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WHATCOM COUNTY COUNCIL  
**Regular County Council**

October 9, 2007

Council Chair Carl Weimer 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  
Laurie Caskey-Schreiber  
L. Ward Nelson

Absent:

None

**FLAG SALUTE**

**ANNOUNCEMENTS**

1. **CONSIDERATION OF AN APPEAL FILED BY LARRY WATSON OF THE HEARING EXAMINER'S DECISION ON CUP06-0031, REGARDING A REQUEST TO CONSTRUCT A RESERVOIR AND WATER MAIN, INCLUDING A GRAVEL ACCESS ROAD FOR THE LAKE WHATCOM TREATMENT CENTER BY LAKE WHATCOM WATER AND SEWER DISTRICT (AB 2007-321)**

*Crawford moved* to deny Bellingham's motion to intervene.

*Motion carried 5-1-1 with Brenner opposed and McShane recused.*

*Fleetwood moved* to uphold the Hearing Examiner decision and to add an additional condition to the conditional use permit, "The improvements authorized by this permit shall not be used in the future to improperly extend urban services to the rural areas contrary to the provisions of the Growth Management Act."

*Motion carried 6-0-1 with McShane recused.*

Weimer announced that there was **discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation (AB2007-018)** in executive session during the Committee of the Whole meeting.

**OPEN SESSION**

The following people spoke:

Kris Ungern, 2095 Northshore Road, stated potential high turnover on the City Council and County Council will not have any effect on the prevailing political philosophies dominating the councils. Some candidates rely on contributions from outside the county or state, which make local elections a sham. The races are not non-partisan. There is outsider influence on local politics. The timing of recent announcements seems to benefit certain candidates, such as the proposed reconveyance of State Department of Natural

1 Resources (DNR) lands and the formation of a separate department for the Lake Whatcom  
2 watershed. Councilmembers promising to have the City and County work more closely in  
3 the future don't have credibility, given the mixed track record in recent years.  
4 Councilmembers prefer routine extensions of six-month moratoria, rather than dealing with  
5 the underlying issues in a problem-solving manner. A political forum that doesn't allow  
6 questions from the audience or rebuttals to cheap shots from opposing candidates betrays a  
7 lack of impartiality. He learns more about local issues from political blogs and alternative  
8 newspapers than from the Bellingham Herald.

9  
10 Dennis Jones, Sudden Valley, stated he respects the independent weekly press, the  
11 Bellingham Herald, and this county. This county, like democracy, is inefficient, time-  
12 consuming, and often wrong. The alternatives to democracy are much worse.

13  
14 An extremist mentality here is screaming professional lies to take control of  
15 government. They all know what the Lake Whatcom Management Plan is. In 1995, Roger  
16 DeSpain recommended a regional parks district for funding conservation of Lake Whatcom,  
17 specifically the flood area, Lookout Mountain, and Smith Creek. There is nothing new about  
18 this. There is no ill-intention about this plan. This plan is the best thing they've seen, and  
19 has been out there forever. There are some concerns. Look into whether the DNR can do it  
20 better than the County. He can't find another way that would be better. The same goes for  
21 the Chuckanut Mountain park district. Designate the areas they want to preserve, and fund  
22 them. The mid-peninsula regional conservation district above Palo Alto has done that.  
23 These are two outstanding programs with no political motives. It is just good work.

24  
25 Fred Miller, 3229 Northshore Road, stated one assumption is that threats to water  
26 quality from forestry activity are different from threats from other uses in the watershed.  
27 They all know that they tend to be a surge of big problems. There is also that long-term  
28 cumulative effect of streams, bad roads, and erosion. Keep in mind that those giant surges  
29 can create enormous problems. Much planning data they've used have rejected that  
30 information on the problems. Water impacts have surges as well as long-term continuity  
31 problems.

32  
33 The City and County have different and more direct responsibility than the DNR to  
34 manage water quality issues. The DNR has a mandate to generate revenue for schools.  
35 They have a conflict of interest. They will state that they must conserve water quality  
36 where they can, but local jurisdictions will do a better job of looking out for water quality.

37  
38 Step up the activity and keep the pressure on. A consideration of reconveyance and  
39 current forestry activities are before the County Council. The reconveyance plan can take  
40 many forms. It's a great idea. Don't miss this opportunity. There are ways to pursue  
41 common, aligned objectives to take care of water quality in the watershed.

42  
43 Dave Waring, Sudden Valley Community Association, stated he asks the Council to  
44 consider bringing the Sudden Valley Board of Directors to the table with the County, City,  
45 and the Water District in negotiations. The Board wants to be represented. It is interested  
46 in lake quality and doing its fair share to make sure the watershed is protected. It has  
47 worked closely with the Water District to make sure there are five levels of redundancy, to  
48 prevent sewage spills into the lake. The Board doesn't expect to have a vote, but would like  
49 to be represented.

50  
51 He appreciates the efforts and time the councilmembers put into making the  
52 government work. It takes a lot of effort and personal commitment. However, he is  
53 troubled by money coming into the county from outside. Reject money from outside the

1 county so they can fairly represent the citizens of Whatcom County, and not the people  
2 from some place else.  
3

4 Gwen Hunter, 2540 Applejack Lane, Bellingham, stated the quality of the water  
5 supply is everyone's special interest. Even if phosphorus loading of the lake stops today, it  
6 will be 30 or 40 years before the lake heals. As long as they allow soil compaction from  
7 forestry and development, the phosphorus loading will continue and extend the period of  
8 time before which the lake is healed. Phosphorus gets rid of oxygen. Good people are  
9 working to protect the lake. However, they're still in trouble. Developers are going ahead  
10 with projects, even when they're not sure the houses they're building will have water  
11 because they know they can declare a health emergency at some point to get City services  
12 into rural areas. The Growth Management Act was developed to protect resource lands.  
13 The water districts are the main violators. They must be reigned in and made to respond to  
14 the will of the people.  
15

## 16 **PUBLIC HEARINGS**

### 17 **1. RESOLUTION ORDERING AN ELECTION TO DETERMINE FORMATION OF AN** 18 **IRRIGATION DISTRICT TO BE KNOWN AS THE NORTH LYNDEN WATERSHED** 19 **IMPROVEMENT DISTRICT (AB2007-322C)** 20 21

22 Weimer opened the public hearing and the following people spoke:  
23  
24

25 Larry Stap, 9728 Double Ditch Road, stated he gets flooded out three to five times  
26 every year with six to eight inches of water under his house. He lives north of Lynden. No  
27 one is in charge north of Lynden to maintain drainage. He is in favor of forming the district.  
28 It addresses watershed improvement. He despises taxes, but he pays them to live in a free  
29 country. He doesn't want to pay more taxes, but he will to form a district he can control  
30 and use the monies to improve the watershed in which he lives. He lives on Fishtrap Creek,  
31 which is a salmon-bearing stream. No one is maintaining these streams. They are getting  
32 plugged up. They are losing salmon spawning habitat because of lack of maintenance.  
33 Forming this district will be a win-win for an environmental aspect and the drainage aspect.  
34

35 Lewis VanMersbergen, 906 Pangborn Road, stated he moved onto his farm in 1930.  
36 Maintenance of ditches falls to landowners. They're not working together, but want to.  
37 They need to do something in addition to ditching and including anything with water in the  
38 ground. He is in favor of the district.  
39

40 Steve Seymour, State Department of Fish and Wildlife, stated he is in favor of  
41 forming the district. He's worked with the landowners in the past to understand and solve  
42 the flooding issues. He described the area. There is no more capacity in the creek through  
43 Lynden. Two-thirds of the basin is in Canadian ownership. Forming a structure is  
44 necessary to start talking to the Canadian citizens about their future plans for the basin and  
45 to get landowners engaged in a major, overall plan. In the past, landowners have solved  
46 their immediate problems on their land, which passes problems on to neighbors  
47 downstream. Within the basin, people agree that it's time to do something.  
48

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

51 Weimer stated he is in favor of this district. It's rare when taxpayers ask to be taxed  
52 more. This will help protect farmland, the environment, and salmon.  
53

54 **Caskey-Schreiber moved** to approve the resolution.

1  
2 Nelson asked the population of the tax base. He asked if it's done by acreage.  
3 They've removed the parcels of land less than three acres. He asked if there will be enough  
4 financial support to do the projects they want to do.  
5

6 John Gillies, Farm Friends, stated they will. There are about 206 taxable parcels,  
7 owned by about 125 different landowners. Some parcels are quite large. Edaleen Dairy  
8 owns about ten percent of the acreage. They control ten percent of the votes in this  
9 district.  
10

11 By law, the district can tax \$.50 per acre, which doesn't generate much. However, it  
12 provides leverage to work with other governments. Different sources of revenue are  
13 available for doing projects.  
14

15 Caskey-Schreiber stated its great that these watershed areas are taking ownership  
16 and solving their own problems. The State Department of Ecology supports this district. It  
17 is anxious to get into negotiations with the district to solve problems. She loves the model.  
18

19 ***Motion carried unanimously.***  
20

21 Nelson stated he thanks the Council's staff for preparing this proposal.  
22

23 **2. RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY NEGOTIATION -**  
24 **REQUEST #TR2007-02 (AB2007-380A)**  
25

26 Weimer opened the public hearing and, hearing no one, closed the public hearing.  
27

28 ***Brenner moved*** to approve the resolution.  
29

30 McShane asked if the County will assess the potential value of the mineral resources  
31 on the property. He worries that the County is giving away what could potentially have  
32 significant value in that area. There is potential for hard rock in that area that could be a  
33 mineral resource land (MRL) area.  
34

35 Dewey Desler, Deputy Administrator, stated that question deserves an answer. The  
36 administration will find a response if the Council holds this item in committee or Council.  
37

38 ***McShane moved*** to hold in the Natural Resources Committee until the mineral  
39 resource question can be answered. He's been asked to evaluate similar acreage. A gravel  
40 property of 40 acres can be worth \$20 million. There are rock quarries up there. There is  
41 potential for something big there. It would be worth taking a look at.  
42

43 Nelson asked if this is an MRL designated area.  
44

45 McShane stated he doesn't believe it is.  
46

47 Nelson stated the property would have to go through a Comprehensive Plan  
48 amendment to have an MRL designation.  
49

50 McShane stated that if the land were worth \$20 million, someone will do that.  
51

52 Caskey-Schreiber stated she will vote for the motion to hold in committee. Usually,  
53 they sell the property as a whole, not just the mineral rights. She would like to know more  
54 about it. These things come forward when someone has looked into the property and asked

1 it to be brought forward. She wants to know exactly what the County is selling before it's  
2 sold.

3  
4 ***Motion carried unanimously.***

5  
6 **3. RESOLUTION TO SELL AN EASEMENT OF COUNTY PROPERTY ALONG BIRCH**  
7 **BAY DRIVE TO BAY HORIZONS DEVELOPMENT FOR DEVELOPMENT OF**  
8 **STORMWATER OUTFLOW (AB2007-381A)**

9  
10 Weimer opened the public hearing and the following people spoke:

11  
12 Doug Robertson, Horizons Corporation, submitted a handout (*on file*) and stated  
13 they are asking to purchase just an easement, not the fee simple, across tax-title property.  
14 He described the history of this property. Horizons Corporation is building Horizons at  
15 Semiahmoo, a large residential development, and Horizons Village, a mixed use  
16 development. Originally, the proposal was for the stormwater to discharge into Rogers  
17 Slough to flush out the slough. That effort was unsuccessful. This is an alternate site that  
18 makes logical sense for a number of reasons.

19  
20 He indicated the service area in the handout and described the plan. Within the  
21 County right-of-way, they plan for a stormwater outfall facility. It is then discharged into a  
22 riprap area. At that point, it would disburse into the already-existing drainage.

23  
24 Under State and local County Code, the County has the authority to sell tax-title  
25 property. This is different. The County is not selling the tax-title property. The County will  
26 still hold the fee and impose all the restrictions it wants. This maximizes the revenue. The  
27 property is unbuildable. There will be no revenue from any other source. They will be able  
28 to protect the area. The development will maintain the area for public access.

29  
30 Rhett Winter, David Evans and Associates, stated Fred Bovenkamp is very aware of  
31 the environmental and political issues in Birch Bay. He is trying to accommodate those  
32 issues with this outfall proposal. As Mr. Robertson indicated, it is a regional facility serving  
33 these two developments and other off-site developments. They've considered low-impact  
34 development in both of the projects to clean up the stormwater to the best of their ability.  
35 In many cases, they've exceeded the minimum requirements from the Department of  
36 Ecology and Whatcom County.

37  
38 They've also considered the Birch Bay Shoreline Enhancement Project and the Birch  
39 Bay Watershed Resource Management District goals. Specifically, almost the entire outfall  
40 will be below ground. A small portion will be above ground with landscaping according to  
41 the shoreline enhancement project. Horizon Development Corporation is also interested in  
42 working with that plan to provide amenities deemed necessary by the shoreline  
43 enhancement plan.

44  
45 The easement will reduce flooding downstream of the Horizon Development project  
46 in the area of Birch Point Road and reduce erosion and flooding problems near Deer Trail.

47  
48 The project will divert clean stormwater directly to the beach, not in existing  
49 waterways where erosion flooding current occurs. It will minimize downstream impacts.

50  
51 They've designed the outfall to make sure the water coming out of the outfall at that  
52 location will have a very slow velocity to minimize impacts.

1 Brenner asked if they will have their own tide gate. Winter stated this system won't  
2 require a tide gate. It works similar to a water pressure system. Essentially, the ends will  
3 close in the low areas. Water will go in at the top. It is pressurized the entire way. There  
4 are no additional connections once into the pressure zone, which is the low area. The water  
5 pressure pushes the water out.  
6

7 Brenner asked who would be in charge of maintaining the tide gates. Winter stated  
8 there isn't a tide gate in this system. It is essentially a large box with a pipe connected to  
9 the end of it. It would be equipped with an overflow weir, not a tide gate.  
10

11 Brenner stated the handout says there will be a tide gate. They've had problems  
12 before with tide gates.  
13

14 Winter stated that is a drafting error left over from when the site was located at  
15 Roger's Slough. There isn't a tide gate. Regarding maintenance, Horizon Development  
16 Corporation will maintain the pipe associated with it, the outfall location, the site, and any  
17 sort of issues that would come up. If Birch Bay is incorporated, a stormwater district is  
18 created, or any other public or quasi-public agency comes forward to take ownership of the  
19 outfall can do so.  
20

21 Brenner asked who would manage the costs for this once the Birch Bay district is set  
22 up. She asked what happens if a district is set up but doesn't want to manage this. Winter  
23 stated that if they don't want to manage it, Horizon Development Corporation would  
24 maintain ownership and fund maintenance through the homeowner's association.  
25

26 Caskey-Schreiber stated the Council received an email from Alan Freidlob. She  
27 asked if they looked at the Birch Bay Stormwater Plan and if this project adheres to this  
28 plan. Winter stated that CH2MHill produced that plan in the last year. He's reviewed the  
29 plan. It identified a couple of problem areas, one immediately downstream of the Horizon  
30 Village site, just west of Shintaffer Road. There are erosion and capacity issues in that  
31 area. They are paying attention to that. By routing all the stormwater around that  
32 neighborhood and directly to the beach, they hope to have a positive impact on downstream  
33 erosion and flooding. The plan also shows a regional system, including the Horizon  
34 Development system. CH2MHill solicited Horizon Development for its preliminary design  
35 drawings at that time. Their study shows an outfall at Roger's Slough, which they moved.  
36 Otherwise, this proposal is in line with their study.  
37

38 Crawford stated the area really stinks at times in the summer when the tide is very  
39 low. He asked if this will help that at all. Winter stated an outfall at Roger's Slough would  
40 have had a positive effect on the smell in that area. There would have been more water  
41 provided for flushing. Moving the site as they've done may not help the smell at Roger's  
42 Slough.  
43

44 Brenner stated they did approach Birch Bay Village to see if they could secure some  
45 kind of agreement to use Roger's Slough, but that didn't happen. The outfall will be  
46 elsewhere.  
47

48 Winter indicated the location of the outfall and the first proposed site at Roger's  
49 Slough on a map.  
50

51 *(Clerk's Note: End of tape one, side A.)*  
52

53 Gerald Larson, 5045 Alder Street, Birch Bay, stated the shoreline plan says to  
54 acquire access to publicly owned tidelands and shore lands where appropriate. It also says

1 to encourage cooperation among County landowners, developers, and other agencies and  
2 organizations to enhance and increase public access to the shoreline as opportunities arise.  
3

4 This is an opportunity. There isn't any identifiable public access from Roger's Slough  
5 to Cedar, which is the County park. That is a distance of one mile. There isn't a lot of  
6 property on the beach side of this location. It is a site they need to turn over eventually to  
7 the Whatcom County Parks Department for a park. Develop a park similar to the park at  
8 Jackson Street.  
9

10 He is interested in the shoreline enhancement consultant's review for appearance  
11 and function. That should happen before the Council approves this proposal.  
12

13 The Marine Resource Committee (MRC) has been collecting water quality samples  
14 around Birch Bay, Drayton Harbor, and Chuckanut Cove. They are working with a small  
15 budget using volunteers to collect the samples. It would be helpful if Bay Horizons would  
16 provide funding and volunteers to sample the locations of their outfalls. Advertisements for  
17 the development note a stable environment for crabbing and clamming as attributes of the  
18 bay. These resources need to be protected. The Bay Horizon volunteers would have to  
19 work with Whatcom County Public Works Department's stormwater division. They would  
20 spend less than one hour per month. The cost of testing through June 2009 would be  
21 approximately \$40 for one location. The MRC has an account where monies are held.  
22

23 Kathy Berg, 7585 Sterling Avenue, Birch Bay, stated her concerns have been  
24 addressed, but her point was that these things don't happen in a vacuum. Other things are  
25 going on in Birch Bay that all affect each other. This proposal should match what the  
26 shoreline enhancement folks are trying to accomplish in that location.  
27

28 Brenner asked Doug Robertson if there can be a contribution for funding for  
29 volunteers who could sample the outfall. Robertson stated he is not sure what the sampling  
30 requirements are. It would make sense for the administration to impose that as a  
31 requirement of the easement. They are not opposed to design review by the shoreline  
32 enhancement restoration project. He doesn't know how well that committee is set up to  
33 review something at this point. They intend to have that outfall and surrounding property  
34 enhanced so there is increased public access. They certainly want to do that in the manner  
35 in which the community wants.  
36

37 Hearing no one else, Weimer closed the public hearing.  
38

39 **Brenner moved** to approve the resolution. She **moved** to add wording that the  
40 shoreline would be enhanced and public access would be provided where possible, and there  
41 would be sampling of the outfall, in line with what the Birch Bay community has been  
42 working on.  
43

44 Caskey-Schreiber stated she is concerned that they are not coordinating with the  
45 Birch Bay Stormwater Plan. She asked if there is an opportunity to have the Marine  
46 Resources Committee review the proposal and come up with a suggestion that reflects the  
47 motion. She asked to send this item to the Natural Resources committee for more  
48 information on how it coordinates with the Birch Bay Stormwater Plan.  
49

50 Brenner stated include language to stipulate that the proposal needs to mesh with  
51 the plan. It would be up to the developer to do that.  
52

53 Caskey-Schreiber stated she also wants to know if there is an appraisal of the value  
54 of this easement.

1  
2 Fleetwood asked if there is any problem with holding this in committee for two  
3 weeks. Robertson indicated that wasn't a problem.  
4

5 Crawford stated legal counsel reviewed the proposal and says that this discharge is  
6 consistent with the County and Department of Ecology requirements. He doesn't know if  
7 that review was done in light of the shoreline plan, but assumed it was.  
8

9 Nelson stated the developer is already making plans to clear out the blackberry  
10 bushes and install benches on the property. He asked what more they want. He's fine with  
11 the proposal. He asked if the County would be responsible for outfall maintenance if Bay  
12 Horizon were to dissolve tomorrow.  
13

14 Dewey Desler, Deputy Administrator, stated it seems likely that the County would be  
15 responsible, but they should explore the question further with legal counsel.  
16

17 Nelson stated that they should discuss in committee the fact that the County will  
18 allow something and then may become responsible for activities and problems, rather than  
19 the community being responsible for this area. If possible, put a mechanism in place now  
20 to help future councils and administrations deal with potential financial problems.  
21

22 Weimer stated Birch Bay residents want to know where the money from the  
23 easement would go and whether it can go into a fund to help other stormwater projects in  
24 the Birch Bay area.  
25

26 Joe Rutan, Public Works Department, stated this was acquired by tax foreclosure.  
27 They are not part of the road fund. That issue is not relevant here. That would be an  
28 administrative decision.  
29

30 ***Brenner amended her motion and moved*** to put this in committee.  
31

32 Desler stated any money expended by the County is a County Council decision.  
33

34 Rutan stated the value is the amount of the assessed value of the County's interest  
35 in the entire parcel. The portion of the County's interest in the parcel is the compensation  
36 amount.  
37

38 Brenner stated they aren't buying the property, just the use of it. She asked if the  
39 County still charges an amount as if they were buying the property itself. Rutan stated that  
40 is correct.  
41

42 ***Motion carried unanimously.***  
43

44 **4. ORDINANCE LIMITING, ON AN INTERIM, THE SIZE OF LARGE COMMERCIAL**  
45 **RETAIL ESTABLISHMENTS IN ORDER TO PROMOTE COMPATIBILITY WITH**  
46 **OTHER JURISDICTIONS WITHIN WHATCOM COUNTY (AB2007-135B)**  
47

48 Weimer opened the public hearing and the following people spoke:  
49

50 R. Perry Eskridge, Whatcom County Association of Realtors Government Affairs  
51 Director, stated he opposes the moratorium. It's not the government's place to tell retail  
52 establishments how big they should grow. That's a business decision. If there are concerns  
53 about the effects of these establishments, then mitigate the effects through design  
54 standards or other things.

1  
2 There are too many interim moratoria in this county. It is going to become an issue.  
3 He offered to help the County do something about this. The realtors are willing to provide  
4 any information they need.  
5

6 McShane stated this ordinance limits the size on an interim basis. That doesn't  
7 mean that they can't modify an interim ordinance based on reasonable suggestions from  
8 the public. If Mr. Eskridge can come up with suggestions for something more reasonable,  
9 the Council will consider them. The County has resource issues with processing these  
10 items. It would help to have assistance. Eskridge stated the responsibility for an urban  
11 level of service should be placed in appropriate urban areas. The realtors will support that.  
12

13 Donna Mason, 3686 South Bay Drive, stated that last March, she mailed the  
14 councilmembers a seven-page paper. Review it. They should also read a book called "Big  
15 Box Swindle" by Stacy Mitchell. She recommends totally banning big box stores in  
16 Whatcom County permanently for the benefit of society. Real estate people can probably  
17 earn more income selling to many smaller business than one big box store.  
18

19 Betsy Pernotto, 3112 Alderwood, Bellingham, stated she agrees with Ms. Mason's  
20 comments. The County has a right to limit the size. It's a zoning issue. The bigger the  
21 store is, the more negative impacts it has. Impacts include air pollution increase and water  
22 quality degradation from the parking lots. Preserve the county's rural character. Negative  
23 traffic patterns will develop on County roads. There will be costs to the County that they  
24 are not considering. Development must stay in the cities in Whatcom County.  
25

26 Alfred Dale, 741 Chuckanut Drive, Bellingham, stated large stores of this size do  
27 away with agricultural land. That impact is suicidal. The traffic is too bad at the mall on the  
28 Guide Meridian. He doesn't drive the Hannegan Road because of heavy traffic, either.  
29 There is no way to transform that into a village. That is urban living.  
30

31 He has friends who are merchants in this town. He knows them personally and  
32 supports their businesses. The big stores don't hire local managers. Most of them are  
33 foreigners. He prefers local businesses to succeed.  
34

35 Aileen Satushek, 693 E. Axton Road, Bellingham, stated she supports the ordinance.  
36 Preserve the rural character of Whatcom County. Use the City of Bellingham for a site for  
37 large retail establishments. That's the proper place for them.  
38

39 If there are too many big box stores, strip development occurs. The landscape  
40 becomes unsightly. When the stores are vacated, there are large, unsightly, and unsafe  
41 vacant buildings. Whatcom County doesn't need that.  
42

43 The County roads don't have the capacity for the additional traffic from large retail  
44 establishments. The County would have to make a tremendous outlay, which wouldn't be a  
45 good thing.  
46

47 Cherilyn Jackson, 538 Wildrose Circle, Lynden, stated she is opposed to the  
48 ordinance, because Bellingham has an interest in becoming a boutique community.  
49 Whatcom County should not become a boutique county. Santa Barbara County can't get  
50 middle class citizens, such as nurses and teachers, who can afford to live there. Santa  
51 Barbara County is a boutique county.  
52

53 It seems like this ordinance was targeted at Wal-Mart's request to expand. She  
54 doesn't understand why Fred Meyer was allowed to expand to two stores, but Wal-Mart was

1 not allowed to expand one store. This moratorium has limited expansion of employers with  
2 good employment practices, such as Costco.

3  
4 Create a blend of different shopping opportunities for the entire community, not just  
5 the wealthy. Wal-Mart does that. It provides an opportunity for those with lower incomes  
6 to have affordable shopping. Also, Wal-Mart hires people with lower level skills who may  
7 not find jobs in other markets.

8  
9 The important thing is how they control development, which is up to planning. Make  
10 these businesses work in the county. She is also against rural development beyond certain  
11 perspectives, but it can be controlled.

12  
13 Hearing no one else, Weimer closed the public hearing.

14  
15 **Brenner moved** to adopt the ordinance. This has nothing to do with whether or not  
16 a person supports big box stores. This has to do with the Growth Management Act deciding  
17 that the county unincorporated areas will be the purveyor of rural services. No big box  
18 store requires a rural level of services, including roads. Those stores need the kinds of  
19 services available only in cities. The Wal-Mart issue brought this to light, but the reason for  
20 this isn't about Wal-Mart. Because the City of Bellingham enacted its limit, there would be  
21 commercial developers wanting to develop in inappropriate areas of the county that are  
22 supposed to have only rural services. It isn't about likes or dislikes. It's about  
23 appropriateness. Anything of an urban level should be annexed into the cities.

24  
25 This is an interim ordinance because it has to go through a long process. The  
26 Council has no control over how long that takes. It will be an interim only until it's through  
27 the process, after which it will be permanent.

28  
29 Crawford stated the last speaker was correct. This is about Wal-Mart. The  
30 community knows that. It started with the City of Bellingham. It's a shame that local  
31 government doesn't recognize the role of the competitive retail market. It's amazing that  
32 people who advocate for affordable housing and an array of social services will also prohibit  
33 the shopping choice of folks with lower incomes.

34  
35 Brenner stated she resents Councilmember Crawford putting motives on why she  
36 wrote the ordinance. It had nothing to do with anything except the size in the  
37 unincorporated areas. She already stated her reasons. She doesn't like to be accused of  
38 being dishonest about why she did this.

39  
40 Crawford stated government plays a role in representing society. They wouldn't  
41 want to live in a society where they step away from the responsibility of representing what  
42 the citizens want and abandon the concept of an elected, representative society so that the  
43 business sector gets whatever it wants. Many times, vacant buildings sit empty.  
44 Government makes decisions that are to plan for now and into the future. Make sure the  
45 plans make good sense. He's not opposed to box stores or large businesses. They are here  
46 to make the right decisions.

47  
48 **Motion carried 6-1 with Crawford opposed.**

49  
50 **5. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF**  
51 **NEW APPLICATIONS FOR SUBDIVISIONS WITHIN THE LAKE WHATCOM**  
52 **WATERSHED (AB2007-158A)**

53  
54 Weimer opened the public hearing and the following people spoke:

1  
2 Judy Westoff, 4172 Squalicum Lake Road, stated she supports continuing the  
3 ordinance and an eventual permanent moratorium.  
4

5 Gwen Hunter, 2540 Applejack Lane, Bellingham, stated the Council should extend  
6 the moratorium and make it permanent in the future.  
7

8 Mary Dickinson, Building Industry Association of Whatcom County Governmental  
9 Affairs Director, stated she sent the Council a letter earlier today. She doesn't understand  
10 why this moratorium is being renewed. The Council has done little or no work on it since  
11 April. She urges the Council to consider discussing it at some point.  
12

13 Hearing no one else, Weimer closed the public hearing.  
14

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

17 Nelson asked if the Council's Planning and Development Committee can do some  
18 work and then send it to the Planning Commission.  
19

20 McShane stated work has been done on it, in terms of the Bellingham urban growth  
21 area. More work still needs to be done. They will have to review the limited area of more  
22 intense rural development (LAMIRD) around the lake. It will require a public process for  
23 review. There will be some minor adjustments. The committee has done work on this item.  
24 The City must mutually agree to it as part of the urban growth area decision. Hopefully by  
25 the end of February, the City will agree to a new zone for the lake. There will be a process  
26 to adopt that zone.  
27

28 **Motion carried 6-1 with Crawford opposed.**  
29  
30

### 31 **CONSENT AGENDA** 32

33 **Crawford** reported for the Finance and Administrative Services Committee and  
34 **moved** to approve Consent Agenda items one and three through 11. Item two was  
35 withdrawn from the agenda.  
36

37 Crawford withdrew item six, seven, eight, and ten.  
38

39 Brenner withdrew item 11.  
40

41 Weimer stated the amount in the title of Consent Agenda item six is supposed to be  
42 \$662,326.17.  
43

44 **Motion to approve Consent Agenda items one, three through five, and nine**  
45 **carried unanimously.**  
46

- 47 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**  
48 **AMENDMENT TO THE CONTRACT WITH OLYMPIC SECURITY SERVICES, INC.**  
49 **TO PROVIDE SECURITY SCREENING SERVICES THROUGH DECEMBER 31,**  
50 **2008 IN THE AMENDED AMOUNT OF \$120,000 FOR A TOTAL OF \$360,500**  
51 **(AB2007-388)**  
52
- 53 **2. WHATCOM COUNTY HOUSING ADVISORY BOARD REQUESTS COUNCIL**  
54 **APPROVAL OF RECOMMENDATIONS FOR FUNDING AND ENTERING INTO**

1 **CONTRACTS FROM 2060 REPAIR & RETENTION RFP #07-77 IN THE AMOUNT**  
2 **OF \$115,000 (AB2007-389)**  
3

- 4 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A GRANT**  
5 **AGREEMENT BETWEEN WHATCOM COUNTY HEALTH DEPARTMENT AND**  
6 **WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE, AND**  
7 **ECONOMIC DEVELOPMENT IN THE AMOUNT OF \$1,398,638 (AB2007-390)**  
8
- 9 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A JOINT**  
10 **FUNDING AGREEMENT BETWEEN WHATCOM COUNTY AND THE US**  
11 **DEPARTMENT OF THE INTERIOR/US GEOLOGICAL SURVEY FOR OPERATION**  
12 **AND MAINTENANCE OF TWO STREAM FLOW GAGING STATIONS AT**  
13 **BERTRAND CREEK IN THE AMOUNT OF \$42,000 (AB2007-370)**  
14
- 15 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO MODIFY THE**  
16 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**  
17 **BELLINGHAM FOR THE WHAT-COMM COMMUNICATIONS CENTER TO EXTEND**  
18 **THE AGREEMENT FOR AN ADDITIONAL FIVE-YEAR PERIOD (AB2007-391)**  
19
- 20 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**  
21 **AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM HUMANE**  
22 **SOCIETY FOR ANIMAL CONTROL SERVICES IN THE AMOUNT OF \$611,378**  
23 **\$662,326.17 (AB2007-392)**  
24

25 **Crawford moved** to approve Consent Agenda items six, seven, eight, and ten on  
26 behalf of the Finance and Administrative Services Committee.  
27

28 He is against the items because the cost is too expensive for animal control. They've  
29 gone overboard here. They must look at the entire program. He is willing to work on any  
30 effort of the Council and/or administration to solicit the services of an organization that can  
31 provide this service for a reasonable cost. This is not a reasonable cost.  
32

33 Caskey-Schreiber stated this is a reasonable expense for animal care and control.  
34 She provided examples of similar costs of other counties with a similar population size. The  
35 cost is ridiculous in the sense that they do have to put forth this much money to care for  
36 neglected animals. One of the strongest benefits of the Humane Society is that it has a  
37 strong base of volunteers, spay and neuter program, and adoption program. It can provide  
38 the necessary community education to begin to address this existing problem.  
39

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

42 Caskey-Schreiber continued to state that she hopes they won't have to spend this  
43 kind of money in the future. The current model has not worked. They've all had evidence  
44 of that. She's had many calls, more than any other topic the Council has dealt with, over  
45 the past six years she's been on the Council. She wants accountability. The Humane  
46 Society has a high degree of public involvement with a governing board and provides that  
47 accountability, which lacks in a private entity. Support this agreement. It's a good  
48 direction for Whatcom County.  
49

50 Brenner stated she has had a lot of dealings with the Humane Society. She  
51 appreciates it's philosophy. She would love to do this for less money. The County tried that  
52 route, but it really didn't work. The County had major problems. The County will likely get  
53 a substantial annual fee refund from the Humane Society. The Humane Society is building a  
54 facility in Ferndale. When it's done, the County can locate there with all the cities and take

1 advantage of everyone using the same management. That would save the County a  
2 considerable amount of money. The County doesn't have that option now. At that time,  
3 the County can sell this property. For what the County needs to have humane treatment for  
4 animals, and to cope with the legitimate complaints she's had, this is the best option right  
5 now.  
6

7 Nelson stated he has openly criticized the change that has occurred. He hadn't had  
8 calls about problems. He had meetings with the administration about the fees and amount  
9 of money that Security Specialists Plus (SSP) was able to garner. The administration,  
10 perhaps prudently, wanted to keep the costs at a certain price. He believed that the County  
11 needed to start addressing those issues, but no one listened. The County moved toward  
12 this effort. Councilmember Caskey-Schreiber convinced councilmembers and administration  
13 that a higher cost, Cadillac version of the service, is a better approach. He's sorry to see it  
14 end up like this, but they must have services to protect the animals. They must make sure  
15 the service reaches into the community. He did receive a lot of complaint calls when the  
16 County had its contract with the Humane Society in the past. He hopes the Humane Society  
17 is able to reach into the community. He will keep an eye on this contract amount, which  
18 has now tripled. He wonders how much service they would have gotten if instead they  
19 doubled the contract amount a few years ago.  
20

21 ***Motion to approve Consent Agenda items six, seven, eight, and ten carried***  
22 ***5-2 with Nelson and Crawford opposed.***  
23

24 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A LEASE**  
25 **AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM HUMANE**  
26 **SOCIETY FOR THE FACILITY KNOWN AS 1661 BAKER CREEK PLACE FOR THE**  
27 **PURPOSES OF PROVIDING ANIMAL CONTROL AND SHELTER SERVICES IN**  
28 **THE AMOUNT OF \$10 PER YEAR (AB2007-393)**  
29

30 *(Clerk's Note: See Consent Agenda item six for the motion and vote to approve.)*  
31

32 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A START**  
33 **UP AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM HUMANE**  
34 **SOCIETY FOR TRANSITION COSTS FROM THE CURRENT ANIMAL CONTROL**  
35 **PROVIDER TO CONTRACTOR IN THE AMOUNT OF \$100,449 (AB2007-394)**  
36

37 *(Clerk's Note: See Consent Agenda item six for the motion and vote to approve.)*  
38

39 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #07-89**  
40 **FOR WATER TREATMENT SYSTEM AT SAMISH PARK TO LOW BIDDER CALLEN**  
41 **CONSTRUCTION IN THE AMOUNT OF \$40,324.80 (AB2007-395)**  
42

43 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #07-101**  
44 **FOR TWO ¾ TON PICKUP TRUCKS WITH ANIMAL BOXES FOR USE BY THE**  
45 **HUMANE SOCIETY TO LOW BIDDER SOUND FORD IN THE AMOUNT OF**  
46 **\$104,390.83 (AB2007-396)**  
47

48 *(Clerk's Note: See Consent Agenda item six for the motion and vote to approve.)*  
49

50 **11. REQUEST AUTHORIZATION FOR THE COUNTY AND CITY ADMINISTRATIONS**  
51 **TO DRAFT AN INTERLOCAL AGREEMENT ESTABLISHING A NEW JOINT**  
52 **MANAGEMENT STRUCTURE FOR THE LAKE WHATCOM RESERVOIR AND**  
53 **WATERSHED (AB2007-397)**  
54

1           **Crawford moved** to approve the request on behalf of the Finance and  
2 Administrative Services Committee.

3  
4           Brenner stated working collaboratively with the City of Bellingham is a good idea.  
5 She hopes the County will do that. She needs more information before doing anything,  
6 however. She is against creating another department. The County just hired a water  
7 resource manager. It's necessary to have staff who deal only with Lake Whatcom issues.  
8 Have those staff work closely with the City of Bellingham through an interlocal agreement.  
9 That doesn't require another department head. Instead, they need to spend more on  
10 enforcement and education. Help people figure out what they can do on their properties to  
11 better-protect against stormwater runoff and other things. They also need more  
12 enforcement. Another department head won't solve that problem.

13  
14           Nelson stated he is also against the request, because he needs more answers. The  
15 Council is not able to make a good decision without information on what this will look like  
16 and how it will really benefit the community. He also has questions about legality.  
17 According to legal counsel, there are nebulous examples of cities appointing people to take  
18 on responsibilities. He commends the efforts of the City and County. However, the bottom  
19 line answer is in funding projects, not in reformulating the Lake Whatcom management  
20 group. A question is how the smaller districts, including Water District #10, will be  
21 involved. Get more answers before voting on this.

22  
23           Crawford stated he is in favor of the request. It is an administrative  
24 recommendation to reorganize their efforts on Lake Whatcom in a way that would provide  
25 more collaboration. He shares the same concerns as Councilmembers Brenner and Nelson  
26 regarding cost, jurisdictional authority, and the appropriate process. The motion is to move  
27 forward with developing an interlocal agreement, which will come back to the County  
28 Council. The interlocal process will work out the details. He would like to know how this  
29 displaces current money being put into Lake Whatcom efforts through the water resources  
30 fund and current staffing, compared to what they will pay in the future. He asked about the  
31 \$150,000 cost increase to the City and how that will affect the County's finances.

32  
33           Fleetwood stated he agrees with the concerns. There are more questions than  
34 answers. However, it is an idea that is well worth exploring. He supports the request. The  
35 request is just for the administrations to discuss and consider this idea. When the draft  
36 comes to the Council, the administration will hopefully address many of these questions.  
37 The Council will have an opportunity to ask many more questions. This is not a done deal.  
38 The Council is authorizing them to proceed with consideration.

39  
40           **Crawford** restated and clarified the committee's recommendation, and **moved** to  
41 request the administration to draft an interlocal agreement establishing a new joint  
42 management structure following the model in Attachment B in the Council packet. This  
43 interlocal agreement would come back to the respective councils for approval.

44  
45           **Brenner** stated the further along this is developed, the more difficult it will be to  
46 make changes. She **moved** to amend the motion to amend Attachment B to eliminate the  
47 structural model, including the director.

48  
49           Crawford asked what the administration will do if the Council eliminates the  
50 structural model.

51  
52           Brenner stated consider all the possibilities. Don't begin building the framework  
53 from this structural model.

1 Caskey-Schreiber asked how they envision the role of this director regarding County  
2 staff. She asked if County staff is to report to this director, or if the director will only report  
3 to the Executive and not have control over County staff.  
4

5 Pete Kremen, County Executive, stated there will be a joint staff. The purpose of  
6 this request is to develop efficiencies and effectiveness. This approach will eliminate  
7 inefficiencies and conflict between similar, but conflicting, City and County regulations in the  
8 watershed. The watershed must be managed in its entirety, holistically, not fragmented by  
9 the County and City.  
10

11 They would also be able to more effectively propose action items for the entire  
12 watershed when it comes to issues like impervious surface and buffers. Those regulations  
13 will be consistent throughout the entire watershed. This would be a joint division. The  
14 County already has full-time, dedicated staff allocated to working on Lake Whatcom. The  
15 City of Bellingham does not. Originally, this started because the City Council asked the  
16 Mayor to come up with a proposal to formulate a new division for the City. The Mayor  
17 asked him if the County would be willing to partner in this new venture. By working in  
18 tandem, as one unit, they will be able to address issues surrounding the Lake Whatcom  
19 watershed more effectively.  
20

21 Caskey-Schreiber asked to whom John Hutchings will report. Kremen stated that  
22 hasn't been flushed out yet. Nothing yet is presumed or specific. He's only asking the  
23 Council's permission for him and the Mayor to proceed with putting something together for  
24 the City Council and County Council consideration.  
25

26 Caskey-Schreiber asked if they've talked about any kind of budget. Kremen stated  
27 they are talking about a budget. They are talking about allocating a total of \$500,000 per  
28 year. That doesn't have to be new money. The County already spends lots of money. It  
29 will be a dedicated \$250,000 per year for this joint division. Most of that may be from  
30 existing personnel to work in this one department. The one director would report to both  
31 him and the Mayor.  
32

33 Caskey-Schreiber asked if the current system is beyond repair to achieve the same  
34 goal. Kremen stated it isn't beyond repair. However, there is more potential for benefit by  
35 having one department rather than two separate departments working on the same thing.  
36

37 ***Brenner moved*** to refer to the Natural Resources Committee for further discussion.  
38

39 Nelson asked why they need legislative support to do this. Kremen stated they need  
40 to enter into an interlocal agreement.  
41

42 Nelson stated they haven't drafted an interlocal agreement yet. They haven't yet  
43 got the details. Kremen stated that if he were to do that without broaching the subject to  
44 the Council, he would probably receive comments from the councilmembers that the  
45 administration was doing something without its approval and knowledge. He wants to make  
46 sure that the Council is on board with trying to put something together for consideration.  
47 The Bellingham City Council approved this proposal unanimously yesterday.  
48

49 Nelson stated he is fine with the motion. It deserves discussion. Many elements  
50 have to be considered before he would support the proposal.  
51

52 Crawford stated he is against the motion to forward to committee. The next big step  
53 is the administration deciding what to put forward. He asked when the Council would see  
54 something. Kremen stated it may be a month or so.

1  
2 Crawford stated the administration requests tacit conceptual approval of this idea  
3 and spending staff time to come up with something to bring to the Council. That's  
4 reasonable.  
5

6 Fleetwood stated he is against the motion to forward to committee. It would be  
7 appropriate to have Natural Resources Committee work sessions. The councilmembers had  
8 many questions for which there weren't answers. The Council should put this in the Natural  
9 Resources Committee at some point. As long as the Council gets regular updates, there  
10 isn't a need to hold it in committee at this time. Kremen stated there will be updates. This  
11 is just to get the Council's approval for them to put something together for the Council's  
12 consideration.  
13

14 Nelson stated he appreciates that. However, the administration brought forward a  
15 flow chart that doesn't necessarily answer the problems or questions that were raised. He  
16 can approve tacit support to bring forward an interlocal agreement that may reformulate  
17 the Joint Lake Whatcom management structure. He doesn't support the proposed  
18 structure. Kremen stated the model included in the Council packet is a proposed model.  
19

20 Nelson stated he can't support that proposed model without having answers to  
21 questions. The administration is asking this Council to support this model without any  
22 questions.  
23

24 McShane stated he is against the motion to forward to committee. He likes  
25 Councilmember Fleetwood's suggestion. There may be some things that the Council hasn't  
26 talked about openly enough. He prefers to approve this request without holding it in  
27 committee. However, have discussions in the Natural Resources Committee about the  
28 things the Council may want to have in the interlocal agreement, such as funding for actual  
29 projects.  
30

31 Nelson stated he is interested in doing that. He doesn't want to approve a model  
32 now. This is a big issue that requires all their efforts. They already have an interlocal  
33 agreement with a taxing district that puts services in the ground in the rural areas. Now  
34 they are all of a sudden out of it. They must incorporate Sudden Valley, which is asking to  
35 participate. He supports the effort to try and find a solution. He doesn't like the model.  
36 There are more questions than answers in this model. None of this will be solved until there  
37 is a mechanism to pay for what needs to be done. Changing the interlocal agreement and  
38 departmental structure is flawed.  
39

40 Caskey-Schreiber stated this, bringing the parties together, is one of the first steps  
41 to negotiate a funding mechanism. She respects the Executive's and Mayor's rights to  
42 orchestrate staff to work more cohesively.  
43

44 Nelson stated he is also fine with orchestrating staff to work more cohesively. The  
45 funding has to happen. That would be the legacy that anyone could leave. Find the best  
46 way to make sure these limited resources of the City and the County will make Lake  
47 Whatcom safe now and into the future. Everything else is fluff. Kremen stated he  
48 understands Councilmember Nelson's reluctance. However, this is not fluff. He and the  
49 Mayor are willing to take a bold step to address real problems. The community has seen a  
50 lack of coordination, communication, and good permit practices in the watershed. Couple  
51 that with the appearance of occasional pride of ownership between the City and Council in  
52 terms of who is doing more for Lake Whatcom, which actually does get in the way of doing  
53 more for Lake Whatcom.  
54

1 Both the City Council and County Council should be proud of all they've accomplished  
2 for the quality of Lake Whatcom. They've been leaders during the past ten years. They do  
3 need more resources, but use those resources to their maximum potential. This model may  
4 be a way to achieve that.

5  
6 Weimer stated he is in favor of giving the administration the approval to move  
7 forward. He will vote for the motion to forward to committee to further develop the model.  
8 The inter-jurisdictional coordinating team, of which the Mayor and Executive are already in  
9 charge, is supposed to do everything the Executive just said. He's not sure how this  
10 proposal will change that effort. Also, the inter-jurisdictional coordinating team, which  
11 includes the community experts on Lake Whatcom, has not discussed this model.

12  
13 McShane stated the question is what the County Council is willing to support in terms  
14 of giving over authority or taking charge of authority. A question is how to fund projects  
15 needed to repair damage. He would like to see those answers in the interlocal agreement.  
16 The County has liability due to existing urbanized areas under County jurisdiction. Give the  
17 administration approval to start working on this now. It needs staffing. Make it clearer how  
18 that staffing should work. It is worthwhile for the committee to talk about what the Council  
19 would like to see in the interlocal agreement. One concern is consistency of regulations.  
20 This Council knows a lot about the Lake Whatcom regulations. Consistency across the  
21 board may not work or be a good idea. It may be a really bad idea. They are mostly  
22 dealing with rural lands and limited areas of development, or Sudden Valley.

23  
24 Fleetwood stated that putting this back in committee doesn't give them something  
25 that they aren't already going to get. They will have an opportunity to ask questions and  
26 get answers in committee. The only thing this motion will do is forestall the Executive from  
27 going forward and working on this over the next couple of weeks. There is no compelling  
28 reason at this time to put it back in committee.

29  
30 Nelson stated he recognizes the Executive's concern. There were debacles in the  
31 watershed, but those are administrative issues. The legislation on those issues has been  
32 done. They already have a Lake Whatcom Management group. They have the ability to  
33 communication. Now he wants to establish another one. Advisory committees are already  
34 willing to help. Staff in the departments are available. The Executive is able to restructure  
35 the format of a department if he wants. It doesn't matter if the Executive wants to go  
36 forward with this. It's a nice thing that may make the administration feel like it is doing  
37 something to address the issues with Water District 7 and the water rights being given to  
38 people on Squalicum Mountain. That is not legislative. If they want to talk about the issues  
39 about which they really need to talk with the City, put it in the Natural Resources  
40 Committee or have a discussion with the City Council. They may need to have a discussion  
41 with the water district about issues to resolve, such as financing and zoning. Then make a  
42 legislative proposal that is needed to accomplish things in the watershed.

43  
44 ***Motion to forward to the Natural Resources Committee carried 4-3 with***  
45 ***Crawford, McShane, and Fleetwood opposed.***

46  
47 Caskey-Schreiber stated this is a great effort, but there may be a benefit to fine-  
48 tuning the proposal.

49  
50 Nelson stated that if this goes forward to committee, discuss what they want to put  
51 forward to the joint meetings. It's easy for the Mayor and Executive to talk. However, the  
52 legislative bodies must talk. Start coming up with legislative solutions, unless the Lake  
53 Whatcom Management Committee can come forward with solutions.

1 Kremen stated this Council has just demonstrated it must work collaboratively. This  
2 Council has just sent a message to the Bellingham City Council, which just unanimously  
3 voted for this measure, that the County Council is not willing to work collaboratively. This is  
4 one of the critical issues they are trying to work on by putting forward this proposal. He is  
5 deeply disappointed that the County Council is continuing to demonstrate to the City Council  
6 that the County Council is not willing to partner with the City in earnest. At the very least,  
7 the County Council is showing reluctance and resistance to working with something that has  
8 a lot of potential to benefit the greater community.

9  
10 Weimer stated that isn't what any councilmember said. No one said they didn't want  
11 to move forward with working with the City of Bellingham on a more unified approach to  
12 save the reservoir. The Council said it doesn't have any answers to significant questions,  
13 and that it would like to move forward to get those answers.

14  
15 Nelson asked if there is any legal reason why the Executive can't move forward with  
16 developing an interlocal agreement. The Executive can move forward with that. The City  
17 Council endorsed the Mayor for moving forward. He doesn't have a problem with the  
18 Executive moving forward to do what he wants to do. The Council has done more work  
19 than any other Council in the watershed. The Executive should appreciate the Council's  
20 efforts.

21  
22 **Caskey-Schreiber moved** to reconsider the last vote. She understands Executive  
23 Kremen's response. It is somewhat valid. Things between the two jurisdictions have been  
24 tenuous. That should end. Nothing speaks louder than actions.

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

27  
28 Brenner stated she never heard one word from any councilmember about not being  
29 willing to work with the City of Bellingham. The only reluctance is giving preliminary  
30 approval to this model. It's a shame to say that means the Council doesn't care about  
31 working with the City. The County Council is doing its job. They don't always agree. Once  
32 the model gets further along, it will be hard to stop it if they want to. Then people will say  
33 the model shouldn't be changed because they've spent all kinds of time and money on it.  
34 That kind of tactic makes her more concerned than if they were allowed time to digest the  
35 information and get questions answered. That isn't too much to ask.

36  
37 **Motion to reconsider carried 4-3 with Nelson, Brenner, and Weimer**  
38 **opposed.**

39  
40 Caskey-Schreiber stated the Council has other opportunities to provide input.  
41 Eventually, when some kind of interlocal agreement is drafted, she would like to see it in  
42 the a surface water work session so they can all have plenty of time to work out concerns  
43 with the Executive and administration.

44  
45 **Motion to forward to the Natural Resource Committee failed 3-4 with**  
46 **Nelson, Brenner, and Weimer in favor.**

47  
48 **Crawford moved** to approve the request.

49  
50 **Motion carried 5-2 with Brenner and Nelson opposed.**

51  
52 **McShane moved** to discuss this item in the Natural Resources Committee and to  
53 get assistance from the Council's policy analyst with coming up with things that should be  
54 included in the interlocal agreement, including approaches for project funding. The Policy

1 Analyst will work on issues regarding what should be included in the interlocal agreement,  
2 funding mechanisms for approaches to on-the-ground projects such as stormwater and land  
3 acquisition.

4  
5 ***Brenner suggested a friendly amendment*** to have the Policy Analyst work on the  
6 structure model.

7  
8 ***McShane accepted the friendly amendment.*** Depending on the funding  
9 mechanism, that structure may need to be modified.

10  
11 Nelson stated he can support the motion if they don't limit the option to this  
12 structure. That limits the type of funds which they could use within that structure.

13  
14 McShane stated it could also limit how the governance is done.

15  
16 ***Motion carried unanimously.***

17  
18  
19 **OTHER ITEMS**

20  
21 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A 10 YEAR**  
22 **AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM COUNTY MASTER**  
23 **GARDENER FOUNDATION (AB2007-398)**

24  
25 ***Brenner moved*** to approve the request. She's been through the Master Gardener  
26 course. These people have a wealth of information and patience. It's a great project.

27  
28 ***Motion carried unanimously.***

29  
30 **2. REPORT ON COMMITTEE DISCUSSION REGARDING A REQUEST TO HAVE**  
31 **SPEED BUMPS INSTALLED ON LAKESIDE/EUCLID STREET (AB2007-404)**

32  
33 Brenner reported for the Public Works and Safety Committee and stated the County  
34 staff is going to wait and see the results of the City's speed hump installation on this road.

35  
36 Nelson stated the residents would like the County to move forward with similar  
37 installations.

38  
39  
40 **INTRODUCTION ITEMS**

41  
42 ***Brenner moved*** to accept the Introduction Items, including the amended item.

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

45  
46 **1. ORDINANCE INCREASING THE PETTY CASH REVOLVING FUND FOR THE**  
47 **WHATCOM COUNTY FERRY BY \$800 FOR A TOTAL PETTY CASH FUND OF**  
48 **\$1,800 (AB2007-399)**

49  
50 **2. ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, 11<sup>TH</sup>**  
51 **REQUEST, IN THE AMOUNT OF \$366,701 (AB2007-400)**

- 1 3. ORDINANCE ESTABLISHING A LEOFF I HEALTHCARE FUND FOR POST
- 2 EMPLOYMENT HEALTH CARE AND LONG-TERM CARE COSTS IN THE AMOUNT
- 3 OF \$3,500,000 (AB2007-401)
- 4
- 5 4. ORDINANCE APPROVING AN INDIRECT CHANGE IN CONTROL OF
- 6 FRANCHISE-HOLDER GUINNESS COMMUNICATIONS, INC. (AB2007-402)
- 7
- 8 5. ORDINANCE APPROVING MT. BAKER CABLE, LLC'S PURCHASE OF TELECOMM
- 9 ASSOCIATES, INC. AND THE SUBSEQUENT CHANGE IN FRANCHISE
- 10 OWNERSHIP (AB2007-403)
- 11
- 12 6. RECEIPT OF APPEAL OF HEARING EXAMINER'S DECISION ON LSS05-0016,
- 13 FILED BY KIRSCH (AB2007-364)
- 14
- 15 7. RESOLUTION ADOPTING THE WHATCOM COUNTY 2008 ANNUAL ROAD
- 16 CONSTRUCTION PROGRAM (AB2007-382)
- 17

18 **OTHER BUSINESS**

19 There was no other business.


20 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

21 There were no reports or other items.

22 **ADJOURN**

23 The meeting adjourned at 9:32 p.m.

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Jill Nixon, Minutes Transcription

The Council approved these minutes on November 7, 2007.

ATTEST

  
\_\_\_\_\_  
Dana Brown, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
\_\_\_\_\_  
Carl Weimer, Council Chair