

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

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**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 Brenna Sterling-Borgognoni**

**Mayor Jerry Landcastle Presiding**

**LID PRESENTATION: 6 p.m. to 6:45 p.m.**

The Council was presented with an overview of the processes, laws and regulations in the creation of Local Improvement Districts by Attorney Lee Vorhees.

**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 Wilson and seconded by Councilmember Brumet:***

1. Approval of Minutes of 02/22/05 Council Meeting
2. Approval of Payroll of 03/03/05; Automatic Deposit  
Amount: \$105,371.66; Checks #22481 - #22491 Amount:  
\$35,564.48; Total Payroll:\$140,936.14
3. Approval of Claims Run Of 00/00/05; Checks #42957 -  
#43044; Total Claims: \$167144.90 (Check #42965 VOID –  
Printer alignment)

***Motion passed unanimously.***

**PUBLIC COMMENT**

Steve Kelly of Lynden, was interested in the Tosco Sports Complex fields and when they would begin to be scheduled. Mayor Landcastle responded that he is taking the names of people who are interested in the fields and will begin the process of scheduling very soon.

**QUARTERLY UPDATE FROM CHAMBER OF COMMERCE**

Chamber President Brenda Rhinesmith and Chamber Director Sarah Horner presented the assembled with updates on the Chamber's activities and finances for the first two months of 2005.

**SHORELINE MASTER PROGRAM – PUBLIC MEETING**

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.

Jim Wiggins, a City-contracted wetlands biologist who has been working intensively on the SMP, and Brenna Sterling-Borgognoni, the City's GIS and Mapping Specialist, displayed multi-layered maps, and explaining the significance of the various lines denoting shoreline jurisdiction, floodways, floodplains, and more.

Barry Wenger of the Department of Ecology was also present to explain the state's issues on the SMP and the collaboration of the City and DOE to work through those issues.

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. There was also discussion regarding conditional use permits and DOE's role in approval within shoreline jurisdiction.

The Council concurred that the presentation had generated good questions and provided good information as to how the SMP had arrived in its current version.

***It was moved by Councilmember Reilly and seconded by Councilmember Hansen to keep an open comment period for two weeks and to have a SMP public hearing scheduled for the Council meeting of March 21, which will continue to the Council meeting of April 4, if necessary. Motion passed unanimously.***

**TEN MINUTE RECESS – 8:45 p.m. to 8:55 p.m.**

#### **REMOVAL OF TWO ITEMS FROM AGENDA**

Mayor Landcastle announced that due to the length of the preceding item, consideration of the Financial Policies and the Criminal Code Ordinance would be placed on the agenda of the March 21, 2005 Council meeting.

#### **COMPREHENSIVE PLAN AMENDMENT – CONSIDERATION OF ELEMENT NUMBER 4**

At the Council meeting of February 22, the Council considered the 2004 Comprehensive Plan Amendment which included four elements. The Council had approved the first three proposals, and had held decision on the fourth until staff supplied additional information for this meeting. That information included the minutes from the Planning Commission meeting at which time the Commission had recommended approval of the first three elements and denial of the fourth.

The Planning Commission public hearing record revealed that one person spoke in favor of the amendment, one letter of support was received, and no one spoke against. Planning Director Black stated that the Planning Commission voted against the fourth element as they believed it was the Council's desire to see a solid core of Commercial in this particular area of Portal Way.

***It was moved by Councilmember Brumet and seconded by Councilmember Wilson to approve the CPA request of the Bovenkamp family to designate their 98.8 acre property as Low Density Residential as outlined in element four.***

Councilmembers Cole and Oliver agreed that inserting a pocket residential into a solid area of Commercial didn't make sense from a policy viewpoint. Councilmembers Elgart and Wilson felt that it was appropriate for the Bovenkamps to keep the land under its original designation.

***Motion passed five-to-two, with Councilmembers Cole and Oliver voting no.***

#### **REQUEST FROM HUMANE SOCIETY FOR UTILITY HOOK UPS**

Mayor Landcastle reviewed a letter from the Whatcom Humane Society asking that their proposed new facility be allowed access to City sewer and water. The request needed special consideration due to the facility's location outside of the City's urban growth area.

#### **Motion**

***It was moved by Councilmember Wilson and seconded by Councilmember Elgart to approve the request of the Humane Society for hook ups.***

#### **Discussion**

Councilmember Wilson felt that the Humane Society does an important service for all of Whatcom County, and that the proposed facility is close enough to the City's lines to extend.

Councilmember Elgart agreed, saying the Society is a good agency there merits special consideration, and Ferndale residents would benefit.

Councilmember Reilly admires the job the Society does, but because of its location outside of the UGA it wouldn't be possible to extend City services. Councilmember Oliver agreed and said that land use discussions and UGA changes would be needed before any services are afforded in this area.

Councilmembers Hansen and Cole also could not support the request due to longstanding UGA issues in this area. Councilmember Brumet felt the Society might consider building inside the City limits.

Penny Cistaro, Executive Director of the Whatcom Humane Society, and several friends and volunteers asked the Council to consider the overall good of allowing this facility to be built as proposed at this location. Some pointed out that the City had set precedent several years ago when they extended services to the soccer fields. Councilmember Hansen responded that this occurred before the UGA was established.

#### **Vote**

***Motion failed three-to-four, with Councilmembers Elgart, Wilson, and Brumet voting yes.***

#### **ENGINEERING FOR SOUTHWEST INTERCEPTOR**

Mayor Landcastle stated that the results from the flow meters indicate that the sewer flows from the Church Road area down through Main Street and to the treatment plant are near capacity. The City has been considering installing a southwest interceptor project as a solution to the capacity issues. The interceptor would collect flow at Hendrickson and run it south along Imhoff Road, and through the City parcel east of the treatment plant, significantly reducing flow along Main Street. Engineers estimate that this project will cost approximately \$1 million to accomplish. Staff is asking for authorization to solicit engineering proposals for this project.

***It was moved by Councilmember Oliver and seconded by Councilmember Elgart to authorize administration to solicit engineering proposals for the southwest interceptor project.***

#### **Discussion**

Councilmember Oliver expressed concern regarding the funding of the proposed project. He does not like to idea of incurring more debt, but understands the immediate need for this project. He asked that staff continue to pursue funding sources that will not burden the entire City population. The Council as a whole felt strongly that new development and those benefiting from the interceptor should be responsible for the cost of this project.

***Motion passed unanimously.***

#### **MOTION TO EXTEND MEETING TO 10:15 p.m.**

***At 10 p.m. it was moved by Councilmember Cole and seconded by Councilmember Hansen to extend the meeting to 10:15 p.m. Motion passed unanimously.***

**MAYOR REPORTS – COMMENTS**

Mayor Landcastle stated that a draft accord with the Lummi Nation will be distributed to the Council for discussion at Committees scheduled to meet the week of March 14.

The Boys and Girls Club Auction, scheduled for May, is selling tables to groups/organizations. Anyone interested in such can contact Mayor Landcastle.

**COUNCIL REPORTS - COMMENTS**

Councilmember Cole announced that Councilmember Elgart has resigned as Council Liaison to the Ferndale Chamber Board. Any Councilmember interested in this position may contact her for information.

Councilmember Wilson noted that some of the new streetlights on Main Street are constantly lit during daylight hours. Mayor Landcastle responded that PSE is working to correct the problem.

**ADJOURNMENT**

There being no further scheduled City business, the meeting was adjourned at 10:15 p.m.

**ATTEST:**

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Jerry Landcastle, Mayor

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Linda Knutson, City Clerk

***Attachment A:***

**MINUTES  
Streets and Utilities Committee  
Held Thursday, February 24, 2005  
City Hall Conference Room  
7:40 a.m.**

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**COMMITTEE:** Councilmembers Steve Oliver, Carol Brumet (from 7:40 to 7:55),  
Councilmember Cole (from 7:55 to 9), Marianne Elgart  
**CITY ADMIN:** Jerry Landcastle, Greg Young, Bob Cecile, Linda Knutson

**CITIZEN COMMENTS ON PEDESTRIAN SAFETY**

Kay Sutcliffe was present to speak about her recent injury, when she was struck by a car while in a crosswalk on Main Street. She asked what the City has planned to address pedestrian safety concerns.

Mayor Landcastle responded that the City is actively working on the timing of the traffic lights and walk lights, visibility, and pedestrian safety enforcement. Mayor Landcastle added that drivers also need to re-educate themselves to look for pedestrians every time they see a crosswalk.

**B & B MEATS – REQUEST FOR EASEMENT**

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.

***It was moved by Councilmember Oliver and seconded by Councilmember Cole to grant a non-exclusive easement to B&B Meats, once a determination of value has been established. Motion passed unanimously.***

**SOUTHWEST INTERCEPTOR PROJECT**

Public Works Director Bob Cecile stated that the results from the flow meters indicate that the sewer flows from the Church road area down through Main Street and to the treatment plant are near capacity. The Committee has been looking at installing a southwest interceptor project as a solution to the capacity issues. The interceptor would collect flow at Hendrickson and run it south along Imhoff Road, and through the City parcel east of the treatment plant, significantly reducing flow along Main Street. Engineers estimate that this project will cost approximately \$1 million to accomplish. Staff is asking for authorization to solicit engineering proposals for this project.

Councilmember Oliver expressed concern regarding the funding of the proposed project. He does not like to idea of incurring more debt, but understands the immediate need for this project. The Committee feels strongly that new development should be responsible for the cost of this project. Administrator Young said that many options are being considered, including a capital surcharge to anyone hooking up to and utilizing the interceptor. Also, some bond refunding would free up funds to help pay for this project. Engineering is estimated to be between \$60 – \$65,000.

***It was moved by Councilmember Oliver and seconded by Councilmember Elgart to recommend authorization to solicit engineering proposals for the southwest interceptor project. Motion passed unanimously.***

**REQUEST FROM HUMANE SOCIETY**

Mayor Landcastle reviewed a letter from the Humane Society requesting to be allowed water and sewer hookups in the area of Northwest and Smith. The Society is looking to build a new facility and move from their current location on Port property near the airport.

The Committee discussed the City’s long-standing policy on connections outside of the City limits. The area in question is not in the City’s urban growth area and there are no benefits to be derived for City taxpayers to extend these services. Committee members pointed out that the Humane Society is a good agency that provides great services to the County, and they are looking at this situation only from a policy standpoint.

***It was moved by Councilmember Oliver and seconded by Councilmember Cole to recommend adherence to City policy against allowing utility connection outside of the UGA. Motion passed unanimously.***

**UPDATE ON SCHOOL DISTRICT DISCUSSIONS**

Administrator Young said that he and Bob Cecile will be meeting with Ron Cowan and the engineers from both the City and the District to talk about “fine tuning” the upcoming Malloy Project.

***Attachment B:***

**MINUTES  
Planning and Judicial Committee  
Held Thursday, February 24, 2005  
City Hall Conference Room  
7:30 a.m.**

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**COMMITTEE:** Councilmembers Carol Brumet and Steve Oliver  
**CITY ADMINISTRATION:** Jerry Landcastle, Greg Young, Bob Cecile, Linda Knutson

**ORDINANCE INCORPORATING RCW 9 AND 9A BY REFERENCE INTO FMC**

Mayor Landcastle reviewed that the City had been in the process of incorporating RCW 9 and 9A into the Ferndale Municipal Code by reference during the past year. (These RCW’s are called the Criminal

Code). It was recently brought to the attention of Administration that these RCW's had still not been codified. Mayor Landcastle asked the Committee to authorize an Ordinance to be drafted that will accomplish this codification.

***It was moved by Councilmember Brumet and seconded by Councilmember Oliver to recommend approval of an Ordinance incorporating by reference RCW 9 and 9A, the state criminal code, into the Ferndale Municipal code. Motion passed unanimously.***

**Attachment C:**

**MINUTES  
Recreation and Finance Committee  
Held Thursday, February 24, 2005  
City Hall Conference Room  
9 a.m.**

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**COMMITTEE:** Councilmembers Ron Wilson, Susan Cole, Marianne Elgart  
**CITY ADMIN:** Greg Young, Linda Knutson

**FINANCIAL MANAGEMENT POLICIES – ELEMENTS THREE AND FOUR**

**Element Three**

Administrator Young reviewed for the Committee the latest draft of element three of the Financial Management Policies. This is the Capital Improvement Plan (CIP) Policy section that lays out a multi-year plan for projects and their funding sources. An example of this format will be included in the next Council packet, along with this element.

***The Committee was in agreement to send element three to the full Council for consideration at the next regular meeting.***

**Element Four**

Element Four deals with Debt Management Policies. Six objectives are listed that would give the City clear goals for managing current and future debt, while strengthening its overall financial condition.