

**City of Ferndale, Humboldt County, California USA**

City Council Minutes for January 5, 2012

Mayor Jeffrey Farley called the Regular City Council Meeting to order at 7:02p.m. Present were Councilmen Niels Lorenzen, Ken Mierzwa, and John Maxwell, along with staff City Manager Jay Parrish, Deputy City Clerk Brianna Smith, Police Chief Bret Smith, and City Engineer Praj White Those present pledged allegiance to the flag. The City Clerk called roll call. Modifications to the agenda: City Manager Parrish asked that items 11b and 11c be moved back until City Planner George Williamson arrived.

Consent Calendar: MOTION: (Titus/Mierzwa) Accept Accounts Payable and Approve the minutes for December 1, 2011 meeting. Motion passed unanimously with an (uncounted) abstention from Lorenzen. Planner Williamson arrived.

Presentation: Bear River Wind Project. Mr. Peter Lehman from Schatz Energy Research Center gave a slide show promoting clean renewable energy. Questions and discussion included the life of the ShellWind Project, erosion, building turbines, and the history of how the ShellWind project came to be from the standpoint of Bear River Power LLC, which was begun ten years ago. Other items discussed were the County's Energy Element, an estimate of how many turbines might ultimately be built on the ridge. ShellWind's representative, Mr. Pana Ratana and Elisa Fischer showed pictures that had been generated to show the size of the turbines. These photographs will be available at a meeting in the spring. Discussion, concerns and questions included Traffic studies, visual studies, road modifications, airlift transportation, local jobs, whether the turbines could be placed over the ridge, hiding them from view, tax credits, mitigation of loss of tourists, erosion, preferred route, avian studies, renewable portfolio standards (RPS), ocean turbine placement, geotechnical surveys, FAA requirements to light some but not all of the turbines at night, fire potential, water use, concrete use, length of time to decommission the site, construction timelines, Power Purchase Agreement (PPA), phasing, how tall (440'); how noisy, liability, encroachment permits, alternative routes.

Wind Turbines: City Manager Jay Parrish explained that staff is recommending a letter to the county recommending they re-scope the project and that the letter list the concerns we had noted previously in our letter of February 18, 2010, as well as additional concerns. He introduced the City Planner. Planner George Williamson agreed that the city go through the county planning process, and send another letter to the county listing the city's concerns along with concerns heard during this meeting. City Manager Parrish then introduced HC Supervising Planner, Steve Werner, who explained that County Planning is the lead agency for the CEQA environmental studies. The possible taking of Marbled Murrelets requires the Federal environmental NEPA study. The County Planning Department is waiting for the same information that the City of Ferndale is awaiting, a revised project description which will lead to a revised Notice of Preparation and a Draft Environmental Impact Report, the release of which will garner public comment. The County Planning Commission grants Conditional Use Permits. Many other agencies are involved, including the Regional Water Quality Control Board, Coastal Commission. County Planner Warner assured the public that individuals as well as agencies can make comments. Discussion, concerns and questions included Socio-economic impacts, EIS/EIR review period (45 days), considering each agenda item individually, transportation, community support, economic impact, alternate routes. The public hearing was closed at 10:17PM. Councilman Mierzwa indicated that he believed there are substantial impacts to many of the CEQA requirements and no ability to mitigate the impacts. Councilman Maxwell felt that any decision from the Council should be under their jurisdiction. We have an obligation to protect utility infrastructure under the streets, protect the watershed. He is OK with A and B, but not enough information to vote on C. Councilman Titus said he had been prepared to support only A, but after hearing Councilman Mierzwa's comments, was willing to support B, too. He agreed that we need more information to vote on C. Councilman Lorenzen suggested using Bear River to barge construction materials to the site, and opined that he would settle for A and B. Mayor Farley is concerned with noise and said he would support A and B. MOTION: (Titus/Maxwell) (A) Authorize the City Manager to write a letter to the County asking them to reevaluate the scope of the project and incorporating any new additional information heard tonight; and (B) Authorize City Manager to write a letter to the County in opposition to use of Ferndale city streets for

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the transport of any construction materials using Ferndale city streets. All in favor. MOTION: (Maxwell/Mierzwa) Oppose the Wind Turbine Project in its entirety. Mierzwa aye, all others nay. Any person who may want to comment on this project should contact John Miller, Planner or Steven P. Werner, Supervising Planner, County of Humboldt; Community Development Services; Planning Division; 315 "H" Street; Eureka CA 95501 (707) 445-7541 or [jmiller@co.humboldt.ca.us](mailto:jmiller@co.humboldt.ca.us) or [swerner@co.humboldt.ca.us](mailto:swerner@co.humboldt.ca.us)

Review Housing Element: Housing and Community Development has asked for one additional provision before approving our Housing Element. Planner George Williamson reported that the Element will go back to the Planning Commission, and then come to the City Council for final acceptance in February.

Ordinance 2012-01 Zoning Ordinance Amendment for Housing Overlay: MOTION: (Titus/Maxwell) Approve Second Reading of Ordinance 2012-01, "Amending Zoning Ordinance 02-02 by adding Section 6.07 Housing Combining Zone Overlay or -H Zone" by Title Only and direct staff to proceed with the proper noticing of the ordinance. Accepted unanimously.

17<sup>th</sup> Progress Pay Request: MOTION: (Maxwell/Titus) Approve Resolution 2012-03 17<sup>th</sup> Progress Pay Request for Management and Construction Related Costs for the WWTP. Approved unanimously.

Health Insurance: MOTION: (Titus/Maxwell) Approve Resolution 2012-01 Increase in cost of Health Insurance. One nay from Lorenzen, all others aye.

Annual Events and Parades: MOTION: (Titus/Farley) Approve Resolution 2012-04 Annual Events and Parades Street Closures. Approved unanimously.

Agreement to Accept Water: MOTION: (Maxwell/Titus) Approve Resolution 2012-05 Sousa Agreement to Accept Water. Lorenzen nay, all others aye.

Annual Budget Audit: MOTION (Maxwell/Titus) Approve the City of Ferndale Annual Budget Audit for 2010-2011. Motion passed unanimously with an (uncounted) abstention from Lorenzen.

Grant for Police Department Upgrades: MOTION: (Titus/Mierzwa) Approve Resolution 2012-02 Recognizing a \$14, 415.00 grant from a local non-profit organization for upgrades and renovation to the Ferndale Police Department. Motion approved unanimously.

Legal Services: MOTION: (Maxell/Titus) Direct Staff to place a Request for Proposals for Legal Services. Motion approved unanimously.

2012-2013 Meeting Schedule: MOTION (Mierzwa/Lorenzen) Approve Resolution 2011-06 Establishing the City Council meeting schedule from February 2012 through January 2013. Motion carried unanimously.

Under announcements, City Manager Jay Parrish told the council that our Financial Manager will be off on medical leave for an indeterminate time.

The meeting was adjourned at 11:55PM. The next regular meeting will be February 2, 2012.

Respectfully submitted:

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Nancy Kaytis-Slocum, City Clerk