

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

WHATCOM COUNTY COUNCIL
Regular County Council

April 27, 2010

CALL TO ORDER

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

ROLL CALL

Present: Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken Mann, L. Ward Nelson and Carl Weimer
Absent: None

FLAG SALUTE

ANNOUNCEMENTS

Crawford announced there was an **update on urban growth area issues and discussion of the Council Planning and Policy Analyst's role in preparing ordinances (AB2010-054)** during a Special Committee of the Whole meeting at 1 p.m.

Crawford also announced there was a **strategy planning discussion and positions to be taken regarding collective bargaining (AB2010-018)** in executive session during the Special Committee of the Whole meeting at 4 p.m.

Crawford finally announced there was **Consideration of an Appeal of the Hearing Examiner's Decision Filed by Wesley Mussio, regarding Administrative Appeal No. APL2009-0023 (AB2010-052)** in executive session during the Committee of the Whole meeting at 6:45 p.m.

Nelson moved to uphold the Hearing Examiner's decision.

The motion carried by the following vote:

Ayes: Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

MINUTES CONSENT

1. REGULAR COUNTY COUNCIL FOR MARCH 16, 2010

Brenner moved to approve the minutes.

The motion carried by the following vote:

Ayes: Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

1
2 **OPEN SESSION**
3

4 The following people spoke:

- 5 • Ronna Loerch, 116 Aspen Drive, Everson, submitted information (*on file*) and
6 spoke on proposed changes to the the Urban Growth Area (UGA) Plan and the
7 responsibilities of councilmembers as public servants.
- 8 • Abe Jacobsen, 2314 Samish Way, Bellingham, submitted information (*on file*)
9 and spoke on the urban growth areas.
- 10 • Jason Rinne, 163 16th Street, Lynden, spoke on the urban growth areas.
- 11 • Bruce Diele, Citizen, spoke on marijuana reform and driving under the
12 influence.
- 13 • Carol Jacobsen, 2314 Samish Way, spoke on the urban growth areas.
- 14 • Leonard Lindstrom, citizen, spoke on social issues.
- 15 • James Riley Sweeney, 112 E. Maple, Bellingham, spoke on urban growth
16 areas.
- 17 • Charles Law, Bellingham, spoke on the urban growth areas.
- 18 • Dan McShane, 1451 Grant Street, Bellingham, spoke on a recent flood tour
19 and examples of Flood District work.
- 20 • Todd Donovan, 247 Cherry Street, Bellingham, spoke on the urban growth
21 areas and rural element update.
- 22 • Steve Reimer, 155 Cain Lake Road, spoke on the Board of Equalization.
- 23 • Gregory Jilek, 920 - 22nd Street, Bellingham, spoke on jail siting.
- 24 • Laura Brakke, Pleasant Bay, spoke on urban growth areas.
- 25 • Jeremiah Chaussee, 6079 Shannon Avenue, spoke on the issue of E-Verify.
- 26 • Elliott Smith, 1715 Mill Avenue, Bellingham, spoke on urban growth areas.
- 27 • Elizabeth Britt, Bellingham, spoke on urban growth areas.
- 28 • Bob Wiesen, 3314 Douglas Road, Ferndale, spoke on urban growth areas.
- 29 • Mike Gleason, Mosquito Lake Road, spoke on E-Verify.
- 30 • Gary Jensen, 2482 Hilltop, Ferndale, spoke on urban growth areas.
- 31 • Mary McKay, 4693 Sucia Drive, spoke on E-Verify.
- 32 • Jeff McKay, 4693 Sucia Drive, spoke on property rights.
- 33 • Gary Russell, Fire District 7 Chief, submitted information (*on file*) and spoke
34 on the status of the District 7 paramedics.
- 35 • Elizabeth Gleason, Mosquito Lake Road, Deming, spoke on E-Verify.
- 36 • Joan Carson, East Smith Road, Bellingham spoke on E-Verify.
- 37 • Joan Dow, 5491 Woodfern Way, spoke on E-Verify.
- 38 • Joe Knight, 3880 Cabrant Road, Everson, spoke on urban growth areas.
- 39 • Vince Lalonde, 1221 Roland Street, Bellingham, spoke on urban growth areas
40 and E-Verify.
- 41 • Wendy Harris, Bellingham, spoke on urban growth areas.
- 42 • Shane Roth, 3925 E. Connecticut Street, submitted information (*on file*) and
43 spoke on the Caitac urban growth area.
- 44 • Greg Brown, 4363 Saddlestone Drive, spoke on urban growth areas.
- 45 • Kathy Lehman, Futurewise Whatcom, spoke on productive alternative
46 housing.
- 47 • Patrick Alesse, 4825 Alderson Road, Birch Bay, spoke on development and the
48 cost of delivering public services to the people.

49
50
51 **PUBLIC HEARINGS**
52

1 **1. RESOLUTION DECLARING THE WHATCOM COUNTY FLOOD CONTROL ZONE**
2 **DISTRICT'S INTENTION TO LEASE PROPERTY AT 7495 EMMERSON ROAD**
3 **AND AUTHORIZE THE COUNTY EXECUTIVE TO ENTER INTO A LEASE**
4 **AGREEMENT WITH THE HIGHEST RESPONSIBLE BIDDER, SUBJECT TO A**
5 **PUBLIC HEARING (AB2010-178)**
6

7 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*
8 *Board of Supervisors.)*
9

10 Crawford opened the public hearing and, hearing no one, closed the public hearing.

11 ***Kershner moved*** to approve the resolution.

12 The motion carried by the following vote:

13 **Ayes:** Nelson, Crawford, Brenner, Weimer, Mann and Kershner (6)

14 **Nays:** None (0)

15 **Absent:** Knutzen (1)(out of the room)
16
17
18

19 **2. ORDINANCE AMENDING, ON AN INTERIM BASIS WCC 20.84 AND WCC 21.01**
20 **TO ALLOW FOR THE PLANNING AND DEVELOPMENT SERVICES DIRECTOR OR**
21 **WHATCOM COUNTY HEARING EXAMINER TO GRANT A ONE-TIME TWO YEAR**
22 **ECONOMIC HARDSHIP EXTENSION TO ISSUED PLANNED UNIT**
23 **DEVELOPMENTS, CONDITIONAL USE, VARIANCE, ADMINISTRATIVE**
24 **APPROVAL, SHORT SUBDIVISION OR BINDING SITE PLAT, AND CRITICAL**
25 **AREA AND GEOLOGIC ASSESSMENT REPORTS (AB2010-180)**
26

27 Crawford stated he submitted proposed amendments *(on file)*. He described the
28 amendments. He opened the public hearing, and the following people spoke:
29

30 Lesa Starckenburg, Lynden, stated several planned unit development (PUD) projects
31 are currently working their way through the process. She is concerned about the proposed
32 notice of additional requirements to receive approval. Be very clear about what they're
33 talking about, so staff can properly administer what is and isn't entitled to a request for
34 extension. She referenced her letter submitted earlier today *(on file)*, which suggests an
35 amendment.
36

37 Dannon Traxler, 709 Dupont Street, stated she agrees with Ms. Starckenburg's
38 comments. The proposed ordinance is a great start, but include revised language to ensure
39 the ordinance is fair. This ordinance will help not only big developers, but also small
40 developers and individuals. Include all of these people and the different permit processes.
41 Amend the ordinance to include subdivisions, also called long plats. She read Revised Code
42 of Washington (RCW) 58.17.140, which governs the Council's authority to allow extensions.
43 Consider including pending applications and applications that expired in the past year.
44 Therefore, change the start date from March 1, 2010 to January 1, 2009 for all permits and
45 pending applications, whether or not they are expired.
46

47 Laura Lee Brakke, 585 Pleasant Bay Road, stated it seems the problem they're trying
48 to solve is the financial hardship for small and large developers. Allow an extension so the
49 developer doesn't have to reapply. Anyone can reapply. It's not okay for people to think
50 they don't have to play by the rules. Waive the re-application fee, but make people reapply
51 so they have to follow the rules in place at the time of the new application.
52

1 Doug Campbell, Associate Project Consultants Owner, stated adopt the substitute
2 ordinance Councilmember Crawford submitted. The Council has authority from RCW
3 36.70.020, including land use and environmental permits. That includes building permits,
4 subdivisions, binding site plans, and other permits, including those required by the critical
5 areas ordinance and site specific rezones. This extension is good for the larger community.
6 The Cities of Blaine, Nooksack, and Sumas have also considered a similar interim or regular
7 ordinance that is retroactive. Give relief to people who filed applications in January 2009.
8 Last night, the City of Bellingham retroactively extended permits based on the same
9 definition in the RCW. The State is also extending permits to save money and resources
10 during this time of recession.

11
12 Wendy Harris, Bellingham, stated the Council has not paid enough attention to the
13 issue of vesting. This is about an ordinance that will have significant impacts to all
14 community members. She agrees with Laura Lee Brakke. If the purpose is to provide
15 financial relief, extend the application fees. Separate that from vesting rights, which is
16 being used politically to expand the rights of developers in the community. Washington
17 State's vested rights doctrine was enacted based on balancing the needs of the
18 development community and the needs of the public to control environmental and other
19 land use regulations in the public's interest. When they talk about reinstating expired
20 permits, there may be legal ramifications of vesting rights. It may not be legal to reinstate
21 an expired permit and issue vested rights after the application is expired. Not many
22 average people in the community are filing long plat applications. Use care in extending
23 vested rights, and consider the need to protect the public.

24
25 Bob Wiesen, 3314 Douglas Road, Ferndale, stated timing is everything. Many
26 proposals have been pending for several years. The County's slow and convoluted
27 permitting process handicapped these projects already. The County may save money by
28 not re-processing some of those permits. Include permits that expired last year. Someone
29 who wants to build a house may have to put it off for a year or two, due to changing
30 economics. They plan to build the house a certain way. If the County has different
31 requirements, it changes the economics for that person. That's not entirely fair.

32
33 Hearing no one else, Crawford closed the public hearing.

34
35 **Mann** stated he is concerned about receiving changes at the last minute. When this
36 initially came forward, he supported it, but it seems the scope has expanded. If they make
37 a significant change, they need to have another public hearing. He **moved** to reintroduce
38 the ordinance tonight and hold this item for another public hearing in two weeks.

39
40 Dana Brown-Davis, Clerk of the Council, stated the Council would make any
41 amendments to the substitute version, and introduce that version tonight, for a public
42 hearing in two weeks.

43
44 **Mann withdrew** his motion.

45
46 **Nelson moved** to adopt the ordinance.

47
48 Crawford stated he prepared and submitted a substitute ordinance. He described the
49 differences between the two ordinances.

50
51 Brenner stated she hasn't even looked at some of this language. She prefers waiting
52 to introduce the ordinance for an additional two weeks.

1 Crawford stated he could go along with extending it by two weeks, if they agree in
2 principal to make it retroactive. It won't matter how long they take on this if they make it
3 retroactive to January 1, 2009.

4
5 Brenner stated she can only say that should support making it retroactive for two
6 weeks. She's not comfortable putting something on for a hearing in two weeks.

7
8 **Mann moved** to hold it over for introduction in two weeks, with a public hearing in
9 four weeks.

10
11 The motion carried by the following vote:

12 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

13 **Nays:** None (0)

14
15 **3. ORDINANCE AMENDING, ON AN INTERIM BASIS, WHATCOM COUNTY CODE**
16 **10.44, HORSES ON CERTAIN ROADS (AB2010-145A)**

17
18 Crawford opened the public hearing, and the following person spoke:

19
20 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated Birch Bay is a recreational
21 area. A former County employee designed paths along Birch Bay Drive many years ago.
22 He was in favor of those paths. The County would have gotten its money back from the
23 increased assessed value of nearby properties. Birch Bay has special interest groups to
24 take care of the recreational area. Don't think of Birch Bay Drive as simply for
25 transportation. It's also for recreation. The C Shop and Bay Center Grocery has sponsored
26 a horse ride the last few years on Discovery Day. Government should set things up so
27 people can run their lives and businesses. The ordinance as it is will prohibit those horses
28 along Birch Bay Drive. Tweak the ordinance.

29
30 Hearing no one else, Crawford closed the public hearing.

31
32 **Brenner moved** to adopt the ordinance. She asked if Mr. Alesse was for or against
33 the carriage rides. Alesse stated he is in favor of the carriage rides.

34
35 Brenner stated the main concerns she heard about included horse poop. That won't
36 be a problem because there will be a contraption to collect it before it touches the ground.
37 There was a concern about traffic. The committee included language limiting the hours of
38 operation, which will only be two or three days per week, after rush hour. It will take some
39 people out of their cars. The owner will give people great information about Birch Bay. It's
40 an interim ordinance, so they can work out any problems that may arise.

41
42 Nelson asked who enforces the ordinance.

43
44 Joe Rutan, Public Works Department, stated that the Sheriff's Office would enforce
45 the ordinance. The Public Works Department administers the activity through a right-of-
46 way use permit, which is similar to a parade use permit, which Discovery Day gets.
47 Discovery Day gets a permit to allow those horses.

48
49 Nelson stated the only thing the Sheriff's Office was concerned about was having to
50 enforce permitting on the vehicle. Rutan stated the Public Works Department will look after
51 the vehicle and welfare of the animal to the best of its ability. The staff are not experts in
52 those fields.

1 The motion carried by the following vote:

2 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

3 **Nays:** None (0)

4
5 **4. ORDINANCE LIMITING TOTAL ANNUAL REAL ESTATE PROPERTY TAX**
6 **INCREASES, INCLUDING THE USE OF BANKED CAPACITY, TO ONE PERCENT**
7 **PER YEAR UNLESS A NON-BINDING ADVISORY BALLOT MEASURE WITH ANY**
8 **PROPOSED ADDITIONAL INCREASES IS PLACED BEFORE WHATCOM COUNTY**
9 **VOTERS (AB2010-182)**

10
11 Crawford opened the public hearing, and the following people spoke:

12
13 Abe Jacobsen, 2314 Samish Way, Bellingham, submitted and read from information
14 (*on file*) and stated if the Council is going to use the referendum for this issue, it should use
15 it in other areas, such as the urban growth area or the appointment to fill a vacancy on the
16 County Council.

17
18 Shane Roth, 3925 E. Connecticut, Bellingham, stated make one amendment to
19 clarify and make explicit in writing that this is not intended to apply to short-term
20 emergencies. Make it clear that an emergency is an exception to this ordinance.

21
22 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated the County can only increase
23 taxes by one percent, which isn't enough to account for inflation. Keep banked capacity.
24 Otherwise an agency is inclined to grab the one percent any time possible, and end up
25 spending it on pet projects.

26
27 Harriet Spanel, 903 Liberty Street, Bellingham, stated she opposes advisory votes.
28 This is a representative form of government. People don't vote on every single issue. The
29 councilmembers were elected to make decisions because they know what the issues, pros,
30 and cons are. There are other issues just as important as tax issues. If the
31 councilmembers don't want to make the tough decisions, they probably should have thought
32 about their decisions to run for office.

33
34 Sue Brown, 2188 E. Birch Street, Bellingham, stated she is opposed to the proposal.
35 Even the best-informed voters aren't privy to all the factors that must be considered before
36 making such a far-reaching decision. They don't have the specialized information the
37 councilmembers receive from staff. They don't have access to budget information provided
38 to councilmembers. Most voters have little or no interest in these matters, besides how it
39 affects their own financial situation. Short-term fixes that equate to long-term problems are
40 the reason for the deficits that most government entities face now. Don't put the Council's
41 responsibilities on the public. Don't try to avoid an unpopular, but necessary, action such as
42 raising taxes. It takes a strong person to do what is right, rather than what is popular. This
43 will set a poor precedent, and is a waste of taxpayer time and money. Why bother if the
44 results are non-binding. There are better ways to spend the money one of these elections
45 would cost.

46
47 Dan McShane, 1451 Grant Street, Bellingham, stated there are three problems with
48 this approach. First, budgets are very complex, and campaigning by different
49 councilmembers would confuse voters. Second, it could create a perverse incentive to take
50 the one percent every year. They haven't raised taxes for a long time, which is why the
51 banked capacity is there. Third, he asked how that will work with the Charter. There isn't
52 the window of time to prepare the budget, given the way the Charter is written. Regarding
53 transferring funds around, don't ever transfer from the general fund to the road fund.

1
2 Bob Wiesen, 3314 Douglas Road, Ferndale, stated he has concern about the banked
3 capacity. The Council could raise the taxes more than one percent without the advice of the
4 citizens. It would be appropriate to go to the public.
5

6 Jeff McKay, 4693 Sucia Drive, stated he supports the ordinance. Thanks for asking
7 the public's opinion.
8

9 Hearing no one else, Crawford closed the public hearing.
10

11 Brenner stated she supports the ordinance. She thought it would cost a few
12 thousand dollars to get public opinion on something from many people who don't have the
13 time and ability to get into Council meetings.
14

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

17 **Brenner** stated she would like to support this ordinance, with amendments. She
18 would like to know how they would get it on the ballot in time. She sent letters to people
19 and mistakenly told them this was a resolution with no force of law. She would like to
20 inform people correctly about this ordinance. Of all the pressing issues, the most pressing
21 is how they fund things. She's never supported a property tax increase. She has seen
22 times when they haven't done an adequate job on the budget. They haven't gone through
23 it with a microscope. No issue is more pressing. She thought this was a vote to put on the
24 ballot and let people decide whether they should spend public money on this in the future.
25 She supports it. For a few thousand dollars, they will get comments from the widest
26 assortment of people, instead of the very narrow minority who attend the meeting. Close
27 the public hearing and hold the decision for two weeks. She needs to make her correction
28 to the people. She **moved** to postpone the decision to a date certain in two weeks.
29

30 The motion to hold in Council carried by the following vote:

31 **Ayes:** Nelson, Crawford, Brenner, Weimer and Kershner (5)

32 **Nays:** Knutzen and Mann (2)
33

34 Kershner asked that her name be removed as a sponsor. She is not sponsoring this
35 ordinance.
36

37 **5. RESOLUTION LIMITING TOTAL ANNUAL REAL ESTATE PROPERTY TAX**
38 **INCREASES FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT,**
39 **INCLUDING THE USE OF BANKED CAPACITY, TO ONE PERCENT PER YEAR**
40 **UNLESS A NON-BINDING ADVISORY BALLOT MEASURE WITH ANY**
41 **PROPOSED ADDITIONAL INCREASES IS PLACED BEFORE WHATCOM**
42 **COUNTY VOTERS (AB2010-182A)**
43

44 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*
45 *Board of Supervisors.)*
46

47 Kershner asked that her name be removed as a sponsor.
48

49 Crawford opened the public hearing, and the following people spoke:
50

51 Abe Jacobsen, 2314 Samish Way, submitted and read from information *(on file)* and
52 stated don't tie this to anything having to do with an emergency.
53

1 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated his comments are the same as
2 those for the previous item.
3

4 Hearing no one else, Crawford closed the public hearing.
5

6 ***Brenner moved*** to postpone the decision to a date certain in two weeks.
7

8 The motion carried by the following vote:

9 **Ayes:** Nelson, Crawford, Brenner, Weimer, Mann and Kershner (6)

10 **Nays:** None (0)

11 **Abstains:** Knutzen (1)
12
13

14 **CONSENT AGENDA**

15
16 ***Mann*** reported for the Finance and Administrative Services Committee and ***moved***
17 to approve Consent Agenda items one through four and six.
18

19 The motion carried by the following vote:

20 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

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

- 23 1. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
24 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND NORTHWEST**
25 **YOUTH SERVICES FOR HOUSING CASE MANAGEMENT SERVICES IN**
26 **ASSOCIATION WITH WHATCOM HOMELESS SERVICE CENTER, IN THE**
27 **AMOUNT OF \$17,407 (AB2010-190)**
28
- 29 2. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
30 **CONTRACT BETWEEN WHATCOM COUNTY AND LYNDEN SCHOOL DISTRICT**
31 **FOR BEHAVIORAL HEALTH SERVICES, IN THE AMOUNT OF \$76,500**
32 **(AB2010-191)**
33
- 34 3. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
35 **CONTRACT BETWEEN WHATCOM COUNTY AND MT. BAKER SCHOOL DISTRICT**
36 **FOR BEHAVIORAL HEALTH SERVICES, IN THE AMOUNT OF \$82,500**
37 **(AB2010-192)**
38
- 39 4. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
40 **CONTRACT BETWEEN WHATCOM COUNTY AND CATHOLIC COMMUNITY**
41 **SERVICES FOR MENTAL HEALTH TREATMENT SERVICES FOR WHATCOM**
42 **COUNTY RESIDENTS WHO HAVE NO OTHER READILY AVAILABLE SOURCE OF**
43 **FUNDING TO PROCURE MENTAL HEALTH SERVICES (AB2010-193)**
44
- 45 5. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
46 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM**
47 **COUNTY FIRE DISTRICT 7 FOR THE INCENTIVE PAY AND CONTINUING**
48 **EDUCATION COSTS ASSOCIATED WITH PARAMEDIC TRAINED**
49 **FIREFIGHTERS AS AUTHORIZED THROUGH THE EMS PLAN AND**
50 **SUPPLEMENTAL BUDGET #2 OF THE 2010 BUDGET, IN THE AMOUNT OF**
51 **\$80,000 (AB2010-194)**
52

1 **Mann** reported the Finance and Administrative Services Committee and stated this
2 item failed in committee. He **moved** to approve the request as Committee Chair, for the
3 sake of discussion.
4

5 Brenner stated that as long as they keep punishing Fire District 7, there will be no
6 incentive for anyone to come together and get beyond the issue. The Council voted
7 unanimously to endorse the concept of the Emergency Medical Services (EMS) Plan, which
8 was on the ballot. The plan included Fire District 7. After the vote, the City of Bellingham
9 brought up the issue of unions. The City never said ahead of time that the Fire District had
10 to be part of the union. The problem is that the person who is supposed to make the
11 decisions on accrediting the paramedics isn't making that decision, and is requiring that the
12 paramedics go to Wenatchee for training. If those paramedics had been allowed to do their
13 training here, they would have been certified and accredited a long time ago. This isn't
14 their fault. They shouldn't be punished.
15

16 Mann stated the Bellingham Fire District didn't change it's mind. The Bellingham
17 Firefighter's Union changed its mind. He agrees that the Union has some changes to make
18 in their negotiating stance at this time. The whole thing is a mess. The County paid
19 \$300,000 for these paramedics to be trained. The County declined training funds for the
20 Bellingham firefighters, which was appropriate. Don't play favorites. Hold them both
21 accountable to get things resolved and move forward.
22

23 Crawford stated he attended mediation with the County administration and
24 attorneys. The attorneys continue to negotiate details. Generally speaking, they've
25 conceptually found resolution to those training costs.
26

27 Mann stated his decision is the message they've sent with the previous vote on
28 training and the vote on this training, and the practical reality that he doesn't want to waste
29 another \$80,000 after partially wasting \$300,000 so far.
30

31 Weimer stated he voted against this in committee. One reason was Councilmember
32 Mann's argument about creating an incentive by not spending any more money on either
33 side until they work out a deal. The bigger reason is because of the EMS Plan. The fifth
34 medic unit for Fire District 7 is part of the plan, but they haven't followed other parts of the
35 plan, such as item four, which is to reconstruct the Emergency Medical and Ambulance
36 Advisory Board. It is to be the primary agency for settling disputes between ambulance
37 services and governmental agencies operating services throughout Whatcom County, and to
38 make budgetary recommendations for ambulance services. That hasn't happened. The
39 Council is being asked to spend money without a budgetary recommendation from that
40 group. Follow the plan, which includes those things. This evening he hears that they're
41 getting close to certifying the paramedics. If they are getting that close, he may be willing
42 to vote in favor of this. However, they need to follow the entire plan.
43

44 Dewey Desler, Deputy Administrator, stated the Advisory Board meets as a formal
45 body and is composed of elected officials a couple times each year. It's not as active as
46 they may like. There are also other groups that are ad hoc to that effort and that meet and
47 make recommendations. If the Council wants to be more actively involved with the
48 advisory group, the administration will work with other elected officials to put that together.
49 The last meeting resulted in a series of recommendations, including going forward with this
50 project and to fund the second paramedic training program through the City's program.
51 There is some actual involvement in the part of that committee. Tonight they heard from
52 the Fire District Chief, which very positive. Two paramedics will be certified tomorrow. This

1 two-year process is coming to an end. Three other paramedics will be certified soon. At
2 that point, they can deploy the fifth unit, based on the needs of the community.

3
4 Brenner stated that if they had shown a stronger support for moving ahead, there
5 would have been less bickering. Some people feel they can keep this going. They don't
6 lose from that. The only ones who lose from these extensions are District 7. That isn't fair.
7 She supports Councilmember Weimer, and they should move ahead with that, too.

8
9 The motion carried by the following vote:

10 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen and Kershner (6)

11 **Nays:** Mann (1)

- 12
13 **6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO AWARD BID**
14 **#10-32 FOR THE DELIVERY AND SUPPLY OF ASPHALTIC MIXES TO ALL**
15 **THREE VENDORS WHO PLACED BIDS - PUBLIC WORKS STAFF WILL SELECT**
16 **THE VENDOR THAT IS THE BEST VALUE BASED ON PRICE AND TRANSPORT**
17 **COST TO THE SPECIFIC JOB SITE, IN AN ANNUAL AMOUNT OF**
18 **APPROXIMATELY \$85,000 (AB2010-195)**

19
20
21 **OTHER ITEMS**

- 22
23 **1. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, NINTH**
24 **REQUEST, IN THE AMOUNT OF \$71,451 (AB2010-179)**

25
26 *Mann* reported for the Finance and Administrative Services Committee and *moved*
27 to adopt the ordinance.

28
29 The motion carried by the following vote:

30 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

31 **Nays:** None (0)

- 32
33 **2. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY PROJECT BUDGET,**
34 **SECOND REQUEST, IN THE AMOUNT OF \$250,000 (AB2010-181)**

35
36 *Mann* reported for the Finance and Administrative Services Committee and *moved*
37 to adopt the ordinance.

38
39 The motion carried by the following vote:

40 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

41 **Nays:** None (0)

- 42
43 **3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A GRANT**
44 **AGREEMENT WITH THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF**
45 **NATIONAL DRUG CONTROL POLICY, FOR SUPPORT OF THE NW HIDTA**
46 **BORDER TASK FORCE PROSECUTION INITIATIVE TO BE USED TO PAY FOR A**
47 **PROSECUTOR AND A SECRETARY FOR THE PROSECUTOR'S OFFICE AND**
48 **SOFTWARE MAINTENANCE COSTS FOR THE AEGIS R PUBLIC SAFETY**
49 **INTERFACE SOFTWARE, IN THE AMOUNT OF \$175,073 (AB2010-186)**

50
51 *Mann* reported for the Finance and Administrative Services Committee and *moved*
52 to approve the request.

1 The motion carried by the following vote:

2 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

3 **Nays:** None (0)

4
5 **4. RESOLUTION AMENDING CRP #998001 AND AWARD OF THE**
6 **CONSTRUCTION CONTRACT FOR YEW STREET ROAD PHASE II TO FRIBERG**
7 **CONSTRUCTION COMPANY, INC. AS LOW BIDDER, IN THE AMOUNT OF**
8 **\$1,554,900.35 (AB2010-187)**
9

10 **Mann** reported for the Finance and Administrative Services Committee and **moved**
11 to approve the resolution. He can't see spending this amount of money on a short section
12 of road that may get annexed into the City of Bellingham soon. He will vote against the
13 motion.
14

15 Brenner stated she voted against this project to begin with because of the cost.
16 However, most of the County's portion of the cost has already been spent. Even if the
17 County doesn't do this, it would be required to do safety measures on that part of the road,
18 because it is dangerous, which would cost at least that amount, if not more. Those grants
19 would go away. She will support this piece of the project. She hopes they don't do this
20 again.
21

22 Mann stated this is a lot of money. Any free money from the federal government is
23 still taxpayer money. At some point, they need to say no to projects. There is such a thing
24 as throwing good money after bad money. Just because it may have been a bad decision in
25 the past, the problem is compounded as they continue to pour money into the project.
26 Sooner or later, they must deny projects and be very conservative with money.
27

28 Crawford stated this is a wonderful project. It's a needed project. There are many
29 reasons for this. There is a school there. This is a pedestrian area. There are many safety
30 issues. It contributes to the continuation of using Yew Street Road, which connects to
31 Woburn Street, which connects to Hannegan Drive, which is a main north-south corridor
32 through Whatcom County, if something should happen on the freeway. It got expensive.
33 The original bids were to complete the entire road to Samish Way. This has been through a
34 decade of issues, problems, and iterations. This bid is 30 percent to 40 percent lower than
35 what it would have been two or three years ago. He fully supports this project. The County
36 needs to do more of them. Nothing has been done badly.
37

38 Brenner stated she agrees with Councilmember Mann's comments about drawing the
39 line. This area is one of the more dangerous areas in the county. She was unhappy with all
40 the upgrades that went along with it, but she would rather the federal tax dollars be spent
41 locally. The County has to do improvements there regardless. If Bellingham takes this over
42 soon, it has to pay back the County for the cost.
43

44 The motion carried by the following vote:

45 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen and Kershner (6)

46 **Nays:** Mann (1)

47
48 **5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
49 **CONTRACT BETWEEN WHATCOM COUNTY AND BERGERABAM, INC FOR**
50 **STRUCTURAL REHABILITATION DESIGN ANALYSIS FOR MARINE DRIVE –**
51 **LITTLE SQUALICUM BRIDGE NO. 001 AND PORTAL WAY – DAKOTA CREEK**
52 **BRIDGE NO. 500, IN THE AMOUNT OF \$47,376 (AB2010-188)**
53

1 **Mann** reported for the Finance and Administrative Services Committee and ***moved***
2 to approve the request.

3
4 The motion carried by the following vote:

5 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

6 **Nays:** None (0)

7
8 **6. REQUEST APPROVAL FOR THE DEMOLITION OF A STORAGE SHED AT**
9 **HOVANDER PARK (AB2010-189)**

10
11 **Mann** reported for the Finance and Administrative Services Committee and ***moved***
12 to approve the request.

13
14 Brenner stated this is a huge building of 4,700 square feet and can be totally
15 restored. They want to use the space for a brand new building that's much more expensive.
16 That shouldn't happen.

17
18 The motion carried by the following vote:

19 **Ayes:** Nelson, Crawford, Weimer, Knutzen, Mann and Kershner (6)

20 **Nays:** Brenner (1)

21
22
23 **INTRODUCTION ITEMS**

24
25 **Nelson moved** to accept the introduction items, including one additional item,
26 Introduction Item number three.

27
28 Weimer stated the public hearing for item three will be in four weeks, not two weeks.

29
30 The motion carried by the following vote:

31 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

32 **Nays:** None (0)

33
34 **1. ORDINANCE ESTABLISHING THE LINCOLN ROAD CONSTRUCTION FUND FOR**
35 **THE RECONSTRUCTION OF ROADWAY FROM SHINTAFFER ROAD TO**
36 **HARBORVIEW ROAD TO INCLUDE 12-FOOT LANES, 8-FOOT SHOULDERS,**
37 **STORM SEWERS, STORMWATER TREATMENT SWALES, AND LEFT TURN**
38 **LANES ON LINCOLN ROAD AND HARBORVIEW ROAD (AB2010-196)**

39
40 **2. ORDINANCE FOR 2010 PROJECT BUDGET REQUEST NO. 3 FOR FUNDING**
41 **FROM THE LINCOLN ROAD CONSTRUCTION FUND FOR COMPLETION OF**
42 **PRELIMINARY ENGINEERING, RIGHT OF WAY ACQUISITION COSTS AND**
43 **CONSTRUCTION COSTS FOR THE LINCOLN ROAD PHASE I PROJECT IN THE**
44 **AMOUNT OF \$3,900,000 AND TO REQUEST AN APPROPRIATION FROM THE**
45 **ROAD FUND TO FUND A TRANSFER TO THE LINCOLN ROAD CONSTRUCTION**
46 **FUND IN THE AMOUNT OF \$1,500,000 (AB2010-196A)**

47
48 **3. ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE 20, TO REDUCE**
49 **DEVELOPMENT POTENTIAL IN ZONING DISTRICTS WITHIN THE LAKE**
50 **WHATCOM WATERSHED (AB2010-185)**

51
52
53 **OTHER BUSINESS**

1
2 There was no other business.
3
4

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

7 Knutzen stated the Dairy Federation Flood Tour was nice.
8

9 Crawford stated he learned a lot about sedimentation management on that tour.
10 They will be hearing more about fire district mediation soon.
11

12
13 **ADJOURN**
14

15 The meeting adjourned at 9:55 p.m.
16
17
18

19
20 Please contact the Council Office to obtain an
21 official, signed copy:
22
23 360-676-6690 or council@co.whatcom.wa.us
24
25
26

27
28 _____
29 Dana Brown-Davis, Council Clerk

Sam Crawford, Council Chair