

Whatcom County Council

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



Action Summary

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010); AGENDA**

REVISED 4.19.2021 & 4.20.2021

Tuesday, April 20, 2021

6 PM

Virtual Meeting

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

ROLL CALL

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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2021-030](#) Health Board for March 30, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2021-031](#) Committee of the Whole Executive Session for April 6, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2021-032](#) Committee of the Whole for April 6, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

4. [MIN2021-033](#) Regular County Council for April 6, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2021-171](#) Ordinance granting Trans Mountain Pipeline (Puget Sound) LLC, a non-exclusive franchise for pipeline facilities

SUBSTITUTE ADOPTED

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

Nay: 0

Absent: 0

Abstain: 1 - Donovan

Enactment No: ORD 2021-020

2. [AB2021-193](#) Ordinance establishing a speed limit on Northshore Road

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-021

3. [AB2021-195](#) Ordinance establishing a speed limit on several roads in the Wisner Lake Area

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-022

4. [AB2021-230](#) Ordinance imposing an interim moratorium on the acceptance and processing of permit applications for new or expanded recreational cannabis growing and/or processing facilities which are proposed to operate outdoors or in greenhouses

SUBSTITUTE ADOPTED

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

Nay: 2 - Elenbaas, and Kershner

Absent: 0

Enactment No: ORD 2021-023

OPEN SESSION (20 MINUTES)**CONSENT AGENDA****(From Council Finance and Administrative Services Committee)**

1. [AB2021-229](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Western Washington University to provide planning support for the Whatcom County Natural Hazards Mitigation Plan 2021 update, in the amount of \$49,254

AUTHORIZED BY CONSENT**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner**Nay:** 1 - Elenbaas**Absent:** 0

2. [AB2021-236](#) Request authorization for the County Executive to award bid #21-09 and enter into a contract between Whatcom County and Granite Construction, Inc. for hot mix asphalt prelevel at various locations in an amount not to exceed \$438,649.00

AUTHORIZED BY CONSENT**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner**Nay:** 1 - Elenbaas**Absent:** 0

3. [AB2021-250](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Fire Protection District No. 11 to establish a gurney use agreement

AUTHORIZED BY CONSENT**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner**Nay:** 1 - Elenbaas**Absent:** 0**OTHER ITEMS****(From Council Finance and Administrative Services Committee)**

1. [AB2021-206](#) Ordinance closing Law Library/Elections Remodel Fund 376

ADOPTED**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner**Nay:** 0

Absent: 0

Enactment No: ORD 2021-024

2. [AB2021-207](#) Ordinance closing the East Whatcom Regional Resource Center Construction Fund 334

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-025

3. [AB2021-215](#) Ordinance amending the 2021 Whatcom County Budget, request no. 6, in the amount of \$583,944

ADOPTED

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

Enactment No: ORD 2021-026

4. [AB2021-223](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the Washington State Department of Health to fund various public health services, in the amount of \$2,928,061 for a total amended contract amount of \$15,145,319

AUTHORIZED

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

Nay: 0

Absent: 0

5. [AB2021-225](#) Request authorization for the County Executive to enter into interlocal agreement amendment #1 to Interlocal Funding Agreement with the City of Bellingham for support of US Geological Survey's Development of the Coastal Storm Modeling System (COSMOS) across the Whatcom County Shoreline

AUTHORIZED

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

Nay: 0

Absent: 0

6. [AB2021-231](#) Request authorization for the County Executive to enter into a Local Agency Agreement & Project Prospectus between Whatcom County and Washington State Department of Transportation for Marine Drive (Locust Ave to Alderwood Ave) Reconstruction and Bicycle/Pedestrian Improvement in the amount of \$2,509,695
- AUTHORIZED**
- Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
- Nay:** 0
- Absent:** 0
7. [AB2021-239](#) Request approval for the County Executive to enter into an Interagency Agreement with Western Washington University to Support Coordination of Climate Change Planning Efforts funded through a Washington Dept of Commerce grant in the amount of \$20,000
- AUTHORIZED**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
8. [AB2021-246](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Chuckanut Health Foundation to create recommendations on the establishment of a countywide Racial Equity Commission in the amount of \$90,000
- AUTHORIZED**
- Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
- Nay:** 0
- Absent:** 0
9. [AB2021-247](#) Request authorization for the County Executive to enter into an interlocal agreement with the City of Bellingham to support, develop and fund a process to create recommendations on the establishment of a county-wide Racial Equity Commission in an amount not to exceed \$45,000
- AUTHORIZED**
- Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
- Nay:** 0
- Absent:** 0

(From Committee of the Whole)

10. [AB2021-209](#) Resolution regarding permanent affordability of childcare in Whatcom County

DISCUSSED AND MOTION(S) APPROVED

Motion carried 7-0 to approve letter as revised in Committee

ITEMS ADDED BY REVISION

1. [AB2021-255](#) Appointment to the Business and Commerce Advisory Committee - Higher Education vacancy, applicant(s): Eva Schulte

INTRODUCED

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

- [AB2021-227](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

INTRODUCED FOR PUBLIC HEARING

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

Nay: 2 - Elenbaas, and Kershner

Absent: 0

INTRODUCTION ITEMS

1. [AB2021-243](#) Ordinance ordering the closure of a portion of Manley Road to motorized vehicular traffic

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

2. [AB2021-244](#) Resolution adopting the Whatcom County Americans with Disabilities Act (ADA) Transition Plan within the Public Rights-of-Way

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

3. [AB2021-245](#) Resolution supporting a Community Development Block Grant (CDBG) Public Services Grant application

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

The following motion from Committee of the Whole Executive Session was approved 7-0:

I hereby move to approve defense and indemnification of Chris Freeman and Caleb Erickson, named as defendants in Anderson as Personal Rep. of Estate of Kirk Powless, et al. v. Whatcom County, et al., US District Court for the Western District of Washington No. 2:20-cv-01125.

The County Council met in executive session concerning the lawsuit Anderson as Personal Representative of Estate of Kirk Powless, et al. v. Whatcom County, et al., US District Court for the Western District of Washington No. 2:20-cv-01125. Pursuant to Whatcom County Code 2.56, the Council hereby finds the following:

A. Chris Freeman and Caleb Erickson were acting in a matter in which the county had an interest;

B. Chris Freeman and Caleb Erickson were acting in the discharge of a duty imposed or authorized by law;

C. Chris Freeman and Caleb Erickson acted in good faith.

The officers, officials, agents or employees will be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

ADJOURN