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WHATCOM COUNTY COUNCIL
Finance and Administrative Services Committee

July 10, 2007

Committee Chair Sam Crawford called the meeting to order at 11:00 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:
L. Ward Nelson
Dan McShane

Absent:
None

Also Present:
None

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. ORDINANCE FOR REDUCING THE PARKS AND RECREATION DEPARTMENT'S PETTY CASH REVOLVING FUND TO \$4,700 (AB2007-276)

McShane moved to recommend approval to the full Council.

Motion carried unanimously.

2. ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, SEVENTH REQUEST, IN THE AMOUNT OF \$500,000 (AB2007-277)

Dewey Desler, Deputy Administrator, stated the Executive puts forward this request to appropriate \$500,000 for matching funds for the purchase of property at Lily Point in Point Roberts. He described the property. Appropriating the money, even though it wouldn't be used until an actual purpose took place, would show the granting organizations that the County is serious about participating in this program.

Rand Jack, Whatcom Land Trust, submitted information (*on file*). The Land Trust has been trying to put together this acquisition. A grant application is in to the Puget Sound Near Shore Partnership Estuary and Salmon Restoration Program for \$2 million, which precipitated his request to the County. They've signed a purchase and sale agreement for \$3.5 million. The Department of Ecology has committed \$500,000. A grant application is in to the State Department of Fish and Wildlife. In this grant program, \$8 million total is available in the state. This is one of the highest ranked projects in the state. There were 73 applications. He's been told informally that it's the second highest ranked application.

This is an extraordinary property. The State is interested in protecting it because of its ecological importance. His application said there would be public access via trails and access to the beach. The property has been used by the Salish Indians and Lummi Tribe. The record of Native American use goes back 9,000 years. There are letters of support from the Lummi Tribe. There have been a number of different proposals for developing the property over the years. With the inflow of money from Hong Kong to Vancouver, development is now a serious threat.

The Land Trust would raise the \$3.5 million necessary to purchase the land. He is asking the County to contribute \$500,000, which is less than 15 percent of the cost. The

1 Land Trust would then give the property to Whatcom County for a County park. Whatcom
2 County would then own the four corners of Point Roberts. There would be a conservation
3 easement on the property. There would be public access to the property. A variety of
4 wildlife use the area. It is an ecologically rich area.

5
6 **Crawford moved** to recommend approval to the full Council.

7
8 Nelson stated access to ecological shorelines is a critical need. They attract tourism.
9 He is disappointed that there are no planned enhancements to educate or provide anything
10 other than trails. People need places to go for recreation and education. Have a
11 partnership to use tax dollars to benefit more people than just trail walkers. Jack stated a
12 marine education group is interested in developing an educational program. The Land Trust
13 will also lead educational tours. Parking would be available. There would be access to the
14 beach. They haven't yet determined the details for the parking lot. The goal is to make it
15 accessible to people. The time is coming when there will be a ferry from Blaine to Point
16 Roberts, and a shuttle bus will take people to the beach access areas and camping areas.

17
18 Nelson asked the zoning for this location. He asked the plan for the future of this
19 location.

20
21 Mike McFarlane, Parks and Recreation Department Director, stated this is listed in
22 the long range park land. He doesn't recall the zoning specifically, but all zones allow
23 parking for up to 30 vehicles.

24
25 McShane stated Point Roberts has transitional zoning. This was a partially-vested
26 plat. The Council denied an extension, which reduced the density. There is no water and
27 sewer service. A development adjoining this area is addressing the water and sewer issues.
28 The parking could be more than 30 spaces. He would have to review the zoning. They are
29 encouraging people to bike or walk from Lighthouse Marine park to the marina. This park
30 would be halfway between the two.

31
32 Nelson asked if there are facilities for recreational vehicle (RV) parking and tent
33 camping. McFarlane stated there are. There are 30 RV sites, several tent sites, and
34 overflow camping areas. Those sites reach capacity during busy times. They are
35 considering moving the playground area at the Lighthouse Marine Park, which would add
36 more camping sites. They can put in another ten to 15 campsites if they don't use it as a
37 group camp or picnic area. They need to get this on the planning schedule for next year.
38 Rather than doing needed upgrades, review the entire plan.

39
40 Nelson stated this new area could create more demand for services up there. In
41 addition to just trails, they must develop the facilities to accommodate the people who use
42 the trails. In the future, shorelines will attract people. Jack stated he agrees. This grant
43 program became available from a recent legislative session. They scrambled in one month
44 to meet the deadline. They haven't yet solved the details about the final use of the
45 property. The opportunity to use these grant funds is here. It won't be here in the future.
46 As the community becomes more populated and urbanized, even just trails will be valuable.

47
48 Nelson stated there are people who don't have places to go for longer than a day
49 hike.

50
51 Crawford thanked Mr. Jack for bringing this forward. It's a good use of the
52 conservation futures fund.

1 ***Motion carried unanimously.***
2
3

4 **COUNCIL "CONSENT AGENDA" ITEM**
5

- 6 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A DRUG**
7 **TASK FORCE CONTRACT WITH THE WASHINGTON STATE DEPARTMENT OF**
8 **COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT FOR PAYMENT OF**
9 **WAGES FOR ONE WHATCOM COUNTY SHERIFF'S DETECTIVE AND ONE**
10 **BELLINGHAM POLICE DEPARTMENT DETECTIVE IN THE AMOUNT OF**
11 **\$178,655 (AB2007-287)**
12

13 ***McShane moved*** to recommend approval to the full Council.
14

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

- 17 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A LEASE**
18 **AGREEMENT WITH WASHINGTON STATE DNR TO LEASE FIELD OFFICE**
19 **WORKSPACE IN THE AMOUNT OF \$925 PER MONTH FOR TWO-YEAR TERM**
20 **(AB2007-288)**
21

22 ***Crawford moved*** to recommend approval to the full Council.
23

24 ***Motion carried unanimously.***
25

- 26 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A GRANT**
27 **APPLICATION PROCESS FOR A 2007 APPLICATION FOR THE JUSTICE**
28 **ASSISTANCE GRANT FROM THE DEPARTMENT OF JUSTICE FOR THE ADULT**
29 **DRUG COURT (AB2007-289)**
30

31 ***Nelson moved*** to recommend approval to the full Council.
32

33 Crawford asked if they are just putting in an application.
34

35 Dewey Desler, Deputy Administrator, stated they are.
36

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

- 39 **4. RESOLUTION ESTABLISHING COUNTY ROAD PROJECT #907019, EVERSON-**
40 **GOSHEN PAVEMENT RECONSTRUCTION SMITH ROAD VICINITY, AND**
41 **AWARD OF CONTRACT TO LOW BIDDER WHATCOM BUILDERS, INC. IN THE**
42 **AMOUNT OF \$187,120 (AB2007-290)**
43

44 ***Crawford moved*** to recommend approval to the full Council.
45

46 ***Motion carried unanimously.***
47

- 48 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A GRANT**
49 **AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF ECOLOGY**
50 **FOR ADMINISTRATIVE AND ACTION PROJECTS FOR THE WHATCOM COUNTY**
51 **MARINE RESOURCES COMMITTEE IN THE AMOUNT OF \$184,000 (AB2007-**
52 **291)**
53

1 **McShane moved** to recommend approval to the full Council.
2

3 Nelson asked about the scope of works.
4

5 Erika Stroebel, Public Works Department, stated they've been doing the Cliffside
6 Beach feasibility study, which is just finished. Now, they'll see if everyone feels it makes
7 sense to move on to phase two. They haven't decided if they are going to pursue phase
8 two. The grant agreement includes phase two. If they choose to not pursue phase two,
9 they will amend the grant agreement and engage in another nearshore project. No one
10 source of the wood was identified. There may still be current wood debris coming down the
11 Nooksack River. The question is how long it would take for wood to re-accumulate. The
12 feasibility analysis gives them a better historical view of the beach. They have a lot more
13 information than they did before.
14

15 Crawford stated they still don't know the sources. Stroebel stated that is correct.
16 There appears to be a historical source. They are considering whether they can use that
17 wood debris source. There are two areas where they can apply the material as a mulch,
18 after storing it and removing the salt content. One challenge of the nearshore projects and
19 science in general is that the information isn't black or white.
20

21 Nelson asked if the grant for phase two is sizeable. Stroebel stated the County is
22 just one project partner, but not the lead. It would contribute a small portion of the cost.
23 The estimate was about \$180,000 in total project cost to remove the material.
24

25 Crawford stated he would like to see the background on the cost estimate.
26

27 Nelson stated this item doesn't commit them to do anything other than consider
28 phase two. Stroebel stated that portion of the grant allows them to use the funds to
29 remove the wood debris. The partners are the State Department of Ecology, State
30 Department of Natural Resources, Northwest Straits Foundation, and Marine Resources
31 Committee (MRC). The County's role is support to the MRC, including administering this
32 grant. No funds for this project would come directly from the County. It's all pass-through
33 funds.
34

35 McShane stated he is on the MRC, which will have a long discussion about the scope.
36

37 **Motion carried unanimously.**
38

39 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
40 **AMENDMENT NO. 3 TO THE CONTRACT WITH THE LUMMI INDIAN BUSINESS**
41 **COUNCIL FOR THE LUMMI SHORE ROAD/LUMMI VIEW DRIVE PHASE 2**
42 **CONSTRUCTION PROJECT (CRP 900905) IN THE AMOUNT OF \$155,800, FOR**
43 **A TOTAL CONTRACT OF \$1,355,800 (AB2007-292)**
44

45 **Crawford moved** to recommend approval to the full Council.
46

47 Nelson asked if this will ever be done.
48

49 Jim Karcher, Public Works Department, stated it's done. They've got the clean up
50 list now.
51

52 **Motion carried unanimously.**
53

1 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #07-58 TO**
2 **LOW BIDDER VALLEY FREIGHTLINER FOR REPLACEMENT OF THREE 5-YARD**
3 **DUMP TRUCKS IN THE AMOUNT OF \$290,379.38 (AB2007-293)**

4
5 *Nelson moved* to recommend approval to the full Council.

6
7 *Motion carried unanimously.*

8
9 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
10 **COOPERATIVE AGREEMENT WITH THE US ARMY CORPS OF ENGINEERS FOR**
11 **LEVEE REHABILITATION WORK ON THE MT. BAKER RIM LEVEE IN THE**
12 **AMOUNT OF \$210,000 (AB2007-294)**

13
14 *Nelson moved* to recommend approval to the full Council.

15
16 *Motion carried unanimously.*

17
18 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
19 **COOPERATIVE AGREEMENT WITH THE US ARMY CORPS OF ENGINEERS FOR**
20 **LEVEE REHABILITATION WORK ON THE SANDE-WILLIAMS LEVEE IN THE**
21 **AMOUNT OF \$200,000 (AB2007-295)**

22
23 *Crawford moved* to recommend approval to the full Council.

24
25 *Motion carried unanimously.*

26
27 McShane asked if the Flood Control Zone District Advisory Committee has completed
28 the channel migration zone for that area, and where that fits.

29
30 James Lee, Public Works Department, stated the advisory committee has tried to
31 establish a river management area. They have a conceptual boundary line. In some spots
32 it is set back from the existing levee. He submitted the 2006 aerial photo (*on file*). The
33 request is to repair two sites. He indicated the locations on the photo. A component of the
34 Comprehensive Flood Management Plan is to establish a river management area for this
35 reach. Not a lot of progress has been made. Until they get that direction, they must
36 maintain the existing levee. This levee is active in the Army Corps of Engineers' repair
37 program. Eighty percent of the work is funded by the Corps, 16 percent by the flood control
38 district, and four percent by the local diking district.

39
40 A separate project at site two is at the right bank of the Nooksack, which is
41 migrating to the north. There is some risk of this levee being end run. Because this work is
42 outside the footprint of the Sande-Williams levee project, it's not eligible for work under the
43 Corps program. There is a proposed County project to extend the levee to create a more
44 passive alignment. The permitting of that project won't be easy. They spend a lot of
45 money to keep this levee in shape. There is much evidence that moving it back would be
46 the thing to do, but they're not ready to do that yet. The setback structure is a completely
47 separate project from the Corps agreements, which is just maintenance on the levee.

48
49 McShane stated he is not happy with the amount of money they have to pour into
50 that reach. It is damaging the property across the river. They've constrained the river too
51 much. It's a losing battle. Beyond this reach into the entire flood zone district, he
52 questions where the lion's share of the money is going. Most of the flood money is going to
53 this local district. Set up a management zone.

1
2 Nelson stated they have to be cautious about expenditures that may or may not be a
3 fix for today's world. However, the flood control tax was designed to protect the
4 communities from flooding. The Council is concerned that this levee may no longer be
5 viable. Therefore, they should go through the process of the advisory board at the local
6 level. They must decide how much agricultural land they want to protect. The river
7 meanders a lot in that area. He will support this item because they are protecting the
8 agricultural areas from any damage that may occur. They may need to also protect the
9 other side, since the river also changes in that direction. They have to decide where they
10 want this river to go. Establish a meander line. They are limited until that's done.

11
12 McShane stated they've had an opportunity to do that, but the Council hasn't gotten
13 a recommendation from the advisory committee. The levee is causing harm to salmon and
14 other properties. The river will damage that levee over and over because it's too narrow.

15
16 *(Clerk's Note: End of tape one, side A.)*
17

18 Nelson asked how long the levee has been there. Lee stated parts of the levee
19 started in the 1950's. Those parts were merged into one levee segment in the 1990's.
20 There is a distinction between providing additional flood protection versus halting lateral
21 migration. Around site two, the levee could be classified as a revetment. It is high bank
22 that has been rocked. The work there would halt channel migration, but does not protect
23 from flooding.
24

25 Nelson stated that damage to the current levee will result if they don't spend any
26 money on either site one or site two, which would make the point moot. Then, the channel
27 migration will shift inland. That's his concern. There is a commitment to protect the
28 homeowners and agriculture in this area. He would have to be convinced that the economic
29 impact is greater for salmon. He doesn't think there will be any changes to what is
30 currently there. It would probably add more salmon habitat.
31

32 McShane stated he will oppose this at the evening Council meeting, because of the
33 larger issue. The County must establish these river management areas, or else it will have
34 excessive expenses in certain reaches. That's the core issue. Determine what is the
35 reasonable line for minimizing the costs for everyone and every area in the district being
36 funded. If there is a highly constrained reach of the river with ongoing maintenance, then
37 other projects outside of this reach are falling off the table. That's a real problem. They
38 must work with the river. This is a challenging area with real problems. Now, they can
39 come up with a better approach to save the districts money. The money can go to other
40 districts that are equally deserving.
41

42 Nelson suggested making a motion to have this area evaluated for a meander line.
43

44 McShane stated he is willing to do that, but the flood advisory committee is not
45 willing to do that. It has not provided a recommendation. There are land use issues. The
46 critical areas ordinance (CAO) calls for an established channel migration zone that would tie
47 in with the river management zone. That does need to be adopted. The language is there.
48 The Council needs to make that adoption. He prefers that staff makes a recommendation
49 directly to the Council as the Board of Supervisors. This is a decision that has frozen at the
50 Flood Advisory Committee. It's very difficult to be a member of that committee and make
51 those hard decisions in an area where they and their neighbors live. The Council can see
52 the larger picture and may be able to make a reasonable decision.
53

1 **McShane moved** to reconsider.

2
3 **Motion carried 2-1 with Nelson opposed.**

4
5 **Crawford moved** to recommend approval to the full Council.

6
7 **Motion carried 2-1 with McShane opposed.**

8
9
10 **OTHER BUSINESS**

11
12 Crawford asked about the **ordinance amending Whatcom County Code Title 3**
13 **to provide for increasing the collection rate of sales tax from .08% to .09%**
14 **(AB2007-278).**

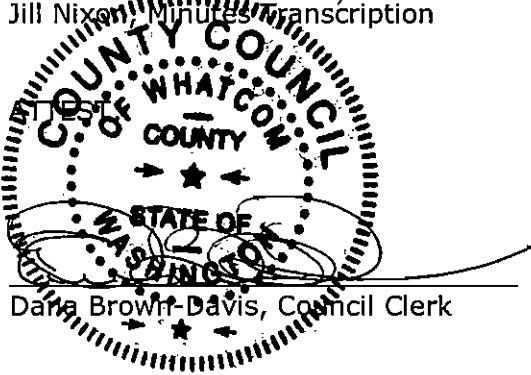
15
16 Dewey Desler, Deputy Administrator, stated it does not increase the sales tax. It
17 diverts a portion of the amount already collected back to the County from the State.

18
19
20 **ADJOURN**

21
22 The meeting adjourned at 11:59 a.m.

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24
25 

26 Jill Nixon, Minutes transcription



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Sam Crawford, Committee Chair