

MINUTES
Ferndale City Council Meeting
Held Monday, March 21, 2005
City Hall Annex – Council Chambers
7 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver
Councilmember Mike Reilly
Councilmember Susan Cole
Councilmember Ron Wilson

Councilmember Mel Hansen
Councilmember Marianne Elgart
Councilmember Carol Brumet

STAFF:

City Administrator Greg Young
Planning Director Tom Black

City Clerk Linda Knutson
GIS Specialist BrennaSterling-Borgognoni

Mayor Jerry Landcastle Presiding

WETLAND MITIGATION BANKING PRESENTATION: 6 p.m. to 6:45 p.m.

The Council was presented with an overview of the concept in the creation of Wetlands mitigation Banking by Sky Miller, Regional Manager for Wetlands Inc.

CALL TO ORDER

Mayor Landcastle called the Meeting of the Ferndale City Council to order at 7 p.m.

CONSENT AGENDA

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

1. Approval of Minutes of 3/15/05 Council Meeting
2. Approval of Payroll of 03/18/05; Automatic Deposit
Amount: \$103,646.51; Checks #22492 - #22501 Amount:
\$36,047.92; Total Payroll:\$139,694.43
3. Approval of Claims Run Of 03/21/05; Checks #43045 -
#43169; Total Claims: \$231,797.51 (Check #42925 VOID)
4. Approval of Ordinance #1348 – Adopting 2004
Comprehensive Plan Amendment with Four Elements, as
approved by Council at the February 22 and March 7 Meetings.

Council had some specific questions regarding the refunding of development review fees and the purchase of a new truck, which Director Cecile detailed.

Motion passed unanimously.

PUBLIC COMMENT

No one spoke

ECONOMIC DEVELOPMENT ACCORD – LUMMI BUSINESS COUNCIL AND CITY OF FERNDALE

Mayor Landcastle reviewed that the City Administration and Lummi officials have been meeting regularly over the past several weeks to discuss economic impacts to the Slater area, and how the two governments can work cooperatively and positively for the mutual benefit of their citizens. Staff and City Administration have expressed great optimism for the many long term cultural and economic rewards of this accord.

The Lummi Business Council had met earlier in the evening and approved the accord. LBC Chairman Darrell Hillaire was present and stated that he was proud to be part of this historic agreement between these two neighbors. The Council concurred that this is a very positive first step for the Lummi Nation and the City of Ferndale to work together.

It was moved by Councilmember Wilson and seconded by Councilmember Cole to approve the Economic Development Accord Between the Lummi Business Council and the City of Ferndale. Motion passed unanimously.

B&B MEATS REQUEST FOR NON-EXCLUSIVE EASEMENT

Mayor Landcastle reviewed that B & B Meats (Hempler's) is moving its operations from Bellingham to Ferndale, on Nielson Road. Their property adjoins City property which has the majority of frontage on Neilson, and B & B is asking for a non-exclusive easement. The City Attorney has approved this easement pending a determination of value. The easement itself is approximately sixty feet wide and 200 feet in length.

At the last meeting of the Streets and Utilities Committee, it was the recommendation to grant a non-exclusive easement to B&B Meats. A determination of value was accomplished and, in the opinion of the appraiser, the City's land is not marketable without substantial testing and clean-up due to its history as a former landfill. B&B is offering the City \$500 for the non-exclusive easement, and will provide the easement document for recording purposes.

It was moved by Councilmember Oliver and seconded by Councilmember Reilly to allow non-exclusive easement to B&B Meats for a one time payment of \$500. Motion passed unanimously

ORDINANCE #1346 – CHANGING THE DATE OF COMMENCEMENT OF FORECLOSURE PROCEEDINGS ON DELINQUENT LID'S AND ULID'S.

An ordinance was present to the Council that would change the date of the commencement of formal foreclosure proceedings on delinquent LID's and ULID's from the current date of April first, to the new date of June first.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve Ordinance #1346 changing the date of the commencement of formal foreclosure proceedings on delinquent LID's and ULID's June first of any given year. Motion passed unanimously.

FINANCIAL MANAGEMENT POLICIES – ELEMENT NUMBER THREE – CAPITAL IMPROVEMENT PROJECTS

City Administrator Young stated that the third element of the City's Financial Management Policies dealt with Capital Improvements in all city projects. This portion of the policy explains a given project, along with its expected cost and expected revenue sources. The CIP element will be reviewed yearly as a evolving document, to reflect Council discussions and priority decisions.

Councilmember Elgart thanked administration for their work on the policy document.

It was moved by Councilmember Oliver and seconded by Councilmember Brumet to approve element three of the Financial Management Policies. Motion passed unanimously.

PUBLIC HEARING - SHORELINE MASTER PROGRAM REVISIONS

At the Council meeting of March 7, Planning Director Tom Black updated Council and citizens on the proposed revisions to the Shoreline Master program. The City has been working with the Department of Ecology to produce a document that will be acceptable to the state and workable for the City.

The City sent notification to approximately 200 property owners in the affected areas of this public meeting and revision overview and several were present to ask questions of staff and officials. Many questions regarding flooding, insurance, elevations, and conservancy were asked and applied to individual properties had been brought forth at the last meeting. The Council had indicated that a public hearing was warranted on this issue and named March 21 and April 4 for public testimony.

Mayor Landcastle reviewed the protocol governing the conduct of public hearings. Planning Director Tom Black gave a brief overview of the revisions to the SMP map. He added that the text revisions to the SMP will be available later in the week.

Public Hearing Opened

Elie Samuel, 1904 Main Street, stated that he is opposed to two portions of the SMP. The first is the definition of shoreline jurisdiction, which he would like to see compared to state standards. The second is the authority of the Department of Ecology to define "least intensive use", which he feels can be misapplied.

Mr. Samuel also pointed out that at the last meeting he was informed by City officials that the portion of his property that appeared on the revised map to have been re-designated as conservancy was an error, and that it would be changed back to urban. Mayor Landcastle responded that that was the case, and it would be reflected on the record.

Norm Porter, 4673 Sucia Drive, wished for clarity regarding cases where the shoreline jurisdiction "red line" intersected on properties. He understood that such an intersect would put the entire property under shoreline jurisdiction. Director Black responded that unless construction activity is within the red line, it is not under shoreline jurisdiction. Mr. Porter asked that this be clarified with DOE, as he had been told otherwise.

Mayor Landcastle announced that the Public hearing would be concluded at the Council meeting of April 4th. Written testimony will be accepted as well.

PRESENTATION - WHATCOM COUNTY JAIL SERVICES

Dewey Dessler, Assistant to the Whatcom County Executive, was present to review a County plan for interim and future jail expansion in the County. Mr. Dessler presented a multi-year plan that would have the small cities providing up front construction costs for the interim jail, and receiving "bed credits" in return.

The Council and staff had some questions regarding credit for un-used bed-allotment, costs, alternatives, etc. Mr. Dessler did not know specific answers but would make financial cost analysis documents available to the Council.

MAYOR REPORTS – COMMENTS

- Mayor Landcastle asked that the Council approve the following fee schedule for the Tosco Sports Complex fields: \$12.00 for Adult games; \$6.00 for Youth games; and \$6.00 for lighted games.

It was moved by Councilmember Reilly and seconded by Councilmember Wilson to approve Tosco field use fees as requested. Motion passed unanimously.

- **The following Committee meeting was set:
Streets and Utilities, Wednesday March 23 at noon**
- The annual **Law Day** will be held at City Hall on April 2nd.
- The Council will hold a workshop on Monday, March 28th at 5 p.m. in Council Chambers to discuss the revision and development of the Comprehensive Plan..

DEPARTMENT REPORTS

Lt. Glass reported that Sgt. Lonnie Bauman has received certification as a Master Explosives Handler and Master Canine Handler.

COUNCIL REPORTS

Councilmember Elgart reported that she attended meetings for Sustainable Communities, and the Anti-Poverty Project at the Lummi Nation.

EXECUTIVE SESSION

At 8:55 p.m. Mayor Landcastle announced an executive session concerning real estate issues that was expected to last 15 minutes, and after which no action would be taken.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 9:10 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

ATTACHMENT A:

**MINUTES
Streets and Utilities Committee
Held Wednesday March 16, 2005
City Hall Conference Room
7:30 a.m.**

COMMITTEE: Councilmembers Mike Reilly, Steve Oliver, Mel Hansen
CITY ADMIN: Greg Young, Bob Cecile, Linda Knutson

WATER BILL ADJUSTMENT REQUEST

Staff received a request from a citizen for an exception to the City policy of allowing for one water bill adjustment during any twelve month period. The citizen had purchased a home which remained vacant for several months while they renovated and upgraded. During this time a large leak went undetected for two consecutive billing periods, resulting in approximately \$1700 in charges.

Members of the Committee felt that the City must adhere to current policy. To do otherwise would open the door to a multitude of problems associated with adjustments to utility accounts.

It was moved by Councilmember Hansen and seconded by Councilmember Reilly to allow the larger of the two bills to be adjusted. Motion passed unanimously.

NON-EXCLUSIVE EASEMENT – B&B MEATS

B & B Meats (Hempler’s) is moving its operations from Bellingham to Ferndale, on Nielson Road. Their property adjoins City property which has the majority of frontage on Neilson, and B & B is asking for a non-exclusive easement. The City Attorney has approved this easement pending a determination of value. The easement itself is approximately sixty feet wide and 200 feet in length.

At the last meeting of the Committee, it was the recommendation to grant a non-exclusive easement to B&B Meats, once a determination of value has been established. That determination has been submitted to the City. In the opinion of the appraiser, the City’s land is not marketable without substantial testing and clean-up due to its history as a former landfill. B&B is offering the City \$500 for the non-exclusive easement, and will provide the easement document for recording purposes.

It was moved by Councilmember Oliver and seconded by Councilmember Reilly to allow non-exclusive easement to B&B Meats for a one time payment of \$500. Motion passed unanimously.

ECONOMIC DEVELOPMENT ACCORD BETWEEN THE LUMMI NATION AND THE CITY OF FERNDALE

City Administrator Greg Young reviewed that the Lummi Nation has purchased some land adjacent to the freeway near the recent improvements to Rural and Sunset (and Slater). The Nation is planning to use the area for a small retail center, perhaps an EDC office, as well as signage for the casino. They have also applied to the Bureau of Indian Affairs to convert the land to trust.

City and Lummi officials have been meeting regularly over the past several weeks to discuss economic impacts to the area, and how the two governments can work cooperatively and positively for the mutual benefit of their citizens. Administrator Young expressed great optimism for the many long term cultural and economic rewards of this accord. The Committee concurred that this is a very positive first step for the Lummi Nation and the City of Ferndale to work together.

It was the consensus of the Committee to bring forth the Lummi –Ferndale Accord to the next Council meeting for approval.

WATER AND SEWER HOOK-UP OUTSIDE CITY LIMITS

A request for utility hook-ups on Nubgaard Road, directly adjacent to the City limits, was presented to the Committee for consideration. The Committee declined the request. If the requestor wishes City utilities, he may petition to annex.

ATTACHMENT B:

**MINUTES
Recreation and Finance Committee
Held Wednesday March 16, 2005
City Hall Conference Room
8:45 a.m.**

COMMITTEE: Councilmembers Ron Wilson, Marianne Elgart, Steve Oliver
CITY ADMIN: Greg Young, Linda Knutson

FEE SCHEDULE

City Administrator Greg Young reviewed the latest proposal from staff for updating the various city fees for goods and services. While many fees stayed the same or were raised slightly, some were proposed to be raised substantially. Councilmember Oliver pointed out that the City of Bellingham had to pay back over a million dollars in over-charged services a few years ago. The Committee asked staff to compare these fees and rates with other cities.

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City Administrator Greg Young reviewed that the Lummi Nation has purchased some land adjacent to the freeway near the recent improvements to Rural and Sunset (and Slater). The Nation is planning to use the area for a small retail center, perhaps an EDC office, as well as signage for the Silver Reef Casino. They have also applied to the Bureau of Indian Affairs to convert the land to trust.

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ATTACHMENT C:

**MINUTES
Planning and Judicial Committee
Held Wednesday March 16, 2005
City Hall Conference Room
11 a.m.**

COMMITTEE: Councilmembers Susan Cole, Marianne Elgart
CITY ADMIN: Jerry Landcastle, Greg Young, Tom Black, Linda Knutson

ORDINANCE #1346 – CHANGING THE DATE FOR COMMENCEMENT OF FORECLOSURE PROCEEDINGS – ULIDS AND LIDS

City Clerk Knutson presented an ordinance which would move the date for the commencement of foreclosure proceedings on delinquent LID and ULID payments from the current date of April first. Assistant Treasurer Terri Arnason explained that she works with the City Attorney’s office to begin foreclosure proceedings and that June is a more workable date than April.

It was moved by Councilmember Elgart and seconded by Councilmember Cole to recommend approval of Ordinance #1346 changing the date for the commencement of foreclosure proceedings on delinquent LID’s and ULID’s. Motion passed unanimously.

ORDINANCE #1347 – HEARING EXAMINER

City Administrator Young stated that the City has been working towards the possible establishment of a City Hearing Examiner for several months. The proposed ordinance sets out the duties, responsibilities, and qualifications of this position, and would act on behalf of the City Council in considering and applying the land use regulatory codes of the City; interpret, review, and implement land use regulations; hear appeals form orders, recommendations, permits, decisions, or determinations made by a City official and/or Planning Commission, and review and hear other matters.

Planning Director Black stated that the establishment of this process will free up the Planning Commission to concentrate on long-range planning issues and refinement of code language. The Planning Commission and the City Council would continue to process the legislative issues of Comprehensive Plan Amendments, rezone requests, annexation requests, and zoning text amendments. The Board of Adjustment would be dissolved.

This Ordinance is schedule to be brought before the Council at the April 4th meeting.

PLANNING COMMISSION VACANCY

Mayor Landcastle stated that the vacancy on the Planning Commission is being advertised. One application for that vacancy has been received, and the Committee will review any further applicants between now and the April 4th Council meeting, and make a decision based on the Mayor’s recommendations.

ECONOMIC DEVELOPMENT ACCORD BETWEEN THE LUMMI NATION AND THE CITY OF FERNDALE

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