

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, June 21, 2004**  
**City Hall Annex Building – 5694 Second Avenue**  
**7:00 p.m.**

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**PRESENT BY ROLL CALL:**

<b>Councilmember Steve Oliver</b>	<b>Councilmember Mel Hansen</b>
<b>Councilmember Mike Reilly</b>	<b>Councilmember Marianne Elgart</b>
<b>Councilmember Susan Cole</b>	<b>Councilmember Carol Brumet</b>
<b>Councilmember Ron Wilson</b>	

**STAFF:**

<b>City Administrator Greg Young</b>	<b>City Clerk Linda Knutson</b>
<b>Planning Director Tom Black</b>	<b>Public Works Director Bob Cecile</b>
<b>Police Chief Dale Baker</b>	

**Mayor Jerry Landcastle Presiding**

**CALL TO ORDER**

**Mayor Landcastle called the meeting to order at 7 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 6/07/04 Council Meeting
2. Approval of Payroll of 6/18/04; Auto-Deposit Amount: \$103,192.51; Checks #22222 - #22233 Amount: \$34,283.29; Total Payroll: \$137,475.80
3. Approval of Claims Run for June, 2004; Checks #41566 - #41727; Total Claims: \$1,828,609.25 (Checks #41545 & 41568 VOID – Duplicates)

***Motion passed unanimously.***

**PUBLIC COMMENT**

**Julie Metge** expressed her concern with the bicycle lanes on Main Street, saying they are too close to the parked cars and pose a danger to cyclists who could be hit by an opening door.

**Barry Haddock** stated he wanted the Record Journal to do more in the way of promotion for the Fire and Police departments.

**Louise Sager** is unhappy with the recently installed memorial bench at Pioneer Park. She asked that the City develop criteria for such memorials, as the Heritage Society wishes to keep the cabin area authentic to its period.

**Donna Pollman** also believes the memorial bench is inappropriate for the Park, and requested that the Council look into passing a resolution or ordinance for regulation of such items.

**LeAnn Kramer** introduced herself as a member of a newly formed group called Smart Growth, and encourages extensive planning for Ferndale and its UGA with the goal of promoting the area's "unique and beautiful character."

**Betty Eichenberger** said she was surprised that a memorial bench was installed at Pioneer Park. She felt it damaged the turn-of-the-century authenticity of the Park, and could impact potential revenue sources.

**Walt Pollman** wanted to commend the City for the one-way circular route established between Washington Street and Portal Way during the bridge closure. He felt that there was improved traffic flow, and that this route was "progressive and appreciated." He also thanked Public Works for the flagging during peak hours.

**Chuck Eichenberger** was disappointed that the City installed the memorial bench at Pioneer Park. He travels extensively and has visited many heritage-driven historical sites and feels persons who value that heritage should care them for.

### **LEGISLATIVE PRESENTATION – SENATOR DALE BRANDLAND**

Senator Dale Brandland gave an overview of his first two legislative sessions in Olympia. He has been working on tort and liability reform, as well as criminal justice issues. He also had much to do with the legislature appropriating \$500,000 for the Tosco Sports Complex project, along with Representative Doug Erickson and others. He said he will continue the fight to keep Intalco up and running and is proud of the bi-partisan effort in that matter. The Senator also said that he would make time to meet and work with Ferndale officials whenever there is a bill or issue that requires state and local partnerships.

### **FERNDAL CHAMBER OF COMMERCE QUARTERLY REPORT**

Chamber Manager Kathy Chasteen provided the Council with up-to-date financial information from the Chamber budget.

### **PUBLIC HEARING – 2005-2010 SIX YEAR TRANSPORTATION IMPROVEMENT PLAN**

#### **Streets and Utilities Committee Action Item**

Mayor Landcastle reviewed the protocol concerning public hearings.

Public Works Director Cecile outlined the revised Six-Year Transportation Improvement Plan, which included minor revisions to the current plan. The larger projects that are still in progress will stay on the plan until all financial obligations are met. Other projects, such as the Nordic Way Connector, will be moved up the list. Item number 24, listed as "Miscellaneous Safety and Pedestrian Upgrades", will be broken down into specific projects.

#### **Public Hearing Opened**

**Betty Eichenberger** stated that when Portal Way was resurfaced several years ago, she had suggested a bicycle lane. She still felt that it was a viable option to consider at this time or the near future.

#### **Public Hearing Closed**

#### **Motion**

***It was moved by Councilmember Reilly and seconded by Councilmember Oliver to approve the 2005-2010 Six-Year Transportation Improvement Plan via Resolution #04-06-21. Motion passed unanimously.***

### **LETTER OF INTENT TO ANNEX – BLOMQUIST**

Planning Director Tom Black reviewed that David Evans and Associates have submitted a third Letter of Intent to Annex on behalf of the Blomquist Family Trust. The total property area encompasses 97.8 acres and four parcels and borders Thornton Road west of the current City limits.

#### **Motion**

***It was moved by Councilmember Brumet and seconded by Councilmember Reilly to accept the Letter of Intent to Annex by the Blomquist Family Trust.***

#### **Council Discussion**

Councilmember Elgart stated that she was not prepared to support this motion because the property in question, along with surrounding properties, needed more planning.

Councilmember Cole agreed, saying that residents needed a chance to map out the area's future.

Councilmember Reilly said that the property has been in the City's Urban Growth Area for ten years, more than enough time for the area's residents to complete a plan for growth. He felt that the Blomquists have the right to annex and develop their property.

Councilmember Hansen stated that he was still undecided on this issue, however he felt that 100 homes built on nearly 100 acres could not be interpreted as high density.

Councilmember Oliver felt that the City should make an effort to better plan this area before accepting the request to annex.

#### **Public Input**

**Craig Parkinson** of David Evans and Associates said that the Blomquists have attempted to address neighbor's concerns during the past several months. He said that most concerns centered on density of the proposed development. He suggested that re-zoning at the time of annexation be for minimum 10,000 square foot lots.

Councilmember Reilly asked staff asked how many public hearings would be held in future months, should the Council accept this annexation letter. Director Black said two, at the very least.

**Bob Kramer**, western UGA resident, said he had moved from Seattle to enjoy a more rural lifestyle. He asked that the City allow for time to plan this area.

**Bruce Cox**, western UGA resident, wants to stay involved in the planning and growth process, as do most of his neighbors.

**Dave Schwigert**, Church Road resident, said that development is inevitable and he would rather see a low-density project for this area, than a high-density project in the future.

**LeAnn Kramer**, western UGA resident, emphasized that any decision made now will affect the area's residents foreseeable future, and that time was needed for a well thought out planning effort.

**Tim Blomquist**, of the Blomquist Family Trust, said this his family's land has been looked at for growth potential since 1979. He felt that this is a very good area for growth to happen, and asked the Council to let the process proceed.

**Ron Young**, property owner in the western UGA, stated that he attended growth hearings ten years ago, and knew this area would develop. He felt that when people buy and build in this area, they have a responsibility to understand how growth issues might affect them.

**Darlene Erickson**, property owner adjacent to Church Road, feels that since residential encroachment is inevitable in these areas, the need for solid planning is necessary.

**Doug Robertson**, local attorney, observed that some of the more difficult decisions that Council's face revolve around planning issues. He felt that accepting the Letter of Intent would begin the process for a balanced planning course of action.

#### **Further Council Discussion**

Councilmember Hansen asked how the process proceeds after acceptance of intent. Director Black responded that the Planning Commission next considers the item where zoning will be determined and a public hearing held. The zoning recommendation is made to the Council, where second public hearing is held. Once a development plat is submitted, another public hearing is held.

Councilmember Cole felt that the City's resources are already strained in the way of public services.

Councilmember Hansen asked if the City has sufficient sewer capacity for this property. Director Cecile responded that he has not yet studied this, but it would be up to the developer to make it work.

#### **Vote**

***Motion passed four-to-three, with Councilmembers Cole, Elgart, and Oliver voting no.***

**RECESS: The Council took a five-minute break: 8:30 p.m. to 8:35 p.m.**

#### **FINAL PLAT – PACIFIC HIGHLANDS PUD PHASE I**

Planning Director Black reviewed that the Phase 1 of Pacific Highlands Planned Unit Development consists of 37 lots zoned RS 8.5, and is located north of Thornton Road and west of Church Road. The infrastructure is now substantially complete, and the Planning Commission, based upon Findings of Fact, has unanimously recommended approval, subject to conditions of final plat outlined by staff.

Council had some minor questions regarding phasing in of amenities and open space plans.

***It was moved by Councilmember Reilly and seconded by Councilmember Wilson to approve the final plat of the Pacific Highlands Planned Unit Development Phase I, subject to all conditions of approval as outlined by staff. Motion passed unanimously.***

**DISCUSSION ON ROAD FRONTAGE REQUIREMENTS**

**Streets and Utilities General Discussion Item**

The Streets and Utilities Committee has had ongoing discussions and agenda items concerning the City's requirements for frontage improvements, i.e. three-quarter street improvements. This is a requirement for new construction, as well as those who are substantially expanding/remodeling. It was generally felt that the City needs to develop a solid and comprehensive requirement/policy to address these requirements, so there is no confusion or misapplication.

***It was moved by Councilmember Reilly and seconded by Councilmember Hansen to table this discussion for 90-120 days, while staff drafts a policy and or ordinance to address the issue of frontage requirements. Motion passed unanimously.***

**MAYOR REPORTS/COMMENTS**

- Mayor Landcastle reported that the Main Street Bridge had opened a couple of hours earlier in the evening, and wanted to thank everyone for their support and patience. There will be a brief ceremony proclaiming "Ferndale is Open" at 1 p.m. Tuesday, June 22, on the west end of the bridge. A more formal grand opening ceremony will be held in conjunction with the Ferndale Street Festival on August 28<sup>th</sup>.
- Regarding the one-way circular route from Washington to Portal Way, the Mayor asked for consensus on whether it should be a temporary or permanent configuration. Most officials have had positive feedback, with only a few negative comments. If the configuration becomes permanent, funding will be sought, possibly through freight mobility.

Councilmember Hansen wanted to specifically thank the Public Works Department and crew for the flagging and traffic control during the bridge closure. He felt they have done an outstanding job. The rest of the Council agreed. ***It was moved by Councilmember Wilson and seconded by Councilmember Hansen to keep in route in use until the end of August, at which time the status will be considered. Motion passed unanimously***

- The Rural-Sunset project is nearly complete. The Tosco fields are filling out nicely with a health turf establishment. The westbound land of Slater Road will be undergoing a re-grind in the next several days.
- The Port of Bellingham contributed \$50,000 to the Rural-Sunset signalization. The agreement stipulated that the City of Ferndale would not impose traffic mitigation fees in connection with the airport expansion. ***The Council expressed their appreciation to the Port for their generous contribution. It was moved by Councilmember Hansen and seconded by Councilmember Reilly that the City impose no traffic mitigation fees upon the POB in connection with the airport expansion. Motion passed unanimously.***

**ADJOURNMENT**

There being no further scheduled City business, the meeting was adjourned at 9:30 p.m.

**ATTEST:**

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Jerry Landcastle, Mayor

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Linda Knutson, City Clerk

**Attachment A:**

**MINUTES  
Street and Utilities Committee  
Held Wednesday, June 9, 2004  
City Hall Conference Room  
7:30 a.m.**

**COMMITTEE:** Councilmembers Reilly, Oliver and Wilson (for Hansen)  
**ADMINISTRATION:** Jerry Landcastle, Bob Cecile, Linda Knutson

**FRONTAGE IMPROVEMENTS – CEDARS R.V.**

The previous Committee discussion on this item resulted in administration checking inconsistencies in how frontage requirements are applied, as well as options in financing, such as a Local Improvement District, along Portal Way

Cedar's RV Park on Portal Way is anticipating adding ninety more RV sites to its current one hundred plus, nearly doubling the Park. This expansion will trigger the need for three-quarter street improvements along approximately 1000 feet on frontage on Portal Way.

Mayor Landcastle indicated that he had spoken with the City Attorney and that "no protest" agreements, in this instance in relation to a future LID, are difficult and expensive to enforce. Although no formal plan has been submitted by Cedar's, the owners were requesting the possibility of financial options.

Councilmembers Oliver and Wilson both felt that the City needs to be strict in upholding development regulations and requirements, and felt it was dangerous to set precedents which can result in the citizens of Ferndale "picking up the tab" when funds are uncollected. Mayor Landcastle pointed out that if a brand new RV Park were being built elsewhere on Portal Way, frontage improvements would be required without question.

Councilmember Reilly felt that this business expansion in the RV park will generate more "ripple effect" business for Ferndale, as well as more Transient Lodging Tax revenue.

***It was moved by Councilmember Wilson and seconded by Councilmember Oliver to follow established procedures and enforce improvement requirements. Motion passed two-to-one, with Councilmember Reilly voting no.***

This will be a general discussion item at the next Council meeting, since no formal plans, therefore no appeal of conditions, have yet been submitted by Cedars RV.

**SIX YEAR TRANSPORTATION IMPROVEMENT PLAN REVIEW**

Public Works Director Cecile reviewed the current Six Year Transportation Improvement Plan, and possible changes to it. The first four listed projects will remain as is until all financial obligations are met. A few projects were moved up in importance, and will be presented to the full Council at an upcoming regular meeting. A public hearing has been scheduled.

**WATER COMPREHENSIVE PLAN UPDATE**

Public Works Director Cecile stated that three companies have submitted Statements of Qualifications to update the City's Water Comprehensive Plan. Once a firm is selected a fee will be negotiated and brought back to the Committee. It is estimated that the cost for the update will be between \$65,000 to \$80,000.

***Attachment B:***

**Street and Utilities Committee  
Held Wednesday, June 16, 2004  
City Hall Conference Room  
7:30 a.m.**

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**COMMITTEE:** Councilmembers Reilly, Oliver and Hansen  
**ADMINISTRATION:** Greg Young, Bob Cecile, Linda Knutson

**DISCUSSION ON ACCESS EASEMENT – LARSON PROPERTY**

Chet Lackey, attorney for Wayne Larson, was present to discuss Mr. Larson's willingness to provide a rear access easement road connecting his property with the Walgreen's development and the Haggen store. Larson proposes to provide such easement in return for ownership of City right-of-way property that fronts Main Street and adjoins his property. Mr. Lackey stated that creating such a reciprocal agreement would provide motivation for the adjacent landowners and sensible circulation for customer traffic in the developed area.

The Committee expressed that all parties, in past meetings, have been working towards a mutually acceptable solution to this access issue. The Committee also pointed out that they were willing to support Haggen's request for deviation concerning right-in and out and left-in and out (Main Street Access to the Haggen store) to the Department of Transportation because of Haggen's willingness to work with the other property owners on the easement matter.

**Motion**

***It was moved by Councilmember Hansen and seconded by Councilmember Reilly that Attorneys Lackey and Langabeer formulate a reciprocal agreement by and between the City of Ferndale and the Larson family regarding access easement in exchange for City-owned frontage.***

**Discussion**

Councilmember Oliver expressed concern that this process has taken so long to complete. He felt that there was little good reason that the property owners had been unable to work together in this matter.

City Administrator Young believed the land-for-easement was a good idea, and further recommended that the reciprocal agreement be written to be specifically enforceable, perhaps with a reversion clause, in order to ensure the easement is completed once the property is developed. Councilmember Oliver agreed, saying that it compels Nicholson and Larson to move forward, while protecting City interests.

Motion passed two-to-one, with Councilmember Oliver voting no. The agreement, when complete, will go to the full Council for review.

**UGA DISCUSSION**

Councilmember Reilly said that he recently read in the paper that the City was no longer looking at UGA Comprehensive Plan Amendments to the east and west of the City limits, and were now concentrating on the City's northern UGA. It was his recollection that the Council had voted in December of 2003 to focus on the eastern UGA area, because many City services were extended into that area.

Staff pointed out that the County had rejected docketing the City's CPA to the east, declaring the application packet incomplete. Since the east and west UGA were essentially intertwined, at more recent Council workshop it was determined by consensus to concentrate on the northern UGA component for the remainder of the year. Some members of the Committee had not attended the Workshop, and did not feel that the direction should have shifted north without full Council vote and approval at a regular meeting.

Administrator Young stated that administration would review previous Council action on this subject and place an update on a future agenda for Council clarification and review.

**Attachment C:**

**MINUTES  
Planning and Judicial Committee  
Held Wednesday, June 9, 2004  
City Hall Conference Room  
11 a.m.**

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**COMMITTEE:** Councilmembers Cole, Elgart, and Brumet  
**ADMINISTRATION:** Jerry Landcastle, Linda Knutson, Tom Black, Greg Young,  
and Mark Peterson

**TOSCO SPORTS COMPLEX MANAGEMENT PROPOSAL**

Mayor Landcastle reviewed that he had met with officials from the Whatcom Soccer Commission to see if they were interested in submitting a proposal for the management of the Tosco Sports Complex. Since the Parks Department has gone dormant, there is a need to find an innovative and cost effective way to manage and market the fields, beginning in 2005. The Public Works Department has been performing the necessary maintenance, but is unable to take on full management due to limited staff.

The Whatcom Soccer Commission did submit a comprehensive plan, which covered most aspects of managing the fields. It included needed equipment, personnel, irrigation concerns, etc., at a proposed \$90,000 per year with annual five-percent increases. They asked for a fifteen-year term for the contract.

City Treasurer Peterson submitted a written analysis of the proposal, addressing impacts to the budget and offering suggestions and options. He generally felt that for \$90,000, the City could hire its own staff for the management and care of the facility.

Councilmember Brumet asked if the Boys and Girls Club had been approached for a proposal. Mayor Landcastle had met with them and stated they did not have the resources for such an undertaking.

The Committee agreed that the City could not commit to a fifteen-year contract, and that \$90,000 was more than the City could afford at this time. They also suggested that perhaps the Soccer Commission would be interested in just doing the scheduling for the first year. Also, it was recommended that Western Washington University be contacted for park intern involvement.

### **STREETLIGHT CONCERNS**

Councilmember Cole stated that there are several streetlights throughout the City that are not working, several for many months. She said that since the City pays Puget Sound Energy for these streetlight, whether working or not, a better procedure and response policy needs to be explored. She suggested that perhaps the police department would be the best avenue for reporting outages to PSE, since they work evenings and patrol all areas of the City.

Mayor Landcastle responded that the police were probably not the best solution, but that he will work to formulate a better reporting and follow-up policy.

### **OTHER**

- Committee members reported on several of the traffic routes and revisions, what is working well and what needs attention.
- Councilmember Cole asked if the former site of North County Homes could be cleaned up. There are abandoned vehicles and offices there.
- Mayor Landcastle stated that there will be a general discussion at the next Council meeting regarding the enforcement of frontage requirements.

### **Attachment D:**

**MINUTES  
Planning and Judicial Committee  
Held Monday, June 21, 2004  
City Hall Conference Room  
8 a.m.**

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**COMMITTEE:** Councilmembers Cole, Elgart, and Brumet  
**ADMINISTRATION:** Jerry Landcastle, Linda Knutson, Tom Black

### **FINAL PLAT – PACIFIC HIGHLANDS PUD – PHASE I**

Planning Director Black reviewed that the Pacific Highlands Planned Unit Development consists of 173 residential lots in three phases. Phase I infrastructure is now substantially complete, and the applicant desires approval of the Final Plat for Phase I. On June 16, the Planning Commission determined that the applicant has substantially complied with Preliminary Plat conditions of approval and voted unanimously to recommend approval to the City Council, subject to the Conditions of Final Plat, listed on pages 2 – 5 of the Planning Directors Staff Report dated June 21, 2004.

***It was moved by Councilmember Brumet and seconded by Councilmember Elgart to recommend approval to the full Council of the final plat of Pacific Highlands PUD Phase 1 subject to all conditions and finding of fact. Motion passed unanimously.***

### **Attachment E:**

**MINUTES**  
**Recreation and Finance Committee**  
**Held Wednesday June 9, 2004**  
**City Hall Conference Room**  
**8:45 a.m.**

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**COMMITTEE:** Councilmembers Wilson and Oliver  
**ADMINISTRATION:** Jerry Landcastle, Linda Knutson, Bob Cecile

**BENCH AT PIONEER PARK**

At the last regular Council meeting, a member of the Heritage Society noted that a memorial bench had appeared at Pioneer Park, and no one seemed to know where it came from. Director Cecile, who had not been present at the Council meeting, stated that the bench had been donated by a couple as a memorial to their daughter. Administration had viewed the bench earlier in the day and felt it was an appropriate and discerning addition to the park area.

***FLYER PROMOTING TOSCO SPORTS COMPLEX BLEACHERS PROGRAM***

Staff previewed a flyer, which is designed to be distributed to newspapers, web sites, service groups, companies and industry in order to solicit donations to cover the cost of eight sets of bleachers for the Tosco Sports Complex.

***FIELD HOUSE UPDATE***

Bids for the construction of a field house at the Tosco Sports Complex are still being reviewed, and alterations are being explored with the architect.

***HORIZON VIEW PARK***

Councilmember Wilson stated that the Parks Board and Tree Committee have both expressed interest in the possibility of selling Horizon View Park and funneling the proceeds back into the Parks Fund. Mayor Landcastle responded that this Park was most likely dedicated to the City during development as an open space obligation or in-lieu Park Mitigation payment, therefore belongs to the residents of the development. Staff will review as-builts and mylars for confirmation.