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WHATCOM COUNTY COUNCIL  
**Regular County Council**

October 13, 2009

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

**ROLL CALL**

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

**FLAG SALUTE**

**ANNOUNCEMENTS**

There were no announcements.

**MINUTES CONSENT**

Caskey-Schreiber moved to approve the Minutes Consent items.

The motion carried by the following vote:

**Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Nelson and Weimer (6)  
**Nays:** None (0)  
**Absent:** Kelly (1)

1. **COMMITTEE OF THE WHOLE FOR SEPTEMBER 15, 2009**
2. **REGULAR COUNTY COUNCIL FOR SEPTEMBER 15, 2009**
3. **BOARD OF HEALTH FOR SEPTEMBER 22, 2009**

**OPEN SESSION**

The following people spoke:

Barbara Sternberger, 4540 Curtis Road, Bellingham, stated Rural Avenue Neighborhood association Member, stated her association has gathered information. There is a difference between process and processed. The public was supposed to be part of the selection process. Last August, the site selection was narrowed to two sites, sites four and five. In September 2008, a meeting with a consultant team reviewed the report from HDR. She asked who was on that team. It would have been a perfect time to bring in the public. She asked the findings of that team and for the report discussed during that meeting. She asked where HDR is in the process now. She would like to be notified when those results are available.

1  
2 Crawford asked if she is in contact with Mr. Desler and Executive Kremen and the  
3 Sheriff, and is not getting the answers. Sternberger stated they want to be part of the  
4 selection process. They hope to be in on the selection process when choosing between sites  
5 four and five.  
6

7 Crawford stated it seems a phone call to the Executive's office would provide her the  
8 information she needs. He asked if she has called the EO, and isn't getting that  
9 information. Sternberger stated they have received some information. Upon finding out  
10 about the meeting on September 24, she doesn't know where that meeting was.  
11

12 Crawford stated Ms. Sternberger can get answers to most of those questions from  
13 the Executive's Office or the Council office.  
14

15 Dewey Desler, DA, stated his office is happy to provide the information requested.  
16 There will be lots of opportunity to engage in the process. The Council hasn't seen much of  
17 the information yet. Many people are involved in narrowing the sites. Environmental  
18 information is still being collected. Ms. Sternberger can contact his office.  
19

20 Sternberger asked who is in charge of this process. Desler stated he oversees the  
21 staff and contractors.  
22

23 Brenner stated the Councilmembers received a packet of information that is public  
24 information.  
25

26 Fleetwood stated they can get a copy of that packet to Ms. Sternberger.  
27

28 Bob Wiesen, 3314 Douglas Road, Ferndale, stated the Council has said it is into  
29 saving farmland and farmers, but they are doing the opposite. His neighbors are selling  
30 livestock because they don't want to conform or they want to keep their livestock in an  
31 economic way. The farm plans mostly say that the farmers can't do what they want. Too  
32 much land is coming off the table. Figure out how to allow the farmers how to use their  
33 land effectively, while still meeting environmental standards. They may have to reduce  
34 some of those standards. There is a difference between hobby farmers and commercial  
35 farmers. The density of use isn't the same. Some of those guys are farming five-acre  
36 zoned properties, but they're being driven off. Encourage these people to stay where  
37 they're at, and make the farm plans more workable.  
38

39 Bruce Diele, citizen, stated he talked at the last meeting about court-ordered  
40 Alcoholics Anonymous, which is a religious organization. The Supreme Court will hear a  
41 case this week that will further erode the barrier between church and state. He read from a  
42 newspaper article. Citizens have the right to speak of religion. It is freedom of religion, not  
43 freedom from religion. AA promotes a universal religion, but he can't express Christianity  
44 specifically.  
45

46 Patrick Alesse, 4825 Alderson Road, Birch Bay, submitted and read information (*on*  
47 *file*). The County planners should calculate the true cost of servicing rural residents versus  
48 urban residents. People in smaller areas subsidize growth in urban areas. Not many  
49 farmers are in the rural areas.  
50

51 Crawford asked if Mr. Alesse is for or against Birch Bay incorporation. Alesse stated  
52 he is in favor of incorporation.  
53

1  
2 **CONSENT AGENDA**  
3

4 **Crawford** reported for the Finance and Administrative Services Committee and  
5 **moved** to approve Consent Agenda items one through four.  
6

7 The motion carried by the following vote:

8 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Nelson and Weimer (6)

9 **Nays:** None (0)

10 **Absent:** Kelly (1)  
11

- 12 1. **RESOLUTION TO SET HEARING AND NOTICE OF HEARING OF THE SALE OF**  
13 **COUNTY TAX TITLE PROPERTY BY NEGOTIATION – REQUEST #TR2009-03**  
14 **(AB2009-389)**  
15  
16 2. **RESOLUTION TO SET HEARING AND NOTICE OF HEARING OF THE SALE OF**  
17 **COUNTY TAX TITLE PROPERTY BY NEGOTIATION – REQUEST #TR2009-04**  
18 **(AB2009-390)**  
19  
20 3. **RESOLUTION TO SET HEARING AND NOTICE OF HEARING OF THE SALE OF**  
21 **COUNTY TAX TITLE PROPERTY BY PUBLIC AUCTION – REQUEST #TR2009-05**  
22 **(AB2009-391)**  
23  
24 4. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO AWARD BID**  
25 **#09-71 AND ENTER INTO A CONTRACT WITH LOW BIDDER, RTB**  
26 **ELECTRICAL AND POWER, FOR SUPPLY AND INSTALLATION OF A**  
27 **GENERATOR AT CENTRAL SHOP, IN THE AMOUNT OF \$175,925.16 (AB2009-**  
28 **392)**  
29

30  
31 **OTHER ITEMS**  
32

- 33 1. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE, ACTING ON**  
34 **BEHALF OF THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT, TO**  
35 **ENTER INTO A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL**  
36 **SURVEY FOR ANNUAL OPERATION AND MAINTENANCE OF THE COUNTY'S**  
37 **STREAM GAGE NETWORK IN THE AMOUNT OF \$72,380 (FCZD SHARE IS**  
38 **\$58,820) (AB2009-388)**  
39

40 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*  
41 *Board of Supervisors. Board Chair Weimer assumed the duties of the Chair for this portion*  
42 *of the meeting.)*  
43

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

47 The motion carried by the following vote:

48 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Nelson and Weimer (6)

49 **Nays:** None (0)

50 **Absent:** Kelly (1)  
51

- 52 2. **RESOLUTION ACCEPTING THE ASSESSMENT ROLL OF PROPERTY WITHIN**  
53 **THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT**

1           **NO. 2 (MARINELAND LIGHTING DISTRICT) AND SETTING THE DATE FOR**  
2           **PUBLIC HEARING (AB2009-360A)**  
3

4           **Brenner** reported for the Public Works and Safety Committee and *moved* to  
5 approve the resolution.  
6

7           The motion carried by the following vote:

8           **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Nelson and Weimer (6)

9           **Nays:** None (0)

10          **Absent:** Kelly (1)  
11

12  
13          **INTRODUCTION ITEMS**  
14

15          **Crawford moved** to accept the Introduction Items.  
16

17          The motion carried by the following vote:

18          **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Nelson and Weimer (6)

19          **Nays:** None (0)

20          **Absent:** Kelly (1)  
21

- 22          1.       **RECEIPT OF APPEAL OF HEARING EXAMINER'S DECISION, FILED BY SIMI**  
23               **JAIN ON BEHALF OF REIJO SALMINEN, REGARDING AN ADMINISTRATIVE**  
24               **APPEAL OF NOTICE OF PENALTIES (APL2009-0002) (AB2009-362)**  
25
- 26          2.       **RECEIPT OF APPEAL OF HEARING EXAMINER'S DECISION, FILED ON**  
27               **BEHALF OF WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES,**  
28               **REGARDING A BOUNDARY LINE ADJUSTMENT APPLICATION BY RON AND**  
29               **SHELLY JEPSON (APL2009-0012) (AB2009-385)**  
30
- 31          3.       **RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY NEGOTIATION –**  
32               **REQUEST #TR2009-03 (AB2009-389A)**  
33
- 34          4.       **RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY NEGOTIATION –**  
35               **REQUEST #TR2009-04 (AB2009-390A)**  
36
- 37          5.       **RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY PUBLIC AUCTION –**  
38               **REQUEST #TR2009-05 (AB2009-391A)**  
39
- 40          6.       **RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF PROPERTY WITHIN**  
41               **THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT**  
42               **NO. 2 (MARINELAND LIGHTING DISTRICT) AND REMANDING ROLL TO THE**  
43               **COUNTY TREASURER FOR COLLECTION (AB2009-360B) (COUNCIL ACTING**  
44               **AS THE WHATCOM COUNTY BOARD OF EQUALIZATION)**  
45
- 46          7.       **RESOLUTION ADOPTING THE WHATCOM COUNTY 2010 ANNUAL**  
47               **CONSTRUCTION PROGRAM (AB2009-393)**  
48
- 49          8.       **ORDINANCE AMENDING THE 2009 WHATCOM COUNTY BUDGET, ELEVENTH**  
50               **REQUEST, IN THE AMOUNT OF \$287,325 (AB2009-394)**  
51  
52

53          **OTHER BUSINESS**

1  
2 There was no other business.  
3  
4

5 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**  
6

7 Brenner stated she attended a farm forestry tour last weekend. She submitted a  
8 map of the tour area. They have done an amazing job of cleaning up the area and cutting  
9 out diseased trees.  
10

11 She also took a tour with Nancy Larsen from Whatcom/Skagit Self-Help Homes, and  
12 recommends this tour to other councilmembers. The homes are extremely affordable. The  
13 upkeep on the houses is incredible. It's a tribute to what they can do with affordable  
14 housing.  
15

16 Nelson stated he had a discussion with a Rome, Italy resident regarding growth  
17 patterns during a recent vacation.  
18

19 Caskey-Schreiber stated they often hear information from certain city planners,  
20 which doesn't reflect the view and perception of their city council members. During the  
21 special meeting on November 3, invite those city council members to attend. They need to  
22 be brought into the process.  
23

24  
25 **ADJOURN**  
26

27 The meeting adjourned at 7:26 p.m.  
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Please contact the Council Office to obtain an  
official, signed copy:  
360-676-6690 or [council@co.whatcom.wa.us](mailto:council@co.whatcom.wa.us)

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Seth Fleetwood, Council Chair