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1 WHATCOM COUNTY COUNCIL
2 **Regular County Council Meeting**
3

4 May 7, 2019
5

6 **CALL TO ORDER**
7

8 Council Chair Rud Browne called the meeting to order at 7:00 p.m. in the Council
9 Chambers, 311 Grand Avenue, Bellingham, Washington.
10

11
12 **ROLL CALL**
13

14 **Present:** Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd
15 Donovan, Carol Frazey, and Satpal Sidhu.

16 **Absent:** None.
17

18
19 **FLAG SALUTE**
20

21
22 **ANNOUNCEMENTS**
23

24
25 **PUBLIC HEARINGS**
26

- 27 1. **AB2019-167 ORDINANCE GRANTING GLENHAVEN LAKES CLUB INC. A**
28 **FRANCHISE AND THE RIGHT, PRIVILEGE, AND AUTHORITY THEREUNDER TO**
29 **LOCATE, SET, ERECT, LAY, CONSTRUCT, EXTEND, SUPPORT, ATTACH,**
30 **CONNECT, MAINTAIN, REPAIR, REPLACE, ENLARGE, OPERATE AND USE**
31 **FACILITIES IN, UPON, OVER, UNDER, ALONG, ACROSS AND THROUGH THE**
32 **FRANCHISE AREA TO ALLOW FOR THE PROVISION OF WATER SERVICES**
33

34 Browne opened the public hearing, and hearing no one, closed the public hearing.
35

36 ***Donovan moved*** to hold in Council until after consultation with legal counsel and to
37 keep the public record open.
38

39 The motion was seconded.
40

41 Councilmembers discussed holding for more information.
42

43 *(inaudible)* Surratt, Glenhaven Lakes Water Association Water Manager, answered
44 questions on the size of the water association.
45

46 The motion carried by the following vote:

47 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

48 **Nays:** None (0)
49

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1 2. AB2019-223 WHATCOM COUNTY COMPREHENSIVE PLAN
2 AMENDMENTS CONCERNING THE LUMMI ISLAND FERRY; THE PROPOSAL
3 WOULD MODIFY A POLICY RELATING TO FERRY LEVEL OF SERVICE AND
4 DELETE A POLICY RELATING TO A FERRY FEASIBILITY STUDY
5 (RECOMMENDED MOTION: FORWARD FOR CONCURRENT REVIEW. THIS
6 ORDINANCE CANNOT BE ADOPTED THIS EVENING. THE COUNCIL MUST
7 CONSIDER INITIATED COMPREHENSIVE PLAN AMENDMENTS
8 CONCURRENTLY SO THAT THE CUMULATIVE EFFECT OF THE VARIOUS
9 PROPOSALS CAN BE EVALUATED. ALL PROPOSED AMENDMENTS WILL BE
10 SCHEDULED TOGETHER FOR FINAL ADOPTION AT A LATER DATE.)
11

12 Browne opened the public hearing, and the following person spoke:
13

14 Rhayma Blake, Lummi Island Ferry Advisory Committee, stated the committee
15 recommends forwarding for concurrent review.
16

17 Hearing no one else, Browne closed the public hearing.
18

19 *Donovan moved* to forward for concurrent review.
20

21 The motion was seconded.
22

23 The motion carried by the following vote:
24

25 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)
26

27 **Nays:** None (0)
28

29 3. AB2019-248 ORDINANCE AMENDING THE WHATCOM COUNTY
30 UNIFIED FEE SCHEDULE TO INCLUDE LANGUAGE REGARDING REDUCING
31 RECIDIVISM, JOB LOSS, AND EDUCATION DISRUPTION CAUSED BY LOW
32 INCOME COUNTY RESIDENTS SERVING JAIL TIME IN OTHER
33 JURISDICTIONS BY ALLOWING THEM TO CONTINUE TO ATTEND SCHOOL OR
34 WORK IF THE OFFENSE ALLOWS FOR DAY RELEASE IN WHATCOM COUNTY
35

36 Browne opened the public hearing, and hearing no one, closed the public hearing.
37

38 *Byrd moved* to adopt the ordinance.
39

40 The motion was seconded.
41

42 Browne gave a staff report.
43

44 The motion carried by the following vote:
45

46 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)
47

48 **Nays:** None (0)
49

50 OPEN SESSION

The following people spoke:

- Bob Burr spoke about declaring a climate emergency.

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- 1 • Dana Briggs spoke about declaring a climate emergency.
- 2 • Bob Gay spoke about the public participation plan (AB2019-255) regarding
- 3 the Cherry Point proposed amendment.
- 4 • Rod Roth spoke about the public participation plan (AB2019-255) regarding
- 5 the Cherry Point proposed amendment.
- 6 • Miguel Edmondson spoke about the proposed ordinance to require
- 7 apprentices in County contracts.
- 8 • Luis Ergon spoke about the proposed ordinance to require apprentices in
- 9 County contracts.
- 10 • James Demerest spoke about the proposed ordinance to require apprentices
- 11 in County contracts.
- 12 • Ken (*inaudible*) spoke about the proposed annexation of the Alderwood
- 13 community.
- 14 • Chris Watrobka spoke about the public participation plan (AB2019-255)
- 15 regarding the Cherry Point proposed amendment.
- 16 • Patrick Alesse spoke about protecting the environment.
- 17 • Max Perry spoke about water issues and access to information.

18
19 Councilmembers spoke about the City of Bellingham sharing information regarding
20 annexation plans.

21
22
23 **OTHER ITEMS**

24
25 **1. AB2019-267 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE**
26 **TO ENTER INTO AN AGREEMENT BETWEEN WHATCOM COUNTY AND**
27 **COMPASS HEALTH AND T-MOBILE WEST LLC FOR THIRD AMENDMENT TO**
28 **SITE EASEMENT WITH OPTIONS**

29
30 *Byrd* reported for the Council Finance and Administrative Services Committee and
31 *moved* to approve the request.

32
33 The motion carried by the following vote:
34 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)
35 **Nays:** None (0)

36
37 **2. AB2019-250 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE**
38 **TO ENTER IN TO A COOPERATIVE AGREEMENT WITH THE US ARMY CORPS**
39 **OF ENGINEERS FOR REPAIRS TO THE TWIN VIEW LEVEE ALONG THE LEFT**
40 **BANK OF THE NOOKSACK RIVER NEAR THE TOWN OF EVERSON IN THE**
41 **AMOUNT OF \$357,500 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD**
42 **CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**

43
44 *Byrd* reported for the Council Finance and Administrative Services Committee and
45 *moved* to approve the request.

46
47 The motion carried by the following vote:
48 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)
49 **Nays:** None (0)

50

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1 **3. AB2019-211 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE**
2 **TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY**
3 **AND NORTH SOUND BEHAVIORAL HEALTH ORGANIZATION TO PROVIDE**
4 **MATCH FUNDS FOR CONTINUING THE PROJECTS FOR ASSISTANCE IN**
5 **TRANSITION FROM HOMELESSNESS (PATH) FEDERAL GRANT ACTIVITIES IN**
6 **WHATCOM COUNTY, IN THE AMOUNT OF \$75,469**

7
8 *Byrd* reported for the Council Finance and Administrative Services Committee and
9 *moved* to approve the request.

10
11 Councilmembers praised Health Department staff for bringing forward the
12 information requested.

13
14 The motion carried by the following vote:

15 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

16 **Nays:** None (0)

17
18 **4. AB2019-254 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE**
19 **TO AWARD BID #19-25 AND ENTER INTO A CONTRACT BETWEEN WHATCOM**
20 **COUNTY AND COWDEN, INC., FOR THE SUPPLY OF CRUSHED AGGREGATE TO**
21 **BE STOCKPILED AT VARIOUS WHATCOM COUNTY PIT SITES INCLUDING**
22 **POINT ROBERTS, LUMMI ISLAND AND WHATCOM COUNTY'S ABEL PIT AND**
23 **USED BY THE PUBLIC WORKS-MAINTENANCE AND OPERATIONS DIVISION**
24 **FOR THE ANNUAL CHIP SEALING PROGRAM; ADDITIONALLY, WORK SHALL**
25 **INCLUDE HAULING OF DITCHING WASTE MATERIAL FROM POINT ROBERTS**
26 **TO WHATCOM COUNTY MAINLAND, IN THE AMOUNT OF \$843,248.00**

27
28 *Byrd* reported for the Council Finance and Administrative Services Committee and
29 *moved* to approve the request.

30
31 The motion carried by the following vote:

32 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

33 **Nays:** None (0)

34
35 **5. AB2019-273 REQUEST APPROVAL OF THE ECONOMIC DEVELOPMENT**
36 **INVESTMENT (EDI) BOARD'S RECOMMENDATIONS FOR FUNDING OF THE**
37 **PORT OF BELLINGHAM'S REQUEST FOR A GRANT IN THE AMOUNT OF**
38 **\$750,000, AND OF THE WHATCOM COUNTY SHERIFF'S REQUEST FOR A**
39 **GRANT IN THE AMOUNT OF \$515,000**

40
41 *Byrd* reported for the Council Finance and Administrative Services Committee.

42
43 *Donovan moved* to approve the request.

44
45 The motion was seconded.

46
47 Don Goldberg and Gina Stark, Port of Bellingham, reported on the project and
48 answered questions.

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1 Councilmembers discussed whether the rural broadband project is the best use of
2 EDI funds, the importance of the Sheriff's Office project, adding infrastructure where private
3 companies already have infrastructure, the EDI scoring mechanism, extending broadband
4 internet service to the farthest area in east county, and for profit businesses that also
5 provide a social benefit to the community.

6
7 **Buchanan moved** to amend the motion and to vote on the two items separately.

8
9 The motion to amend the motion was seconded.

10
11 The motion carried by the following vote:

12 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

13 **Nays:** None (0)

14
15 Councilmembers and Port officials continued to discuss the location of the broadband
16 infrastructure project, partnering with local internet providers, and working with the Public
17 Utility District (PUD).

18
19 Browne moved to ask that the Port project add additional infrastructure in the form
20 of Leg 4 from Kendall to Sumas through Nooksack and Leg 5 from Bellingham to Ferndale to
21 Lummi. The motion was not seconded.

22
23 **Donovan moved** to approve the request for the Port of Bellingham project.

24
25 The motion was seconded.

26
27 The motion carried by the following vote:

28 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

29 **Nays:** None (0)

30
31 **Donovan moved** to approve the request for the Sheriff's Office project.

32
33 The motion was seconded.

34
35 Jeff Parks, Sheriff's Office, answered questions on timeliness, the failing
36 infrastructure, hiring a project manager to ensure the appropriate equipment is included,
37 working with partnerships, first steps in the phased project, eligibility for federal grant
38 funds, reaching out to British Columbia officials for interoperability, and whether it's
39 appropriate to use EDI funds on the Sheriff's Office project.

40
41 The motion carried by the following vote:

42 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

43 **Nays:** Byrd (1)

44
45 **6. AB2019-262 RESOLUTION IN THE MATTER OF CONSIDERING**
46 **VACATION OF SAFSTEN ROAD**

47
48 **Brenner** reported for the Public Works And Health Committee and **moved** to
49 approve the resolution.

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1
2 The motion carried by the following vote:

3 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

4 **Nays:** None (0)

5
6 **7. AB2019-266 CONSIDERATION OF CITIZEN APPEAL OF ADDRESS**
7 **CHANGE DUE TO ROAD NAMING REQUIREMENT**

8
9 Brenner reported for the Public Works and Health Committee.

10
11 Frank S. Tapley stated emergency services can find his location without any problem
12 and the requirement to rename roads is obsolete.

13
14 **Donovan moved** to accept the appeal and approve the request to not change the
15 address of Mr. Tapley's residence.

16
17 The motion was seconded.

18
19 The motion carried by the following vote:

20 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

21 **Nays:** None (0)

22
23 **8. AB2019-255 REQUEST COUNTY COUNCIL REVIEW AND APPROVAL OF**
24 **THE PUBLIC PARTICIPATION PLAN FOR WHATCOM COUNTY**
25 **COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS (THIS PLAN**
26 **WILL GUIDE PUBLIC PARTICIPATION EFFORTS RELATING TO**
27 **COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS)**

28
29 **Byrd** reported for the Planning and Development Committee and **moved** to approve
30 the substitute request.

31
32 **Donovan moved** to amend to remove the Repeal of the Cherry Point Amendment
33 from the public participation plan.

34
35 The motion to amend was seconded.

36
37 The motion to amend carried by the following vote:

38 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

39 **Nays:** None (0)

40
41 The motion to approve the substitute as amended carried by the following vote:

42 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

43 **Nays:** None (0)

44
45
46 **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

47
48 **1. AB2019-200 APPOINTMENT TO THE SOLID WASTE ADVISORY**
49 **COMMITTEE, BUSINESS/INDUSTRY REPRESENTATIVE, PARTIAL TERM**
50 **ENDING 1/31/2020, APPLICANT: RODD PEMBLE (COMMITTEE PROVIDES**

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1 **ONGOING PUBLIC INPUT AND ADVISE TO WHATCOM COUNTY ON SOLID**
2 **WASTE MANAGEMENT ISSUES)**

3
4 *Brenner moved* to appoint Rodd Pemble.

5
6 The motion was seconded.

7
8 The motion carried by the following vote:

9 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

10 **Nays:** None (0)

11 **Absent:** Byrd (out of the room) (1)

12
13 **2. AB2019-235 APPOINTMENT TO THE WILDLIFE ADVISORY**
14 **COMMITTEE, APPLICANT: TREVOR DELGADO (COMMITTEE ADVISES THE**
15 **WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**
16 **STAFF AND THE WHATCOM COUNTY COUNCIL ON THE VALUE OF WILDLIFE**
17 **AND HABITAT MANAGEMENT ISSUES AS THEY RELATE TO THE WHATCOM**
18 **COUNTY COMPREHENSIVE PLAN)**

19
20 *Donovan moved* to appoint Trevor Delgado.

21
22 The motion was seconded.

23
24 The motion carried by the following vote:

25 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

26 **Nays:** None (0)

27 **Absent:** Byrd (out of the room) (1)

28
29 **3. AB2019-240 APPOINTMENT TO THE SURFACE MINING ADVISORY**
30 **COMMITTEE, REPRESENTING FORESTRY, APPLICANT: AUBREY STARGELL**
31 **(COMMITTEE ADVISES THE WHATCOM COUNTY PLANNING AND**
32 **DEVELOPMENT SERVICES DEPARTMENT AND THE WHATCOM COUNTY**
33 **COUNCIL ON IMPLEMENTING A SURFACE MINING REGULATORY PROGRAM**
34 **CONSISTENT WITH THE COMPREHENSIVE PLAN)**

35
36 *Brenner moved* to appoint Aubrey Stargell.

37
38 The motion was seconded.

39
40 The motion carried by the following vote:

41 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

42 **Nays:** None (0)

43 **Absent:** Byrd (out of the room) (1)

44
45 **4. AB2019-242 APPOINTMENT TO FILL ONE VACANCY ON THE BUSINESS**
46 **AND COMMERCE ADVISORY COMMITTEE, REPRESENTING FOR-PROFIT,**
47 **APPLICANTS: MR. DANA WEBER, MS. VALERI WADE, AND SARAH**
48 **ROTHENBUHLER (NO TWO APPOINTED MEMBERS MAY REPRESENT OR BE**
49 **EMPLOYED BY THE SAME COMPANY OR ORGANIZATION)**

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1 Councilmembers discussed whether or not to consider a representative from a non-
2 profit agency.

3
4 **Donovan moved** to nominate all applicants.

5
6 The motion to nominate and consider all applicants carried by the following vote:

7 **Ayes:** Buchanan, Donovan, Frazey, and Sidhu (4)

8 **Nays:** Brenner, Browne, and Byrd (3)

9
10 Buchanan voted for Ingram.

11
12 Frazey voted for Wade.

13
14 Brenner voted for Rothenbuhler.

15
16 Browne voted for Rothenbuhler.

17
18 Donovan voted for Ingram.

19
20 Byrd voted for Rothenbuhler.

21
22 Sidhu voted for Rothenbuhler.

23
24 The Council appointed Sarah Rothenbuhler.

25
26
27 **INTRODUCTION ITEMS**

28
29 **Buchanan moved** to accept Introduction Items one through seven.

30
31 The motion was seconded.

32
33 Councilmembers discussed the next steps for the last Introduction Item, AB2019-
34 285.

35
36 Buchanan withdrew item seven.

37
38 The motion to introduce items one through six carried by the following vote:

39 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

40 **Nays:** None (0)

41
42 **1. AB2019-249 ORDINANCE AMENDING WHATCOM COUNTY CODE TO**
43 **RESTRUCTURE THE PUBLIC HEALTH ADVISORY BOARD**

44
45 **2. AB2019-263 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY**
46 **BUDGET, REQUEST NO. 7, IN THE AMOUNT OF \$907,787**

47
48 **3. AB2019-265 ORDINANCE AMENDING THE PROJECT BUDGET FOR THE**
49 **PUBLIC SAFETY RADIO SYSTEM FUND, REQUEST NO. 1**

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1 4. AB2019-261 RECEIPT OF APPLICATION FOR THE BUSINESS AND
2 COMMERCE ADVISORY COMMITTEE, REPRESENTING HEALTH CARE
3 INDUSTRY, APPLICANT: DEBBIE AHL (COMMITTEE ADVISES THE WHATCOM
4 COUNTY COUNCIL ON ISSUES THAT COULD IMPACT LOCAL BUSINESSES,
5 INDUSTRY, OR ECONOMIC DEVELOPMENT; APPLICATION DEADLINE FOR
6 THIS VACANCY IS 10:00 A.M. MAY 14, 2019)
7

8 5. AB2019-268 RECEIPT OF APPLICATIONS FOR THE SURFACE MINING
9 ADVISORY COMMITTEE, APPLICANTS: LESLIE DEMPSEY (REPRESENTING
10 CITIZEN WHO LIVES IN CLOSE PROXIMITY TO ACTIVE MINING OR MINERAL
11 OVERLAY AREA), HARVILL FREELAND AND SCOTT HULSE (CIVIL OR GEO-
12 TECHNICAL ENGINEER WITH NO DIRECT OR INDIRECT FINANCIAL
13 BUSINESS TIES TO THE INDUSTRY), BRAD DAVIS (SURFACE MINING
14 MATERIAL USER) (THIS COMMITTEE ADVISES THE WHATCOM COUNTY
15 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT AND THE WHATCOM
16 COUNTY COUNCIL ON IMPLEMENTING A SURFACE MINING REGULATORY
17 PROGRAM CONSISTENT WITH THE COMPREHENSIVE PLAN; APPLICATION
18 DEADLINE FOR THESE VACANCIES IS 10 A.M. MAY 14, 2019)
19

20 6. AB2019-272 RECEIPT OF APPLICATION FOR THE FORESTRY
21 ADVISORY COMMITTEE, FOREST PRODUCT MANUFACTURER
22 REPRESENTATIVE, TERM ENDING 1/31/2023, APPLICANT: ERIC JACOBY
23 (COMMITTEE PROVIDES REVIEW AND RECOMMENDATIONS TO THE
24 WHATCOM COUNTY COUNCIL ON ISSUES THAT AFFECT THE FORESTRY
25 INDUSTRY; APPLICATION DEADLINE FOR THIS VACANCY IS 10A.M. MAY 14,
26 2019)
27

28 7. AB2019-285 ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 3,
29 REQUIRING THAT PUBLIC FUNDS USED FOR CONSTRUCTION PROJECTS DO
30 DOUBLE DUTY BY ALSO PROVIDING APPRENTICES WITH JOB TRAINING
31 HOURS TO MEET THE REQUIREMENTS NECESSARY TO BECOME THE NEXT
32 GENERATION OF SKILLED TRADES PERSONS
33

34 *Donovan moved* to accept the item for Introduction.

35
36 The motion was seconded.

37
38 Councilmembers discussed which committee should be assigned review and
39 discussion of this item.

40
41 *Browne moved* to amend the motion to accept and to assign the item to the
42 Finance and Administrative Services Committee.

43
44 The motion was seconded.

45
46 The motion to assign to the Finance and Administrative Service Committee carried by
47 the following vote:

48 **Ayes:** Browne, Donovan, Frazey, and Sidhu (4)

49 **Nays:** Buchanan, Byrd, and Brenner (3)
50

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1 Councilmembers discussed the process for assigning items to committee.
2
3 Brenner moved to reconsider. The motion was not seconded.
4
5 The motion to accept the item for Introduction failed by the following vote:
6 **Ayes:** Browne, Donovan, and Frazey (3)
7 **Nays:** Brenner, Byrd, and Buchanan (3)
8 **Abstains:** Sidhu (1)
9
10 ***Donovan moved*** to accept the Introduction Item with no committee assignment.
11
12 The motion was seconded.
13
14 The motion carried by the following vote:
15 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)
16 **Nays:** Byrd (1)
17
18

19 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

20
21 Committee chairs gave committee reports.
22
23 Councilmembers gave updates on recent activities and upcoming events.
24
25

26 **ADJOURN**

27
28 The meeting adjourned at 9:36 p.m.
29
30 The County Council approved these minutes on _____, 2019.
31

32
33 ATTEST: WHATCOM COUNTY COUNCIL
34 WHATCOM COUNTY, WASHINGTON
35
36

37
38
39 _____
Dana Brown-Davis, Council Clerk

37
38
39 _____
Rud Browne, Council Chair

40
41
42
43 _____
44 Jill Nixon, Minutes Transcription