

Whatcom County Council

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



Action Summary

Tuesday, September 27, 2022

6 PM

Hybrid Meeting

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
Carol Frazey
Kaylee Galloway
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2022-055](#) Committee of the Whole Executive Session for September 13, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2022-056](#) Committee of the Whole for September 13, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2022-057](#) Regular County Council for September 13, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2022-489](#) Ordinance adopting various amendments to WCC Title 20, Zoning; Chapter 20.51 - Lake Whatcom Watershed Overlay District and Chapter 20.71 - Water Resource Protection Overlay District, and other references to the Department of Ecology

Stormwater Manual

ADOPTED AS AMENDED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-061

Motion carried 7-0 to amend the Ordinance to retain the use of the word "impervious" in Exhibit A section 20.71.300 Open space and impervious surfaces.

2. [AB2022-493](#) Resolution approving the Whatcom County Six-year Transportation Improvement Program for the years 2023-2028

APPROVED AS AMENDED

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

Nay: 0

Absent: 0

Enactment No: RES 2022-040

Motion approved 7-0 to accept Jim Karcher's (staff) items presented tonight to be included in the Six-Year Transportation Improvement Program

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2022-463](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

This item was considered separately. See below after the Consent Agenda.

2. [AB2022-502](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and the City of Ferndale to extend the term of the Jail Use Agreement until December 31, 2023

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

3. [AB2022-503](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and the City of Blaine to extend the term of the Jail Use Agreement until December 31, 2023

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

4. [AB2022-504](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and the City of Lynden to extend the term of the Jail Use Agreement until December 31, 2023

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

5. [AB2022-506](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington State Department of Ecology for the 2021-2023 Biennial Stormwater Capacity Grant in the amount of \$50,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

6. [AB2022-509](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Port of Bellingham for construction costs associated with the Bellingham Shipping Terminal Clean Power/Telecom project in the amount of \$1,125,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

7. [AB2022-512](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale for the construction of an emergency water intertie in the amount of a \$525,000 grant and a \$325,000 loan

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

8. [AB2022-513](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale for the construction of a Booster Station on Church Road in the amount of \$250,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

9. [AB2022-514](#) Request authorization for the County Executive to enter into an interlocal agreement between Whactom County and the City of Ferndale for the construction of a Metalworks Skatepark in the amount of \$200,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

10. [AB2022-515](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for repair and construction of the City's Community Center in the amount of \$300,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

11. [AB2022-516](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for the Grover Street Pavement improvement project in the amount of \$500,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

12. [AB2022-517](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for the construction of a trail connector project in the amount of \$500,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

13. [AB2022-518](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for the construction of the South Park Street water and street improvement project in the amount of a \$387,500 grant and a \$562,500 loan

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

14. [AB2022-523](#) Resolution approving the 2023 Lodging Tax allocations as recommended by the Lodging Tax Advisory Committee

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2022-041

15. [AB2022-525](#) Request approval for the County Executive to authorize purchase of 10 Stryker Power Load systems from vendor Stryker, in an amount not to exceed \$265,594

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

16. [AB2022-530](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and BERK Consulting, Inc. for the COVID-19 Pandemic Response Review project in the amount of \$2,288

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

1. [AB2022-463](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

AUTHORIZED AS AMENDED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Abstain: 1 - Galloway

Motion approved 6-0-1, with Galloway abstaining, to remove the word “rare.”

Motion approved 4-2-1, with Byrd and Elenbaas opposed and Galloway abstaining, to consider extending the contract for two years and include the six percent increase for the second year as agreed upon at our last Council meeting.

OTHER ITEMS**(From Council Finance and Administrative Services Committee)**

1. [AB2022-485](#) Ordinance amending the Whatcom County Budget, request no. 13, in the amount of \$2,081,283

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-062

2. [AB2022-487](#) Ordinance amending the project based budget for the Courthouse Building Envelope Fund, request no. 4

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-063

(From Council Committee of the Whole)

3. [AB2022-454](#) Ordinance amending Whatcom County Code to restructure the Public Health

Advisory Board

SUBSTITUTE ADOPTED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2022-064

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-469](#) Appointment to fill a vacancy on the Climate Impact Advisory Committee, applicant(s): Fletcher Wilkinson, Tracy Petroske, and Irena Lambrou

HELD IN COUNCIL

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

Nay: 0

Absent: 0

(Motion approved to hold and reopen applications)

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2022-521](#) Ordinance adding a new Chapter 2.107 to the Whatcom County Code to create a Whatcom Racial Equity Commission

This item was considered separately. See below.

2. [AB2022-529](#) Ordinance approving a system of rates and charges for the Whatcom County Conservation District

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2022-510](#) Ordinance authorizing acquisition of certain property rights by eminent domain for the County's E. Smith Road and Hannegan Road Intersection Improvements Project

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 0

INTRODUCTION ITEMS CONSIDERED SEPARATELY

- 1. [AB2022-521](#) Ordinance adding a new Chapter 2.107 to the Whatcom County Code to create a Whatcom Racial Equity Commission

INTRODUCED AS AMENDED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Motion approved 7-0 to replace the first paragraph of Section 2.107.070 as follows:

An Appointment Committee consisting of one staff representative for Whatcom County appointed by the County Executive, one staff representative for the City of Bellingham appointed by the Mayor of Bellingham, and four community representatives recommended by the County Executive and confirmed by the County Council shall be established to 1) review applications for appointed Commission positions 2) evaluate applicant’s eligibility for appointment, and 3) provide written recommendations for Commission appointments to the County Executive and Mayor of Bellingham. Once established under this ordinance, the Commission Steering Committee shall supersede the four community representative members on the Appointment Committee. On no less than an annual basis, the Appointment Committee shall assess Commission vacancies and perform its duties as provided herein.

Motion approved 7-0 to hold a public hearing for this Ordinance at the October 11 meeting.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

From Committee of the Whole Executive Session

The following motion was read and approved 6-1 with Frazey opposed:

I hereby move to authorize Whatcom County Executive pro tempore to execute Expedited Settlement Agreement (No. 21317) between Whatcom County and the State of Washington, Department of Ecology.

ADJOURN