

Whatcom County Council

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010



Minutes - Final

Tuesday, May 10, 2022

6 PM

Hybrid Meeting

HYBRID MEETING (PARTICIPATE IN-PERSON OR SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil OR CALL
360.778.5010)

COUNCILMEMBERS

Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kaylee Galloway
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

Council Chair Todd Donovan called the meeting to order at 6:07 p.m. in a hybrid meeting.

ROLL CALL

Present: 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, stated he did not have a report.

MINUTES CONSENT

Byrd moved to accept the minutes consent items. The motion was seconded by Buchanan (see votes on individual items below).

1. [MIN2022-030](#) Committee of the Whole for April 26, 2022

Byrd moved and Buchanan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

2. [MIN2022-031](#) Regular County Council for April 26, 2022

Byrd moved and Buchanan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

SPECIAL PRESENTATION

1. [AB2022-278](#) Invitation to the Gathering of Eagles and a special event honoring Master Carver Jewell James

The presenter was not present.

This agenda item was NOT ACTED UPON.

PUBLIC HEARINGS

Council staff played a short instructional video about how to speak at the meeting.

1. [AB2022-270](#) Advisory public hearing to gather public comments on proposed amendments to Title 20 (Zoning) to regulate vacation (short-term) rentals

Cliff Strong, Planning and Development Services Department, gave a brief introduction to the item.

Donovan opened the Public Hearing and the following people spoke:

- Cynthia Sue Ripke-Kutsigoitz
- Patrick Alesse
- Forest Payne
- Name not stated
- Brad Swanson
- Kelvin Barton
- Brian Bott
- Jackie (last name inaudible)
- Heather Dalberg
- Thomas Frey
- Liz Christner
- Perry Eskridge
- Patrick McMahon
- Lisa Oostema

Hearing no one else, Donovan closed the Public Hearing.

Kershner asked whether this should be sent back to the Planning Commission in light of State regulations being passed and in the interest of not having duplication.

Strong answered what the difference is between permitted use and accessory use as far as the Code goes and how that would be interpreted by Planning.

Kershner spoke about the following concerns:

- Whether nuisance laws are already included in State regulation
- Not having the data on how many complaints they have received about short term rentals and whether they would be putting regulations in place when they do not know what the extent of the problem (if there is one) is
- The Planning Department having to manage the program
- Having to register and pay a fee if you are just renting out your home for two weeks a year
- Whether this would be duplicating State regulations
- What the safety requirements would be and what the safety checklist that is required by the Building Official and Fire Marshall might be
- The condition for Lake Whatcom Properties regarding onsite septic system inspections which is already required by the Code and possible duplicated efforts between the Health Department and the Planning Department in monitoring that

Elenbaas stated the Planning Commission heard many public comments against the regulations several years ago and did not move forward with it at that time, even before the addition of State regulations. He does not want to see County Planning staff spending time on regulating and answering phone calls about vacation rentals but would rather see them work on issues that are more important to our community.

PUBLIC TESTIMONY WAS RECEIVED (file final).

OPEN SESSION

The following people spoke:

- Cynthia Sue Ripke-Kutsigoitz
- Misty Flowers
- Robert Bystrom
- Laurie San Angelo
- Cliff Langley
- Barbara Powers
- Melissa Gragg
- Helga DeLiban
- Natalie Chavez
- Lyle Sorenson
- Richard Johnson
- Patrick Alesse
- Dam Pham
- Tammie

- Sara Rose
- Hannah Ordos

Hearing no one else, Donovan closed the Open Session.

Byrd addressed comments about restricting public comment in Council meetings.

Clerk's note: Councilmembers took a brief recess.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Byrd reported for the Finance and Administrative Services Committee and ***moved*** to approve Consent Agenda items one through seven.

Councilmembers discussed Consent Agenda items number four (AB2022-265) and number seven (AB2022-277).

Dana Brown-Davis, Clerk of the Council, stated that Consent Agenda Item number five (AB2022-272) is a substitute version.

Councilmembers voted on the Consent Agenda (see votes on individual items below).

1. [AB2022-236](#) Resolution to set hearing and notice of hearing to declare Whatcom County real property as surplus

Byrd reported for the Finance and Administrative Services Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: RES 2022-022

2. [AB2022-237](#) Resolution to set hearing and notice of hearing to authorize the transfer of Whatcom County surplus property

Byrd reported for the Finance and Administrative Services Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: RES 2022-023

3. [AB2022-253](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Commerce to provide resources to respond to the COVID-19 pandemic among individuals and families who are homeless or receiving homeless assistance, in the amount of \$1,250,000 for a total amended amount of \$4,294,770

Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

4. [AB2022-265](#) Request permission for the County Executive to enter into a Shorelands Floodplain by Design Agreement with the State of Washington Department of Ecology (Council acting as the Flood Control Zone District Board of Supervisors)

Byrd reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

5. [AB2022-272](#) Resolution authorizing the Whatcom County Executive to act as the authorized representative on behalf of Whatcom County for Washington State Recreation and Conservation Office Puget Sound Acquisition and Restoration Grant

Byrd reported for the Finance and Administrative Services Committee and moved that the SUBSTITUTE Resolution be APPROVED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: RES 2022-024

6. [AB2022-273](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Parametrix, Inc, in the amount of \$55,523.27 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Byrd reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

7. [AB2022-277](#) Request authorization for the Executive to enter into a FEMA Public Assistance grant agreement between Whatcom County and the Washington State Military Department for disaster relief and emergency assistance

Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

OTHER ITEMS

(From Council Committee of the Whole)

1. [AB2022-259](#) Resolution supporting the Snohomish, Whatcom, Island, San Juan and Skagit (SWISS) regional partnership with the Washington State Association of Counties

Donovan reported for the Committee of the Whole and **moved** that the Resolution be APPROVED.

Elenbaas spoke about why he does not support the Resolution.

Donovan's motion that the Resolution be APPROVED carried by the following vote:

Aye: 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: RES 2022-025

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-231](#) Appointment to a vacancy on the Board of Supervisors for Drainage Improvement District #7, Position 3, to serve a partial term until the next election in February 2024 - Applicant(s): Rodney Stump

Byrd moved and Kershner seconded that the Council Appointment Requiring Introduction be APPOINTED by acclamation.

Councilmembers discussed voting by acclamation.

Elenbaas stated the applicant would be great.

Byrd's motion that the Council Appointment Requiring Introduction be APPOINTED by acclamation carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

2. [AB2022-232](#) Appointment to a vacancy on the Board of Commissioners for Drainage District #3, Position 1, to serve a partial term until the next election in February 2024 - Applicant(s): Roger Blok

Byrd moved and Donovan seconded that the Council Appointment Requiring Introduction be APPOINTED.

Councilmembers discussed the applicant.

Byrd's motion that the Council Appointment Requiring Introduction be APPOINTED carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

3. [AB2022-241](#) Appointment to a vacancy on the Board of Supervisors for Consolidated Drainage Improvement District #20, Position 1, to serve a partial term until the next election in February 2024 - Applicant(s): Rodney Vande Hoef

Byrd moved and Donovan seconded that the Council Appointment Requiring Introduction be APPOINTED.

Elenbaas stated the applicant would be great for the position.

Byrd's motion that the Council Appointment Requiring Introduction be APPOINTED carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

**CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS,
COMMISSIONS, AND COMMITTEES**

1. [AB2022-264](#) Request confirmation of the County Executive's appointment of Franklin Boteler to the Whatcom County Parks and Recreation Commission

Byrd moved and Frazey seconded that the Executive Appointment be CONFIRMED.

Councilmembers discussed the motion.

Byrd's motion that the Executive Appointment be CONFIRMED carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

Byrd moved to introduce items one through ten. The motion was seconded by Buchanan.

Kershner asked who submitted Introduction item number four.

Dana Brown-Davis, Clerk of the Council, stated it was Brad Bennett from the Finance Department.

Councilmembers voted on the Introduction items (see votes on individual items below).

1. [AB2022-260](#) Ordinance amending the project budget for the Sudden Valley Stormwater Improvements Fund, request no. 1

Byrd moved and Buchanan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: ORD 2022-042

2. [AB2022-274](#) Ordinance amending the project based budget for the 2010 Jail Improvements Fund, request no. 5

Byrd moved and Buchanan seconded that the Ordinance be INTRODUCED.

The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: ORD 2022-043

3. [AB2022-275](#) Ordinance amending the 2022 Whatcom County Budget, request no. 8, in the amount of \$11,498,022

Byrd moved and Buchanan seconded that the Ordinance be INTRODUCED.

The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: ORD 2022-044

4. [AB2022-280](#) Ordinance amending Whatcom County Code Section 3.08.095, Small Works Roster Contract Award process, to update requirements for Bids and Proposals

Byrd moved and Buchanan seconded that the Ordinance be INTRODUCED.

The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: ORD 2022-046

5. [AB2022-258](#) Appointment to a vacancy on the Board of Supervisors for Drainage Improvement District #6, Position 1, to serve a partial term until the next election in February 2024 - Applicant(s): Edward L. Thompson

Byrd moved and Buchanan seconded that the Council Appointment Requiring

Introduction be INTRODUCED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

- 6. [AB2022-276](#) Appointment to the Stakeholder Advisory Committee for the Justice Project, applicants: Teresa Bosteter, Eve Smason-Marcus (Application deadline for any other applicants to this vacancy is 10 a.m. on May 17, 2022)

Byrd moved and Buchanan seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

- 7. [AB2022-261](#) Resolution amending Resolution No. 2021-056, making additional amendments to the 2020 Shoreline Management Program Periodic Update documents to be considered by the Department of Ecology in their final review and approval

Byrd moved and Buchanan seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: RES 2022-027

- 8. [AB2022-282](#) Resolution declaring Whatcom County real property surplus

Byrd moved and Buchanan seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: RES 2022-028

- 9. [AB2022-283](#) Resolution authorizing the transfer of Whatcom County surplus property

Byrd moved and Buchanan seconded that the Resolution Requiring a Public

Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: RES 2022-032

10. [AB2022-266](#) Request approval for the County Executive to submit up to three (3) applications and enter into grant agreements with the Washington State Department of Commerce for 2022 CDBG grant funding to support local projects that will benefit low-to-moderate income families in Whatcom County

Byrd moved and Buchanan seconded that the Agreement Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave committee reports and updates on recent activities and upcoming events.

Galloway spoke about and Councilmembers discussed with Satpal Sidhu, County Executive, a property coming up for sale in old town Bellingham and exploring acquisition of the land and how it might be used for affordable housing.

Councilmembers and Sidhu also discussed:

- Supporting staff to take care of core County services instead of adding staff responsibilities and maybe having some discussion regarding strategies and priorities of what Council really wants to work on
- A conversation with Everson Mayor Perry regarding an affordable housing project just outside of Everson
- Comments from the public about the Health Department doors being locked
- Public comment about taking some of the General Fund money that has been preserved over the last two years and putting it towards the

amount needed to start constructing a new jail facility

ADJOURN

The meeting adjourned at 8:47 p.m.

The County Council approved these minutes on May 24, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Todd Donovan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE