outfall became clogged and failed. The runoff caused erosion. This is necessary. The
32 notice sent out last week made no mention of the plan adopted last November. There is a
33 plan to address issues and set up a funding mechanism. However, people don't have the
34 information. Get people educated so they understand what this is about. This has been a
35 collaborative effort with the Planning and Development Services staff, Public Works staff,
36 County Council, County Executive, and the Birch Bay community. She thanked Roland
37 Middleton and Bruce Roll for keeping this moving along.
38

39 Stephen Banham, 3245 Mountain View Road, Ferndale, stated he is the City of Blaine
40 Public Works Director. A portion of his community is affected by this district. He's pleased
41 to see that the Birch Bay neighbors are working to address stormwater issues. The City of
42 Blaine established a separate stormwater utility in 1999.
43

44 *(Clerk's Note: End of tape one, side A.)*
45

46 Banham continued to state that Blaine is working to make improvements to its
47 stormwater system. He is concerned about the proposed area to be included in the district
48 and the preliminary plans for assessing property owners. They did not take into
49 consideration the Blaine boundaries. There should not be an assessment of a second
50 stormwater fee to Blaine residents. County staff indicated that they don't intend to levy a
51 second stormwater fee to Blaine residents. Specifically identify this exclusion in the final
52 plan.
53

1 A second issue is Blaine's urban growth area. Make a provision in the plan for its
2 ultimate annexation into the City of Blaine. A better mechanism for working collaboratively
3 on stormwater issues in the Birch Point area would be an interlocal agreement between the
4 City and County. He appreciates the cooperation of the Public Works staff. They will
5 continue to work collaboratively on stormwater issues.
6

7 Dennis Corfee, 920 Jersey Street, Bellingham, stated he owns property on North Star
8 Road, west of Ferndale. He pays flood control taxes twice, in both Bellingham and Ferndale.
9 His property on North Star Road is not in a flood plain. It is 100 feet higher than the
10 Nooksack River. He doesn't understand the need for more controls. His taxes have
11 doubled. Some people are paying \$6,000 in property taxes. It seems like there are
12 controls for all of the sensitive areas already. The retired people are on fixed income, and
13 can't stand another tax on their property. Some people have low to minimum wages in that
14 area and can't stand another tax. He can't stand another tax out there. This is for Birch
15 Bay only, and not anyone else. Everyone will have to pay for a small project that will only
16 help a few people. He asked if the property will be foreclosed if people can't pay these
17 taxes. He just received notice of this.
18

19 Brenner stated the County has a property tax exemption and deferral program for
20 people who are on fixed incomes. Corfee stated that \$6,000 in property taxes alone could
21 be 25 percent of a person's paycheck. Now they want to add other taxes.
22

23 Alan Friedlob, 6934 Holeman Avenue, Birch Bay, stated he is the Co-chair of this
24 proposed stormwater district. He apologized to all the citizens of Ferndale and Blaine who
25 received the letter. The letter didn't reference the plan on which they've been working, so
26 the citizens have no background information.
27

28 The assessment is not a tax. It is a fee based on the amount of impervious surface
29 on the property. What causes stormwater problems is the concrete and impervious
30 surfaces. Tonight, they are beginning the process of fairness. The question is how to keep
31 Birch Bay water quality, which is enjoyed by all citizens of Whatcom County, healthy and
32 how to share the responsibility to do that fairly. Ferndale and Blaine are included in the
33 geographic areas of the watershed. Those residents will begin the necessary debate and
34 discussion. He hopes that those people continue to work with them and support this effort.
35

36 His group has told the department staff to communicate and work with them. His
37 group didn't see the letter from the Public Works Department. They are going to work this
38 out. The next meeting of the stormwater group is in the Birch Bay Bible Church at 7 p.m.
39 on the third Wednesday of every month. He invited all.
40

41 Jamee Levy, 4291 Masterson Road, Birch Bay, stated the Birch Bay community is
42 growing quickly. They already have county flood control and Birch Bay water and sewer.
43 There is already an administration. If the administration needs more resources, then
44 address that issue. More administration is bigger government. That is concerning. She
45 asked if they will still pay the flood control taxes if they pay the stormwater tax. Birch Bay
46 Water and Sewer District gets more and more money because of the community expansion.
47 Their facilities aren't adequate to address everything. She would like to know if their extra
48 revenue is going toward the stormwater issue. If so, she is paying stormwater costs to
49 three different entities. That's a waste. There are other issues to address in Birch Bay,
50 including traffic control, roads, schools, a post office, and fire and emergency services. She
51 hopes they will be able to address all the services, not just one.
52

1 Weimer stated he believes that the Birch Bay Water and Sewer District does not
2 address stormwater at all.
3

4 Shane Corfee, 6289 North Star Road, Ferndale, stated he just got the notice on
5 Wednesday of last week. It's a big bite to take. He is in Ferndale, not Birch Bay. There is
6 plenty of filtration. The community should know what's going on.
7

8 Jennifer Graves, 6289 North Star Road, Ferndale, stated this is to be a wetlands
9 zone with a flood subzone, according to the County website. It also has to deal with
10 manure management, which affects her livestock. It also has to do with sewer inspections
11 and septic system inspections annually. If they are going to be considered a watershed and
12 wetlands area, they will control what she puts in her garden. She's concerned about those
13 issues. They will be assessed \$7 based on the amount of impervious surface. She is
14 concerned about how that will coincide with the water association. A lot of issues need to
15 be addressed, but they just learned about this by a letter a week ago.
16

17 Rosie Broussard, 6255 North Star Road, Ferndale, stated she works hard for her
18 money. She makes sure the water gets off her property and is protected in a pond. Adding
19 taxes is hard for those on a fixed income. She is not in Birch Bay district. Consider the
20 district area.
21

22 Kathy Watts, 5629 Whitehorn Way, Blaine, stated she supports Alan Friedlob's
23 comments about the health of Birch Bay. She supports his committee.
24

25 John Paul Ashley, 4440 Windlass Lane, Blaine, stated he lives in the Anchor Manor
26 subdivision. The subdivision has its own stormwater system. The homeowner's association
27 is responsible for maintaining the system. They pay homeowners' dues to do that. He
28 asked what he gets out of this district and how much it will cost him.
29

30 Gerald Larson, 5045 Alder Street, Birch Bay, stated he is interested in the protection
31 of Birch Bay tide flats. He is concerned because the actual bay itself is not in the district.
32 The water they are trying to protect should be included in the district. All the stormwater
33 outlets go beyond the ordinary high water mark. The area beyond the high water mark is
34 not within the district. People in Birch Bay along the shoreline dump yard waste beyond
35 that mark. They also burn yard waste down there. The Birch Bay Water and Sewer District
36 continually dump more water off of Whitehorn. That water washes back into the bay. If the
37 State Department of Health ever closes down Birch Bay for clamming, it takes a long time
38 to get that turned around. The money collected in the district has to be spent in the
39 district. The bay is not in the district. An ongoing problem in Birch Bay is red tides. That's
40 beyond anything they can change. Hopefully a new Water Keeper will be able to bring that
41 issue forward. He submitted a handout with a proposed amendment (*on file*).
42

43 Lynn Holmes, 4412 Carstan Loop, Birch Bay, stated he lives in the Anchor Manor
44 subdivision. The County put many rules on the developer of his subdivision to make sure
45 there was proper drainage and retention ponds. All of the houses must drain directly off the
46 roof and into the storm drains. The yards even have drains. He pays a homeowners' fee to
47 take care of retention ponds and storm sewers.
48

49 Meg Grable, 8247 Harborview Road, Birch Bay, stated she lives one-quarter mile
50 north of Birch Bay Waterslides, There are many acres of wetlands in Birch Bay. She has
51 lived in Birch Bay for 25 years and has worked on the steering committee. She's glad they
52 are going to inform the community about Birch Bay stormwater. She endorses Kathy Berg's
53 and Alan Friedlob's statements. She supports forming the district. They need a watershed

1 district for the area. In the past, they've had to reinforce a lighting district, the fire district,
2 and additional Sheriff's Office services. Stormwater has to run somewhere. Over the past
3 weekend, there were three defaults along the Birch Bay Drive. The stormwater floodgates
4 did not work appropriately. It's time that those gates work properly. They must work
5 together as a district to have the financial means for controlling that water. Some of these
6 developers do not have the hydrology or engineering experience needed to have this kind of
7 thing happen. Vote for the district.

8
9 John Carter, 8168 Birch Bay Drive, Birch Bay, stated he is a property owner who is
10 concerned about capital improvements projects and Birch Bay Drive roadway
11 improvements. His family has owned his property since 1918. There have always been
12 conflict between the County and property owners about the area from Bay Sandy Resorts to
13 Birch Bay Village. The County thinks the right-of-way is 60 feet wide. The right-of-way is
14 35 feet wide, according to a Superior Court decision many years ago. He is concerned
15 about any plans for roadway improvements exceeding that right-of-way. Make the correct
16 right-of-way width assumption.

17
18 Tom Vayovich, 8422 Shintaffer Road, stated he didn't receive a notice, but supports
19 the district. He's tired of having the ditch flood his yard.

20
21 Dennis Jones, 1487 Sudden Valley, stated this is not a junior district. The boundary
22 is determined by the watershed boundary. It does have inter-jurisdictional problems. It's
23 also not a water or sewer thing. Legally and practically, surface water goes with the roads.
24 He supports the Lake Whatcom as the highest priority overlay subarea and the way it is
25 levied, calculating impervious surface. He suggested combining this district with the Birch
26 Bay Blaine District. Consider a Birch Bay Park District to save money. Don't dump it all on
27 business or the property owners. This is good legislation.

28
29 Deirdre Scanlan, 4619 Anderson Road, Birch Bay, stated she is opposed to the
30 proposed district. Tax payers have had enough and are prepared for a tax revolt.
31 Residents of Birch Bay have seen their property tax assessments double. They will be
32 paying hundreds of dollars for unwanted and unnecessary sewer investigators to develop
33 expensive improvements. Wages have not doubled for most of the residents of Birch Bay.
34 The County legislators should lead the charge to unburden citizens as much as possible, not
35 increase their subjugation. They are trying to protect the environment by squeezing them
36 dry. Many people are being forced to leave their homes. Many subdivide and develop
37 whatever they can as they flee. Rich developers will buy the land that they can no longer
38 keep. Do not approve a stormwater assessment or a City of Birch Bay. She calls for a
39 State Constitution amendment to cap property taxes to one percent of the last purchase
40 price from a willing buyer to a willing seller.

41
42 Weimer stated the Birch Bay community brought this forward to the County Council,
43 and suggested that Ms. Scanlan attend their meeting and talk with them.

44
45 Dennis Sandvig, 8212 Birch Bay Drive, Birch Bay, stated he has been on the
46 stormwater committee since it was formed. They worked hard to come up with something
47 that will solve the substantial problems that exist. The problems in Birch Bay take money
48 to solve. Everyone who has land in the stormwater district has water that goes downhill
49 and creates problems. A tax on the impervious surface is pretty minimal. This seems like
50 the most fair way to solve the problem.

51
52 Kay Schumacher, Whitehorn Way, Birch Bay, stated the Stormwater Management
53 Plan has been misunderstood. Water in Birch Bay comes from a lot of people in the area.

1 Now, they don't know how they will create the revenue. She thanked everyone for bringing
2 this matter forward. Stormwater management is a very important issue. Continue to work
3 on this, and come to a conclusion. Problems are connected with all the new housing
4 developments. New developments should make sure there is adequate stormwater
5 management, water, and traffic controls. The Council should take its time and do the right
6 thing.

7
8 Tom Kimberly, 8099 Quinault Road, Birch Bay, asked what they are approving and
9 what's going on. He asked why they didn't have this before.

10
11 Doralee Booth, 8188 Birch Bay Drive, Birch Bay, stated CH2MHill worked a year with
12 the stormwater committee on the stormwater manual. They are all part of the problem and
13 they all need to be part of the solution. The waters of Puget Sound are at risk, no matter
14 where one lives. They all introduce pollutants into the environment and watersheds.
15 Stormwater goes downhill and into Puget Sound.

16
17 Those who live in the Birch Bay watershed are a part of that problem. Even those
18 people who live in developments with detention ponds and stormwater management have
19 water that runs downhill and goes into Birch Bay. Join together to protect Birch Bay.

20
21 Mike Winter, 6255 North Star Road, stated he understands the need for a healthy
22 bay in Birch Bay. It seems like there has been a problem with getting information out to
23 the public to give people a chance to know what is going on. Water does go downhill. If
24 the people of Birch Bay don't like it, then they could move out, but that's not a practical
25 solution. Work on a better plan. Make developers put in more retention ponds. The
26 retention pond must fill up to a certain point before it is dumped into another retention
27 pond. It slows down the flow of water. Some of that water will eventually make it to the
28 bay. Much of it will be absorbed into the soil. Work on a comprehensive plan that
29 addresses that, and creates a way to slow down the water so its release into the bay is
30 slower. Come up with a solution that doesn't harm everyone's wallet.

31
32 *(Clerk's Note: End of tape one, side B.)*

33
34 Hearing no one else, Weimer announced that the hearing will be held open until the
35 next meeting.

36
37 Brenner stated she assumed that people in the area would inform others in the area
38 that this was going to happen. She also assumed it would be the Birch Bay urban growth
39 area (UGA). It makes perfect sense that it would be the watershed. It also makes perfect
40 sense that it would involve the people in all the areas. She doesn't mean they should force
41 people to get involved if they don't want. This process has been done specifically and only
42 by and for the Birch Bay community. The product is excellent. However, it hasn't involved
43 anyone outside the Birch Bay community. People need to be more informed and involved.

44
45 Nelson asked if this is a junior taxing district.

46
47 Bruce Roll, Public Works Department, stated it is. First, the Council is creating the
48 management area. Second, the Council will place an assessment within that management
49 area that doesn't create situations where there isn't double taxation or duplication of fees or
50 structures tied to similar activities. Separate where they are trying to manage from how
51 they assess. Tonight's discussion isn't about how the assessment will be put in place. They
52 are not going to assess someone in Blaine or Ferndale who is already paying stormwater
53 taxes or fees. They are using a novel approach to address stormwater. Instead of butting

1 up against jurisdictional boundaries, determine the location of the waters are drain into the
2 Birch Bay area and that impact the aquatic resources and other attributes of the area. The
3 purpose of these boundaries is to manage all those areas that influence the Birch Bay water
4 quality. With that approach, people in the far upper reaches of the watershed will be
5 included in the district. Whether and how they are assessed depends on how they set up
6 the assessment, its purpose, and how they justify the assessment. Often, assessments are
7 based on the amount of impervious surface per parcel.

8
9 Nelson stated they must coordinate these water system plans and natural resource
10 plans in the community that make sense to the community and that also accomplish the
11 community's goals and objectives. One concern is whether taxation based upon level of
12 impervious surface is a water quality, water quantity issue, or both. Roll stated it is both.

13
14 Nelson stated that must be clearly defined in the plan. Roll stated they will also
15 have to define the purpose of the Flood Control Zone District in relation to flood, flood
16 activities, and stormwater activities. That clarity is not there now.

17
18 Brenner stated the public voted on the Flood Control Zone District. People
19 understood that they use roads, public institutions, and other things that may be affected
20 by floods, even if they don't live in flood plains. The people understood that they spent
21 time developing the countywide district. She asked who decided to not reach out to these
22 areas during the process. Roll stated that a lot of people listen as soon as the words
23 assessment or taxes are uttered, in his experience. It's a big issue. Clearly, tying this to
24 an assessment generates a great level of interest in this topic. People want to clearly know
25 exactly why and how they are going to be taxed or assessed. If the policy direction of the
26 Board of Supervisors, which is the County Council, is to manage by watershed, then that's
27 what they'll do by creating this district.

28
29 Brenner stated these people are in the Blaine and Ferndale areas, and don't know
30 they are in the Birch Bay area. There seems to be a disconnect here. Work with people in
31 those areas to give them the information. She asked how to start that process to let those
32 people have that information.

33
34 Weimer stated that the plan is on the County's website.

35
36 McShane stated this is all part of the process. The Council is having a hearing. The
37 notification may not have been as good as they like, so the hearing will continue. The
38 Council will take in information that will assist the councilmembers with making a decision.
39 A group has brought this to the Council, and the process has begun. The process is to
40 determine whether this is an appropriate boundary. That's why the Council had a hearing
41 on. Then, once the Council decides that, there will be additional process to determine a fair
42 assessment. That will take quite an effort.

43
44 The countywide flood fee was approved for more reasons than residents benefiting
45 from flood protection. At that time, there were clear benefits to other areas of the
46 community, not just those areas that flooded along the Nooksack River. There were
47 stormwater features and funding. It was a broad fund that could be used for stormwater in
48 other locations. That is a message that some of the cities heard clearly, because they get
49 agitated at the lack of money given to them. That's not how the flood fund works. The
50 County can't just give the money. It has to be allocated for project-specific projects. Dr.
51 Roll has indicated, and Councilmembers Nelson and Weimer have understood, that they
52 need to look carefully at how the broad flood and stormwater fee is being considered, and
53 how the advisory committee is advising the Council. The Flood Control Zone District

1 Advisory Committee recognizes that there will be other sub-districts that will compete for
2 the money.

3
4 Crawford stated he hasn't heard a persuasive argument against forming the district.
5 A contractor will do an assessment analysis. He asked if a proposal for a levy would then
6 come to the Council. Roll stated it would. He explained the process. There will be a series
7 of meetings in which they will work on the assessment.

8
9 Crawford stated he understands the concerns of the folks who live practically in
10 Ferndale. They do live in the watershed. One person said that an ideal stormwater system
11 is redundancy in the treatment system. One idea is to lessen the assessment farther away
12 from Birch Bay. He asked about extending the district boundary into the bay beyond the
13 high water mark so that the funds can be spent in the bay. Roll stated that wouldn't seem
14 to enable the County to do anything more than it can do already. The County would do
15 things such as enforcement in the bay area, water quality sampling in the bay, and other
16 activities that are justifiable by this assessment area. They are talking about the intent of
17 the actions in the upland areas and their role in preserving the marine environment.
18 Leaving out that area from the assessment area won't prevent them from doing anything.

19
20 Crawford stated that current stormwater outfalls extend below the ordinary high
21 water mark. He asked if assessment funds could be spent on physical improvements to
22 those outfalls. Roll stated they are looking into that. There may be projects that extend
23 stormwater facilities out into the bay. That planning process will move forward shortly.

24
25 **2. EMERGENCY INTERIM ORDINANCE 2007-013 LIMITING THE SIZE OF LARGE**
26 **COMMERCIAL RETAIL ESTABLISHMENTS IN ORDER TO PROMOTE**
27 **COMPATIBILITY WITH OTHER JURISDICTIONS WITHIN WHATCOM COUNTY**
28 **(AB2007-135)**

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

31
32 Linda Tucker, 4371 Bay Road, Blaine, stated she doesn't see any reason to put a cap
33 on big box stores. The design is more of an issue than the size.

34
35 Kris Ungern, 2095 North Shore Road, Bellingham, stated the process has been a
36 domino effect that the City of Bellingham started, when it failed to approve a routine
37 expansion of the existing Wal-Mart store. Bellingham already has many retail facilities that
38 would not exist today if the ban had been in effect earlier. There are nine retail
39 establishments larger than 100,000 square feet, and 13 larger than 75,000 square feet. No
40 real emergency seems to exist. The County ordinance was advertised as a time out, given
41 issues of sprawl, traffic congestion, and infrastructure impacts on the County, which may be
42 appropriate if work continues on developing a balanced framework for accommodating and
43 planning retail growth. Temporary moratoria tend to become open-ended and are routinely
44 extended. There will be consequences from any decision the Council makes. If shoppers go
45 elsewhere, the County will lose tax dollars. Many people who routinely shop at a Wal-Mart
46 would be good candidates for the affordable housing initiatives currently underway. He
47 asked how they reconcile providing affordable housing for people in need with
48 simultaneously denying low-cost shopping options to the same people by imposing big box
49 store bans.

50
51 Donna Mason, 3686 South Bay Drive, stated she recommends a book called Big Box
52 Swindle by Stacy Mitchell. It's based on documented fact and real situations in
53 communities around America. They can learn from their mistakes.

1
2 Wal-Mart does not help poor people. It does not always have the lowest prices. It
3 practices predatory pricing. Studies have shown that the products are low quality or don't
4 have the lowest prices in the community.

5
6 It's proven that having a large Wal-Mart Super Center lowers income in an area,
7 because better paid jobs are lost when Wal-Mart kills off local competition over time. It has
8 low pay and benefits. Local businesses contribute to local causes at a much higher rate
9 than anything Wal-Mart has historically contributed. Chain store loyalty is to stockholders,
10 not to customers. Their main enterprise is meeting growth and profit targets, not serving
11 consumer needs.

12
13 Wal-Mart hurts the local economy. One hundred dollars spent at a local store nets
14 \$150 to the local economy. At a chain store, it nets \$13 to the local economy. Decisions
15 are made out of state at corporate headquarters, not in the community. Big box stores,
16 especially Wal-Mart do not result in economic development.

17
18 Government policies have fueled corporate retail expansion for unsustainable land
19 use. The local government can create a positive effect, such as not providing subsidies or
20 tax breaks, not building roads and infrastructure, and not zoning so much land for retail
21 development.

22
23 Paul Rosetter, Whatcom County, stated stores like Wal-Mart drive local stores out of
24 business. Those local stores also pay taxes. When they think they are getting a tax
25 increase, they are really destroying the tax base.

26
27 Hearing no one else, Weimer closed the public hearing.

28
29 Brenner stated the unincorporated County must provide rural services. Urban
30 services belong in cities. This is not about Wal-Mart. There are big stores that are great.
31 This is about location. If Wal-Mart moves anywhere, it should be in the city of Bellingham.
32 Wherever it goes, it will heavily impact County roads. The County won't get the taxes for it
33 because it won't be in the unincorporated part of the county. It's frustrating when cities
34 within Whatcom County operate in a vacuum. They must all work together on things like
35 this. She's asked most City Council Members to amend their limit to provide for expansion
36 of existing businesses. The County Comprehensive Plan encourages and supports
37 expansion of existing businesses. Whether it goes to the reservation is out of the County's
38 hands. This was an important ordinance. It was an emergency. Some areas are big
39 enough for such a store. She didn't want any to be vested.

40
41 Crawford asked what happens after the six months interim is over. He asked what
42 the County is working on during this six months.

43
44 Brenner stated they are working on Comprehensive Plan amendments, which is in
45 the ordinance. Councilmember Fleetwood brought forward a zoning text amendment that
46 would deal with this. Other things are in the process.

47
48 Crawford stated he doesn't recall anything related to square footage of retail
49 establishments in the commercial zone in any of the work plans for the Planning
50 Department.

51
52 Fleetwood stated he filed a related zoning text application in June 2006. It was
53 docketed. The Planning staff is swamped this year, but usually the staff will issue a staff

1 report to the Council in April. The staff is behind, but it's still pending and staff is working
2 on it.

3
4 McShane stated he would like to see a report on whether something the size of
5 75,000 square feet can be developed anywhere. There are other limitations beyond the
6 commercial zone. Overlays may apply.

7
8 He's not sure that Councilmember Fleetwood's zoning text amendment is consistent
9 with what Councilmember Brenner is trying to do. They should review it. If the Council
10 wants to go into a different direction, it may need to emergency docket a zoning text
11 amendment, pending what they find out. Find out what really can happen in the county. If
12 the Council wants to go forward with what Councilmember Fleetwood has suggested, then
13 go with that. If the Council wants to do something else, then approve an emergency docket
14 item. Handle this appropriately. The Council needs a staff report on the status.

15
16 Crawford stated the point is that there should be some goal. Another possible goal
17 is to wait until there is a conclusion to Ferndale's moratorium before deciding if this is
18 necessary in the county.

19
20 Nelson stated the Council must either say that it doesn't want box stores in the rural
21 area, or say that box stores are allowed with certain criteria. Those are the two things that
22 the Council should look at.

23
24 Crawford stated the County has general commercial zoning that allows for unlimited
25 square footage.

26
27 Nelson stated they are not connected to urban areas. They are still rural areas.
28 Before this expires, the Planning Committee should discuss it. Staff isn't going to know
29 what to do with this issue.

30
31 Crawford stated the gateway industrial zone has a limit of 10,000, which may be
32 expanded up to 35,000 square feet. Capping the general commercial at 35,000 square feet
33 may be something that the Planning staff could consider.

34
35 Brenner stated the moratorium is to give the County time to work with other
36 jurisdictions. If it moves to one of the small cities, the County is going to have major
37 regional impacts. She read from the ordinance.

38
39 McShane stated they must simply find out where these could go according to the
40 current zoning. Then, they can figure out whether they need to do anything.

41
42 Brenner stated she agreed. She asked the administration if the staff could put
43 together such a report.

44
45
46 **CONSENT AGENDA**

47
48 **Crawford** reported for the Finance and Administrative Services Committee and
49 **moved** to approve Consent Agenda items one through six, eight, and nine. The agenda title
50 of item nine was amended, but the documents in the Council packet are correct.

51
52 Nelson stated he voted against item ten in committee, but he will not withdraw it
53 from the Consent Agenda.

1
2 **Motion to approve Consent Agenda items one through six, eight, and nine**
3 **carried unanimously.**
4

- 5 1. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #07-13**
6 **FOR DELIVERY AND SUPPLY OF ASPHALTIC EMULSIONS (ROAD OIL) FOR**
7 **USE ON VARIOUS COUNTY ROADS, BY THE TWO LOWEST BIDDERS,**
8 **MCASPHALT INDUSTRIES AND PARAMOUNT PETROLEUM, IN AN**
9 **ANTICIPATED AMOUNT FOR THE YEAR OF APPROXIMATELY \$700,000**
10 **(AB2007-141)**
11
12 2. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #07-14**
13 **FOR DELIVERY AND SUPPLY OF ASPHALTIC MIXES FOR USE ON VARIOUS**
14 **COUNTY ROADS, BY ACCEPTING ALL BIDS AND PERMITTING SELECTION OF**
15 **THE VENDOR THAT HAS THE BEST VALUE BASED ON PRICE AND COST TO**
16 **TRANSPORT THE PRODUCT TO THE JOB SITE, IN AN ANTICIPATED AMOUNT**
17 **FOR THE YEAR OF APPROXIMATELY \$200,000 (AB2007-142)**
18
19 3. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
20 **PURCHASE OF ELECTION ENVELOPES FROM THE SOLE SOURCE PROVIDER, K**
21 **& H INTEGRATED PRINT SOLUTIONS, IN THE AMOUNT OF \$69,916.68**
22 **(AB2007-143)**
23
24 4. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
25 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND SND**
26 **COMMUNICATIONS, INC. FOR THE ANNUAL MAINTENANCE AND REPAIR OF**
27 **TWO-WAY RADIO SYSTEMS USED BY THE PUBLIC WORKS DEPARTMENT AND**
28 **THE SHERIFF'S DEPARTMENT IN THE AMOUNT OF \$75,000 (AB2007-144)**
29
30 5. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
31 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND COLUMBIA**
32 **VALUATION GROUP, INC. FOR APPRAISAL SERVICES FOR FIVE FARMS**
33 **APPLYING FOR THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM, IN**
34 **THE AMOUNT OF \$18,000 (AB2007-145)**
35
36 6. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
37 **CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM LAND TRUST FOR**
38 **THEIR CONTINUING ASSISTANCE IN THE WHATCOM COUNTY**
39 **AGRICULTURAL PURCHASE OF DEVELOPMENT RIGHTS PROGRAM, WITH A**
40 **MINIMUM FEE OF \$3,000 PER EASEMENT, OR A 6% FEE ON THE FIRST**
41 **\$150,000 OF EACH EASEMENT PRICE (WHICHEVER IS GREATER) AND A 4%**
42 **FEE ON THE PRICE OF EACH EASEMENT OVER \$150,000 (AB2007-146)**
43
44 7. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
45 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**
46 **BELLINGHAM TO SHARE EQUALLY THE COSTS FOR DEVELOPING A**
47 **COMPREHENSIVE HOUSING STRATEGY, IN THE AMOUNT OF \$75,000**
48 **(AB2007-147)**

49 **Crawford moved** to approve the request.
50

51
52 Brenner stated she is against the proposal unless the Council has the final decision
53 on the consultant. The Council was told that it shall authorize and approve the final

1 consultant selection. This is the Council's business. She brought it up at budget time, and
2 was told that consultant selection would come to the Council for an opportunity to weigh in.
3 She won't approve this if the Council can't have a say in the consultant selection.
4

5 Fleetwood stated some members of the Council had an expectation about this during
6 the budget process.
7

8 *(Clerk's Note: End of tape two, side A.)*
9

10 Fleetwood continued to state that it's the Executive's prerogative to make the
11 selection. However, in the name of a political compromise and to get the processing
12 moving forward, it was agreed that the Council would authorize the selection made by
13 Executive Kremen and Mayor Douglas. Personally, he just wants to get the consultant
14 selected. He doesn't care if the Council makes the final selection. Get going on the
15 selection of the consultant.
16

17 Crawford stated the critical element, which is the scope of work, shall be approved
18 by the City and County councils, according to the language. Therefore, any additional
19 language doesn't need to be added. He is highly skeptical about any good this project could
20 do. However, he will support funding and interlocal agreement because the Council already
21 agreed to do the project.
22

23 Brenner stated that at budget time, the County Executive agreed to bring it back to
24 the Council. It's a big deal to her.
25

26 Caskey-Schreiber asked why it's such a big deal to Councilmember Brenner. It's the
27 City of Bellingham's problem. They should pick the consultant.
28

29 **Brenner** stated she's worked on affordable housing issues for a long time. If she's
30 going to take ownership of what they do and spend, she would like to feel comfortable with
31 who is selected. She is fine with confirming an Executive appointment. She **moved**
32 to amend the language at the end of section 2, "The County Council shall approve the final
33 consultant selection."
34

35 Nelson asked if the Executive has any problem coming before the Council, before
36 final selection, to see if the selected consultant would have Council support.
37

38 Pete Kremen, County Executive, stated Mayor Douglas expressed concerns because
39 they have aggressive timelines. The Mayor doesn't want to elongate the process. He
40 agrees with the Mayor. He understands Councilmember Brenner's desire to scrutinize this
41 issue. In the spirit of working with the City and trying to meet these timelines, it's in the
42 best interest of all to not approve the motion to amend.
43

44 Brenner stated at least half of the task force members seem to be miffed about their
45 role. Much attention is paid to getting this done according to the timeline. Not as much
46 attention is being paid to the involvement of the parties who are supposed to be involved.
47 That isn't in anyone's best interest.
48

49 The person who chaired the last task force meeting didn't let her even discuss the
50 issues. She wasn't allowed to participate. People who came to the meeting weren't allowed
51 to say anything, either. This has not been as open and inclusive as it was supposed to be.
52 She's getting nervous about this, which is why she is more insistent about being involved.
53

1 Caskey-Schreiber stated it's up to the Council to implement any policy
2 recommendations that the task force brings forward. The Council will still be the entity to
3 amend the Housing Chapter of the Comprehensive Plan and adopt any policies to
4 incorporate their recommendations. The Council has the final say. Let the Executive and
5 Mayor pick the consultant, and get it done.
6

7 Brenner stated that after the money has been spent is not a good time to have a
8 final say. They need to say something throughout the process.
9

10 ***Motion to amend failed 1-6 with Brenner in favor.***

11
12 McShane stated the critical issue is the scope of work, after the consultant is chosen.
13 Make sure they have their thinking caps on and work hard when the scope comes before
14 the Council.
15

16 ***Motion to approve carried 5-2 with Brenner and Nelson opposed.***

- 17
18 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
19 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND WASHINGTON**
20 **STATE UNIVERSITY TO PROVIDE SUBSTANCE ABUSE PREVENTION**
21 **SERVICES, IN THE AMOUNT OF \$3,000, FOR A TOTAL AMENDED CONTRACT**
22 **IN THE AMOUNT OF \$28,000 (AB2007-148)**
23
24 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
25 **INTERLOCAL JAIL SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND**
26 **SNOHOMISH COUNTY, IN THE AMOUNT OF \$202,720 (AB2007-149)**
27
28 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
29 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND WILSON**
30 **ENGINEERING, LLC FOR THE CABLE STREET RECONSTRUCTION PROJECT, IN**
31 **THE AMOUNT OF \$150,639, FOR A TOTAL AMENDED CONTRACT IN THE**
32 **AMOUNT OF \$445,404 (AB2007-150)**
33

34 ***Crawford moved*** to approve the request.

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

- 37
38 **11. RESOLUTION TO SET HEARING TO DECLARE PROPERTY LOCATED AT 2158**
39 **SOUTH NUGENT ROAD, LUMMI ISLAND, WA AS SURPLUS (AB2007-153)**
40

41 Crawford stated the administration withdrew this item from the agenda.
42
43

44 **OTHER ITEMS**

- 45
46 **1. RESOLUTION AUTHORIZING THE PURCHASE OF A CONSERVATION**
47 **EASEMENT ON THE DICKSON FARM PROPERTY (AB2007-140)**
48

49 ***McShane*** reported for the Natural Resources Committee and ***moved*** to approve the
50 resolution.
51

52 ***Motion carried unanimously.***
53

1 **2. REQUEST CONFIRMATION OF THE ECONOMIC DEVELOPMENT INVESTMENT**
2 **BOARD'S FUNDING RECOMMENDATION OF THE CITY OF BELLINGHAM'S**
3 **REQUEST FOR A GRANT IN THE AMOUNT OF \$1,100,000 FOR THE NEW**
4 **WHATCOM WATERFRONT REDEVELOPMENT PROJECT (AB2007-151)**
5

6 *Crawford* reported for the Finance and Administrative Services Committee and
7 *moved* to approve the request. This is the first time they are designating a set-aside
8 amount of money, subject to further requests from the City. He is not comfortable tying up
9 the rural sales tax rebate in this manner. He would not rule out potential funding of
10 projects related to the waterfront redevelopment project, but would like to look at those
11 specific proposals one at a time, so he can consider them on their own merit. He will not
12 support the motion. The City's request is to set aside Economic Development Investment
13 (EDI) funds from which the City of Bellingham can draw over the next five years, as long as
14 the project be consistent with the goals and objectives of the EDI program. The City seems
15 to want to pay for planning. One option is for the City to present more project-specific
16 requests. That's what he's looking for. He also likes funding requests that have some
17 immediacy to them. The City of Ferndale's proposal project is supposed to be done this
18 October. He likes knowing precisely what the money will pay for. He also likes the
19 loan/grant combination.
20

21 Brenner stated planning is good, but she could not grasp the specifics. It sounds like
22 they are planning for a city. The City can come back and ask for money for a specific
23 project, which she would support. If the County does this in this way, it will be open to
24 other requests that will be nebulous and unspecific. Don't set that precedent.
25

26 Caskey-Schreiber stated documents say that funding will match the Port of
27 Bellingham's contribution for consulting services to prepare the New Whatcom Master Plan,
28 Environmental Impact Statement (EIS), and Development Regulations. This is a huge
29 undertaking. There will be an enormous cost to address just the EIS. She supports the
30 request. They are going to invoice the County as these expenditures happen. This is a
31 good initial investment.
32

33 Weimer stated he is in favor of this request. His concern is about whether this is
34 legal. The EDI legislation specifically says that this money has to go to specific projects that
35 are already included in the Comprehensive Plan. They are being asked to promise \$1
36 million to something that isn't well-defined. He asked if anyone considered the EDI's State
37 rules.
38

39 Dewey Desler, Deputy Administrator, stated they have looked at that question. The
40 original application was for \$1.1 million each from the EDI fund and the Port for a master
41 plan and EIS. That appeared that it fit within the context of that law. The Attorney General
42 opinion is that the funds can be used for planning efforts. The County has funded smaller
43 projects that have done similar things in the past. He explained the background of the
44 application. The Council will approve the expenditures from this funding, in the form of
45 future applications, for the activities associated with the waterfront development project.
46

47 Brenner stated it would make more sense to put each project through the EDI
48 process. Desler stated the applications come through the Economic Development Council
49 (EDC), to the County administration. The administration will set up EDI board meetings to
50 discuss the applications, which are then presented, with recommendations, to the County
51 Council. Once the County Council approves a particular application, the administration will
52 build the contract, and then bring that contract before the Council again. The EDI Board did

1 not make a recommendation to specifically support the City of Bellingham application. The
2 EDI Board supports the concept of setting aside \$1.1 million.

3
4 Brenner asked why they are setting up this process, rather than go through the
5 regular EDI process each time. Desler stated they will go through the EDI process each
6 time.

7
8 Nelson stated the City is looking for a financial commitment.

9
10 McShane stated the EDI Board never got to vote on this proposal. There was never
11 a motion to support it. There may have been some concern by the City of Bellingham that
12 they weren't going to vote in favor of funding these items. The Mayor made the motion at
13 the EDI Board to get assurance that the County would support specific projects through the
14 EDI fund. Those projects will still have to come before the Council for final approval. The
15 Council will have an opportunity to deny specific projects. There will be plenty of projects
16 that the Council should be happy to fund. This will help the City make cost projections.

17
18 ***Motion carried 6-1 with Crawford opposed.***

- 19
20 **3. REQUEST CONFIRMATION OF THE ECONOMIC DEVELOPMENT INVESTMENT**
21 **BOARD'S FUNDING RECOMMENDATION OF THE CITY OF FERNDALE'S**
22 **REQUEST FOR A GRANT IN THE AMOUNT OF \$504,900 AND A LOAN IN THE**
23 **AMOUNT OF \$1,026,000 FOR THE CENTENNIAL RIVERFRONT PROJECT**
24 **(AB2007-152)**

25
26 ***Crawford*** reported for the Finance and Administrative Services Committee and
27 ***moved*** to approve the request.

28
29 ***Motion carried unanimously.***

- 30
31 **4. ORDINANCE AMENDING WHATCOM COUNTY CODE 3.08, PURCHASING**
32 **SYSTEM, SETTING REQUIREMENTS FOR COUNCIL/EXECUTIVE APPROVAL OF**
33 **CONTRACTS RESULTING FROM PROJECT BASED BUDGET APPROVAL AND**
34 **SMALL WORKS (AB2007-133)**

35
36 ***Crawford*** reported for the Finance and Administrative Services Committee and
37 stated the motion to recommend approval failed unanimously. He ***moved*** to adopt the
38 ordinance.

39
40 Brenner stated this has nothing to do with the administration, with whom she gets
41 along well. It has to do with her need to get intricately involved in what the Council is
42 supposed to. The Council had this authority. The delay would be only two weeks. It would
43 make the process more transparent to the public and the Council.

44
45 ***Motion failed 1-6 with Brenner in favor.***

- 46
47 **5. APPOINTMENT TO THE FLOOD CONTROL ZONE DISTRICT ADVISORY**
48 **COMMITTEE ALTERNATE POSITION, STEVE SEYMOUR APPLICANT (COUNCIL**
49 **ACTING AS THE FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**
50 **(AB2007-136)**

51
52 ***McShane moved*** to appoint Steve Seymour.

1 **Motion carried unanimously.**
2
3

4 **INTRODUCTION ITEMS**
5

6 **Brenner moved** to accept Introduction Item one and the revised ordinance
7 regarding the aquatic resource management district.
8

9 **Motion carried unanimously.**
10

11 **1. ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, THIRD**
12 **REQUEST, IN THE AMOUNT OF \$1,223,888 (AB2007-154)**
13

14 **2. RESOLUTION TO SELL SURPLUS PROPERTY LOCATED AT 2158 SOUTH**
15 **NUGENT ROAD, LUMMI ISLAND, WA (AB2007-153A)**
16

17 This item was withdrawn from the agenda.
18

19 **3. ORDINANCE ESTABLISHING THE BIRCH BAY WATERSHED AND AQUATIC**
20 **RESOURCES MANAGEMENT DISTRICT (REVISED VERSION) (AB2007-113A)**
21 **(COUNCIL ACTING AS THE FLOOD CONTROL ZONE DISTRICT BOARD OF**
22 **SUPERVISORS)**
23
24

25 **OTHER BUSINESS**
26

27 Caskey-Schreiber stated the administration should fire Security Specialists Plus
28 (SSP). A three-year old boy was chased by a pit bull when it broke through the neighbor's
29 fence. The mother called SSP, which did not respond for two weeks. When SSP responded,
30 they did nothing. The mother is terrified of having this happen again, because the fence is
31 still broken. SSP went back out to the location so the mother could fill out the formal
32 complaint form. There are many horrific examples of substandard service. She asked why
33 the County continues to do business with people who don't do the job that they were hired
34 to do. There have been many contract violations over the years. There is no adoption
35 program, volunteer program, and unlicensed people were doing euthanasia. There have
36 been weird euthanasia practices. Get someone who will do the job well in a public, visual,
37 respectful, and professional manner. The public deserves that.
38

39 Brenner stated she was out there all day Friday and Saturday. SSP was out there on
40 Thursday, also. All the neighbors told her that SSP said they wouldn't be able to do
41 anything, even if they found neglect or abuse, because they can't handle an animal bigger
42 than a dog. The SSP contract says they are supposed to handle all animals. The
43 administration is extremely concerned about this. She learned a lot about what happened
44 to these llamas. It was really horrible. The County needs to do something quickly. There
45 is a hazard out there if they don't. This is an emergency.
46

47 Dewey Desler, Deputy Administrator, stated the County government is involved in
48 many services to the community. The County is to provide services to deal with problems
49 created by bad animal owners. There are many other issues for which the County must
50 provide services, including child abuse, people with disabilities, communicable disease, road
51 safety, and many other important things. They have to spend hundreds of thousands of
52 dollars on this service. They would love to have good owners and not have to spend as
53 many resources as they do on law enforcement and animal control. However, they will.

1 They have been working with the Sheriff and the Executive on this matter every day this
2 past week. They were shocked by the llama story, and it's a test of SSP's operation. If
3 SSP's performance is not adequate, then the administration will make a recommendation to
4 the Council. They need a little more time to investigate the abuse and neglect, as well
5 SSP's poor performance. He will talk with the Council again in two weeks.
6

7 Crawford stated they must be cautious, and wait until after the Sheriff and, if
8 necessary, the Prosecutor investigate. It seems that it would be simple for the contractor
9 to start a job ticket or file on every complaint registered. He asked why there is a problem
10 with not having any record after folks call and call. That's fundamental to any business.
11

12 Pete Kremen, County Executive, stated he taking this issue extremely seriously. He
13 is disappointed. Last week, he asked the Sheriff to investigate the allegations and charges
14 about the repeated and numerous non-responsive calls and requests on the part of the
15 public. He is very disturbed and dissatisfied about that. He is also dissatisfied about the
16 unresponsiveness, the lack of record keeping over a long period of time, and the
17 unprofessional demeanor and approach of some of the employees. He has had good things
18 to say about some of the employees, but they've had numerous complaints about the
19 unprofessional demeanor and approach on the part of some of the employees. He asked
20 the Sheriff to investigate the non-responsiveness over the long haul. He was told by Sheriff
21 Elfo that the Sheriff would be willing to do that, but it would be after the criminal
22 investigation of the llama case. He also conveyed to the Sheriff that he wants to have the
23 llama owner to be vigorously and aggressively pursued criminally. They are looking at ways
24 to vastly improve the service. Whether or not that will dictate a termination of the contract
25 remains to be seen. They are certainly not ruling that out. Everything is on the table. He
26 talked to the Sheriff about alternative ways to address animal control and animal shelter.
27

28 Caskey-Schreiber stated this is the icing on the cake with her relationship with them.
29 She keeps bringing up complaints that she hears from the public. Then she gets a letter
30 telling her she needs to get a license for her dogs when SSP doesn't have time to call back
31 someone who has called them 12 times on an issue.
32

33 Crawford stated that's not related.

34 Caskey-Schreiber stated it is related. She feels like she was harassed.

35 Brenner stated she didn't get a letter.

36 Caskey-Schreiber asked how many other councilmembers got letters telling them to
37 license their dogs.
38

39 Crawford stated some of them obey the law. He has two dogs, and he licenses them
40 because the law says that he's supposed to.
41

42 Brenner stated the law says they are supposed to do it every year. She didn't know
43 that.
44

45 Caskey-Schreiber stated this is SSP's mode of operation. If people bring up a
46 complaint against them, then they go after the people, instead of just doing their job. It's
47 really frustrating.
48

49 Crawford stated he agrees that it's prudent to allow the Sheriff and Prosecutor to
50 work on this. He appreciates the Executive's support on this. The evidence is building that
51
52
53

1 the County's contractor is really failing the County. However, keep in mind that the animal
2 control contractor is not responsible for dogs biting children. The animal control specialist is
3 responsible for responding to those situations and taking appropriate, documented,
4 corrective action. The County needs to hold them accountable.
5

6 Crawford stated he thanked the Council Chair for having a moment of silence in
7 memory of Joan Beardsley. He gained a respect for her in a short period of time. She was
8 eloquent had clarity of thought. He didn't always agree with her, but that's politics. That
9 didn't affect his level of respect for her. It is a loss to the community. His best wishes go
10 out to her family and friends.
11

12 McShane stated he went door belling with her when she ran for her position on the
13 City Council. She hadn't done it before. After a block and a half, it was clear that she was
14 much loved in the community. Serving the community was a positive experience for her
15 and the community. The community appreciated her service.
16

17 Fleetwood stated he came to know her through their shared work on affordable
18 housing. He will miss her very much.
19

20 Brenner stated she would talk about the following item, and then talk about Joan
21 Beardsley.
22

23 **DISCUSSION REGARDING REVISIONS TO WHATCOM COUNTY CODE 24.05, ON-**
24 **SITE SEWAGE REGULATIONS, THAT WERE ADOPTED IN NOVEMBER, 2006, AS**
25 **ORDINANCE 2006-056 (AB2007-138)**
26

27 Brenner reported for the Public Works and Safety Committee and stated the
28 committee received positive feedback. She will work with the councilmembers and the
29 County Executive on some proposals for the Health Board, which might be able to take
30 some of the burden off the homeowners and still comply with the State law.
31

32 Regarding Joan Beardsley, she's known her for about 25 years. She knew her
33 husband Dick. She was on the City Planning Commission before she was on the City
34 Council. She had no special interests or agenda. She would go talk to anyone and went
35 everywhere. She genuinely wanted to know how everyone felt.
36

37 Nelson stated Joan Beardsley was articulate and well-respected in the community.
38 She demonstrated that one could still contribute and participate, no matter what situations
39 are happening in one's life.
40

41 While in Washington D.C., he advocated for healthcares access. A bill would be
42 reintroduced in this legislative session that is almost designed for this community. He just
43 got word that Representative Rick Larsen is co-sponsoring that bill. It is the Communities
44 Building Access Act.
45

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

48 Nelson continued to state he hopes they will become a demonstration community
49 that cares about its people.
50

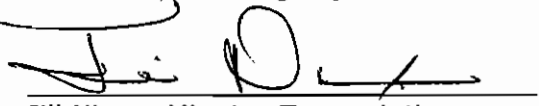
51 Caskey-Schreiber stated Joan Beardsley loved being an elected official. When her
52 cancer returned, she debated whether not to continue treatment, because she didn't want
53 to leave the City Council position. She had a lot of respect for Mrs. Beardsley because she

1 believed her duty to the citizens was more important than taking care of her own health.
2 The city of Bellingham has suffered a huge loss. The best way to honor her is to do what
3 they can for Lake Whatcom. That was an issue about which she felt strongly.
4

5 Pete Kremen, County Executive, stated he commends Councilmember Weimer's
6 wisdom and intuition in asking for the moment of silence. He has known Joan Beardsley
7 and, more closely, her husband Dick, for years. He worked with Dick Beardsley when they
8 worked in the news media. The thing that made Joan Beardsley extra special was her
9 passion and a smidgeon of genuine naiveté mixed in with her intelligence. It made her a
10 very special person. Neither he nor this community will forget the good she did during her
11 short time on the Bellingham City Council.
12
13
14
15

16 **ADJOURN**

17
18 The meeting adjourned at 10:15 p.m.

19 

20
21
22 Jill Nixon, Minutes Transcription

23
24 The Council approved these minutes on April 10, 2007.

25
26 ATTEST

27 WHATCOM COUNTY COUNCIL
28 WHATCOM COUNTY, WASHINGTON



29
30
31 Dana Brown-Davis, Council Clerk

32 
33
34 Carl Weimer, Council Chair