

Whatcom County Council

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



Minutes - Draft Minutes

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010); AGENDA**

REVISED 3.9.2021

Tuesday, March 9, 2021

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 6:01 p.m. in a virtual meeting.

ROLL CALL

Present: 6 - Rud Browne, Barry Buchanan, Todd Donovan, Ben Elenbaas, Carol Frazey, and Kathy Kershner

Absent: 1 - Tyler Byrd

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, read a report recognizing the one-year anniversary tomorrow of the first COVID-19 case in Whatcom County and the county's response to the pandemic.

MINUTES CONSENT

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

1. [MIN2021-014](#) Water Work Session for February 16, 2021

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

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

Nay: 0

Absent: 1 - Byrd

2. [MIN2021-018](#) Special Council - Joint meeting with the City of Bellingham for January 11, 2021

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

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

Nay: 0

Absent: 1 - Byrd

3. [MIN2021-019](#) Special Council for February 16, 2021

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

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

Nay: 0

Absent: 1 - Byrd

4. [MIN2021-020](#) Committee of the Whole Executive Session for February 23, 2021

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

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

Nay: 0

Absent: 1 - Byrd

5. [MIN2021-021](#) Committee of the Whole for February 23, 2021

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

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

Nay: 0

Absent: 1 - Byrd

6. [MIN2021-022](#) Regular County Council for February 23, 2021

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

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

Nay: 0

Absent: 1 - Byrd

PUBLIC HEARINGS

1. [AB2021-115](#) Ordinance regarding temporary installation of stop signs on Marshall Hill Road
Jim Karcher, Public Works Department, stated he was available for questions.

Council staff played a short instructional video about how people can speak at the meeting.

Buchanan opened the Public Hearing and, hearing no one, closed the Public

Hearing.

Clerk's note: Wendy Harris briefly spoke to state she did not sign up to speak on this item but would probably speak at open session.

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

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

Nay: 0

Absent: 1 - Byrd

Enactment No: ORD 2021-009

OPEN SESSION (20 MINUTES)

The following people spoke:

- Rainbow Medicine Walker
- Wendy Harris
- Michael Lilliquist
- Joshua Rutherford
- Todd Baker
- Misty Flowers
- Louis Burrell
- Melissa Gregg/Wisener
- Mark Ambler
- Eliza Steele
- Markis Dee Stidham
- Rosemary VanBeek
- Doug (Yoshe) Revelle
- Lindy McDonough
- Natalie Chavez
- Susan Windnagel

Hearing no one else, Buchanan closed the Open Session.

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

Browne reported for the Finance and Administrative Services Committee and acknowledged the work of the Finance team and county staff who contributed to the County being in a good financial position.

Brad Bennett, Administrative Services Department, stated the Finance and other department staff rose to the challenge during the COVID-19 pandemic crisis.

Browne also acknowledged the contribution and leadership of Executive Sidhu and Deputy Executive Tyler Schroeder.

Satpal Sidhu, County Executive, responded to Browne's comments.

1. [AB2021-131](#) Request authorization for the County Executive to enter into a memorandum of understanding between Whatcom County and the Port of Bellingham for use of the Fairhaven All Hazards Alert Broadcast warning siren in the amount of \$0.00

Browne reported for the Finance and Administrative Services Committee and moved that the Memorandum of Agreement be AUTHORIZED. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Byrd

2. [AB2021-136](#) Resolution supporting the formation of a Tourism Promotion Area (TPA) by agreement between Whatcom County and the City of Bellingham

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

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

Enactment No: RES 2021-008

3. [AB2021-137](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the joint establishment of a Tourism Promotion Area

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

4. [AB2021-138](#) Request authorization for the County Executive to enter into a contract for laboratory services between Whatcom County Flood Control Zone District and Exact Scientific Services in an amount not to exceed \$90,000 (Council Acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Browne 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, Donovan, Elenbaas, Frazey, and Kershner

Nay: 0

Absent: 1 - Byrd

5. [AB2021-139](#) Request authorization for the County Executive to enter into Cooperation Agreement between US Army Corps of Engineers and Flood Control Zone District for the Lynden Levee Rehabilitation (NSK-03-18) under an 80/20 cost share with FCZDBS providing \$210,600 (Council Acting as the Flood Control Zone District Board of Supervisors)

Browne 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, Donovan, Elenbaas, Frazey, and Kershner

Nay: 0

Absent: 1 - Byrd

6. [AB2021-142](#) Request authorization for the County Executive to enter into a Local Agency Agreement & Project Prospectus between Whatcom County and Washington State Department of Transportation for South Pass Road 2020 Flood Damage Repairs, in the amount of \$72,000.00

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

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

Nay: 0

Absent: 1 - Byrd

(From Council Public Works and Health Committee)

7. [AB2021-141](#) Resolution granting a quit claim deed/partial release of easement rights to the City of Bellingham

Frazezy reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Byrd

Enactment No: RES 2021-009

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2021-140](#) Request confirmation of the County Executive's appointments of Ashley Thomasson, Deanna Wildermuth and Dean Fearing to the Housing Advisory Committee

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

Councilmembers asked if any of the appointees were present but they were not.

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

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

Nay: 0

Absent: 1 - Byrd

2. [AB2021-143](#) Request confirmation of the County Executive's appointment of Alan Friedlob to the North Sound Behavioral Health Administrative Services Organization

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

Councilmembers asked if the appointee was present but he was not.

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

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

Nay: 0

Absent: 1 - Byrd

3. [AB2021-144](#) Request confirmation of the County Executive's appointment of Jennifer Lautenbach

to the Northwest Senior Services Board

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

Councilmembers asked if the appointee was present but she was not. They discussed the appointment.

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

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

Nay: 0

Absent: 1 - Byrd

ITEMS ADDED BY REVISION

1. [AB2021-164](#) Ordinance imposing an additional sales and use tax of one-tenth of one percent for housing and related services as authorized by RCW 82.14.530 adding a new chapter 3.47 to the Whatcom County Code

Donovan moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING.

Councilmembers discussed the motion and whether it should be on a ballot.

Donovan's motion that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

Abstain: 1 - Kershner

INTRODUCTION ITEMS

Frazey requested that they consider Introduction item two separately.

Frazey moved and Donovan seconded to consider Introduction item two separately.

Councilmembers discussed whether a motion was needed.

Frazey withdrew her motion.

Donovan moved to Introduce agenda items 1, 3, 4, 5 and 6. The motion was

seconded by Frazey. Councilmembers voted (see motion and votes on individual items below)

1. [AB2021-145](#) Ordinance amending the project budget for Academy Road Stormwater Improvements Fund, request no. 2

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

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

2. [AB2021-148](#) Ordinance amending Whatcom County Code 3.08 Purchasing System to include nondiscrimination by county contractors

This item was voted on separately. See motion and vote below.

3. [AB2021-134](#) Ordinance amending Whatcom County Code Section 1.14, Electoral Precincts, for changes in certain voting precinct boundaries in Whatcom County

Donovan moved and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

4. [AB2021-135](#) Ordinance regarding temporary installation of stop signs on Noon Road at Ten Mile Road and East Hemmi Road at Noon Road

Donovan moved and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

5. [AB2021-146](#) Ordinance amending the 2021 Whatcom County Budget, request no. 4, in the amount of \$3,397,903

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

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

6. [AB2021-147](#) Ordinance establishing a fare capital surcharge for the Lummi Island Ferry System

Donovan moved and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

2. [AB2021-148](#) Ordinance amending Whatcom County Code 3.08 Purchasing System to include nondiscrimination by county contractors

Frazey moved to amend Exhibit A Chapter 3.08.125 Section A, Subsection 1 (line 28) as follows:

28 the Contractor shall take affirmative action to ~~insure~~ensure that applicants are

The motion was seconded by Kershner.

Councilmembers discussed the motion.

The motion to amend carried by the following vote:

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

Nay: 0

Absent: 1 - Byrd

Donovan moved and Elenbaas seconded that the SUBSTITUTE Ordinance be INTRODUCED AS AMENDED. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Byrd

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

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

They discussed the Planning Commission request to adopt an emergency moratorium on the acceptance of applications for outdoor cannabis growing

and processing operations (AB2021-149).

ADJOURN

The meeting adjourned at 7:39 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription