

MINUTES
Ferndale City Council Meeting
Held Monday, December 6, 2004
City Hall Annex Building – 5694 Second Avenue
7:00 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
Public Works Director Bob Cecile
City Treasurer Mark Peterson

City Clerk Linda Knutson
Planning Director Tom Black
Assistant Planner Corey Smith

Mayor Jerry Landcastle Presiding

2005 BUDGET WORK SESSION – 5:00 p.m. – 6:35 p.m.

The Council met in a budget work session from 5:00 to 6:35 p.m. to review 2005 rates and fees.

EXECUTIVE SESSION – 6:35 – 6:50 p.m.

Discussing personnel issues.

CALL TO ORDER

Mayor Jerry Landcastle called the meeting to order at 7 p.m.

PROCLAMATION – FERNDALE GOLDER EAGLES FOOTBALL TEAM

Mayor Landcastle issued the following Proclamation: "Whereas, the Ferndale Golden Eagles football team had an outstanding winning record in 2004; and Whereas, on Friday, December 3rd, the Golden Eagles played for the state championship in the Tacoma Dome; and Whereas, thousands of fans from the community attended or watched one of the most thrilling high school games in recent memory; and Whereas, the Golden Eagles narrowly missed winning the Championship, but overwhelmingly won the respect and admiration of all for their grit, determination, and sportsmanship. Now, Therefore, the Mayor, Council, and Citizens of the City of Ferndale hereby Proclaim the Week of December 6th through December 10th as: "Ferndale Golden Eagles Football Team Appreciation Week", and extend warm and heartfelt appreciation and gratitude to the team, coaches and school for their outstanding performances during this memorable football season.

CONSENT AGENDA

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

1. Approval of Minutes of 11/15/04 Council Meeting
2. Approval of Minutes of 11/22/04 Special Council Meeting
3. Approval of Payroll of 11/18/04; Automatic Deposit Amount: \$106,862.94; Checks #22367 - #22376 Amount: \$35,425.36; Total Payroll:\$142,288.30
4. Approval of Payroll of 12/03/04; Automatic Deposit Amount: \$111,208.25; Checks #22377 - #22385 Amount: \$35,144.67; Total Payroll:\$146,352.92
5. Approval of Claims Run of 12/06/04; Checks #42457- #42549; Total Claims: \$208,148.40

Motion passed unanimously.

PUBLIC COMMENT

No one spoke.

SHORELINE APPLICATION MORATORIUM

Planning Director Black reviewed that the City had recently passed a moratorium ordinance on the acceptance of shoreline applications, and that this public hearing satisfied that one be held within sixty days of the ordinance's passage.

When questioned on the progress concerning shoreline issues being resolved, Director Black responded that staff and the Department of Ecology continue to work on some text issues, and that a final cut on the mapping is in process.

Mayor Landcastle reviewed the rules and protocol governing public hearings.

Public hearing Opened

No one spoke

Public Hearing Closed

It was moved by Councilmember Cole and seconded by Councilmember Brumet to extend the shoreline application moratorium to April 4, 2005. Motion passed six-to-one with Councilmember Oliver voting no.

2005 FINAL BUDGET – PUBLIC HEARING

Mayor Landcastle reiterated the rules of public hearings.

Public hearing Opened

No one spoke

Public Hearing Closed

FINAL PLAT – PORTAL MANOR PLANNED UNIT DEVELOPMENT

Planning Director Black reviewed that the Final Plat for the Portal Manor PUD has been submitted for approval. This is a 50-unit single family residential PUD located on the south side of Trigg Road, just east of Portal Way, and zoned RS 8.5. The applicant is Whatcom Skagit Housing, formerly Whatcom Self Help Homes.

Planning Director Black stated that staff is reviewing landscape plans and associated arborist reports. Both Planning and Public Works feel that conditions have been met sufficiently to proceed on this project. The Planning Commission has voted unanimously to recommend approval of this plat.

It was moved by Councilmember Cole and seconded by Councilmember Brumet to approve Final Plat on the Portal Manor PUD subject to all Findings of Fact and Conditions of Approval. Motion passed unanimously.

PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT – THORNTON WOODS

Assistant Planner Corey Smith presented the Council with the staff report regarding the Preliminary Plat for Thornton Woods, a Planned Unit Development of 42 lots, zoned RS 8.5 and RS 10.5, located just west of the intersection of Church and Thornton Roads. This is a project of Whatcom-Skagit Housing, formally Whatcom Self-Help Homes.

The Planning Commission held a public hearing on November 10, 2004 and voted unanimously to recommend approval of this project to the City Council, subject to Findings of Fact, and Conditions of Approval.

Planner Smith noted that a late addition of an additional lot is fully explained within the staff report of November 10, 2004 to the Planning Commission.

The Council generally agreed that conditions #28 and #29 specifically address concerns regarding the area's infrastructure ability to support this plat. Councilmember Reilly asked that the developer post signage at the currently "dead-ended" Pacific Heights Drive that informs area residents that this will be a through street in the future.

It was moved by Councilmember Hansen and seconded by Councilmember Wilson to accept the Thornton Woods PUD and Preliminary Plat based upon Findings of Fact and all Conditions of Approval as stated in the staff report. Motion passed unanimously.

ORDINANCE #1333 - WATER AND SEWER CONNECTION FEES

City Administrator Young stated that staff had prepared an ordinance that reflected the twenty-five percent increase on water and sewer connections, as directed by Council at their last meeting. This increase would take effect on January 1, 2005.

At the workshop preceding the Council meeting, the Council had indicated a preference for a three year step increase at ten percent each year. Further discussions resulted in agreement of a fifteen percent increase for 2005, with consideration of additional increases during 2006 budget considerations.

It was moved by Councilmember Brumet and seconded by Councilmember Wilson to amend Ordinance #1333 to reflect a fifteen percent increase in water and sewer connection fees for the 2005 year. Motion passed unanimously.

LODGING TAX ADVISORY COMMITTEE RECOMMENDATIONS FOR 2005

The Lodging Tax Advisory Committee met approximately three weeks earlier to consider grants applications requesting funds for 2005. Their recommendations were forwarded to the Recreation and Finance Committee.

The Heritage Society requested \$6,000 (\$4,500 was the 2004 allocation); the B'ham Whatcom County Visitors and Convention Bureau requested \$3,500 (\$2,000 was the 2004 allocation); and the Ferndale Chamber of Commerce requested \$20,000 (\$17,000 was allocated in 2004, not including \$7,500 allotment for 2004 Street Fair).

The Recreation and Finance Committee discussed the possibility of recruiting groups or agencies that might produce tourist activity through innovative ideas for events, festivals, and so on. They would like to reserve some money in the Lodging Tax fund for that purpose, and advertise to a wide audience early in the year, and recommended that the requesting agencies be funded at their 2004 level. Jim Elliott, representing the Heritage Society, stated that the extra requested funding would contribute to better coverage during summer park tours, and help in defraying the cost of promotional pamphlets.

Laura Carter, of the B'ham Whatcom County Visitors and Convention Bureau, stated that her organization is planning to heavily promote the Tosco Sports Complex for tournament play.

Councilmember Cole said that these organizations will struggle without additional help from the Lodging Tax Fund, and that she supported the requested increases.

Councilmember Oliver supported the idea of funds over and above the 2004 allotments being directly targeted for tourist activities, rather than ongoing yearly operational obligations.

Motion

It was moved by Councilmember Oliver and seconded by Councilmember Wilson to accept the Recreation and Finance Committee's recommendation to fund the requesting agencies at 2004 levels.

Discussion

Councilmember Elgart stressed that the Tosco Complex is nearly operational and will need a great deal of funding and attention, and would like to direct funds there.

Mayor Landcastle said that the Bellingham/Whatcom County Visitors and Convention Bureau had contacted the City regarding a state softball tournament, and requested that the City reduce or waive field fees. City Administrator Young responded that this is not an unusual request, and the tournament organizers argue that there are significant economic advantages to a community that hosts such events.

Councilmember Hansen said that the three requesting agencies are active and viable entities that would benefit from extra funding, most notably the Heritage Society, which is completely a volunteer organization.

Amendment to Motion

It was moved by Councilmember Hansen and seconded by Councilmember Elgart to amend the main motion to raise the Heritage Society's 2005 contribution to \$6,000.

Discussion

Serena Leibrant, President of the Heritage Society, reiterated the group's dedication to promoting Pioneer Park, not only through summer tours, but with events like Olde Fashioned Christmas and Mystery Theater/Dinners.

Councilmember Cole felt that it would "be a shame" to not reward those working hard to promote the City.

Vote on Amendment

The amendment failed six-to-one, with Councilmember Hansen voting yes.

Vote on Main Motion

Vote on main motion passed five-to-two, with Councilmembers Hansen and Cole voting no.

ORDINANCE #1334 – 2005 BUDGET

Administrator Young reviewed that the 2005 budget has been reviewed and revised to include all discussions and decisions to date.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve the 2005 budget as presented and amended. Motion passed six-to-one, with Councilmember Reilly voting no.

ORDINANCE #1335 – SITING OF ESSENTIAL PUBLIC FACILITIES

Planning Director Black stated that the Council has acted upon this issue before when a prior ordinance was enacted placing a moratorium on the siting of essential public facilities. All moratorium ordinances require a public hearing within sixty days of passage, and the time limit for such a hearing had passed unnoticed by the department, essentially voiding the ordinance.

Director Black said staff is actively working on criteria for the placement of essential facilities in certain zones in the City. Councilmember Oliver stated that the County had recently completed criteria for this same issue. Director Black responded that the City will be reviewing the County's criteria to help guide what the City will provide for these types of facilities.

It was moved by Councilmember Oliver and seconded by Councilmember Wilson to approve Ordinance #1335, placing a moratorium of the siting of essential public facilities. Motion passed unanimously.

CONTRACTS AND AGREEMENTS FOR FINANCIAL AND ONGOING SERVICES – 2005

The following contracts and agreements were approved for 2005:

It was moved by Councilmember Cole and seconded by Councilmember Hansen to approve the amendment for City Prosecutor Services with David Nelson for 2005. Motion passed unanimously.

It was moved by Councilmember Cole and seconded by Councilmember Wilson to approve the amendment for Indigent Defense Services with Lester and Associates for 2005. Motion passed unanimously.

It was moved by Councilmember Cole and seconded by Councilmember Brumet to approve the Financial Assistance agreement with the Whatcom County Council on Aging for 2005 in the amount of \$5,000. Motion passed unanimously.

It was moved by Councilmember Wilson and seconded by Councilmember Brumet to approve the Financial Assistance agreement with the Ferndale Food Bank in the amount of \$3,000.

Discussion

Councilmember Reilly said the Food Bank was a good cause, but there are many good causes, and that he would not support the motion.

Councilmember Hansen said that if the financial assistance to the Food Bank was only for City utilities, he would support it. But the \$3,000 is earmarked for “utilities” including phone, gas, electric and water/sewer. Although he personally supports the Food Bank, he did not feel this was an area in which the City should be involved.

Councilmember Cole shared those concerns, feeling that the City was getting into a “charitable mode”, but that she would still support the food bank.

Councilmember Elgart agreed with the others, saying it was a difficult time for the City to be making these decisions, with such scarce resources.

Councilmember Oliver supported the assistance, saying that it was a modest amount to aid the Food Bank, which provides such a basic human necessity and safety net for those in need.

Motion passed four-to-three with Councilmembers Hansen, Reilly, and Elgart voting no.

MAYOR REPORTS/COMMENTS

Mayor Landcastle noted that the City has received the archeology report regarding artifacts uncovered during the Main Street Bridge Project. He has spoken with Ruth Ashe of the Heritage Society, who has agreed to catalog the items for posterity.

It was moved by Councilmember Reilly and seconded by Councilmember Brumet to loan the items to the Heritage Society for cataloging and display. Motion passed five-to-two, with Councilmembers Cole and Hansen voting no.

Mayor Landcastle read a statement that was critical of Councilmember Reilly’s threat to leave a previous Council meeting, which would have left the Council without a quorum, and unable to conduct City business. The discussion had been on stormwater issues, and Councilmember Reilly said that without

the input of Councilmembers Cole, Elgart, and Hansen, who were absent from the meeting, the discussion should stop. Mayor Landcastle commented that the stormwater issue is a serious problem that must be addressed, without further delays.

Councilmember Reilly said he had nothing to say, other than he did what he felt was right.

Councilmembers Cole objected to a "public chastising" of Councilmember Reilly. Mayor Landcastle responded that Councilmember Reilly's action was in an open public meeting, and was reported in the newspaper, therefore he felt a public response was warranted.

Councilmember Wilson said he supported the Mayor's comments.

Councilmember Hansen felt the approach taken by the Mayor was not appropriate.

DEPARTMENT REPORTS

Planning Director Black reported that Assistant Planner Corey Smith had recently passed the American Institute of Certified Planners examination, and is now a certified planner.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 9:05 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

ATTACHMENT A:

MINUTES
Planning and Judicial Committee Meeting
Held Wednesday, December 1, 2004
City Hall Conference Room
11 a.m.

COMMITTEE: Councilmembers Cole, Brumet, and Elgart

**ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson, Tom Black,
Corey Smith, Michael Jones**

THORNTON WOODS PUD – PRELIMINARY PLAT

Planner Smith presented the Committee with the staff report regarding the Preliminary Plat for Thornton Woods, a Planned Unit Development of 42 lots, zoned RS 8.5 and RS 10.5, located just west of the intersection of Church and Thornton Roads. This is a project of Whatcom-Skagit Housing, formally Whatcom Self-Help Homes.

The Planning Commission held a public hearing on November 10, 2004 and voted unanimously to recommend approval of this project to the City Council, subject to Findings of Fact, and Conditions of Approval.

Planner Smith noted that a late addition of an additional lot is fully explained within the staff report of November 10, 2004 to the Planning Commission.

The Committee had some questions regarding ability of infrastructure to handle the additional capacity generated from this PUD. Planner Smith that conditions #28 and #29 specifically address those concerns.

It was moved by Councilmember Brumet and seconded by Councilmember Elgart to recommend approval to the full Council at the regular meeting of December 6th, of the Thornton Woods PUD and Preliminary Plat based upon Findings of Fact and all Conditions of Approval. Motion passed unanimously.

WOODSIDE VILLAS – PRELIMINARY PLAT

Planner Jones gave an overview to the Committee regarding Woodside Villas, a 17 lot residential subdivision zoned RM 1.5 (multi-family), located on the north side of Washington Street, east of Main Street. This is a project of the Torkild Corporation.

The Planning Commission held a public hearing on November 10, 2004 and voted unanimously to recommend approval of this project to the City Council, subject to Findings of Fact and all Conditions of Approval.

In answer to questions about adequate infrastructure in this area, Planner Jones said that Public Works has no stated concerns or issues. There were also questions about storm run-off from this area, as it has been a problem in the past. Planner Jones replied that the detention and retention facilities slated for this project would lessen runoff to neighboring properties.

Director Black stated that the CCR's should include provisions for a "parking circulation plan" that will "nail down" requirements for all potential buyers. The Committee agreed.

It was moved by Councilmember Brumet and seconded by Councilmember Elgart to recommend approval of the Preliminary Plat for Woodside Villas subject to all findings of fact and Conditions of Approval, with the addition of language amending condition number 10 stating "...per an exhibit illustrating those easements". Motion passed unanimously.

MALLOY VILLAGE - PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT

Planner Jones reviewed the Preliminary Plat for Malloy Village, a proposed 154-lot residential PUD located on the east side of Malloy Road, just north of Thornton Road, zoned RS 8.5. The applicant is Tim Carey of Malloy Village LLC.

This project is a "postage stamp" development, with small units surrounded by commonly owned property, with open space, a private road system, managed by the homeowner's association.

The Planning Commission held a public hearing on November 10th and voted unanimously to recommend approval of the proposed Preliminary Plat and PUD based on the staff analysis, subject to Findings of Fact, the 27 listed Conditions of Approval noted in the staff report of November 10th, and three additional conditions listed in the staff report of December 13th.

The main issue to be addressed is that of adequate parking, due to the unique lay-out of the project along with the narrow roads. Staff has directed the applicant to design a plan allowing an additional 50 – 100 parking spaces for the project in addition to the 576 spaces currently in the design. The Committee and staff felt that the Council could talk to the developer regarding the need for the additional parking needed for approval. Planner Jones will draft a memo for the Council packets with suggested conditions and/or supplements regarding these issues.

It was moved by Councilmember Elgart and seconded by Councilmember Cole to recommend approval of the Malloy Village Preliminary Plat and Planned Unit Development subject to all

***Findings of Fact, Conditions of Approval, and resolution of the parking space deficiencies.
Motion passed unanimously.***

PORTAL MANOR – FINAL PLAT

Planning Director Black reviewed that the Final Plat for the Portal Manor PUD has been submitted. This is a 50-unit single family residential PUD located on the south side of Trigg Road, just east of Portal Way, and zoned RS 8.5. The applicant is Whatcom Skagit Housing, formerly Whatcom Self Help Homes.

Planning Director Black stated that staff is now reviewing landscape plans and associated arborist reports. Both Planning and Public Works feel that conditions have been met sufficiently to proceed on this project.

***It was moved by Councilmember Elgart and seconded by Councilmember Cole to approve the Final Plat on the Portal Manor PUD subject to all Findings of Fact and Conditions of Approval.
Motion passed unanimously.***

2005 CONTRACTS AND AGREEMENTS

City Clerk Knutson reviewed that the following contracts and agreements are up for review for carry-over to 2005.

2005 Addendum to Agreement for City Prosecutor Services with David Nelson – David Nelson has been providing legal services as the City Prosecutor for the past several years. Knutson stated that Mr. Nelson continues to do a good job for the City, and recommends approval. The rates remain the same as in 2004 and 2003.

2005 Addendum to Agreement for Indigent Criminal Defense Services with Lester and Associates – The City has engaged Lester and Associates since 2002 to provide legal representation for defendants meeting the criteria for indigence. This group has also done a good job, and have kept jury trials to a minimum.

2005 Financial Assistance Agreement with the Whatcom County Council on Aging (Ferndale Senior Center) – As approved at an earlier Council meeting, the City will provide financial assistance to the Ferndale Senior Center in the amount of \$5,000 for 2005; the same amount allotted in 2004. The Center will use the funds for janitorial service and recreation assistance.

2005 Financial Assistance Agreement with the Ferndale Food Bank – An allocation of \$3,000 was approved by the City Council at an earlier budget meeting. This agreement outlines the use of that funding be limited to utility costs.

It was moved by Councilmember Elgart and seconded by Councilmember Cole to recommend approval of the reviewed 2005 contracts and agreements. Motion passed unanimously.

ATTACHMENT B:

**MINUTES
Recreation and Finance Committee
Held Wednesday December 1, 2004
City Hall Conference Room
8:45 a.m.**

COMMITTEE: Councilmembers Wilson, Oliver, and Elgart
CITY ADMINISTRATION: Jerry Landcastle, Greg Young, and Linda Knutson

REQUEST FROM OLD SETTLERS – PROPANE BILL

The City had received a request from the Old Settlers Association requesting help with their yearly propane bill. Propane is used to heat the various historic cabins located in Pioneer Park. There was some discussion on the fact that the City does own the cabins, and that it should probably be paying the propane bills. Administrator Young noted that \$1,500 has been allocated in the 2005 budget for this purpose.

It was recommended by the Committee that the full Council discuss this expenditure at the budget workshop scheduled for 5 p.m. on December 6th.

CONSIDERATION OF LODGING TAX 2005 FUNDING REQUESTS

The City's Lodging Tax Advisory Committee met on November 23rd to evaluate 2005 funding requests from local non-profit agencies. They had recommended the following:

Group	2005 Request	2004 Funding
Heritage Society:	\$6,000	\$4,500
B'ham Visitors/Convention	\$3,500	\$2,000
Ferndale Chamber	\$20,000	\$17,000 <i>(not including \$7,500 allotment for Street Fair)</i>

The Committee discussed the possibility of recruiting groups or agencies that might produce tourist activity through innovative ideas for events, festivals, and so on. They would like to reserve some money in the Lodging Tax fund for that purpose, and advertise to a wide audience early in the year.

It was moved by Councilmember Oliver and seconded by Councilmember Wilson to recommend that the City Council fund the requesting agencies at 2004 levels. Motion passed unanimously.

WATER AND SEWER CONNECTION FEE ORDINANCE

As directed at the Special Council meeting of November 22nd, Administrator Young prepared an Ordinance which raises water and sewer connection fees by twenty-five percent, effective January 1, 2005.

This ordinance will go to the full Council at its December 6 meeting.

UPDATE ON FINANCIAL MANAGEMENT POLICIES MANUAL REVIEW

The Committee has been reviewing chapters of the proposed Financial Policies Manual over the past several meetings. It was determined that the Committee will continue this review and forward a full policy to a future Council workshop.

TREE REMOVAL AT PIONEER PARK

The City has identified over forty hazardous trees in need of removal from Pioneer Park. A proposal has been solicited from a tree service and the City is looking into some possible salvage options of the trees.

ATTACHMENT C:

**MINUTES
Streets and Utilities Committee
Held Wednesday December 1, 2004
City Hall Conference Room
7:30 a.m.**

COMMITTEE: Councilmembers Mel Hansen, and Steve Oliver
CITY ADMINISTRATION: Jerry Landcastle, Greg Young, Bob Cecile, Linda Knutson

UPDATE ON TOSCO FIELD HOUSE CONSTRUCTION

Public Works Director Cecile updated the Committee that a pre-construction meeting will be held on Friday, December 3rd with the City and the contractor for the Tosco field house. Director Cecile estimates construction to take approximately ninety days.

UPDATE ON FLOOD EVENT OF PRIOR WEEK

Director Cecile noted that there were incidents of residential damage during the record rainfall of the previous Wednesday. Several areas were identified that will need evaluation for improved storm water drainage. Director Cecile added that the Treatment Plant crew worked around the clock to keep up with the massive amounts of stormwater entering the system, and to protect the lagoons from overflow.

UPDATE ON TRANSPORTATION IMPROVEMENT BOARD PROJECT FUNDING LIST

Director Cecile gave an update on the TIB's list of funded projects. Ferndale's sidewalk project did not receive funding, but the City will try again later in the year.

UPDATE ON THIRD AVENUE SEWER PROJECT

Director Cecile indicated that the engineers will probably be prepared to go to bid on the Third Avenue sewer project sometime in January, 2005.

UPDATE ON FERNDALE SCHOOL DISTRICT BUS STAGING

The School District has received plans for two options for bus staging/queuing from the City, in relation to the street and signalization project near the high school. Administration has not yet heard back from the District.