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6 WHATCOM COUNTY COUNCIL  
7 **Regular County Council**

8  
9 September 15, 2009

10  
11 Council Chair Seth Fleetwood called the meeting to order at 7:00 p.m. in the Council  
12 Chambers, 311 Grand Avenue, Bellingham, Washington.

13  
14 **ROLL CALL**

15  
16 **Present:** Barbara Brenner, Laurie Caskey-Schreiber, Sam Crawford, Seth  
17 Fleetwood, Bob Kelly, L. W Nelson and Carl Weimer.

18 **Absent:** None.  
19

20  
21 **FLAG SALUTE**

22  
23  
24 **ANNOUNCEMENTS**

25  
26 Fleetwood announced that the following items were discussed in the Committee of  
27 the Whole meeting.

- 28  
29 **1. DISCUSSION WITH WHATCOM COUNTY CHIEF CIVIL DEPUTY PROSECUTOR**  
30 **RANDALL WATTS REGARDING PENDING LITIGATION (AB2009-018)**  
31  
32 **2. DISCUSSION WITH KAREN FRAKES REGARDING PENDING LITIGATION**  
33 **(AB2009-018)**  
34  
35 **3. DISCUSSION WITH COUNCIL STAFF REGARDING 2009-2010 BUDGET**  
36 **CONCERNS (AB2009-017)**  
37

38  
39 **SPECIAL PRESENTATIONS**

- 40  
41 **1. PRESENTATION BY COUNTY EXECUTIVE PETE KREMEN ON UGA**  
42 **RECOMMENDATIONS TO COUNCIL (AB2009-017)**  
43

44 Pete Kremen, County Executive, thanked the community, elected officials, staff from  
45 all cities, and Planning Department staff who contributed to his proposal. The proposal  
46 meets State requirements and the needs of each community. The principles in his proposal  
47 include water quality protection, environmental protection, infill, agricultural land  
48 preservation, and a balanced distribution of growth. He described the components of his  
49 proposal, which includes removing urban designations from sensitive areas such as Lake  
50 Whatcom, Drayton Harbor, and Birch Bay. Conserve agricultural land and promote infill by  
51 removing urban designations from 7,592 acres. Sizing urban growth areas appropriately is  
52 the first step in growing smarter and protecting rural character. The proposal allocates a  
53 larger share of growth to the smaller urban areas in the County than was allocated

1 previously. The City of Bellingham request for no additional population allocation is  
2 unrealistic as the county's primary population and employment center. Bellingham must  
3 accommodate an allocation that is less than, but closer to, the historic allocation.  
4

5 He proposes a slight revision to the Birch Bay urban growth area (UGA) proposal.  
6 The modification better reflects the time spent on the Birch Bay Community Plan by the  
7 Birch Bay community, as well as the vision of the Plan.  
8

9 He encourages the Council and Planning Commission to be open and receptive to  
10 testimony from the public.  
11

12 Caskey-Schreiber thanked Executive Kremen and Planning Director Stalheim for their  
13 time spent on the proposal.  
14  
15

### 16 **MINUTES CONSENT**

17

18 ***Crawford moved*** to approve the minutes, including the substitute pages.

19 ***Ayes:*** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
20 Weimer (7)

21 ***Nays:*** None (0)  
22

- 23 1. **REGULAR COUNTY COUNCIL FOR JULY 7, 2009**
- 24 2. **COMMITTEE OF THE WHOLE FOR JULY 21, 2009**
- 25 3. **REGULAR COUNTY COUNCIL FOR JULY 21, 2009**
- 26 4. **COMMITTEE OF THE WHOLE FOR AUGUST 4, 2009**
- 27 5. **REGULAR COUNTY COUNCIL FOR AUGUST 4, 2009**
- 28
- 29
- 30
- 31
- 32

### 33 **OPEN SESSION**

34

35 The following people spoke:  
36  
37

38 Janie Ehrling, 3245 Mosquito Lake Road, Deming, stated the Executive and County  
39 staff responded timely and thoughtfully last winter about forestry-related landslides in the  
40 Acme watershed. Support Executive Kremen's investigation of this situation. She hopes  
41 the Council will request the State Department of Natural Resources (DNR) to conduct an  
42 immediate review of the Acme watershed analysis prescriptions as per Washington  
43 Administrative Code (WAC) 222-22-090 (4)(d). A review is necessary for public safety and  
44 to protect public resources. Request the DNR to conduct a thorough investigation of the  
45 2009 landslides. Immediately require that all new forest practice applications on potentially  
46 unstable slopes in the Acme watershed be reviewed by an outside, licensed geologist as a  
47 Class IV Special. The County Council Natural Resources Committee should ask the DNR to  
48 provide the committee with all the geologic studies conducted in the Acme watershed over  
49 the last ten years. The committee should consider these studies and best available science,  
50 and advocate any necessary changes to prevent further mass-wasting in the South Fork  
51 Valley.  
52

1 Chris Boernke, 3945 Nelson Road, Deming, stated she asks for help for families in  
2 the Acme watershed who suffered damages in the landslides. Many damages could have  
3 been avoided. Studies have shown that some of the landslides were related to forest  
4 practices. Many are concerned about what will happen this coming winter, because the  
5 State Department of Natural Resources (DNR) continues to approve clear cuts on unstable  
6 steep slopes behind homes. Last year, people were trapped in their homes. She asked the  
7 Council act quickly and to speak with Commissioner of Public Lands on their behalf. She  
8 and her children were not able to leave their home because the roads were flooded, there  
9 was no power, and her husband could not get home. They could hear the landslides. It  
10 was very traumatic.

11  
12 Jane Rogers, 3728 Hillside Road, Deming, stated there has been damage to critical  
13 salmon habitat, county roads, and private lands from massive landslide. She and her family  
14 tried to evacuate their home in the middle night in January due to the landslide, but the  
15 road was blocked. They had to camp in their barn for two days. Community members are  
16 very concerned about the clear cuts that DNR approved. The DNR is choosing not to  
17 respond in any meaningful way. She asks the County Council to ask the DNR to require  
18 that forest practice applications and potentially unstable areas be reviewed. The last review  
19 should have been done in 2005, but wasn't.

20  
21 Yoshi Revelle, 4026 Willowbrook Lane, stated people eat too much food. It is  
22 extremely damaging to public health and to the environment. There is a reason that  
23 fasting is a spiritual pursuit. They need to take care of the place where we live. People  
24 must pick up litter rather than passing by it.

25  
26 Steve Hood, Washington State Department of Ecology, stated he thanks the Council  
27 for considering extending the Illicit Discharge Detection and Elimination (IDDE) ordinance.  
28 The County will take responsibility for illicit detection. Sometimes, it is appropriate to refer  
29 a response to the Department of Ecology, such as forest practice issues that are outside  
30 County jurisdiction. Begin addressing illicit discharge sooner rather than later.

31  
32 Brenner asked Executive Kremen about his advice on the landslide issue.

33  
34 Pete Kremen, County Executive, stated he proposes writing a joint letter from the  
35 Council and Executive to try to set up a meeting with the Department of Natural Resources  
36 (DNR) representatives, hopefully including the Commissioner of Public Lands.

37  
38 ***Brenner moved*** to write the letter in conjunction with the Executive.

39  
40 Caskey-Schreiber stated she supports the motion. She toured the location after the  
41 storm, and it was devastating. The County must do what it can to influence policy changes.

42  
43 Brenner asked about issues the DNR has not complied with, and whether the County  
44 has any legal clout if a forester doesn't meet requirements and something bad happens.

45  
46 Karen Frakes, Prosecutor's Office, stated the County has no authority over the State.  
47 She would have to look into whether the County has standing on its own.

48  
49 Kremen stated work collaboratively with the DNR to address concerns about health  
50 and human safety. He has worked with the Commissioner over the last 20 years. Take  
51 advantage of his relationship with the Commissioner. Appeal to his good senses and fair  
52 play first. They can pursue legal action later if they have to.

1 Nelson stated that DNR is conducting studies now, and wants to meet with the  
2 Executive and County staff when done in October. It isn't necessary for the Council to get  
3 involved until they have more information that comes forward at that time.  
4

5 Kelly stated the County Council can ask for an update of the Acme Watershed  
6 Analysis Prescriptions. Forest practice applications have different classifications. One way  
7 to address a situation such as this, with an unstable slope, is to ask that these types of  
8 things be considered for Class IV Special status immediately. Asking for additional  
9 watershed analysis to update the prescriptions due to the landslide is another thing they can  
10 do. The Class IV Special status will require more scrutiny. DNR has committed to much of  
11 that in its letter. The Public Lands Commissioner made a commitment when campaigning to  
12 have adequate geologists on staff to review these types of situations. The State legislature  
13 passed a law to allow counties to take over a portion of the review and processing of forest  
14 practice applications. He's not sure how much authority they have.  
15

16 Kremen stated reconsider the reconveyance proposal more vigorously. This is  
17 another example of why they need to realize the reconveyance.  
18

19 Brenner stated the reconveyance is in a different watershed.  
20

21 **Crawford suggested a friendly amendment** to state in the letter that this be  
22 pending the outcome of the completion of their geologic studies.  
23

24 **Brenner accepted** the friendly amendment and added the Class IV Special in the  
25 meantime.  
26

27 Crawford stated the DNR has not finished its geologic studies. It's premature for the  
28 County to present a solution to a problem they don't yet know how to solve.  
29

30 Fleetwood stated don't over-complicate this. The Council will get a chance to review  
31 the letter before it's sent.  
32

33 **Crawford withdrew** his friendly amendment.  
34

35 Brenner stated discuss the letter at the Surface Water Work Session next week.  
36

37 Caskey-Schreiber stated ask the DNR to adopt the Class IV standards, at a  
38 minimum. Something has to be done differently before there is more damage.  
39

40 Brenner stated the question isn't whether there is a problem, but is about how bad  
41 the problem is. Require Class IV standards in the interim.  
42

43 Crawford stated he won't support a letter that proposes a solution at this point.  
44 Leave the letter open to a collaborative process with the Executive.  
45

46 The motion carried by the following vote:

47 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
48 Weimer (7)

49 **Nays:** None (0)  
50  
51

## 52 **PUBLIC HEARINGS**

53

1    **1.    ORDINANCE AMENDING, ON AN INTERIM BASIS, THE DEFINITION OF**  
2    **“PARCEL” IN THE AGRICULTURE PROTECTION OVERLAY (APO) ZONE**  
3    **(AB2009-338)**

4  
5           Fleetwood opened the public hearing and, hearing no one, closed the public hearing.

6  
7           **Crawford moved** to adopt the ordinance, but stated he is against the ordinance. It  
8 is based on a situation that is couched in the terms of agricultural preservation. However,  
9 it’s based on a case in which the parcel was just barely over 50 percent agricultural soils.  
10 The parcel has never been farmed. It is almost completely forested. Regardless of whether  
11 or not the agricultural protection overlay would have required the owner to cluster, there  
12 would never be any farming on this parcel. This is a circumstance where it would not have  
13 protected agriculture. Now, they’re talking about changing the law to make it protect  
14 agriculture. It is totally useless.

15  
16           Brenner asked if the soils in the agricultural protection overlay (APO) are good soils.  
17 She thought they were good soils.

18  
19           Crawford stated the APO applies to parcels 20 acres or more. This parcel was  
20 surveyed at just under 20 acres. A little over 50 percent of the parcel contained agricultural  
21 soils. The parcel has never been farmed.

22  
23           Brenner stated the County can’t make people farm. It can only protect the  
24 agricultural soils. It’s a different issue if the soil wasn’t good soil. Regarding acreage,  
25 they’ve always talked about nominal acreage, which includes easements, ingress, egress,  
26 and other things. This situation didn’t include those things, which is why the acreage is less  
27 than 20 acres.

28  
29           **Caskey-Schreiber** reported for the Planning and Development Committee and  
30 **moved** to adopt the ordinance. Just because a land isn’t actively farmed, it doesn’t mean  
31 that the land will never be farmed. APO-designated land has good soil quality. It’s short-  
32 sighted to develop and eliminate all potentially farmable soils. Staff is trying to create more  
33 flexibility to protect that rich soil base.

34  
35           Nelson stated he’s getting concerned about this. They are trying to protect  
36 agricultural land, but this is just a tool to restrict people’s capacity to use the land at its  
37 highest and best value, which they need to consider when thinking of land use. If they  
38 want to restrict a piece of land because there was agricultural land somewhere miles away,  
39 they aren’t helping the community.

40  
41           Brenner stated she agrees that there have been instances where an area designated  
42 as APO soil wasn’t actually an APO soil. That’s a different issue. Also, the APO is just an  
43 overlay, and the underlying zoning remains. They aren’t restricting development, just how  
44 the property is developed.

45  
46           Weimer stated he will support the ordinance. There is a gray area in the zoning code  
47 that needs to be clarified, which is what they are trying to do. They are clarifying how they  
48 measure these lots. It doesn’t have anything to do with dividing an 80-acre parcel into four  
49 lots.

50  
51           Crawford stated he agrees it’s a clarification. The problem is that they’re clarifying it  
52 in the wrong direction. They should clarify that the survey area is the area to establish  
53 whether a non-section subdivided parcel can be developed.

1  
2 The motion carried by the following vote:

3 **Ayes:** Brenner, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)

4 **Nays:** Crawford and Nelson (2)

5  
6 **2. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF**  
7 **NEW APPLICATIONS FOR DIVISIONS OF LAND RESULTING IN LOTS**  
8 **SMALLER THAN FIVE ACRES WITHIN THE LAKE WHATCOM WATERSHED**  
9 **(AB2009-332)**

10  
11 Fleetwood opened the public hearing and the following people spoke:

12  
13 Dan McShane, 1451 Grant Street, stated he thanks the Council for their patience.  
14 They are close to the end of the process. A more painful process will be the one for the  
15 limited areas of more intense rural development (LAMIRD).

16  
17 Bob Wiesen, 3314 Douglas Road, Ferndale, stated Kitsap County got in trouble for  
18 continuing to do these moratoria. This is getting close to ridiculous.

19  
20 Lauralee Brakke, 585 Pleasant Bay Road, stated she is in favor of the moratorium.  
21 The public needs clean water, clean air, and good food, which allows good health. The  
22 public are being asked to try and clean up the water. They know how to prevent pollution.  
23 They haven't for the last 30 years. Extending this moratorium is a step in the right  
24 direction.

25  
26 Hearing no one else, Fleetwood closed the public hearing.

27  
28 **Caskey-Schreiber moved** to adopt the ordinance.

29  
30 Brenner stated they have no business using this interim moratorium as a tool to do a  
31 downzone. It's not allowed to go on indefinitely. However, they are supposed to have the  
32 final work done by the end of this year. Therefore, she will support this until they know  
33 what they've got. They can't finalize anything without that information.

34  
35 The motion carried by the following vote:

36 **Ayes:** Brenner, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)

37 **Nays:** Crawford and Nelson (2)

38  
39  
40 **CONSENT AGENDA**

41  
42 **Crawford** reported for the Finance and Administrative Services Committee and  
43 **moved** to approve Consent Agenda items one through six.

44  
45 Brenner withdrew item six.

46  
47 The motion carried by the following vote:

48 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
49 Weimer (7)

50 **Nays:** None (0)

51  
52 **1. REQUEST APPROVAL FOR THE ALLOCATION OF 2060 CAPITAL FUNDS TO**  
53 **BELLINGHAM WHATCOM COUNTY HOUSING AUTHORITIES FOR 91**

1 AFFORDABLE HOUSING UNITS AND TO ENTER INTO A CONTRACT WITH  
2 BWCHA FOR EXPENDITURE OF THE FUNDS (AB2009-351)  
3

4 2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
5 CONTRACT BETWEEN WHATCOM COUNTY AND NORTHWEST RESOURCE  
6 ASSOCIATES TO CONDUCT AN OUTCOME EVALUATION OF THE WHATCOM  
7 COUNTY OFFENDER RE-ENTRY HOUSING PROGRAM, IN THE AMOUNT OF  
8 \$19,800 (AB2009-352)  
9

10 3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
11 CONTRACT BETWEEN WHATCOM COUNTY AND THE US DEPARTMENT OF  
12 AGRICULTURE, FOREST SERVICE, FOR PATROL OF THE MT. BAKER-  
13 SNOQUALMIE NATIONAL FOREST, IN THE AMOUNT OF \$80,625 (AB2009-  
14 353)  
15

16 4. RESOLUTION AUTHORIZING USE OF THE VETERAN'S RELIEF FUND TO PAY  
17 FOR PART OF A NEW VAN TO BE USED TO TRANSPORT DISABLED AMERICAN  
18 VETERANS TO THE SEATTLE VETERAN'S ADMINISTRATION MEDICAL CLINIC,  
19 IN THE AMOUNT OF \$15,000 (AB2009-354)  
20

21 5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #09-49  
22 AND ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND LOW  
23 BIDDER, NOLAN'S ROOFING FOR THE REPLACEMENT OF THE COURTHOUSE  
24 ROOF, IN THE AMOUNT OF \$119,838.25 (AB2009-355)  
25

26 6. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #09-59  
27 AND ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND LOW  
28 BIDDER, HB HANSEN CONSTRUCTION FOR REPAVING OF THE PARKING LOT  
29 AT LIGHTHOUSE MARINE PARK IN THE AMOUNT OF \$54,412.38 (AB2009-  
30 356)  
31

32 *Crawford moved* to approve the request.  
33

34 Brenner stated 99 percent of that parking lot is in excellent condition. In a few  
35 places, tree roots are causing the parking lot to bulge. They don't need to repave the entire  
36 parking lot to fix bulging tree roots. She is against repaving the parking lot. Don't use real  
37 estate excise tax (REET) II funds for this. There are many other, better uses for REET II  
38 funds. They should be used for essential public facilities. This is a big expenditure and is  
39 not essential.  
40

41 Crawford stated the bad parts of the asphalt create a liability situation for the  
42 County. The Parks Department evaluated this and determined this is the top priority. The  
43 administration supports it.  
44

45 Brenner stated she is okay with fixing the few small spots, but not repaving the  
46 entire parking lot given the economy.  
47

48 Nelson asked if this was approved during the budget process, and whether the  
49 administration reviewed the project.  
50

51 Dewey Desler, Deputy Administrator, stated the administration reviewed and  
52 questioned the project when it came through the budget process. The Parks Department  
53 Director was very concerned about safety and risk management.

1  
2 Nelson stated he agrees about the concern for the cost. If this were one of their  
3 homes, the repair could be delayed until there was further damage. However, this isn't one  
4 of their homes. This is a public park. Another alternative would be to close the park or tear  
5 up the concrete. The County collects fees from the recreational vehicles (RV's) that use this  
6 space. There is an expectation that the fee pays for a facility they can use.  
7

8 Brenner stated they can simply fix the areas that are damaged. They can ground  
9 the roots down and patch with asphalt. Most of the parking lot is in mint condition. They  
10 don't need to repave the entire parking lot.  
11

12 The motion carried by the following vote:

13 **Ayes:** Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (6)

14 **Nays:** Brenner (1)  
15  
16

### 17 OTHER ITEMS

18  
19 **1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
20 **COOPERATIVE AGREEMENT BETWEEN WHATCOM COUNTY AND THE**  
21 **NATURAL RESOURCE CONSERVATION SERVICE/COMMODITY CREDIT**  
22 **CORPORATION FOR THE FARM AND RANCH LANDS PROTECTION PROGRAM**  
23 **IN THE AMOUNT OF \$592,933 (AB2009-347)**  
24

25 *Weimer* reported for the Natural Resources Committee and *moved* to approve the  
26 request.  
27

28 Caskey-Schreiber stated she thanks Samya Lutz and other County staff for working  
29 so hard to get the US Department of Agriculture (USDA) to take another look at Whatcom  
30 County.  
31

32 Brenner stated she hopes the media picks up on this as much as they picked up the  
33 story about losing agricultural land.  
34

35 The motion carried by the following vote:

36 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
37 Weimer (7)

38 **Nays:** None (0)  
39

40 **2. APPLICATION FOR THE 2009/2010 JUSTICE ASSISTANCE GRANT**  
41 **APPLICATION TO PARTIALLY FUND A DRUG COURT COORDINATOR**  
42 **POSITION (AB2009-340)**  
43

44 *Crawford* reported for the Finance and Administrative Services Committee and  
45 *moved* to approve the application.  
46

47 Brenner stated this is a continuation of a position, not a new position.  
48

49 The motion carried by the following vote:

50 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
51 Weimer (7)

52 **Nays:** None (0)  
53

1 **3. APPLICATION FOR THE BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR**  
2 **THE SHERIFF'S OFFICE, IN THE AMOUNT OF \$92,844 (AB2009-341)**  
3

4 *Crawford* reported for the Finance and Administrative Services Committee and  
5 *moved* to approve the application.  
6

7 The motion carried by the following vote:

8 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
9 Weimer (7)

10 **Nays:** None (0)  
11

12 **4. APPROVAL TO ENTER INTO A CONTRACT AMENDMENT WITH BRICKLIN AND**  
13 **NEWMAN, LLP, FOR LEGAL REPRESENTATION (AB2009-365)**  
14

15 *Crawford* reported for the Finance and Administrative Services Committee and  
16 *moved* to approve the contract.  
17

18 Brenner stated this is to extend the contract, not provide more money. She won't  
19 support any more money for this contract.  
20

21 Crawford stated this extends the contract for another year. If they don't support  
22 spending the money, they shouldn't support doing the contract. He does not support this  
23 contract.  
24

25 The motion carried by the following vote:

26 **Ayes:** Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)

27 **Nays:** Crawford (1)  
28

29 **5. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A RESIDENTIAL**  
30 **LEASE AGREEMENT WITH DENNIS CONNER FOR THE HOUSE AT 5305**  
31 **NIELSEN AVENUE IN HOVANDER HOMESTEAD PARK, IN THE AMOUNT OF**  
32 **\$1000 PER MONTH (AB2009-348)**  
33

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

37 The motion carried by the following vote:

38 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
39 Weimer (7)

40 **Nays:** None (0)  
41

42 **6. RESOLUTION TO ELECT EXPENDITURES OF NATIONAL FOREST RELATED**  
43 **SAFETY-NET PAYMENTS UNDER PL 110-343 (AB2009-349)**  
44

45 *Crawford* reported for the Finance and Administrative Services Committee and  
46 *moved* to approve the resolution.  
47

48 The motion carried by the following vote:

49 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
50 Weimer (7)

51 **Nays:** None (0)  
52

1 7. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN  
2 INTERAGENCY AGREEMENT BETWEEN WHATCOM COUNTY AND THE  
3 WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES FOR  
4 CREOSOTE LOG REMOVAL AT CHERRY POINT, IN THE AMOUNT OF \$9,466  
5 (AB2009-350)  
6

7 *Crawford* reported for the Finance and Administrative Services Committee and  
8 *moved* to approve the request.  
9

10 Caskey-Schreiber stated this is funded with funds from the Northwest Straights  
11 Commission. The Marine Resources Committee (MRC) voted unanimously to request this  
12 amount. The beach will be much cleaner.  
13

14 The motion carried by the following vote:

15 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
16 Weimer (7)

17 **Nays:** None (0)  
18

19 8. RESOLUTION REQUESTING INFORMATION FROM THE COUNTY EXECUTIVE  
20 FOR THE MID-BIENNIUM 2009-2010 BUDGET REVIEW (AB2009-366)  
21

22 Crawford reported for the Finance and Administrative Services Committee.  
23

24 *Weimer moved* to approve the resolution. It's just a list of information the Council  
25 would like from the administration in October. He *moved* to amend Exhibit A, items one  
26 and two:

27 "1. ...through the 3<sup>rd</sup>-quarter end of August 2009 and identification..." and

28 "2. ...for all funds through the 3<sup>rd</sup>-quarter end of August 2009;"  
29

30 Crawford stated it makes a statement of an inability to communication with the  
31 administration to some degree. He doesn't understand why this information can't simply be  
32 requested. During his ten years of being a councilmember, he's never requested something  
33 from the administration regarding financial reporting that hasn't been immediately provided.  
34 He won't support this as a resolution. It sets a precedent that isn't necessary. Had he had  
35 a different personal experience with the administration, he might feel differently.  
36

37 Brenner stated the Council used to have annual budgets. They went to biennial  
38 budget, which makes it very difficult for part-time councilmembers to be able to deal with  
39 the number of issues that come up during the year. If they don't get something as a  
40 supplemental, it's a gray area, according to the Charter. In the past, the Council hasn't  
41 been willing to piggyback onto supplement budget requests, so the only way to deal with  
42 issues is to have a mid-cycle review. She prefers to go back to an annual budget process.  
43

44 Kelly stated no one meant this to be characterized as a lack of communication. They  
45 are expecting another chance to review the budget. This was merely an opportunity for the  
46 Council to be clear about the information it wants to see, similar to what was done in  
47 another county. The administration provided that information immediately. This isn't a  
48 result of a lack of communication with the administration. He was trying to be clear with  
49 the administration.  
50

51 Fleetwood stated the primary concern is that they get the information they  
52 requested. The administration intends to make that information readily available. As long

1 as they don't mean anything more than a simple request for information, he supports the  
2 resolution.  
3

4 Nelson stated he would have been more comfortable with a simple request of the  
5 administration instead of a resolution. Since Mr. Kremen has been the Executive and Mr.  
6 Desler has been the Deputy Administrator, he's never had any problems getting information  
7 he needs.  
8

9 Dewey Desler, Deputy Administrator, stated the administration provided a memo  
10 today that responded to each one of the items referenced in Exhibit A of the resolution. The  
11 memo also expresses the administration's commitment to provide requested information.  
12

13 Fleetwood asked if the administration feels the resolution is unnecessary, in light of  
14 the memo presented. Desler stated the administration really wants to communicate with  
15 the Council. If any councilmember had asked for information related to any of these  
16 matters, the administration would have added it to the list of materials provided. He  
17 encourages a more comfortable, collaborative organization. The administration is also  
18 happy to provide assistance when addressing policy matters. He has encouraged the  
19 councilmembers over the years to feel comfortable enough to just call the administration.  
20 That's the way the administration wants to work.  
21

22 Brenner stated this has less to do with the administration than it does with her  
23 respect for the rest of the Council. Many times, she's wanted something, but the rest of the  
24 Council didn't agree. She wants to be sure that the full Council agreed on these subjects as  
25 a Council, not as individual councilmembers. It's appropriate to have the resolution for  
26 information on the record.  
27

28 The motion to amend carried by the following vote:

29 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
30 Weimer (7)

31 **Nays:** None (0)  
32

33 The motion to approve as amended carried by the following vote:

34 **Ayes:** Brenner, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)

35 **Nays:** Crawford and Nelson (2)  
36

37 Crawford reported for the Finance and Administrative Services Committee on other  
38 agenda items discussed earlier in committee.  
39

40 **9. RESOLUTION APPROVING THE BIRCH BAY WATER AND SEWER DISTRICT**  
41 **COMPREHENSIVE WATER SYSTEM PLAN (AB2009-030A)**  
42

43 **Brenner** reported for the Public Works and Safety Committee and **moved** to  
44 approve the resolution.  
45

46 The motion carried by the following vote:

47 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
48 Weimer (7)

49 **Nays:** None (0)  
50

51 **10. RESOLUTION APPROVING THE BIRCH BAY WATER AND SEWER DISTRICT**  
52 **COMPREHENSIVE SEWER SYSTEM PLAN (AB2009-030B)**  
53

1 **Brenner** reported for the Public Works and Safety Committee and **moved** to  
2 approve the resolution. This is one of the most ridiculous State laws she's ever heard of.  
3 This was approved by the contractors and department personnel the County hires to be the  
4 experts, and then it comes to the Council for approval on technical water and sewer things,  
5 on which the councilmembers are not experts. It should be an administrative approval  
6 process, not legislative approval.  
7

8 Weimer stated they've heard that running sewer into urban growth areas (UGAs) is  
9 illegal. This plan proposes to run sewer to locations that may soon be outside UGA  
10 boundaries, of those areas are removed from the UGA. He asked if the sewer plan may be  
11 amended.  
12

13 David Stalheim, Planning and Development Services Director, stated the sewer plan  
14 is based on the current UGA. There is consistency with the adopted urban growth areas  
15 today, so the administration doesn't object to this plan. If the UGA's change, an  
16 amendment of this plan would be done to make it consistent with UGA's. There is an  
17 exception that Growth Management allows sewer extension outside UGA's for public health  
18 reasons. If the UGA boundary changes, he expects someone to initiate an amendment.  
19 The Growth Management Plan trumps the sewer plan regarding sewer line extensions. They  
20 will have to demonstrate a public health reason.  
21

22 The motion carried by the following vote:

23 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
24 Weimer (7)

25 **Nays:** None (0)  
26

27 **11. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE PLAN**  
28 **AND ZONING MAP DESIGNATION FOR TWO PARCELS LOCATED AT 4813**  
29 **LOOKOUT AVENUE (AB2009-339)**  
30

31 **Caskey-Schreiber** reported for the Planning and Development Committee and  
32 **moved** to forward for concurrent review.  
33

34 The motion carried by the following vote:

35 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
36 Weimer (7)

37 **Nays:** None (0)  
38

39 **12. APPOINTMENT TO FILL A VACANCY ON THE BIRCH BAY SHELLFISH**  
40 **PROTECTION DISTRICT, APPLICANT: GERALD LARSON (AB2009-344)**  
41

42 **Weimer moved** to appoint Gerald Larson.  
43

44 The motion carried by the following vote:

45 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
46 Weimer (7)

47 **Nays:** None (0)  
48

49 **13. APPOINTMENT OF A COUNCIL REPRESENTATIVE TO SERVE ON THE**  
50 **WHATCOM TRANSPORTATION AUTHORITY COMPOSITION REVIEW**  
51 **COMMITTEE (AB2009-367)**  
52

53 **Crawford moved** to appoint Seth Fleetwood.

1  
2 The motion carried by the following vote:

3 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
4 Weimer (7)

5 **Nays:** None (0)  
6

7 **14. RESOLUTION APPROVING A SALARY SCHEDULE FOR THE WHATCOM COUNTY**  
8 **COUNCIL FOR THE YEARS 2012 AND 2013 (AB2009-342)**  
9

10 **Crawford moved** to approve the resolution.

11  
12 Brenner stated she is against the resolution. It's not proper to talk about salary  
13 increases at this time.

14  
15 Crawford asked if these numbers are based on 15 percent of the Executive's salary.  
16 This seems to be consistent with what has happened the last 30 years.

17  
18 Brenner stated she didn't support the County Executive's raise.  
19

20 Caskey-Schreiber stated the increase would take place in three years, which won't  
21 equal a significant increase. They are the lowest paid council in the State. This is a  
22 difficult, high-stress, responsible position. At the very least, keep the wage as it is now.  
23 With inflation over three years, the wage will be the same.  
24

25 Brenner stated no one runs for Council for the pay. This is a statement to the people  
26 who have been furloughed and are in fear of losing their jobs.  
27

28 Fleetwood stated they are getting pay increases too, per labor agreements.  
29

30 Brenner stated they are also getting furloughs, which voids the pay increases.  
31 Councilmembers don't do furloughs.  
32

33 The motion carried by the following vote:

34 **Ayes:** Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (6)

35 **Nays:** Brenner (1)  
36

37 **15. RESOLUTION ESTABLISHING REGULAR WHATCOM COUNTY COUNCIL**  
38 **MEETING DATES FOR 2010 (AB2009-346)**  
39

40 **Kelly moved** to approve the resolution.

41  
42 Brenner stated she is against the resolution. The Council's schedule should be on a  
43 regular schedule, such as the first and third, or second and fourth Tuesday. Many people  
44 don't know when the Council meetings are scheduled. The schedule is unclear.  
45

46 Weimer stated that doesn't make sense in terms of scheduling around holidays and  
47 other events. County staff works out the schedule so it works best for the public.  
48

49 Brenner stated that if there is a holiday, just meet the next day. It's not a big deal.  
50

51 The motion carried by the following vote:

52 **Ayes:** Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (6)

53 **Nays:** Brenner (1)

1  
2  
3 **INTRODUCTION ITEMS**  
4

5 *(Clerk's Note: Introduction Items three and four were withdrawn from the agenda.)*  
6

7 ***Brenner moved*** to accept the introduction items, except the items withdrawn.  
8

9 The motion carried by the following vote:

10 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and  
11 Weimer (7)

12 **Nays:** None (0)  
13  
14

- 15 1. **ORDINANCE AMENDING THE 2009 WHATCOM COUNTY BUDGET, TENTH**  
16 **REQUEST, IN THE AMOUNT OF \$1,098,633 (AB2009-358)**  
17  
18 2. **RESOLUTION VACATING A PORTION OF EDWARDS DRIVE (AB2009-260A)**  
19  
20 3. **RESOLUTION TO REASSESS PROPERTY WITHIN THE BOUNDARIES OF**  
21 **WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT NO. 2 (MARINELAND**  
22 **LIGHTING DISTRICT) (AB2009-360)**  
23  
24 4. **RESOLUTION TO CONFIRM THE ASSESSMENT ROLL OF PROPERTY WITHIN**  
25 **THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT**  
26 **NO. 2 (MARINELAND LIGHTING DISTRICT) AND REMANDING ROLL TO THE**  
27 **COUNTY TREASURER FOR COLLECTION (AB2009-360A)**  
28  
29 5. **RESOLUTION APPROVING THE WHATCOM COUNTY SIX-YEAR**  
30 **TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2010**  
31 **THROUGH 2015 (AB2009-361)**  
32  
33 6. **ORDINANCE PROHIBITING, ON AN INTERIM BASIS, THE ILLEGAL AND**  
34 **ILLICIT DISCHARGE OF HAZARDOUS MATERIALS AND NON-STORMWATER**  
35 **RUN-OFF TO THE COUNTY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM**  
36 **(AB2009-320C)**  
37  
38 7. **ORDINANCE AMENDING WHATCOM COUNTY CODE 20.97.180, ON AN**  
39 **INTERIM BASIS, TO ALLOW HOME OCCUPATIONS IN ATTACHED OR**  
40 **DETACHED ACCESSORY STRUCTURES (AB2009-357)**  
41  
42

43 **OTHER BUSINESS**  
44

45 There was no other business.  
46  
47

48 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**  
49

50 Nelson stated he will be absent for the next three weeks.  
51  
52  
53

1 **ADJOURN**

2  
3 The meeting adjourned at 8:24 p.m.

4  
5  
6 \_\_\_\_\_  
7 Jill Nixon, Minutes Transcription

8  
9 The Council approved these minutes on \_\_\_\_ October 13 \_\_\_\_, 2009.

10  
11 Please contact the Council Office to obtain an  
12 official, signed copy:  
13 360-676-6690 or council@co.whatcom.wa.us  
14  
15