

Whatcom County Council

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



Minutes - Final

Tuesday, January 14, 2020

7 PM

Council Chambers

COUNCILMEMBERS

Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 7 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

1. [MIN2020-001](#) Regular County Council for November 19, 2019

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

Aye: 5 - Browne, Buchanan, Byrd, Donovan, and Frazey

Nay: 0

Absent: 0

Abstain: 2 - Elenbaas, and Kershner

2. [MIN2020-002](#) Special Committee of the Whole for November 19, 2019

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

Aye: 5 - Browne, Buchanan, Byrd, Donovan, and Frazey

Nay: 0

Absent: 0

Abstain: 2 - Elenbaas, and Kershner

3. [MIN2020-003](#) Committee of the Whole - Executive Session for December 3, 2019

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

Aye: 5 - Browne, Buchanan, Byrd, Donovan, and Frazey

Nay: 0

Absent: 0

Abstain: 2 - Elenbaas, and Kershner

4. [MIN2020-004](#) Regular County Council for December 3, 2019

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

Aye: 5 - Browne, Buchanan, Byrd, Donovan, and Frazey

Nay: 0

Absent: 0

Abstain: 2 - Elenbaas, and Kershner

5. [MIN2020-006](#) Regular County Council for September 24, 2019 - REVISED

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

Aye: 5 - Browne, Buchanan, Byrd, Donovan, and Frazey

Nay: 0

Absent: 0

Abstain: 2 - Elenbaas, and Kershner

SPECIAL PRESENTATION

1. [AB2020-023](#) County Executive Satpal Singh Sidhu will present remarks to Council on the commencement of his term as County Executive

Satpal Sidhu, County Executive, read from a presentation (on file).

This agenda item was PRESENTED.

PUBLIC HEARINGS

Public testimony was received on the following Public Hearing items and both were left open to the next meeting.

1. [AB2019-480](#) Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation

Buchanan opened the public hearing, and the following people spoke:

Lisa Niva

Sarah Boss

Jason Alexander submitted a handout (on file)

Howard Milewski

Caitlin Willson submitted a handout (on file)

Claus Stoiber

Sharon Cody

Sheila Kluck

Greg Erickson

Merida Scully

Debra Noonan

Nancy Zimmerman

Jerry Johnson submitted a handout (on file)

Jim Cornforth

Mary Hess

Mike Hess

Penny Jewett

Lise Boughen

Steve Scholz

Tim Slesk

Scott Hall

Jeff Shelman

Anne Bremer

Tom Aliotti

May Walker

Buchanan stated that the Public Hearing is paused and will be continued at the next meeting.

The Council HEARD PUBLIC TESTIMONY.

Enactment No: Ord 2020-002

2. [AB2019-614](#) Ordinance amending Whatcom County Code 16.30, Lake Whatcom Stormwater Utility Funding Mechanism, changing the date for collection of Capital Facility Charges from January 1, 2020 to January 1, 2021
- Kraig Olason, Public Works Department, gave a staff report and answered questions.
- Buchanan opened the public hearing, and hearing no one, paused the public hearing. He stated that the Public Hearing will be continued at the next meeting.
- Councilmembers HEARD PUBLIC TESTIMONY.**
- Enactment No: ORD 2020-001

OPEN SESSION (20 MINUTES)

The following people spoke about various topics:

Jeff Monks spoke about Executive Sidhu's presentation.

Dana Briggs spoke about homelessness.

Katherine Kissinger spoke about the availability of maps on the County website.

Paul (inaudible) spoke about recommending Jeff Chalfant for Planning Commission.

Allison Calder submitted a handout (on file) and spoke about garbage collection in Point Roberts.

Ken Calder submitted a handout (on file) and spoke about garbage collection in Point Roberts.

The following people spoke about **AB2019-600 Ordinance amending Whatcom County Code 11.16 to protect Lake Samish shoreline properties and Lake Samish water recreation**

Rich DeVeau

Becky O'Brien Wilson

James Wilson

Eric McHenry

Tyler Schroeder, Executive's Office, and Satpal Sidhu, County Executive, answered questions about garbage collection in Point Roberts.

OTHER ITEMS

(From Council Natural Resources Committee)

1. [AB2020-007](#) Resolution affirming the PDR Oversight Committee ranking and authorizing Whatcom County Purchase of Development Rights administrator and Whatcom County executive to proceed with the acquisition of agricultural conservation easements on the Roper, McLeod, TeVelde, and Hirsch Korn applications

Donovan reported for the Natural Resources Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: RES 2020-002

(From Council Finance and Administrative Services Committee)

2. [AB2020-010](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas to govern the administration of surcharge funds generated as a result of substitute house bill 1406 and RCW 82.14.540

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

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

Nay: 0

Absent: 0

3. [AB2020-019](#) Request authorization for the County Executive to enter into an Interlocal agreement between Whatcom County and Washington State Department of Social and Health Services for community based solutions for improving the ease of access to services and resources, in the amount of \$70,000

Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED with an amended start date on the contract of January 15 as noted in the replacement page (on file). The motion carried by the following vote:

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

Nay: 0

Absent: 0

4. [AB2020-005](#) Request authorization for the County Executive to enter into an intergovernmental agreement between Whatcom County and the State of Washington Office of the Secretary of State for the county’s share of the costs of the VoteWA system in the amount of \$56,709 through June 30, 2025

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

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

Nay: 0

Absent: 0

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2019-627](#) Appointment to fill a vacancy on the Board of Equalization - Applicant(s): John Bruton

Donovan moved and Byrd seconded that John Bruton be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

2. [AB2020-011](#) Appointment to fill vacancies on the Climate Impact Advisory Committee - Applicants: William Harman, Katherine Kissinger, Kaylee Galloway, Erika Nuereberg, Stevan Harrell, Philip Thompson, David Kershner, Tim Miller, Cynthia Mitchell

Donovan moved to nominate all nine applicants.

The motion was seconded.

A vote was taken and the following people received the most votes:

William Harman (6), Katherine Kissinger (5), Kaylee Galloway (6), Erika Nuereberg (6), Philip Thomson (6), David Kershner (6), Cynthia Mitchell (5)

Donovan moved and Browne seconded to appoint the ones with six votes to a full term and to appoint the ones with five votes to a partial term.

The following applicants with six votes were appointed to a full term: William Harman, Kaylee Galloway, Erika Nuereberg, Philip Thomson, and David Kershner

The following applicants with five votes were appointed to a partial term: Katherine Kissinger and Cynthia Mitchell

They were APPOINTED by the following vote:

Aye: 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner

Nay: 1 - Elenbaas

Absent: 0

3. [AB2020-012](#) Appointment to fill vacancies on Drayton Harbor Shellfish Protection District - Applicant(s) George Kaas

Donovan moved and Frazey seconded that George Kaas be APPOINTED.

The motion carried by the following vote:

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

Nay: 0

Absent: 0

4. [AB2020-013](#) Appointment to fill vacancies on the Horticulture Pest and Disease Board - Applicant(s): Brett Pehl

Donovan moved and Byrd seconded that Brett Pehl be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

5. [AB2020-014](#) Appointments to fill vacancies on the Incarceration Prevention and Reduction Task Force - Applicants: Stephen Gockley, Greg Winter, Arlene Feld

Frazey moved and Donovan seconded that all the applicants be APPOINTED. The motion to appoint Stephen Gockley, Greg Winter, and Arlene Feld carried by the following vote:

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

Nay: 0

Absent: 0

6. [AB2020-015](#) Appointment to fill vacancy on the Whatcom County Planning Commission - Applicant(s): Jim Hansen, Francis David Fitzgerald, Alvin Scott Van Dalen, Kathy Stanford, Jeff Chalfant, Towhee Wean

Kershner moved to nominate Jeff Chalfant, Kathy Stanford, and Alvin Scott Van Dalen.

Donovan moved to nominate Jim Hansen, Francis David Fitzgerald, and Towhee Wean so that all were nominated.

The motions were seconded.

A vote was taken and Jim Hansen was appointed by the following vote:

Hansen: 4 - Buchanan, Donovan, Browne, and Frazey

Chalfant: 3 - Byrd, Elenbaas, and Kershner

7. [AB2020-016](#) Appointment to fill vacancies on the Solid Waste Advisory Committee - Applicant(s): Larry McCarter, Rodd Pemble

Browne moved and Frazey seconded that both applicants be APPOINTED. The motion to appoint carried by the following vote:

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

Nay: 0

Absent: 0

8. [AB2020-017](#) Appointment to fill vacancies on the Countywide Flood Control Zone District Advisory Committee - Applicant(s): Dale Buys, Ron Bronsema, Kyle Christensen, Holly O'Neil (Council acting as the Flood Control Zone District Board of Supervisors)

Frazezy moved and Browne seconded that all applicants be APPOINTED. The motion carried by the following vote:

Aye: 7 - Browne, Buchanan, Byrd, Donovan, Frazezy, Elenbaas, and Kershner

Nay: 0

Absent: 0

9. [AB2020-018](#) Appointment to fill vacancies on the Sumas/Everson/Nooksack Flood Control Subzone Advisory Committee - Applicant(s): Ed Bosscher

Donovan moved and Browne seconded that Ed Bosscher be NOMINATED AND APPOINTED. The motion carried by the following vote:

Aye: 7 - Browne, Buchanan, Byrd, Donovan, Frazezy, Elenbaas, and Kershner

Nay: 0

Absent: 0

10. [AB2020-021](#) Appointment to fill vacancies on Lynden/Everson Flood Control Subzone District Advisory Committee - Applicant(s): Sherman Polinder (Council Acting as the Flood Control Zone District Board of Supervisors)

Donovan moved and Kershner seconded that Sherman Polinder be APPOINTED. The motion carried by the following vote:

Aye: 7 - Browne, Buchanan, Byrd, Donovan, Frazezy, Elenbaas, and Kershner

Nay: 0

Absent: 0

11. [AB2020-025](#) Appointment to fill vacancies on Stakeholder Advisory Committee for Public Health, Safety, and Justice Facility Needs Assessment - applicants: Heather Flaherty, Arlene Feld, Joy Gilfilen, John Mutchler, Cliff Langley, Chad Butenschoen, Kara Mitchell, Jeff Monks

Buchanan moved that the Council Appointment be HELD IN COUNCIL until February 11, 2020 with an application deadline of February 4, 2020. The motion carried by the following vote:

Aye: 7 - Browne, Buchanan, Byrd, Donovan, Frazezy, Elenbaas, and Kershner

Nay: 0

Absent: 0

- 12. [AB2020-028](#) Appointments to fill vacancies on the Birch Bay Watershed and Aquatic Resources management Advisory Committee Applicant: Donald Brown

Browne moved and Byrd seconded that Donald Brown be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

SPECIAL ORDER OF BUSINESS

- 1. [AB2020-026](#) Approval of special standing Council meeting dates (Health Board and Water Work Sessions)

Buchanan stated he would like to add the Lake Whatcom Joint Council/Commissioner Meeting.

Dana Brown-Davis, Clerk of the Council, answered questions.

Byrd moved and Donovan seconded that the schedule be AMENDED AND APPROVED BY COUNCILMEMBERS. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Councilmembers discussed ways for them to keep track of meeting dates.

INTRODUCTION ITEMS

- 1. [AB2020-020](#) Ordinance amending the 2020 Whatcom County Budget, request no. 3, in the amount of \$1,586,506

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-003

- 2. [AB2020-001](#) Resolution approving Whatcom County Parks & Recreation’s proposed lease of the Ostrom Conservation Site to the Nooksack Valley School District to maintain and operate the property as an outdoor education program and public site

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

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

Nay: 0

Absent: 0

Enactment No: RES 2020-003

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

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

ADJOURN

The meeting adjourned at 9:48 p.m.

The County Council approved these minutes on January 28, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE