

Whatcom County Council Public Works & Health Committee

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



Committee Minutes - Final

**Tuesday, April 11, 2023
12:45 PM
Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 3 P.M. (PARTICIPATE IN-PERSON, SEE
REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR
CALL 360.778.5010)**

COUNCILMEMBERS

Carol Frazey
Kaylee Galloway
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Committee Chair Kathy Kershner called the meeting to order at 1 p.m. in a hybrid meeting.

Roll Call

Present: 3 - Carol Frazey, Kaylee Galloway, and Kathy Kershner

Also Present: Barry Buchanan, Tyler Byrd, Todd Donovan, and Ben Elenbaas

Announcements

Special Presentation

1. [AB2023-243](#) Presentation from PeaceHealth

Chuck Prosper, PeaceHealth Northwest Network Chief Executive, presented on some of the services provided by PeaceHealth in Whatcom County, an expansion to Saint Joseph Medical Center's inpatient bed capacity and emergency department in Bellingham along with the addition of a rooftop helipad, and key components of their mission and health care delivery services.

He answered how many regular beds will be added with the expansion and stated it will be a total of 80 beds. He answered what the capacity of the behavioral health unit is, the average daily census, and what the most common drop-off is (EMS, law enforcement, walk-ins...) to that facility. He stated the most common drop-off will be a combination of EMS and other first responders, the average daily census has been growing and is approximately 12-14, and he believes the unit capacity is 18 beds.

This agenda item was PRESENTED.

Committee Discussion

1. [AB2023-238](#) Discussion about establishing a temporary speed limit for Birch Bay Lynden Road

Jim Karcher, Public Works Department, briefed the Councilmembers on this and the next three agenda items (AB2023-245, AB2023-247, and AB2023-249) concerning detours for the northbound roadway closure of SR-539 and construction of the SR-539 Duffer Ditch - Fish Passage Project, and the closure of SR-542 Mt. Baker Highway and construction of the SR-542 Squalicum Creek to Bellingham Bay - Fish Passage Project. He answered how much more time it will take a driver to get from Birch Bay Lynden north to Main Street if they have to go around, whether the County notifies the people who live on these roads, whether the County has control

of the Bakerview Road light and whether they will be allowed to let more cars go on Hannegan Road, when the closures will begin and how long they will be, whether the temporary closure on Kelly and Van Wyck roads will impact residents who live on those roads, and whether we know if 129 calendar days is the fastest the SR-542 project can happen or if there is anything the County can do to keep it moving fast.

This agenda item was DISCUSSED.

2. [AB2023-245](#) Discussion of an ordinance for temporary installation of a stop sign on Birch Bay Lynden Road

This agenda item was DISCUSSED.

This item was discussed under AB2023-238 above.

3. [AB2023-247](#) Discussion of an ordinance establishing a temporary speed limit for Hannegan Road

This agenda item was DISCUSSED.

This item was discussed under AB2023-238 above.

4. [AB2023-249](#) Discussion of an ordinance establishing a temporary closure of Kelly Road and Van Wyck Road

This agenda item was DISCUSSED.

This item was discussed under AB2023-238 above.

5. [AB2023-253](#) Discussion regarding an ordinance finalizing a revised system of assessment for Drainage Improvement District No. 7

Paula Harris, Public Works Department, briefed the Councilmembers and answered whether we have a variety of different assessment processes for the other drainage and diking districts.

Kershner asked whether the assessment is currently done based on square footage of property and we want to change it to more align with the impervious surfaces that properties may have. Harris stated they are not necessarily calculating on the impervious area but more by the value of the assessment.

This agenda item was DISCUSSED.

6. [AB2023-255](#) Discussion regarding ordinance amending Whatcom County Code 10.34, Ferry Rates
Elizabeth Kosa, Public Works Department Director, briefed the Councilmembers and gave an overview of the proposed code changes.

She answered whether the move of the “Ferry Deficit Reimbursement” to the “Income used to reduce expenses for the Adjusted Operating Expenses (AOE)” calculations benefits the fair box to the same percentage that the fair box pays the operation and maintenance, whereas before that credit only benefitted the Road Fund. She stated that is correct.

Randy Rydel, Public Works Department, answered whether the proposed code changes in Whatcom County Code 10.34.005 Subsection F result in a lower fair basis for the calculation of the fair box recovery goal. He stated that is true and the projected benefit for 2023 of moving this up would be that it would require \$176,000 less of fair box recovery.

Kosa spoke about a proposed code change to add language to provide a mechanism to allow (via resolution) for additional funding approved by the Council to the “Fare Box Revenue” portion of the equation. She answered whether, at this time, the way the code is written, the Council could not use American Rescue Plan Act (ARPA) funds to offset the deficit and stated that is correct.

Donovan asked whether proposed language in Section 10.34.020 Subsection K should say, “The special needs-based discount shall always be **greater** than any other discount” as opposed to “**higher** than any other discount.”

Galloway asked about the definitions for “capital” versus “operating.” She asked whether under these new definitions, dolphin replacement would now fall under capital expense.

Kosa stated under the proposed and current code a replacement would be capital and a repair would be operating.

Galloway spoke about exploring what our options are for defining “needs-based” and filling the gap between those who qualify for needs-based and those who need assistance, in reality, in affording the ferry fair.

Donovan asked about maybe referencing the Washington Administrative Code (WAC) in the definitions of “capital” versus “operational” and Kosa and Rydel answered whether the engine blowing up on the ferry (for example) would be a capital or operational expense.

Rydel stated the ferry itself is not owned by the Ferry Fund. It is within our Equipment Rental and Revolving (ER&R) Fund and any expenses there need to be recouped through a cost recovery system. So capital maintenance, fuel expenses, all of those, need to be recovered from ER&R as part of the rental costs that go to the ferry operations. The ER&R fund is funded by the Ferry Fund at the rates that are determined necessary for that item.

Mary Marshall, Lummi Island Ferry Advisory Committee (LIFAC) Acting Chair, spoke about the role of the advisory committee. She stated they have not yet had the opportunity to vote on this proposal (they meet on April 12, 2023), so she contacted members of the committee to ask each one what they thought. She stated four (including herself) are in support of both proposals, two are opposed, and one has not decided. She spoke about what the ordinance changes do for island.

This agenda item was DISCUSSED.

7. [AB2023-257](#) Discussion regarding ordinance amending 2023 Unified Fee Schedule, Ferry Rates

The following people briefed the Councilmembers and answered questions:

- Elizabeth Kosa, Public Works Department Director
- Randy Rydel, Public Works Department
- Tyler Schroeder, Director of Administrative Services

Rydel answered whether the numbers noted in the Ordinance are from before the Council had the discussion about the potential for using American Rescue Plan Act (ARPA) funds toward the fund deficit and stated they are.

Schroeder answered whether, during the budget process, the County took the 1% in the Road fund and stated they took 1% in the General Fund and the Road Fund.

Rydel and Kosa answered whether the assistance with ARPA funding would just affect the past deficit and would not show up on the chart of “2023 Ferry Fund Projections” (as presented). He stated it would show up under the fair box column under funding sources and he and Councilmembers discussed how it would affect the “Fare Box Reserve Scenario Graph.” ARPA funds would not correct the trend or trajectory of the graph.

Donovan asked whether they could wait until after the Lummi Island Ferry Advisory Committee (LIFAC) meeting tomorrow.

Kershner stated the Ordinance is scheduled for introduction tonight and then would be back for public hearing in two weeks.

Schroeder stated they will bring an updated ARPA memo back for discussion on April 25th, and at that time the Council could make a recognition of the amount for the ferry fare discussions, plus all the other asks.

Councilmembers discussed that they would first need to pass the proposed code (AB2032-255) in order to collect the ARPA funds.

This agenda item was DISCUSSED.

Committee Discussion and Recommendation to Council

1. [AB2023-221](#) Discussion of the Whatcom County Food System Plan and request for Council approval

Riley Sweeny, Food System Committee Chair, read from a presentation (on file) and discussed with Councilmembers whether something should be added explicitly into goal five about the importance of robust local food systems (such as meat processing) to reduce greenhouse gas emissions associated with transportation and processing of food, whether the committee discussed the benefits of organic food versus non-organic food, getting input from a broader audience, what the timeline is for this, whether they could wait in order to get more input from people who will be greatly affected by this plan and those who are producing a large majority of the food, and whether the goals are equally weighted with the same importance given to each.

Elenbaas moved to hold this item for two weeks in order to hear from more people, but since he is not on the Committee, there was not a vote.

Satpal Sidhu, County Executive, asked if there is a reason why grocery stores are not included in the food plan.

Frazezy thanked Sweeney and his team for their hard work.

Elenbaas spoke about issues with local agricultural processing, having to do with land use policy, which are things that could be fixed.

Galloway moved to hold in Committee until April 25th to allow for additional community engagement.

Frazey asked if there was a problem with holding it another two weeks and Sweeney stated there was not.

Galloway stated if it gets held by Council, she would like to talk about some strategic outreach to the people that they would like to hear from, and she hopes that the partners that built this plan will help in the implementation of the plan as well.

Elenbaas stated he is hoping this plan gets endorsed but he is speaking in favor of holding it because it can be more powerful if everybody across the spectrum feels like they had a chance to endorse it, say what they like, and emphasize certain things.

Kershner stated if the motion to hold passes in Council she would like to come up with some mechanism for gathering these comments that they can then forward to Sweeney or Food System Committee staffer Ali Jensen to see if they are something the committee can work with.

Galloway's motion that the Request for Motion be RECOMMENDED TO HOLD IN COMMITTEE carried by the following vote:

Aye: 3 - Frazey, Galloway, and Kershner

Nay: 0

2. [AB2023-228](#) Request approval to send a letter regarding proposed legislation to increase truck size and weight

Galloway briefed the Councilmembers and answered whether this is federal legislation (that would allow for increasing the weight and size of trucks) that has passed or is passing, and stated it is only for consideration currently as bill HR471.

Kershner asked what the legislation would increase the weight limits to and from what.

Jim Karcher, Public Works Department, answered whether the County has the ability to set weight limits on our roads, and whether we have weight limits on all roads. He stated the issue is that the trucks are over-sized and answered how that works on our round-a-bouts. He stated the Public Works Department does not see this as a terrible change to what we would be concerned about on the county's bridge system. There are a number of restricted state bridges listed but he did not see any county bridges on the list. He answered whether we have the infrastructure to support 91,000 pounds on our county bridges and stated we do unless the bridge is

weight-restricted and then that would be posted.

Elenbaas stated he is fairly involved in transportation of hazardous materials and he questions the validity of bigger trucks being more dangerous. In his mind, larger cargoes mean less of them to move the same amount of product. He does not know if this letter would be factually true on all accounts so he would be hesitant to sign on to it unless there was data to show that everything we are saying is actually true.

Kershner asked whether there was room for maybe changing some of the language in the letter where it talks about not being able to safely accommodate 91,000-pound trucks since they just heard from the County engineer that there are no situations where 91,000 pounds would not be safely accommodated unless it is specifically posted.

Galloway stated maybe they should hold this and invite Josh Collins (Coalition Against Bigger Trucks) back to answer some of these questions.

Galloway moved that the Request for Motion be RECOMMENDED TO HOLD IN COMMITTEE until April 25th . The motion carried by the following vote:

Aye: 3 - Frazey, Galloway, and Kershner

Nay: 0

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 3:02 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Kathy Kershner-via email 4/24/2023

Dana Brown-Davis, Council Clerk

Kathy Kershner, Committee Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE