

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, November 15, 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 Mike Reilly</b>
<b>Councilmember Marianne Elgart</b>	<b>Councilmember Susan Cole</b>
<b>Councilmember Carol Brumet</b>	<b>Councilmember Ron Wilson</b>

**ABSENT:**

**Councilmember Mel Hansen (Excused)**

**STAFF:**

<b>City Administrator Greg Young</b>	<b>City Clerk Linda Knutson</b>
<b>Public Works Director Bob Cecile</b>	<b>Planning Director Tom Black</b>
<b>City Treasurer Mark Peterson</b>	<b>Associate Planner Michael Jones</b>

**Mayor Jerry Landcastle Presiding**

**2005 BUDGET WORK SESSION – 5:00 p.m. – 6:55 p.m.**

The Council met in a budget work session from 5:00 to 6:50 p.m. to review the preliminary budget for 2005. Decision Cards for funds other than Current Expense were discussed.

**CALL TO ORDER**

**Mayor Jerry Landcastle called the meeting to order at 7:04 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 11/01/04 Council Meeting
2. Approval of Minutes of 11/05/04 Special Council Meeting.
3. Approval of Payroll of 11/03/04; Automatic Deposit  
Amount: \$109,700.17; Checks #22358 - #22366 Amount:  
\$35,283.82; Total Payroll:\$144,983.99
4. Approval of Claims Run of 11/15/04; Checks #42360 -  
#42456; Total Claims: \$59,013.77

***Motion passed unanimously.***

**PUBLIC COMMENT**

No one spoke.

**PUBLIC HEARING – 2005 PRELIMINARY BUDGET**

Mayor Landcastle reviewed the protocol for public hearings. City Administrator Young presented a brief overview of the budget numbers that have been determined thus far in the process.

**Public Hearing Opened**

No one spoke

**Public Hearing Closed**

The final budget will be presented for consideration at the Council meeting of December 6<sup>th</sup>. A Special Meeting of the Council will be held on November 22<sup>nd</sup> from 8 a.m. to 10 a.m. to consider water and sewer rates and connection fees, and stormwater fees.

## **PUBLIC HEARING – BLOMQUIST ANNEXATION**

Mayor Landcastle again reviewed the protocol governing public hearings. Associate Planner Jones gave the staff report for the proposed Blomquist annexation.

### **Staff Report**

The applicant is proposing to annex approximately 98 acres of land to the city. The City Council has “accepted” the Letter of Intent. The matter was forwarded to the Planning Commission for a recommendation of appropriate zoning. On September 15, 2004, the Planning Commission held a public hearing, and voted to recommend RS 10.5 zoning for the area. The RS 10.5 zoning could yield up to 285 units.

If approved by the City Council, the annexation is then forwarded to the Boundary Review Board for review and final consideration. Finally, after acceptance by the Boundary Review Board, the City Council may adopt an ordinance annexing the property to the city.

The available capacity in the city’s existing infrastructure, particularly road, water, and sewer systems, should be considered when evaluating the impacts of annexation. Infrastructure impacts frequently extend off site, and solutions may involve land outside the annexation area.

The Blomquist Annexation is fairly large in comparison to the city as a whole. It represents a 2.3-percent increase in area. The impact of this growth will be notable. Large or small, annexation contributes to cumulative impacts as the city grows. The timing of further planning in relation to annexation is the decision of the Council.

Staff recommends that if the annexation is approved, it should be subject to the following conditions:

1. The applicant shall contribute fair share funding to a study of effluent flow and sewer line capacity of the existing sewer lines being conducted by the City. Such study shall be completed to the satisfaction of the Public Works Director.
2. The applicant/developer shall contribute fair share funding for downstream sewer infrastructure improvements necessary to increase capacity.
3. The applicant shall contribute fair share funding to a planning effort, to be developed by the City, including analysis of, at a minimum, transportation, storm detention, parks/open space, water, and sewer services. Such plan shall be adopted by the City Council prior to approval of a Preliminary Plat for the annexation area.

### **Public Hearing Opened**

**Craig Parkinson, of David Evans and Associates**, stated that he is employed by the proponents of this annexation. He feels that the infrastructure is in place that allows for development of the property. He added that the development would meet stormwater regulations and actually improve current stormwater impacts. Parkinson noted that water and sewer flow does appear to be close to capacity, but that further study is appropriate due to the growth projections being much lower than what was expected in the 1996 Comprehensive Plan. He further expected that no more than 160 homes are projected, probably closer to 100, which would have fewer impacts than the staff report had indicated, and that the City could consider entering into a “developer agreement” stipulating the number of homes to be built.

**Tim Dougherty, 6034 Olsen Road**, stated that even 160 homes would have considerable impacts on infrastructure. He urged the Council to concentrate on planning for the area, and not just look at the revenue that would be generated. He added that growth is inevitable, but the City should plan, look at the Urban Growth Areas, and identify and correct problems.

**Doug Robertson, Attorney for the proponents**, said that this is a planned development, in the UGA, and very appropriate for the City. Infrastructure upgrades will be required of the developer at a later

point, and the City should and will probably incorporate conditions of approval during the plat phase, to address the concerns of neighbors.

**Ken Philpot, 2526 Lakeridge**, was concerned about all planning in the area, including the proposed Highwater Downs project. He urged more traffic study and planning, focusing on Mountain View Road and Church Road, saying that development should be a “win-win” situation for neighboring properties.

**Carol Gillespie** said that she is a Blomquist and a long time area resident. She said that expansion has occurred over many years, especially when major industries located to the area many years ago. She further stated that including her family’s property into the City will be an asset to the area, with large upscale homes on large lots and green spaces will add to the transition to the more rural areas nearby.

**Jamie Goodwin, 5897 Foxtail Court**, wants to stay involved in the planning of the surrounding developments, because he feels all development affects his area. He feels that a development of this size needs careful planning and attention.

**Donald Leavitt** said that as the developer in question, he was compelled to correct the statement made during the staff report that the area would accommodate 285 homes. He said it was impossible due to the number of wetlands and buffer rules. His plan is for not more than 100 homes, if the annexation is approved.

**Dave Schwigert, Church Road**, said that he lives near the proposed annexation, and was surprised at the concept of 285 homes for the area. He felt that 100 homes would be fine.

**Bruce Cox, 2888 Dalyce Drive**, said that he has looked at some of Mr. Leavitt’s developments and that they are nice homes on big lots, but his concern centered on connecting roads and their impact on the area he lives in.

**Bob Kramer, 5881 Storr Road**, said that there is an obvious conflict and how much the City can handle with new developments. He felt that the Blomquist family was nice people whose only concern was “selling out” and moving out of the community. He said he has attended every meeting concerning this annexation and feels that only now is he getting information that makes sense. Impacts to roads, water, and sewer were well covered in the staff report, and he urged Council to carefully consider them.

**Tim Blomquist, Olsen Road**, stated that contrary to earlier statements that his family was “selling out and moving on”, most still live on or near the property. He suggested that the Council require the developer to upgrade infrastructure to satisfy neighboring concerns.

**Doug Robertson** felt that the hearing should concentrate on the annexation itself and not future development.

**Don Leavitt** agreed, saying that there is much to be done before any development proposal comes forward.

## **Public Hearing Closed**

### **Discussion**

Councilmember Brumet questioned the statement regarding a developer agreement. Director Black responded that it was possible for the City to enter into such an agreement, however there is currently no mechanism in place to do so.

Councilmember Reilly reminded Council that the decision to be made was only on the proposed annexation, and that talk of future development was premature.

## **Motion and Vote**

***It was moved by Councilmember Reilly and seconded by Councilmember Brumet to approve the annexation of the Blomquist property, subject to the three conditions outlined in the staff report. Motion tied three-to-three, with Councilmembers Oliver, Cole and Elgart voting no. Mayor Landcastle voted aye. Motion passed.***

## **ARIEL COURT PRELIMINARY PLAT AND VARIANCE APPLICATION**

Mayor Landcastle reviewed that the Ariel Court Preliminary Plat was a closed record hearing, then introduced Associate Planner Michael Jones to present the staff report.

### **Staff Report**

Associate Planner Jones reviewed that the applicant proposes a Preliminary Plat to subdivide approximately 5.59 acres of land located in the RS 6.5 zone into 15 single-family lots, and 3 open space/detention tracts. This proposed subdivision would be located behind existing homes on Douglas and Imhof Roads. The Flair Subdivision is located immediately east of the project site. A cul-de-sac would serve all residences, except one that has direct access to Douglas Road.

The proposed Preliminary Plat includes an associated request for a Plat Variance for a reduction in street right-of-way width and corner radius dimensions at the intersection of Douglas Road and proposed Ariel Court for construction of the cul-de-sac.

The Planning Commission held a public hearing on October 13, 2004 to consider the proposed Preliminary Plat and Plat Variance. Public testimony included a range of comments including concerns about the grade of the access road, potential drainage from the access road onto adjacent parcels, and general questions about building setbacks, design and height limits. The most notable comment was related to sewer service. Adjacent, uphill parcels on Douglas and Imhof Roads use septic systems for waste disposal. Adjacent property owners requested that design of the on-site sewer include consideration for connection at time of construction, or in the future, for those adjacent homes. The applicant's engineer indicated that design could consider the adjacent parcels, and that the system was adequately sized to accommodate additional connections. The Preliminary Plat includes 5-foot wide utility easements along lot boundaries that could accommodate current or future sewer connection. After a discussion of the proposed project, including some questions directed to staff and the applicant, the Planning Commission voted unanimously to recommend approval of the proposed Plat Variance based on the staff analysis and findings.

The Planning Commission also voted unanimously to recommend approval of the Preliminary Plat based on the Preliminary Plat Approval Criteria, and the Findings of Fact, subject to the original 25 Conditions of Approval listed in staff report, with addition of a condition to require signing of the first 125 feet of the entrance road as a fire lane.

### **Discussion**

Councilmember Reilly felt that the homeowners of the proposed plat should have control and maintenance over the pump station.

Councilmember Brumet wondered if the Fire Department was satisfied with the road configuration. Staff responded that they were.

### **Motion on Variance**

***It was moved by Councilmember Brumet and seconded by Councilmember Oliver to approve the variance request for a reduction in street right-of-way width and corner radius dimensions at the intersection of Douglas Road and proposed construction of the cul-de-sac. Motion passed unanimously.***

### **Motion on Preliminary Plat**

***It was moved by Councilmember Wilson and seconded by Councilmember Brumet to approve the Preliminary Plat of Ariel Court subject to all Conditions of Approval and based upon Findings of Fact.***

### **Discussion**

Councilmember Reilly asked to amend the motion to add a further condition that the homeowners be responsible for the pump station servicing the plat. This was seconded by Councilmember Wilson. After considerable discussion regarding the pros and cons of such a condition the amendment failed unanimously.

### **Vote on Motion for Preliminary Plat**

***Motion passed unanimously.***

### **ORDINANCE #1331 – PROPERTY TAX LEVY**

At the Council meeting of November 5<sup>th</sup>, the Council approved a 2005 property tax levy of one-percent plus two-percent of banked capacity. This ordinance was presented, reflecting that decision. The increase will provide approximately \$36,000 more than 2004 property taxes.

Councilmember Elgart wanted to stress that this will not raise a Ferndale homeowner's entire property tax bill by three-percent, only the City's portion.

Councilmember Reilly indicated that he was not in favor of the Ordinance.

***It was moved by Councilmember Brumet and seconded by Councilmember Wilson to approve Ordinance #1331 setting the Property Tax Levy for 2005. Motion passed four-to-two.***

### **ORDINANCE #1332 – ENGINEERING TECHNICIAN POSITION**

At the Council meeting of November 5<sup>th</sup>, it was decided to rescind the Ordinance passed by the Council several months ago requiring the position of City Engineer. In the alternative the Council approved the hiring of a full-time engineering technician as support for Public Works and Planning, under the supervision of the Public Works Director, who is a professional engineer. Ordinance #1332 reflects those changes.

### **Motion**

***It was moved by Councilmember Brumet and seconded by Councilmember Elgart to approve Ordinance #1332.***

### **Amendment to Motion**

***It was moved by Councilmember Oliver and seconded by Councilmember Brumet to amend the main motion by striking sections two, three, and four from the Ordinance.***

### **Discussion on Amendment**

Councilmember Oliver stated that he questioned the idea of creating staff positions by ordinance. Councilmember Wilson agreed, saying that it was not good policy.

### **Vote on Amendment**

***Motion passed five-to-one, with Councilmember Cole voting no.***

### **Vote on Main Motion as Amended**

***Motion passed four-to-two, with Councilmembers Cole and Reilly voting no.***

### **ORDINANCE #1333 – TABLED FOR FURTHER REVIEW**

Mayor Landcastle stated that he was advised by the City Attorney to delay consideration of the Annexation Ordinance for further legal review.

***It was moved by Councilmember Elgart and seconded by Councilmember Wilson to table Ordinance #1333 regarding Annexation procedures pending further legal review. Motion passed unanimously.***

**PROCLAMATION – OLDE FASHIONED CHRISTMAS**

Mayor Landcastle read a proclamation proclaiming December 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> as “Olde Fashioned Christmas Weekend” in Pioneer Park.

***It was moved by Councilmember Cole and seconded by Councilmember Wilson to endorse the Olde Fashioned Christmas Weekend proclamation as read. Motion passed unanimously.***

**COUNCIL REPORTS**

**Councilmember Elgart** thanked the American Legion and the Nooksack Tribe for the Veterans Day ceremonies held last week.

**Councilmember Elgart** reported that the Chamber of Commerce will be putting up the new holiday lights shortly before Thanksgiving.

**SET COMMITTEE MEETINGS**

There will be no Committee meetings the week of November 15<sup>th</sup>. City Clerk Knutson will notify Committee members of any meetings the following two weeks.

**ADJOURNMENT**

There being no further scheduled City business, the meeting was adjourned at 9:20 p.m.

**ATTEST:**

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Jerry Landcastle, Mayor

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Linda Knutson, City Clerk

***Attachment A:***

MINUTES  
Planning & Judicial Committee  
Held Wednesday, November 10, 2004  
City Hall Conference Room  
11:00 a.m.

**COMMITTEE:** Councilmembers Cole and Elgart  
**ADMINISTRATION:** Greg Young, Tom Black, Michael Jones, Sylvia Stiles

**ANIMAL CONTROL ORDINANCE**

The committee was not prepared to work on the Animal Control Ordinance. They set the next committee meeting for November 17, 2004 at 11:00 a.m. The City Clerk is to notify Penny Cistero and bring additional copies of the proposed ordinance.

**BLOMQUIST ANNEXATION**

Michael Jones submitted the staff report on the Blomquist Annexation. He directed the committee to the maps in the staff report. This property is in the UGA and adjacent to property within the City limits. The Planning Commission is recommending zoning be RS 10.5. Mr. Black explained the need for transitional zoning to be closed to the UGA border of Olson Rd. Councilmember Elgart asked staff about mixed zoning to allow for a sustainable community. There was discussion on neighborhood commercial zoning and the need for walkable communities. Mr. Black stated that politicians need to be visionary, make decisions and take the flack.

Mr. Jones told the committee the Blomquist Annexation has been through the process. He pointed out the recommended conditions of approval.

1. The applicant shall contribute fair share funding to study of effluent flow and sewer line capacity of the existing sewer lines being conducted by the City. Such study shall be completed to the satisfaction of the Public works Director.
2. The applicant/developer shall contribute fair share funding for downstream sewer infrastructure improvements necessary to increase capacity.
3. The applicant shall contribute fair share funding to a planning effort, to be developed by the City, including analysis of, at a minimum, transportation, storm detention, parks/open space, water, and sewer services. Such plan shall be adopted by the City Council prior to approval of a Preliminary Plat for the annexation area.

Mr. Black suggested a physical impact study be done. Councilmember Elgart felt the annexation should be moved forward to the council for discussion.

#### CITY OF FERNDALE COMP PLAN

Mr. Black advised the committee of the potential of doing sub-area planning as part of the City Comp Plan. Councilmember Cole asked staff for an estimate on when the Comp Plan would be completed. Mr. Black felt most would be done in 2005. Councilmember Cole asked if there should be a moratorium on annexations until completion of the Comp Plan. Mr. Young suggested the City develop an annexation ordinance.

#### ARIEL COURT PRELIMINARY PLAT

Mr. Jones presented the Staff Report for Ariel Court. Ariel Court is located south of Douglas Rd. He stated the Planning Commission recommended approval of the preliminary plat and plat variance.

Councilmember Elgart asked there this plat would compromise the City sewer infrastructure. Staff felt the impact would be low. Councilmember Elgart was concerned about the impact to wetlands south of the plat. Mr. Jones said this was covered with C C & R's. Mr. Jones further stated that another way to protect wetlands is to turn property over to a third party with environmental interests. Mr. Jones stated the need for a variance to the street width at the entrance to Ariel Court. This has been approved by TRC, Fire and Public Works.

Staff recommends approval with a lengthy set of conditions noted in the staff report.

It was moved by Councilmember Cole and seconded by Councilmember Elgart to recommend approval of Preliminary Plat of Ariel Court to the full council.

*Motion passed unanimously.*

It was moved by Councilmember Cole and seconded by Councilmember Elgart to approve Plat Variance 04.001.PV.

*Motion passed unanimously.*

#### **Attachment B:**

MINUTES  
Recreation and Finance Committee  
Held Wednesday, November 10, 2004  
City Hall Conference Room  
8:00 a.m.

**COMMITTEE:** Councilmembers Oliver and Wilson  
**ADMINISTRATION:** Jerry Landcastle, Greg Young, Sylvia Stiles

#### VEHICLE REPLACEMENT

Mayor Landcastle asked the committee to consider when replacement vehicles should be acquired and what method the committee wanted to use to determine what vehicles to replace and when. Seven new police cars were purchased in 1999 and none have been acquired since then. Mileage on these cars is between 55,000 and 70,000. By this time next year they could be over 100,000 miles. Mayor Landcastle suggested that there may be other vehicles the city could surplus such as a 1991 van used by SCOPE, a Ford station wagon and two administration vehicles which are seldom used. It was decided that this would be discussed further at the next budget meeting.

#### NEW PLATS

Mayor Landcastle mentioned that there would be several new plats before the council in the next few weeks.

#### FINANCIAL MANAGEMENT POLICIES VERSION 2

Greg Young presented version 2 of the Financial Management Policies to the committee.

The Committee discussed at some length item # 4 under revenue policy. Mayor Landcastle felt there were pros and cons to automatic indexing of fees. Councilmember Oliver objected to automatic indexing stating he felt it takes away council responsibility. Mayor Landcastle reminded the committee of the importance in covering the cost of services. The Mayor also felt that indexing may encourage community participation in local government. Councilmember Wilson responded that he like indexing because many things are indexed including staff salaries. Mr. Young suggested the removal of the words "automatic" and "and adjusted" from item # 4 of Revenue Policy. This section will then read "All fees for service shall either be inflation indexed or reviewed on an annual basis to adequately cover the total cost of service." Councilmember Oliver asked if the City needed to have an ordinance stating the fees would cover the cost of services. He also asked if there was a risk to the City because it might limit the ability to increase the cost of some services. Councilmember Oliver also asked about undedicated funding.

In the Expenditure Police section there was a discussion on capitol leases. Councilmember Oliver suggested there needed to be a method of informing the council. Mayor Landcastle advised the committee of the need to be able to make financial decisions in a responsible way. Councilmember Oliver reiterated his concern that the Council needed to know the financial obligations of the City. Mr. Young will add language to the police to allow council input.

In the Reserve and Contingency section, the committee discussed the maintenance and replacement of the "rainy day" fund balance.