

Whatcom County Council

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



Minutes - Final

**Tuesday, April 29, 2025
6 PM**

Hybrid Meeting - Council Chambers

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

COUNCILMEMBERS

**Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Kaylee Galloway
Jon Scanlon
Mark Stremmler**

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

COUNTY COUNCIL

CALL TO ORDER

Council Chair Kaylee Galloway called the meeting to order at 6:03 p.m. in a hybrid meeting.

ROLL CALL

Present: 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Kaylee Galloway, Jon Scanlon, and Mark Stremmer

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, reported on the following:

- The year-end financial report and budget prioritization discussion today
- Significant decisions made in the State Legislative session for Whatcom County regarding flood mitigation work in the Nooksack watershed, adjudication facility needs, and the alternate response team
- The fact that the County cannot rely on the State and Federal governments to plug our funding gaps, which highlights the importance of the budget prioritization work

MINUTES CONSENT

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

1. MIN2025-022 Committee of the Whole Executive Session for April 15, 2025

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

Nay: 0

2. MIN2025-023 Committee of the Whole for April 15, 2025

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

Nay: 0

3. MIN2025-024 Regular County Council for April 15, 2025

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

4. MIN2025-025 Health Board and Public Health Advisory Board for April 1, 2025

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

5. MIN2025-026 Special Committee of the Whole for April 1, 2025

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

PUBLIC HEARINGS

1. AB2025-282 Ordinance adopting amendments to Whatcom County Code Chapter 16.24, Commute Trip Reduction, and adopting the 2025-2029 Commute Trip Reduction Plan for Whatcom County

Galloway opened the Public Hearing and hearing no one, closed the Public Hearing.

Scanlon moved and Donovan seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Michelle Grandy, Whatcom Council of Governments (WCOG) stated this was an update that was required by Washington State Department of Transportation (WSDOT), but there were not a lot of changes to the plan.

Galloway stated there is still an acronym ("CTR") in the first section of code that should be spelled out and could be fixed as a scrivener's error.

Scanlon's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Enactment No: ORD 2025-021

OPEN SESSION

The following people spoke:

- John Westerfield
- Adam Bellinger
- Laura Danskin
- Daniel Harm
- Ryan Whaley
- Eliot Smith
- David Foreman
- Rick Strissel
- Natalie Chavez
- Lyle Sorenson
- John Tenta

Hearing no one else, Galloway closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

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

Elenbaas stated he was excited to see that a local company in Blaine won the contract for Consent Agenda item one.

Stremler spoke about Consent Agenda item numbers 3-6 and stated he has requested a presentation to report on what has been done to reduce flooding in Whatcom County.

Councilmembers voted on those items (see votes on individual items below).

1. AB2025-322 Request authorization for the County Executive to enter into a contract between Whatcom County and AMS Print and Mail Specialists for the design, production, and distribution of primary and general election local voters' pamphlets in the amount not to exceed \$90,000

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

2. AB2025-324 Request authorization for the County Executive to enter into a Federal Aid Project Prospectus and Local Agency Agreement between Whatcom County and the Washington State Department of Transportation for the Martin Road/Anderson Creek Bridge No. 250 Replacement Project, in the amount of \$512,000

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

3. AB2025-325 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Herrera Environmental Consultants to continue supporting the Floodplain Integrated Planning (FLIP) Process, in the amount of \$590,829 for a total contract amount of \$2,998,369 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

4. AB2025-326 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the US Geological Survey (USGS) to develop and assess non-contact methods for measuring discharge in the Nooksack River during high-flow events, in the amount of \$222,698 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

5. AB2025-327 Request authorization for the County Executive to enter into an interlocal agreement

between Whatcom County and the University of Washington to assess the Nooksack River's morphodynamic response to potential channel and floodplain modifications, in the amount of \$114,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

6. AB2025-329 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale to establish the responsibilities of the Flood Control Zone District and the City of Ferndale in designing the Ferndale Levee Improvement Project to a 90% level, acquiring right of way, and permitting, in the amount of \$430,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

7. AB2025-331 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Northwest Natural Resource Group for development of a forest management plan in the Lake Whatcom Watershed, in the amount of \$12,063 for a total amended contract amount of \$145,123

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

8. AB2025-332 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Bellingham for partnership in the development of a forest management plan in the Lake Whatcom watershed, in the amount of \$12,063 for a total agreement amount of \$53,358

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

9. AB2025-335 Request approval for the County Executive to authorize all County departments to use Washington State Contract #22823 for as-needed equipment rentals through December 31, 2026, with the award to any one vendor in a fiscal year not to exceed \$100,000

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

10. AB2025-338 Request approval for the County Executive to enter into an Interlocal Cooperative Purchasing Agreement with the City of Seattle which will allow reciprocal utilization of competitively bid contracts, pursuant to RCW Chapter 39.34 Interlocal Cooperation Act

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

11. AB2025-339 Request approval for the County Executive to authorize the purchase of ClearCount 2.5 ScanStation and ClearAudit Admin Station bundles from Clear Ballot Group, Inc., the sole source for these products, in an amount not to exceed \$50,347.10

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. AB2025-290 Ordinance amending the project based budget for the N. Fork Road/Kenney Creek Fish Passage fund, Request No. 2

Donovan reported for the Finance and Administrative Services Committee

and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Enactment No: ORD 2025-022

2. AB2025-293 Ordinance amending the project budget for the Courtroom Audio Visual Systems Upgrade, request no. 1

Donovan reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Enactment No: ORD 2025-023

3. AB2025-302 Resolution amending the 2025 Flood Control Zone District and Subzones Budget, request no. 1, in the amount of \$14,400 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Enactment No: RES 2025-017

4. AB2025-310 Ordinance amending the project budget for the Lookout Mountain Road Repairs Project Fund, request no. 1

Donovan reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Enactment No: ORD 2025-024

5. AB2025-314 Ordinance amending the 2025 Whatcom County Budget, request no. 4, in the amount of \$6,227,211

Donovan reported for the Finance and Administrative Services Committee

and ***moved*** that the Ordinance be ADOPTED.

Councilmembers thanked the Executive for prioritizing the quarterly financial report and presenting that to them today, and for the additional information they are now getting with the budget supplemental requests.

Donovan's motion that the Ordinance be ADOPTED carried by the following vote:

Aye: 6 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, and Scanlon

Nay: 1 - Stremmler

Enactment No: ORD 2025-025

(From Council Committee of the Whole)

6. AB2025-285 Request for motion approving an Outdoor Musical Entertainment, Amusements, and Assemblies permit application for the Strings and Things Music Festival on July 12, 2025 at 713 Simondson Drive, Point Roberts, WA

Galloway reported for the Committee of the Whole and ***moved*** that the request be approved.

Kimberly Thulin, Prosecuting Attorney's Office, stated if they are considering approving the permit, it should be subject to providing the surety (\$5,000) as required.

Galloway amended her motion and ***moved*** to approve an outdoor musical entertainment amusements and assemblies permit application for the Strings and Things Music Festival on July 12, 2025, at 713, Simonson Drive, Point, Roberts, Washington, subject to the condition that the applicant provide a surety of \$5,000 bond or cash pursuant to RCW70.108.070.

The amended motion was seconded by Elenbaas.

Councilmembers and Thulin discussed whether there was substantial compliance with all other elements of the permit application, including sending waivers to residents within 500 yards of the event.

Galloway restated the motion and moved to approve the permit subject to the condition of providing the surety bond (or cash of \$5,000 pursuant to the RCW), as well as the Council finding the applicant in substantial compliance with RCW 70.108.100, which was issuing notice to residential households within 500 yards of the event location.

Elenbaas stated he would like to express gratitude to legal, the Clerk of the Council, and the executive team who all helped to make this happen.

The motion carried by the following vote:

Aye: 7 - Byrd, Donovan, Elenbaas, Galloway, Scanlon, Stremmer, and Buchanan

Nay: 0

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

Motion approved 7-0 to approve the permit subject to the condition of providing the surety bond (or cash of \$5,000 pursuant to the RCW), as well as the Council finding the applicant in substantial compliance with RCW 70.108.100, which was issuing notice to residential households within 500 yards of the event location

(No Committee Assignment)

7. AB2025-345 Request for motion to appoint two councilmembers to participate in the health director recruitment process [Council Acting as the Health Board]
- Donovan moved** and Buchanan seconded to appoint Scanlon and Elenbaas.

Elenbaas stated he wants to make sure they will be part of the process and not just a “rubber stamp.”

The motion carried by the following vote:

Aye: 7 - Donovan, Elenbaas, Galloway, Scanlon, Stremmer, Buchanan, and Byrd

Nay: 0

Scanlon and Elenbaas were APPOINTED.

Motion approved 7-0 to appoint Scanlon and Elenbaas

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. AB2025-342 Request confirmation of the County Executive’s appointments of Drew Smith, Andrew Calkins, and Marcus Warolin to the Whatcom County Economic Development Investment (EDI) Board
- Scanlon moved** and Byrd seconded that all the Executive Appointments be CONFIRMED.

Applicant Marcus Warolin addressed the Council.

Donovan thanked the Executive and his team for working with the Council on updating the composition of this board and its purpose, and then finding people to fill these positions to modernize what they are doing with Economic Development Investment (EDI).

Stremmer spoke about applicant Marcus Warolin.

Elenbaas stated he does not own Elenbaas Company and he never employed any one of the applicants.

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

Nay: 0

2. AB2025-343 Request confirmation of the County Executive's appointment of Rebecca Boonstra to the Whatcom County Lodging Tax Advisory Committee

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

Galloway spoke about the applicant.

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

Nay: 0

3. AB2025-344 Request confirmation of the County Executive's appointment of Brian Estes to the North Sound Behavioral Health Administrative Services Organization Advisory Board

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

Councilmembers discussed the applicant.

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

Nay: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**PART 1**

Councilmembers gave committee reports and made motions on two agenda bills (see **AB2025-303** and **AB2025-336** below).

AB2025-303

Discussion of the annual allocation of Rural Sales Tax Fund

Donovan reported on AB2025-303 from Finance and Administrative Services Committee and **moved** to change the fund reserve and target investment allocations so they are as follows: Fund reserve at 15 percent, housing infrastructure projects at 30 percent, Whatcom County at 30 percent, and Government infrastructure projects at 40 percent.

The motion was seconded by Buchanan.

Aly Pennucci, Executive's Office, spoke about the fund reserve and what the committee decided on for the allocations, and that it does not mean that all of the money has to be spent. She and councilmembers discussed that this is guidance to indicate to applicants what to expect on how much money may be available, but applications will be reviewed and ultimately approved by this Council.

Satpal Sidhu, County Executive, stated this sets a good target for all the small cities and other organizations who apply. They would like them to start applying a year in advance, so this way everyone knows how much money is available. The applications come all at one time so they can sort and prioritize ones that are more deserving. He answered whether it has been conveyed to the cities that they should apply in a more timely manner, and stated they are aware of that.

The motion carried by the following vote:

Aye: 7 - Stremmer, Buchanan, Byrd, Donovan, Elenbaas, Galloway, and Scanlon

Nay: 0

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

From AB2025-303 in Finance and Administrative Services Committee:

Motion approved 7-0 to change the fund reserve and target investment allocations so they are as follows: Fund reserve at 15 percent, housing infrastructure projects at 30 percent, Whatcom County at 30 percent, and Government infrastructure projects at 40 percent.

AB2025-336

Discussion of pending litigation with Civil Deputy Prosecutor, Jesse Corkern: Gerald T. Osborn, Plaintiff, vs. Peacehealth, a Washington Nonprofit Corporation; Carol Austin, LMFT, DCR; Nate Reiss, PhD; N. Stender, MHP; H. Vogel, MHP; N.

Saina, MD; Philip Frank, DO; Patrick Lackie, JD; and John Does and Jane Does, to be identified, Defendants. Skagit County Superior Court Case No. 24-2-00056-29. [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]

Galloway reported for Committee of the Whole Executive Session and **moved** to approve defense and indemnification of Patrick Lackie, named as defendant in Gerald T. Osborn v. Peacehealth et al. Based on the following findings:

- A. Patrick Lackie was acting in a matter in which the county had an interest;
- B. Patrick Lackie was acting in the discharge of a duty imposed or authorized by law;
- C. Patrick Lackie acted in good faith.

The motion was seconded by Byrd.

The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

Nay: 0

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

From AB2025-336 in Committee of the Whole Executive Session:

Motion approved 7-0 to approve defense and indemnification of Patrick Lackie, named as defendant in Gerald T. Osborn v. Peacehealth et al. Based on the following findings:

- A. Patrick Lackie was acting in a matter in which the county had an interest;
- B. Patrick Lackie was acting in the discharge of a duty imposed or authorized by law;
- C. Patrick Lackie acted in good faith.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

PART 1

Councilmembers discussed other items.

Galloway stated at their last Special Committee of the Whole meeting last week, there was discussion around adding some additional Special Committee of the Whole meetings. She stated there is a hold on having a meeting on June 3rd at 9 a.m., but there is no Health Board meeting that day, so they could schedule a special meeting from 9 a.m. to 12 p.m. to discuss budget instructions, Comprehensive Plan, or other councilmember priorities. There are also two Tuesdays in May (May 6 and May 20) that

they could look at, and four additional Health Board meeting dates this year (July 29, September 16, October 28, and December 2) on which they could put a hold on the calendar for special meetings from 9 a.m. to 10 a.m.

Donovan moved to have those added to the calendar with the assumption that they may cancel something.

Donovan amended his motion and *moved* to add meetings to the calendar on the 6th of May from 9 a.m. to 12 p.m. and June 3rd from 9 a.m. to 12 p.m.

Donovan suggested that the clerk send dates out to the councilmembers and they can get back.

Councilmembers and the clerk discussed the motion, whether they could decide on just the Health Board meeting days, that the chair can decide to meet for three hours instead of one on the June date since it has already been approved, and that the clerk can send out an email to Council about the May dates.

Donovan withdrew his motion and *moved* to schedule a Special Committee of the Whole on June 3 from 9 a.m. to 12 p.m.

The motion was seconded by Scanlon.

Scanlon suggested a friendly amendment to add in the additional hour on the Health Board Days.

Donovan accepted the friendly amendment.

The motion carried by the following vote:

Aye: 7 - Donovan, Elenbaas Galloway, Scanlon, Stremmer, Buchanan, and Byrd

Nay: 0

Galloway stated they would hold off and not move forward with the May dates.

Councilmembers gave updates on recent activities and upcoming events.

MOTION SUMMARY (NO AGENDA BILL FILE)

Motion approved 7-0 that they schedule a Special Committee of the Whole meeting from 9 a.m. to 12 p.m. on June 3rd and starting at 9 a.m. on the remaining days they have this year for Board of Health meetings.

ADJOURN

The meeting adjourned at 7:43 p.m.

The County Council approved these minutes on May 13, 2025.

ATTEST

The seal of Whatcom County, State of New Jersey, is a circular emblem. It features a central five-pointed star surrounded by a wreath. The words "WHATCOM COUNTY" are arched over the star, and "STATE OF NEW JERSEY" is arched below it. The outer border of the seal contains the text "COUNTY COUNCIL".

Cathy Halka
Cathy Halka, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Kaylee Galloway
Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger