

Whatcom County Council

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



Minutes - Draft Minutes

VIRTUAL MEETING - VIEW ONLINE

Tuesday, October 13, 2020

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

Council Chair Barry Buchanan called the meeting to order at 6 p.m. in a virtual meeting.

ROLL CALL

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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

Buchanan gave brief announcements.

COUNTY EXECUTIVE'S REPORT

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

MINUTES CONSENT

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

1. [MIN2020-093](#) Water Work Session for September 22, 2020

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

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

Nay: 0

Absent: 0

Temp Absent: 1 - Elenbaas

2. [MIN2020-095](#) Committee of the Whole for September 29, 2020

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

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

Nay: 0

Absent: 0

Temp Absent: 1 - Elenbaas

3. [MIN2020-096](#) Regular County Council for September 29, 2020

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

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

Nay: 0

Absent: 0

Temp Absent: 1 - Elenbaas

PUBLIC HEARINGS

1. [AB2020-390](#) Ordinance regarding installation of a stop sign on Homesteader Road

Jim Karcher, Public Works Department, stated he did not have a staff report.

Dana Brown-Davis, Clerk of the Council, answered a question about whether AB2020-409 should have a Public hearing.

Councilmembers discussed whether to move AB2020-409 earlier in the agenda.

Council Staff played a short instructional video on how to speak at a meeting.

Buchanan opened the public hearing and, hearing no one, closed the public hearing.

Donovan moved and Byrd seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-050

2. [AB2020-391](#) Ordinance to Establish Speed Limits on Marine Drive

Buchanan opened the public hearing and the following person spoke:

- Gary Malick

Councilmembers acknowledged the work of Malick on this item.

Byrd moved and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-051

3. [AB2020-393](#) Ordinance amending Whatcom County Code 16.30 Lake Whatcom Stormwater Utility Service Area

Cathy Craver, Public Works Department, briefed the Councilmembers.

Buchanan opened the public hearing and, hearing no one, closed the public hearing.

Donovan moved that the Ordinance Requiring a Public Hearing be adopted. The motion was seconded by Kershner.

Craver answered what the issues were in the original ordinance and how they got fixed.

Councilmembers discussed the motion.

Kraig Olason, Public Works Department, answered what the Capital Facilities Charge money is used for, whether people currently living in the watershed are contributing to the costs that have already been incurred but the County is charging people who have not built yet, whether the County assesses each parcel in the watershed for costs associated with mitigating phosphorus in the lake, how much a typical fee is for one Equivalent Service Unit (ESU) and whether it is a one-time fee, and what people affected by this ordinance are currently paying for stormwater.

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

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2020-052

OPEN SESSION (20 MINUTES)

Buchanan explained and Council staff played a short instructional video on

how to speak at open session.

Buchanan opened the Open Session and the following people spoke:

- Richard Waits spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Miguel Perry spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations and spoke about the proposed Cherry Point amendments.
- Rick Eggerth spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Rich Ewing spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- John Traynor spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Hannah Fishman spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Peter Starzynski spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Michele Stelovich spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Christine Reid spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Trevor Smith spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations, about proposed Cherry Point amendments and his support of the confirmation of Leora Province to the Whatcom County Commission on Salaries for Elected Officials.
- Maxford Nelsen spoke in favor of the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Leora Province spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.

negotiations.

- Barney Smith spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Randy Ambuehl spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Brian Estes spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Janet McKinney spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Zachary Graham spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Eddy Ury spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Steve Garey spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Bill Angel spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Chanan Suarez spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Alexis Young spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Michael Stoothoff spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations and spoke about a new Whatcom County jail and Sheriff's Office.
- Heather Lee spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- Stacy Martin spoke in opposition to the Ordinance increasing community oversight and transparency to establish fair contract negotiations.
- David (inaudible) spoke in opposition to the Ordinance increasing

community oversight and transparency to establish fair contract negotiations.

- Marcus Stidham spoke about the Homeless Strategies Workgroup and the need for emergency shelters.

Hearing no one else, Buchanan closed the Open Session.

OTHER ITEMS (Part 1)

Clerk's note: Buchanan stated they would discuss AB2020-409 out of the agenda order.

1. [AB2020-409](#) Ordinance increasing community oversight and transparency to establish fair contract negotiations

Byrd moved that the Ordinance be withdrawn. The motion was seconded by Elenbaas.

Councilmembers and Satpal Sidhu, County Executive, discussed the motion.

Dana Brown-Davis, Clerk of the Council, answered whether Byrd can withdraw the item on his own or whether the Councilmembers need to vote on it.

Byrd's motion that the Ordinance be WITHDRAWN carried by the following vote:

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

Nay: 0

Absent: 0

CONSENT AGENDA

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

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

(From Council Finance and Administrative Services Committee)

1. [AB2020-423](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Western Washington University to employ eligible students participating in the Federal Off-Campus Work Study Program, at an estimated amount between \$500 to \$2,000 per per student, per quarter

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 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

Nay: 0

Absent: 0

2. [AB2020-420](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Maul Foster & Alongi, Inc. to update the Comprehensive Solid and Hazardous Waste Management Plan, in the amount of \$113,000

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 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

Nay: 0

Absent: 0

3. [AB2020-425](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Snohomish Health District to provide prevention services for tobacco and vapor devices to Whatcom County residents, in the amount of \$12,500

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 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

Nay: 0

Absent: 0

4. [AB2020-427](#) Resolution in the matter of the sale of surplus personal property and setting a date for public hearing, pursuant to WCC 1.10

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 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

Nay: 0

Absent: 0

Enactment No: RES 2020-041

OTHER ITEMS (Part 2)

(From Council Finance and Administrative Services Committee)

2. [AB2020-394](#) Request authorization for the County Executive to enter into an Interagency Agreement between Whatcom County Flood Control Zone District and Puget Sound Partnership for coordination of the Whatcom County Local Integrating Organization (LIO), in the amount of \$125,000.00 (Council acting as the Whatcom County Flood Control District Board of Supervisors)

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

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2020-424](#) Request permission for the County Executive and the County Council to enter into a Joint Funding Agreement between the Whatcom County Flood Control Zone District (FCZD) and the United States Geological Survey (USGS); (Council acting as the FCZD Board of Supervisors)

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

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

Nay: 0

Absent: 0

(From Council Planning and Development Committee)

4. [AB2020-421](#) Discussion and Council motion to approve the Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments

Elenbaas reported for the Planning and Development Committee and ***moved*** that the following recommended motion be approved:

To approve the Public Participation Plan as proposed with the amendment proposed by the Planning Commission and reflected in the memo to replace "Planning and Development Staff" with "The County" in the following:

Remote Participation - New Section 1.2 in Chapter 1 (p. 1-3):

~~Planning and Development staff~~ The County should identify methods for remote public participation for all public hearings (for example, online or

telephonic participation).

Tyler Schroeder, Executive's Office, answered a question about how docketed items are prioritized and whether the wind farm issue will be on the Planning Commission agenda in the near future.

Elenbaas's 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. [AB2020-362](#) Appointment to the Climate Impact Advisory Committee, Applicant(s): Stevan Harrel, Sue Gunn, Hunter Hassig

Buchanan stated there was a late application and that it would require a motion to consider. There was no motion.

Donovan moved to nominate and appoint the three applicants. The motion was seconded by Byrd.

Dana Brown-Davis, Clerk of the Council, answered a question about the deadline for applications to be turned in.

Cathy Halka, Council Legislative Analyst stated the deadline for applications is referenced in the Whatcom County Code.

Councilmembers, Brown-Davis, and Jill Nixon, Council Office, discussed the item, whether they have extended the deadline in the past, and the fact that there are two different terms for the appointees to fill. One will expire on January 31, 2021 and the other two will expire on January 31, 2023. They discussed letting the late applicant know that one of the terms expires in 2021 and that the Council could reconsider the application if he would like to apply again.

Councilmembers discussed how to assign the terms to the three applicants.

Byrd moved to amend the motion to assign Hassig to the term ending 1/31/2021 and the other two to the term ending 1/31/2023 based on when their applications were submitted. The motion was seconded by Browne.

Browne withdrew his second.

Jill Nixon, Council Office, clarified the time stamps of the applications for when they were emailed to the Council Office.

Browne reinstated this second.

Councilmembers discussed the motion to amend.

The motion to amend carried by the following vote:

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

Nay: 0

Abstain: 1 - Elenbaas

Donovan's motion that the three applicants be APPOINTED with the approved amendment carried by the following vote:

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

Nay: 0

Absent: 0

Abstain: 1 - Elenbaas

2. [AB2020-407](#) Appointment to the Birch Bay Watershed and Aquatic Resources Management Advisory Committee (BBWARM), Applicant(s): Theresa Coe, Michael Allan (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Jill Nixon, Council Office, answered a question about and stated that Theresa Coe is not qualified since she does not live in the district so she can be removed from consideration. She clarified that there is then only one application. to consider.

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

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

Nay: 0

Absent: 0

Abstain: 1 - Elenbaas

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2020-429](#) County Executive requests confirmation of his appointments (per attached list) to the Whatcom County Commission on Salaries for Elected Officials (Salary Commission)

Donovan moved that the appointments be confirmed. The motion was seconded by Byrd.

Councilmembers discussed the item with the following people:

- Satpal Sidhu, County Executive
- Dana Brown-Davis, Clerk of the Council
- Karen Frakes, Prosecuting Attorney's Office

They discussed whether this is all of the applicants, whether the applicants that the Auditor puts forward by lot are done using the voter registration rolls, whether Councilmembers should vote on people who decide their salary, whether the applicants would be able to serve if the Council did not participate in their confirmation, whether the Salary Commission is in the Whatcom County Code or the State Code, the process for appointment to the Commission as adopted by ordinance, and whether the process should be changed.

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

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

Nay: 0

Absent: 0

Abstain: 1 - Elenbaas

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

Byrd moved to introduce items one through six. The motion was seconded by Browne (see votes on individual items below).

1. [AB2020-430](#) Ordinance amending the project budget for the Birch Bay Drive and Pedestrian Facility Project Fund, Request No. 6, in the amount of \$841,786

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

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

Nay: 1 - Elenbaas

Absent: 0

-
2. [AB2020-433](#) Ordinance amending the 2020 Whatcom County Budget, request no. 19, in the amount of \$7,904,575
- Byrd moved and Browne seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
3. [AB2020-373](#) Ordinance adopting interim zoning regulations for the siting, establishment, and operation of temporary homeless facilities
- Byrd moved and Browne seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
4. [AB2020-432](#) Receipt of application for the Drainage Improvement District #6, Supervisor Position 3 - Applicant(s): Thomas Shaffer (Deadline for additional applications for this position is 10:00 a.m. on October 20, 2020)
- Byrd moved and Browne seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
5. [AB2020-428](#) Resolution authorizing the sale of surplus personal property pursuant to WCC 1.10
- Byrd moved and Browne seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
6. [AB2020-435](#) Resolution adopting the 2021 Annual Road Construction Program (ACP)
- Byrd moved and Browne seconded that the Resolution Requiring a Public**

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

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

Nay: 1 - Elenbaas

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

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

ADJOURN

The meeting adjourned at 8:58 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription