

MINUTES
Ferndale City Council Meeting
Held Monday, June 16, 2003
Council Chambers – City Hall Annex
7 p.m.

CALL TO ORDER

The meeting was called to order at 7 p.m. by Mayor Pro-Tem Mel Hansen. Mayor Pro-Tem Hansen led the assembled in the Pledge of Allegiance.

ROLL CALL

PRESENT: Councilmember Mel Hansen{ TC \11 "
Councilmember Mike Reilly
Councilmember Susan Cole
Councilmember Jerry Landcastle
Councilmember Ron Wilson

ABSENT: Councilmember Steve Oliver (Excused)
Councilmember Marianne Elgart (Excused)
Mayor Carolyn Jensen

Mayor Pro-Tem Mel Hansen Presiding

STAFF: City Administrator Roland Signett City Clerk Linda Knutson
Planning Director Tom Black Police Chief Dale Baker{ TC \12 "
Public Works Director Loren Sperry City Attorney Richard Langabeer

CONSENT AGENDA

The following consent agenda was moved for approval by Councilmember Reilly. Councilmember Wilson seconded:

1. Approval of Minutes of 6/02/2003 Council Meeting
2. Approval of Payroll of 6/06/03; Auto-Deposit Amount: \$98,676.59; Checks #21820 - #21832 Amount: \$31,644.60; Total Payroll:\$130,321.19
3. Approval of Claims Run for June, 2003; Checks #39757 - #39903; Total Claims: \$570,073.31 (Check #38603 VOID Re-Issue to Emp. Sec. Dept)

Motion passed unanimously.

PUBLIC COMMENT

Lloyd Zimmerman said that in the Sunday edition of the Bellingham Herald, an article had mentioned extra parking would be provided on Main Street as part of the improvement project. Administrator Signett responded that he had not made a comment regarding parking to the reporter.

Bob McFarland stated that as a developer he has worked on several high-quality, fortune 500 projects in areas like Seattle and Tacoma. He would like to see the same kind of quality projects developed in Ferndale, but feels that the permit process and up-front fees are prohibitive. Mayor Pro-Tem Hansen stated that some of these concerns will be addressed later in the meeting.

PUBLIC HEARING - MORATORIUM ON THE SITING OF ESSENTIAL PUBLIC FACILITIES

Mayor Pro-Tem Hansen outlined the protocol regarding the public hearing process.

Planning Director Black reviewed that the Council had passed a moratorium in April of this year regarding the siting of essential public facilities. For the purposes of this moratorium, essential public facilities would include correctional facilities, detention facilities, and secure community transition facilities.

Current City codes do not deal with such sitings, and this moratorium will allow the City staff time to develop criteria.

Public Hearing Opened

Lloyd Zimmerman, 2234 Main Street, thought that the moratorium was a good idea.

Lisa Lockwood, 2480 Aldergrove Road, supported the moratorium and offered several suggestions regarding the housing/location of convicted sex offenders. Among the suggestions were "diligent accountability" through public information and education, and more consideration of victims' rights.

Public Hearing Closed

Council Discussion:

Councilmember Cole asked how long the current moratorium would be in effect. Director Black responded six months (early October). He further stated that extensions were possible via ordinances and public hearings.

Motion:

Councilmember Reilly moved to keep in place the moratorium on the siting of essential public facilities, which was seconded by Councilmember Landcastle.

Further Council Discussion:

Councilmember Landcastle inquired as to whether any criteria has yet been established. Director Black stated that while research and data is being gathered, no actual criteria has been proposed. Director Black also stated that an extension will probably be necessary due to state reviews.

Councilmember Reilly felt that a citizens committee might be formed to provide input and suggestions. Planning and Judicial will look at this item at an upcoming meeting.

Mayor Pro-Tem Hansen asked how many extensions could be implemented. Director Black stated that statute does not impose a limit, but realistically two or three extensions were acceptable in most cases.

Vote:

Motion passed unanimously.

ORDINANCE #1300 - SOLID WASTE UTILITY TAX

Planning and Judicial Committee Action Item

Councilmember Cole, Chair of the Committee, reviewed that several scenarios had been discussed regarding establishment of a rate to be collected from solid waste handlers/operators in the City. After much discussion it was felt that a conservative approach should be taken by enacting a one-percent tax on the gross revenues of solid waste handling entities.

Motion

It was moved by Councilmember Cole and seconded by Councilmember Wilson to adopt Ordinance #1300 establishing a Solid Waste Utility Tax to be collected at the rate of one-percent on the gross revenues of solid waste handlers and operators.

Motion passed unanimously.

Motion

It was moved by Councilmember Cole and seconded by Councilmember Wilson to establish a new fund to be called the solid waste utility tax collection fund.

Motion passed unanimously.

Councilmember Cole noted that designations of expenditures from the proceeds of this tax will be discussed during 2004 budget preparations.

ORDINANCE #1301 - REVISING WATER AND SEWER CONNECTION FEES FOR NEW COMMERCIAL NON-RESIDENTIAL BUILDINGS

Streets and Utilities Committee Action Item

Councilmember Landcastle said that city staff had worked to develop a method which would relieve commercial developers of some of the up-front costs associated with construction. The proposed ordinance would allow new commercial buildings to be charged for one water and sewer connection only, with usage rates being raised to pay into the City's infrastructure over time. Also in the ordinance is language that addresses commercial remodels, commercial buildings constructed prior to 1995, and commercial structures that have been vacant for 24 months or more.

Motion

It was moved by Councilmember Landcastle and seconded by Councilmember Wilson to approve Ordinance #1301.

Discussion

Councilmember Reilly strongly favored the ordinance, saying it will make the City much more friendly for commercial development.

Bob McFarland thanked the Council and staff, and urged them to look into a rate structure that would also help residential development. Administrator Signett responded that single family residential connection fees are used to pay down debt on the treatment facility.

Vote

Motion passed unanimously.

The Council stated that developers should be informed of the new structure as soon as possible.

ORDINANCE #1302 - SHORT PLAT VARIANCES FOR EASEMENT ACCESS

Streets and Utilities Committee Action Item

Councilmember Landcastle asked Director Black to give the background on Ordinance #1302. Director Black explained current language in City codes require that "every lot shall abut a street". Many lots located within the City are large enough to subdivide by Short Plat, but cannot do so because the lot configuration precludes compliance with the requirement that each lot shall abut on a street. In order to reasonably divide such parcels, owners have proposed to provide access to one or more lots by private easement rather than a public street and any proposal to provide access by easement rather than a public street has required that owners to apply for and have granted a Short Plat Variance by the City Council following an advertised public hearing. Staff believes that the public interest would be better served if Section 17.28.040 (B) of the FMC were written to provide more flexibility in vehicle access design for Short Plats, provided that the Plat Administrator determines that certain performance criteria are met.

It was moved by Councilmember Landcastle and seconded by Councilmember Reilly to approve Ordinance #1302.

Motion passed unanimously.

RESOLUTION #03-06-16A - SIX YEAR TRANSPORTATION PLAN

This item was moved to the regular City Council meeting of July 7th as a Public Hearing item.

RESOLUTION #03-06-16B - ADOPTION OF POPULATION ESTIMATES

Planning and Judicial Committee Action Item

Director Black stated that the State of Washington's Growth Management Act and related laws require cities to plan for urban growth over a 20 year period and statute requires that comprehensive plans and population projections for each city must be coordinated and consistent with the comprehensive plan and population projections adopted by the county.

Director Black said that in 2002, the consulting firm, ECONorthwest prepared detailed forecasts of population and economic growth for Whatcom county, the seven incorporated cities, and two unincorporated growth areas and in August of 2002, members of the Growth Management Oversight Committee, which includes planners from Whatcom County and the seven incorporated cities, came to a preliminary agreement regarding both the overall growth projection for the county, as well as the projections for the individual cities. The ECONorthwest projections provide the city with the option to use BASELINE, HIGH, or LOW estimates of population growth for the City of Ferndale, including the Ferndale Urban Growth Area.

The City Council Planning and Judicial Committee reviewed the ECONorthwest population projections, and forwarded the information to the Ferndale Planning Commission for consideration, and the Planning Commission discussed the ECONorthwest population projections, and decided to recommend to the City Council that the HIGH population projection be utilized for planning purposes. Director Black added that recognizing the historic fallibility of previous population estimates, and understanding that future changes in economic, social, environmental, and/or political circumstances can effect the accuracy of any such projection, the City Council would reserve the right to modify the projected population numbers for planning purposes as such circumstances would warrant.

It was moved by Councilmember Reilly and seconded by Councilmember Cole to approve Resolution #03-06-016B, adopting the high population estimates for planning purposes.

Motion passed unanimously.

SET COMMITTEE MEETINGS

X There will be no Committee meetings the week of June 16th through June 20th.

X Wednesday, June 25th, Streets and Utilities will meet at 10 a.m. and Planning and Judicial will meet at 1 p.m.

COUNCIL REPORTS

Councilmember Wilson thanked the Planning Director for the informative joint meeting with the Planning Commission and the City Council the previous week on the PUD Ordinance revisions. He also asked when the new police cars would be ordered. Director Sperry said that the two new Crown Victorias had been ordered early in the year and will be arriving mid-to-late July.

DEPARTMENT REPORTS

Public Works

Director Sperry gave an update on the Main Street Project, Rural and Sunset Project, and the allocation of state monies for the Tosco Complex. A few details are being worked out for the Old Settlers event the end of July.

Planning

Director Black said that both the PUD Ordinance revision meeting and the Short Course on Planning workshop the previous week had gone very well.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 8:10 p.m.

ATTEST:

ATTACHMENT "A":

**MINUTES
Streets and Utilities Committee Meeting
Wednesday, June 4, 2003
City Hall Conference Room
10 a.m.**

COMMITTEE: Councilmembers Hansen, and Landcastle

STAFF: Roland Signett, Loren Sperry, Tom Black and Linda Knutson

SIX YEAR TRANSPORTATION IMPROVEMENT PLAN - 2004 TO 2009

Director Sperry reviewed the revised Six Year Transportation Improvement Plan 2004 to 2009. Some additional language was added, and Sperry will have some updated dollar figures for the final Resolution. The Committee did focus on prioritizing the sewer line that runs from Vista to Washington to Third to Golden Eagle, and asked that preliminary engineering figures be drafted in order to start planning this critical improvement.

It was moved by Councilmember Landcastle and seconded by Councilmember Hansen to recommend approval of the Six Year Transportation Improvement Plan 2004 to 2009. Motion passed unanimously.

PROPOSED CODE REVISION - SHORT PLAT VARIANCES FOR EASEMENT ACCESS

Director Black explained that proposed new language, in the form of a revision to the Ferndale Municipal Code, Chapter 17, adequately addressed the usual issues of concern in cases of access by easement. It further relieves Council of unnecessary responsibility and streamlines the process for citizens.

The Committee had some questions regarding adjacent property owners having the ability to air any concerns they might have about such easements. Director Black stated that the same notification and appeal methods will remain in effect.

It was moved by Councilmember Landcastle and seconded by Councilmember Hansen to recommend approval of the FMC revision concerning access by easement to the full Council. Motion passed unanimously.

SIDEWALK IMPROVEMENTS ON THIRD

Director Sperry noted several sidewalk areas throughout the City that need minor and major attention. A stretch of sidewalk on Third Avenue near the Millhouse Apartments is in particularly bad repair.

The Committee requested that Public Works obtain estimates on different repair options. Director Sperry will have some estimates and options for repair prepared for a near future meeting.

UPDATE ON MAIN STREET PROJECT

Director Sperry updated the Committee that the Notice of Award was sent to Wilder Construction today. Wilder has 15 days to complete the needed paperwork and will then be given the Notice to Proceed. Councilmember Landcastle requested that a project schedule be sent to him for the website set up to keep citizens informed. A schedule will be sent to KGMI as well.

ORDINANCE #1301 - SETTING THE WATER AND SEWER CONNECTION FEE RATE AND METHOD OF PAYMENT FOR NEW NON-RESIDENTIAL COMMERCIAL BUILDINGS

Administrator Signett stated that the City has been working to formulate a method which will relieve commercial developers of some of the up-front costs needed for construction. The proposed ordinance would allow the water and sewer connection fees to be worked into the usage structure.

The Committee requested that language be added to address commercial remodels, commercial buildings built prior to 1995, and commercial structures which have been vacant for 24 months or more.

It was moved by Councilmember Hansen and seconded by Councilmember Landcastle to move Ordinance #1300 forward to the full Council for discussion. Motion passed unanimously.

ATTACHMENT "B":

**MINUTES
Planning and Judicial Committee Meeting
Wednesday, June 4, 2003
City Hall Conference Room
1 p.m.**

COMMITTEE: Councilmembers Cole, Elgart and Reilly

STAFF: Roland Signett, Dale Baker, Loren Sperry, Tom Black, Linda Knutson

RESOLUTION #03-06-16 - ADOPTION OF POPULATION ESTIMATES

Director Black reviewed that the Growth Management Oversight Committee has developed population growth estimates to be used by local jurisdictions to update their comprehensive plans and urban growth areas. After review by staff and the Planning Commission, Director Black recommends that the City of Ferndale adopt the high population estimates.

It was moved by Councilmember Reilly and seconded by Councilmember Elgart to recommend to the full Council the high population estimates via Resolution #03-06-16. Motion passed unanimously.

ATTACHMENT "C":

**MINUTES
Planning and Judicial Committee Meeting
Wednesday, June 11, 2003
City Hall Conference Room
1 p.m.**

COMMITTEE: Councilmembers Cole, Reilly, and Oliver (for Elgart)

STAFF: Roland Signett, Loren Sperry, Linda Knutson

ORDINANCE #1300 - SOLID WASTE UTILITY TAX - SETTING RATE

The Committee discussed various scenarios and options for the establishment of a rate to be collected from solid waste operators and handlers in the City. After much discussion, it was generally felt that a conservative approach should be taken by enacting a one-percent tax on the gross revenues of solid waste handling entities.

Motion One

It was moved by Councilmember Reilly and seconded by Councilmember Oliver to recommend the establishment of a one-percent tax on gross revenues for Solid Waste Operators and Handlers in the City, via Ordinance #1300. Motion passed unanimously.

Motion Two

It was moved by Councilmember Reilly and seconded by Councilmember Oliver to establish a new fund, named "Solid Waste Utility Tax Collection Fund". Motion passed unanimously.

Reporting periods and remittance processes will be added to the Ordinance, along with the proposed rate, for presentation to the full Council at the regular meeting of June 16th.

CODE ENFORCEMENT ISSUE

Councilmember Cole related that a lot within the City that has had code enforcement issues in the past is once again becoming problematic, with construction materials being stored and stacked in a dangerous manner. Administrator Signett will inform Code Enforcement.