

MINUTES
Ferndale City Council Meeting
Held Monday, April 4, 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 Treasurer Mark Peterson

City Clerk Linda Knutson
Public Works Director Bob Cecile

Mayor Jerry Landcastle Presiding

SEWER BOND REFUNDING OPTIONS 6 p.m. to 6:55 p.m.

The Council was presented with an overview of the option available for sewer bond refunding. The presenter was Dave Trageser of Banc of America Securities.

CALL TO ORDER

Mayor Landcastle called the Meeting of the Ferndale City Council to order at 7:05 p.m.

CONSENT AGENDA

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

1. Approval of Minutes of 03/21/05 Council Meeting
2. Approval of Payroll of 03/31/05; Check #22502
Amount: \$273.87; Quarterly L&I Payment
3. Approval of Payroll of 04/01/05; Automatic Deposit
Amount: \$105,086.35; Checks #22503 - #22513 Amount:
\$36,797.39; Total Payroll:\$141,883.74
4. Approval of Claims Run of 04/04/05; Checks #43170 -
#43241; Total Claims: \$242,931.36

Motion passed unanimously.

PUBLIC COMMENT

Ernie Heinrich, 2178 Ferndale Terrace, said he was angry that his property taxes have gone from less than \$100 to almost \$1800 per year since he moved to Ferndale in the 1960's.

PUBLIC HEARING: SHORELINE MASTER PROGRAM – REVISIONS

Mayor Landcastle reviewed that the public hearing on the Shoreline Master Program revisions had been held open from the Council meeting of March 21st.

Elie Samuel, business owner, thanked City staff for incorporating the revisions discussed at the earlier meetings concerning his property on Main Street. He asked if an addendum had been prepared that addressed the issue of how the authors of the SMP decided on the shoreline jurisdiction line. Planning Director Black responded that it was decided to keep the explanation very simple by stating ..."it is what the map says it is".

Doug Robertson, attorney for the Ferndale Town Center, submitted written material and summarized his view that the flood modeling used to establish shoreline jurisdiction is flawed and will not hold up in court. He added that the Shoreline Hearings Board uses the FEMA map in its decisions, and that nowhere in the Shoreline Act is “no net rise” mentioned. He concluded by requested that the City revise the map to re-designate the small piece of land between the Super 8 and FTC as urban.

Janet Shugt, 1411 W. Axton Road, had issues with the mound of dirt that had been moved from the McDonalds site several years ago. She also said that her FEMA flood insurance is very expensive. Her last comment was that she did not think enough public notice had been given for these hearings.

Public hearing closed

Council Discussion

Councilmember Reilly had several questions regarding the golf course adjacent to the Nooksack River. Planning Director Black noted that the new map will make little difference to any future improvements at the site.

The Council had several comments and questions regarding the Department of Ecology's input on the revisions, as well as the DOE's role in defending those revisions, should they be challenged. Staff reported that the process in getting the revisions to this point has taken nearly fifteen months of meetings between Ecology, the City and the County.

It was moved by Councilmember Hansen and seconded by Councilmember Wilson to table discussion on the revisions to the Shoreline Master Program to the meeting of April 18. Motion passed unanimously.

ORDINANCE #1345 - EXTENSION OF MORATORIUM ON SHORELINE APPLICATIONS

Planning Director Black reported that this will be the second extension to the moratorium on shoreline applications, passed by the Council approximately one year ago. He noted that the moratorium will automatically be lifted once the Shoreline Master Program is approved by the Department of Ecology.

It was moved by Councilmember Cole and seconded by Councilmember Brumet to approve Ordinance #1345 extending the moratorium on shoreline applications an additional six months. Motion passed five-to-two with Councilmembers Reilly and Oliver voting no.

ORDINANCE #1349 – AMENDING THE 2005 BUDGET (QUARTERLY BUDGET REVIEW)

City Administrator Greg Young AND City Treasurer Mark Peterson presented the Council with a Budget Amendment Ordinance for the first three months of 2005. The amendment totals \$288,200.00 for all funds with the breakout as follows:

Fund	Amount	Reason
Street:	\$5,000	Extra funding for Nordic Way Project
Criminal Justice	\$12,000	Wi-Fi Project for PD
Hotel/Motel	\$5,500	Extra monies allotted to Chamber and Heritage
Main St. Project	\$80,000	Close-out costs (substantially covered by grants reimbursements)
Rural/Sunset Project	\$8,000	Close-out costs (substantially covered by grants reimbursements)
Sewer Fund	\$65,000	Southwest Interceptor Engineering
Storm/Flood	\$75,000	Storm Comprehensive Plan (Monies allotted in 2004 and not spent)
Utility Reserve	\$2,000	Third Avenue Sewer Engineering

Current Expense \$35,700

A combination of DARE, extra tree removal, printing costs of 2005 budget, and wide format printer/scanner/copier for Planning/Public Works

It was moved by Councilmember Wilson and seconded by Councilmember Elgart to approve Ordinance #1349 amending the 2005 Budget. Motion passed unanimously.

City Treasurer Peterson outlined the year to date revenues and expenditures, noting that sales tax revenues are healthy, and building permits are significantly above projections.

TOSCO FIELD HOUSE CHANGE ORDER

Mayor Landcastle reviewed that a change order in the amount of \$569 has been submitted for the purpose of adding outdoor outlets to accommodate vending machines.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve Tosco Field House change order #1 in the amount of \$569.00. Motion passed unanimously.

MALLOY IMPROVEMENT PROJECT

Councilmember Hansen reviewed the history of the meetings between the Ferndale School District and the City in resolving right-of-way and other issues in order to proceed with the Malloy Improvement Project.

The Streets and Utilities Committee had concluded their last meeting with a recommendation to proceed with the project by beginning condemnation proceedings on the remaining needed right-of-way. They also recommended proceeding with the planned closure of Shukson. Since that meeting the Transportation Improvement Board met with School Administration and City Administration to suggest a compromise consisting of installing a roundabout at the project location. This concept was preliminarily deemed acceptable by all parties.

It was moved by Councilmember Hansen and seconded by Councilmember Wilson to remand the project back to Streets and Utilities to review the roundabout engineering and design. Motion passed unanimously.

RESOLUTION #05-04-04 – EMPLOYEE WELLNESS PROGRAM

Mayor Landcastle presented to the Council a Resolution that would adopt the City Employee Wellness Program. The program's intent is to "develop, promote, and carry out ...policies, programs, and activities that improve the health and well-being of City employees..." The program is endorsed by the Association of Washington Cities. Adoption of the Resolution will allow Council to recognize and endorse the importance of wellness awareness, and will further allow the Wellness Committee to apply for mini-grants provided by AWC.

It was moved by Councilmember Brumet and seconded by Councilmember Cole to approve Resolution #05-04-04 establishing a wellness program for City employees. Motion passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

The Mayor stated that three applications for the vacancy on the Planning Commission had been received by the City. The vacancy is due to the resignation of Dan Russell, who is leaving because of time commitments. Mayor Landcastle recommended the appointment of Kent Thomas to the Planning Commission.

It was moved by Councilmember Brumet and seconded by Councilmember Wilson to recommend appointment of Kent Thomas to the Planning Commission. Motion passed five-to-two, with Councilmembers Reilly and Hansen voting no.

One application for the vacancy on the Forestry Board was received. Elinor King, who serves on both the Forestry Board and the Parks Board, is resigning from the Forestry Board. It was the recommendation of Mayor Landcastle to appoint Brian Jones to this vacancy.

It was moved by Councilmember Brumet and seconded by Councilmember Cole to recommend appointment of Brian Jones to the Forestry Board. Motion passed unanimously.

MAYOR REPORTS AND COMMENTS

- Mayor Landcastle introduced Laura Rehberger to the Council. Laura is an intern from Western Washington University who will be scheduling the use of the Tosco Sports Complex.
- The following Committee meeting was set: Streets and Utilities on Wednesday, April 6th, at 7:30 a.m.
- The City has again been named a Tree City USA thank in large part to the efforts of employee Forrest Pederson. The Mayor thanked Forrest for his ongoing dedication to park issues.
- Mayor Landcastle handed out a prepared report to the Council on the status of City vehicles, and their current and proposed uses.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 8:53 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

ATTACHMENT A:

**MINUTES
 Planning and Judicial Committee
 Held Wednesday March 30, 2005
 City Hall Conference Room
 8:30 a.m.**

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

APPOINTMENTS TO PLANNING COMMISSION AND FORESTRY BOARD

The Committee reviewed three applications for the vacancy on the Planning Commission. The vacancy is due to the resignation of Dan Russell, who is leaving because of time commitments. After discussion and review, ***it was moved by Councilmember Brumet and seconded by Councilmember Elgart to recommend appointment of Kent Thomas to the Planning Commission. Motion passed unanimously.***

One application for the vacancy on the Forestry Board was received. Elinor King, who serves on both the Forestry Board and the Parks Board, is resigning from the Forestry Board. After discussion and review, ***it was moved by Councilmember Brumet and seconded by Councilmember Elgart to recommend appointment of Brian Jones to the Forestry Board. Motion passed unanimously.***

WELLNESS RESOLUTION #05-04-04

City Clerk Knutson presented a Resolution that would adopt the City Employee Wellness Program. The program’s intent is to “develop, promote, and carry out ...policies, programs, and activities that improve the health and well-being of City employees...” The program is endorsed by the Association of

Washington Cities. Adoption of the Resolution will allow Council to recognize and endorse the importance of wellness awareness, and will further allow the Wellness Committee to apply for mini-grants provided by AWC.

It was moved by Councilmember Brumet and seconded by Councilmember Elgart to recommend approval of Resolution #05-04-04 officially establishing an employee wellness program for the City of Ferndale. Motion passed unanimously.

TRAFFIC MITIGATION DISCUSSION

Administration discussed the possibility of modifying the current mitigation fee structure in order to aid business expansion in the City, and in particular, in cases where an existing business would be relocating to another location within the City due to expansion. The City of Lynden recently passed a resolution that would reduce mitigation fees to attract and retain business in that City. The Committee liked the idea of retaining expanding businesses felt that it was idea worth looking into, if it was carefully and judiciously applied.

ATTACHMENT B:

**MINUTES
Recreation and Finance Committee
Held Wednesday March 30, 2005
City Hall Conference Room
7:30 a.m.**

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

BUDGET AMENDMENT ORDINANCE FOR FIRST QUARTER OF 2005

City Administrator Young presented the Committee with a Budget Amendment Ordinance for the first three months of 2005. The amendment totals \$288,200.00 for all funds with the breakout as follows:

Fund	Amount	Reason
Street:	\$5,000	Extra funding for Nordic Way Project
Criminal Justice	\$12,000	Wi-Fi Project for PD
Hotel/Motel	\$5,500	Extra monies allotted to Chamber and Heritage
Main St. Project	\$80,000	Close-out costs (substantially covered by grants reimbursements)
Rural/Sunset Project	\$8,000	Close-out costs (substantially covered by grants reimbursements)
Sewer Fund	\$65,000	Southwest Interceptor Engineering
Storm/Flood	\$75,000	Storm Comprehensive Plan (Monies allotted in 2004 and not spent)
Utility Reserve	\$2,000	Third Avenue Sewer Engineering
Current Expense	\$35,700	A combination of DARE, extra tree removal, printing costs of 2005 budget, and wide format printer/scanner/copier

It was moved by Councilmember Oliver and seconded by Councilmember Wilson to recommend approval of the first quarter budget amendment Ordinance in the amount of \$288,200.00. Motion passed unanimously.

FINANCIAL MANAGEMENT POLICIES REVIEW – DEBT MANAGEMENT ELEMENT

Administrator Young reviewed the first draft of the Debt Management element of the Financial Management Policy. The Committee had several suggestions for minor language changes. This will return to Committee as a second draft.

TOSCO FIELD HOUSE CHAGE ORDER

Public Works Director Cecile presented a Tosco Field House change order in the amount of \$569 which will cover the cost of installation of two circuits for outdoor vending machines.

It was moved by Councilmember Oliver and seconded by Councilmember Wilson to recommend approval of the change order in the amount of \$569. Motion passed unanimously.

ATTACHMENT C:

**MINUTES
Streets and Utilities Committee
Held Wednesday March 23, 2005
City Clerk's Office
Noon**

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

MALLOY IMPROVEMENT PROJECT

Mayor Landcastle and Administrator Young reviewed that the latest correspondence from the School District indicating their intention to halt or seriously postpone the Malloy project. Their cooperation is hinged several issues, the most important being a guarantee from the City that it will never close Shukson Avenue. City administration expressed strong disappointment in this development, due to the progress that had been made over the past several months of discussions.

The Committee discussed at length the options available in order to proceed with the project, with or without cooperation from the School District. While not all options were favored, the assembled felt that this is an important safety-oriented project that needs to proceed for the benefit of the entire area. Councilmember Hansen preferred further discussions with School administration.

It was moved by Councilmember Oliver and seconded by Councilmember Reilly to begin condemnation proceedings, proceed with the planned closure Shukson, and commence project construction for 2006. Motion passed two-to-one with Councilmember Hansen voting no.