

MINUTES
Ferndale City Council Meeting
Held Monday, September 20, 2004
City Hall Annex Building – 5694 Second Avenue
7:00 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver	Councilmember Mel Hansen
Councilmember Susan Cole	Councilmember Carol Brumet
Councilmember Ron Wilson	

ABSENT: **Councilmember Mike Reilly (Excused)**
 Councilmember Marianne Elgart (Excused)

STAFF: **City Administrator Greg Young** **City Clerk Linda Knutson**
 Public Works Director Bob Cecile **Planning Director Tom Black**
 Police Chief Dale Baker **City Treasurer Mark Peterson**

Mayor Jerry Landcastle Presiding

2005 BUDGET WORK SESSION – 5:00 p.m. – 6:30 p.m.

The Council met in a budget work session from 5:00 to 6:55 p.m. to revenues anticipated for 2005.

EXECUTIVE SESSION

The Council met in executive session from 6:30 to 6:57 p.m. to discuss potential litigation.

CALL TO ORDER

Mayor Landcastle called the meeting to order at 7:04 p.m.

CONSENT AGENDA

The following consent agenda was moved for approval by Councilmember Oliver and seconded by Councilmember Brumet:

1. Approval of Minutes of 9/07/2004 Council Meeting
2. Approval of Payroll of 9/17/04; Auto-Deposit Amount: \$106,037.02; Checks #22325 - #22336 Amount: \$36,096.41; Total Payroll: \$142,133.43
3. Approval of Claims Run for September, 2004; Checks #42001 - #42161; Total Claims \$908,697.68

Motion passed unanimously.

PUBLIC COMMENT

Jenny Kubic, 2268 Seamount, expressed concern for the safety of neighborhood children going to and from school, due to the heavy construction traffic now taking place near her home. She has witnessed numerous near-accidents, and stated that the truck drivers are parking on the residential streets, causing blind curves and narrow traffic lanes.

Sally Emerson, 2262 Seamount, was also concerned about the construction traffic near her home. Her concerns were that residents were not notified about this project. She was further concerned about the safety of children and pedestrians, and asked about the possibility of re-routing the construction traffic, and reducing the hours of the construction noise.

Chris Talley, 5887 Aspen, said that the dump trucks approaching the four-way stop near her home do not stop, and she has also witnessed many near accidents. She fears for the safety of school children.

PRESENTATION – WHATCOM HUMANE SOCIETY

At the request of the Planning and Judicial Committee, Penny Cistero, Executive Director of the Whatcom Humane Society, was present to discuss the recent Council action of eliminating cat licensing, from the perspective of animal control. She said that the City of Ferndale has been praised across the state for being progressive and proactive in their animal regulations which treat cat and dog owners equally. She stated that over seventy-percent of animals turned in to the Shelter are cats, and only two-percent of those cats are redeemed. Of dogs turned in, over fifty-percent are redeemed. This has the net affect of dog owners subsidizing cat owners. It was her recommendation that the City retain a mechanism for tying a pet to its owner, through registration, identification, micro-chipping, or licensing.

CRITICAL AREAS ORDINANCE - #1329

Planning Director Tom Black presented the staff report. The Growth Management Act requires jurisdictions to identify, designate, and protect “critical areas”. These include fish and wildlife conservation areas, wetlands, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas.

Shortly after the city adopted its Comprehensive Plan in 1996, the city adopted a Critical Areas Ordinance (CAO) to address this state mandate. The state has also mandated that the city review and update its Comp Plan and development regulations (which include the CAO) periodically. This is necessary because of the on-going changes to state law, especially in the environmental area.

The city began a review of it’s CAO over a year ago, and has made slow but steady progress in re-writing a new ordinance that will be consistent with current state and federal law. It has also spent considerable resources in comprehensively mapping critical areas. The latest draft of the ordinance is attached. A full size Critical Areas Map will be presented at the meeting.

The Planning Commission has held several workshops on this draft ordinance, in addition to one public hearing that was held on August 11, 2004. The Commission is forwarding the ordinance to the Council for consideration with a recommendation of approval.

The Council has several options for action. The Council could approve the ordinance, or decide to hold a public hearing or additional workshops prior to making a decision.

Councilmember Oliver asked if the ordinance had completed the state review process. Director Black said that it had.

Councilmember Hansen wondered how the new delineations would affect existing platted lots. Director Black responded that it is generally believed that a grace period will be instituted, but the length is not yet known.

Councilmember Brumet felt that lot owners should be notified through the title process. Jim Wiggins, the environmental specialist who helped author the ordinance, said that because critical areas are constantly changing, such as a wetland drying up or getting wetter, a title alert would be impractical.

It was moved by Councilmember Hansen and seconded by Councilmember Cole to hold a public hearing on the Critical Areas Ordinance on October 18th. Motion passed unanimously.

CITY TREASURER’S QUARTERLY FINANCIAL REPORT

City Treasurer Mark Peterson reviewed the last three month’s revenues and expenditures. He stated that the finances are generally healthy, with some greater than expected revenues. He pointed out that the Douglas Road Project will need a budget amendment at the end of the year.

ORDINANCE #1325 – AMENDING FUND STRUCTURE

City Administrator Young reviewed that the Council had requested that staff bring forth an ordinance that would re-structure the numbering and categorizing of the City’s funds.

Councilmember Oliver asked about the status of the fund balance transfers resulting from this re-structuring. Administrator Young stated that the residual equity of the four closed funds will be detailed in the Treasurer’s end-of-year report.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve Ordinance #1325 amending the City’s fund structure. Motion passed unanimously.

RESOLUTION #04-09-20

Mayor Landcastle reviewed that in mid-2002, the City signed an Interlocal agreement with the Port of Bellingham which referenced the development of stormwater detention facilities, road improvements, and traffic signalization for the Rural Sunset Project. The Port contributed \$50,000 toward this project provided that the City recognize the contribution as meeting full mitigation for traffic impacts arising from potential future land development activities located on Port property west of the main runway at Bellingham International Airport, south of Slater Road.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve Resolution #04-09-20 memorializing the \$50,000 project contribution. Motion passed unanimously.

ORDINANCE #1327 RELATING TO FRONTAGE IMPROVEMENTS

Administrator Young reviewed Ordinance #1327 which defines what “triggers” the City’s requirement for street frontage improvements. This would add a new section to the Ferndale Municipal Code. The new ordinance will be easier to interpret and enforce than prior language.

It was moved by Councilmember Wilson and seconded by Councilmember Oliver to approve Ordinance #1327 relating to frontage improvement requirements. Motion passed unanimously.

ORDINANCE #1328 ESTABLISHING STORM DRAINAGE FEES

Administrator Young presented an ordinance which would establish a \$2.50 per month fee for each developed property in the City of Ferndale. Collection of this fee would produce approximately \$100,000 annually and would be used to address stormwater issues and debt, which is currently being funded from Current Expense.

Most Councilmembers felt that this was a good introduction to the issue of stormwater funding, but wanted to wait until 2005 water and sewer rates are established before deciding.

It was moved by Councilmember Hansen and seconded by Councilmember Brumet to table indefinitely Ordinance #1328. Motion passed unanimously.

CONTRACT FOR JAILSERVICES WITH CITY OF SUNNYSIDE

The City of Sunnyside, in eastern Washington, is offering space for longer term inmates (over seven days) at \$35.00 per day. This per diem includes booking and pick up of the inmate, either male or female. The City would continue to contract with both Whatcom County and Yakima County as well.

It was moved by Councilmember Hansen and seconded by Councilmember Wilson to enter into a contract with the City of Sunnyside for the provision of jail services. Motion passed unanimously.

SET COMMITTEE MEETINGS

The following Committee meetings were set:

Streets and Utilities	Wednesday, September 22, 2004	7:30 a.m.
Streets and Utilities	Wednesday, September 29, 2004	7:30 a.m.
Planning and Judicial	Wednesday, September 29, 2004	11:00 a.m.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 8:25 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

Attachment A:

**MINUTES
Planning and Judicial Committee
Held Wednesday September 15, 2004
City Hall Conference Room
11 a.m.**

COMMITTEE: Councilmember Elgart
CITY ADMINISTRATION: Jerry Landcastle, Greg Young, Tom Black, Linda Knutson

PRESENTATION ON ANIMAL CONTROLS SERVICES – WHATCOM HUMANE SOCIETY

Penny Cistero, Director of the Whatcom Humane Society, presented the Committee with information regarding the services the Society provides for animal control. Ms. Cistero expressed some concern regarding the decision to eliminate cat licensing in the City of Ferndale, as she felt Ferndale had been progressive in instituting such licensing. She also felt that a public education program for the citizens of Ferndale would be beneficial in order to alert pet owners to the many programs available through the Humane Society and other entities.

The Committee and staff thanked Ms. Cistero, and asked that she attend the Council meeting of September 20, to present this information to the full Council.

CRITICAL AREAS ORDINANCE

Planning Director Black presented the latest draft of the Critical Areas Ordinance, which has been undergoing revisions and updates for just over twelve months. The Growth Management Act requires that jurisdictions identify, designate, and protect “critical areas”. These include fish and wildlife conservation areas, wetlands, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas. The new CAO is consistent with state and federal law, and the City’s critical areas have been comprehensively mapped. The City may approve the ordinance as presented, or could hold an additional public hearing or workshop.

It was recommended that the Critical Areas Ordinance be forwarded to the full Council for discussion and consideration.

SUNNYSIDE JAIL ALTERNATIVE

Administrator Young reviewed an information packet regarding jail services that are being offered by the City of Sunnyside. The jail charges \$35.00 per day for post-adjudication prisoners. Administrator Young felt it was worth signing a contract with Sunnyside, as there are no charges if the services aren’t used.

The Jail Contract with the City of Sunnyside will go to the full Council for discussion and consideration.

Attachment B:

**MINUTES
Streets and Utilities Committee
Held Wednesday September 15, 2004
City Hall Conference Room
7:30 a.m.**

COMMITTEE: Councilmembers Mel Hansen and Steve Oliver
CITY ADMINISTRATION: Jerry Landcastle, Greg Young, Bob Cecile, Linda Knutson

TRAFFIC SAFETY ISSUE ON LINCOLN DRIVE

Public Works Director Cecile has been contacted by some residents of Vista Ridge regarding the parking of cars on the curve on Lincoln Drive which leads to Hamilton Avenue. This is creating a sight/safety issue due to the tight inside radius of the curve. Director Cecile proposes to make this inside curve a no-parking area. The Committee concurred that this should be signed as no-parking, and that Public Works should evaluate this subdivision for further necessary signage.

UPDATE ON RETIRED POLICE VEHICLES

Director Cecile noted to the Committee that the one of the two Chevrolet Lumina that had been taken off-line in the Police fleet and replaced with Crown Victorias is currently being used as a City car pool vehicle. This discussion will be scheduled for an upcoming Equipment and Facilities Committee meeting.

FOUR-WAY STOP AT WASHINGTON AND SECOND

The Council had requested that this item be reviewed by the Committee for further action. It was originally anticipated that the four-way stop would be returned to two-way, but Public Works had determined that the four-way configuration had made this intersection more safe and efficient. The Committee and staff concluded that a traffic study will be conducted for evaluation of the safest stop-sign configuration for this intersection.

RESOLUTION #04-09-20 – MEMORIALIZING PORT OF BELLINGHAM PROJECT CONTRIBUTION

In mid-2002, the City signed an Interlocal agreement with the Port of Bellingham which referenced the development of storm water retention facilities, road improvements and traffic signalization at the intersection of Slater Road and Rural Avenue. The Port contributed \$50,000 toward this project provided that the City recognize the contribution as meeting full mitigation for traffic impacts arising from possible future land development activities located on Port property west of the main runway at Bellingham International Airport, south of Slater Road.

It was moved by Councilmember Oliver and seconded by Councilmember Hansen to forward Resolution #04-09-20 to the full Council. Motion passed unanimously.

ORDINANCE RELATING TO STREET FRONTAGE REQUIREMENTS

Administrator Young reviewed a proposed ordinance that addresses street frontage improvement requirements. The Committee held a lengthy discussion that included several different scenarios and options that would either trigger improvements or qualify a project for deferrals or exemptions.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to move this ordinance to the full council for discussion and consideration. Motion passed unanimously.

ORDINANCE ESTABLISHING STORM DRAINAGE FEES

Administrator Young presented an ordinance that would establish a monthly storm drainage fee to help defray the cost of increasing storm water issues and debt. Currently the City uses monies collected from sales tax revenues, in the range of \$50,000 - \$80,000, for storm drainage expenditures. A per household, per month, charge of \$2.50 is being proposed, which would generate approximately \$100,000 annually. It was noted that those residents not currently in the utility system due to being on septic and/or water associations will need to be located and entered into the system.

This item will be forwarded to the full Council for discussion and consideration.