

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, October 4, 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>Police Chief Dale Baker</b>	<b>Associate Planner Michael Jones</b>

**Mayor Jerry Landcastle Presiding**

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

The Council met in a budget work session from 5:00 to 6:00p.m. to review goals and accomplishments anticipated for 2004 and 2005.

**EXECUTIVE SESSION**

The Council met in executive session from 6:00 to 6:57 p.m. to discuss potential litigation.

**CALL TO ORDER**

**Mayor Landcastle called the meeting to order at 7:00 p.m.**

**MAYOR ANNOUNCEMENT**

Mayor Landcastle informed the assembled that Blaine Mayor Dieter Schugt has passed away the previous evening after a battle with leukemia.

**CONSENT AGENDA**

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

1. Approval of Minutes of 09/20/2004 Council Meeting
2. Approval of Payroll of 09/29/04; Check #22338 Amount: \$219.20 – Qtrly L&I Payment (Check #22337 VOID due to printer malfunction)
3. Approval of Payroll of 10/01/04; Auto-Deposit Amount: \$109,081.05; Checks #22339 - #22348 Amount: \$35,635.76; Total Payroll: \$144,716.81

***Motion passed unanimously.***

**PUBLIC COMMENT**

No one spoke.

**PRESENTATION – GRAD NIGHT 2005**

Mariana Smith, Co-Chair of the Grad Night 2005 Committee for Ferndale High School, presented information to the Council regarding fund-raising activities planned for the 2005 graduating class. The

Committee desires to raise approximately \$53,000 so that all graduating seniors can participate in a "safe and sober" graduation without any cost to them. A giant fund-raising thermometer is proposed to be erected on the Ferndale High School reader board located on Riverside Drive near the Chamber of Commerce Visitor Center for maximum community visibility. Ms. Smith has talked to Code Enforcement and Public Works about this project.

The Council appreciated the presentation, saying it was a worthwhile and exciting project. Staff will prepare a Resolution for the next Council meeting that will support and promote Grad Night 2005.

### **PUBLIC HEARING: STONEYFIELD – KLOOTWYK ANNEXATION**

Mayor Landcastle introduced Associate Planner Michael Jones, who provided the staff report to Council regarding the proposed annexation.

#### **Staff Report**

Associate Planner Michael Jones gave the Council an overview of the proposed Klootwyk Annexation, which encompasses approximately three acres, and is located on the east of Church Road, just north of Pheasant Way. The Council accepted the Letter of Intent to Annex on May 3, 2004. The matter was forwarded to the Planning Commission for a recommendation as to appropriate zoning. On July 14, 2004, the Planning Commission held a public hearing, and voted to recommend RS 8.5 zoning (single-family residential 8,500 sq. ft. minimum parcel size) for the proposed annexation.

After the Planning Commission made its recommendation, the applicant circulated a formal Annexation Petition for signatures and submittal to the City Council. Once the Petition was certified, staff prepared an analysis of the proposal, and the Petition is now forwarded to the City Council for review and final action. If approved by the City Council, the annexation will be forwarded to the Boundary Review Board for review and final consideration.

Planner Jones emphasized that capacity to serve new development is an issue of importance when considering potential annexations. All infrastructure systems have a limited capacity. The available capacity in the city's existing infrastructure, particularly road, water, and sewer systems, should be considered when evaluating the impacts of annexation.

Water: Preliminary analysis of the water system in the annexation vicinity indicates that capacity is adequate to serve the site. A 12-inch water main terminates at the city limits near the southwest corner of the site. Adequate transmission capacity exists in this main to serve the site.

Sewer: Piping the effluent from the project site across the service area boundary is a feasible alternative to serving the site as planned in the Sewer Comp Plan. However, there are capacity constraints in the adjacent service area. Based on current estimates of peak flow volumes, some existing pipes serve a temporary storage function as inflow exceeds transmission capacity and sewage waits in the pipes until the peak reduces and the pipe drains towards the treatment plant.

Streets: Roadway level of service will ultimately degrade on both Church Road and Thornton Road as the city builds out and as the UGA expands. Little of that decrease in level of service can be attributed to the current annexation. However, the project will contribute to the cumulative impact. Ultimately, development on the annexed property will pay traffic mitigation fees that help to pay for improvements included in the 6-year improvement plan, helping to offset impacts to the existing transportation system.

Fiscal Impacts: Planner Jones indicated that the City is unable to reach absolute conclusions on fiscal impact at this time; however, even without absolute values related to revenue and expense it can be determined that the impact of this annexation is relatively minor.

Planner Jones concluded that the Stonyfield Annexation is small in area, and generally small in impact. Annexing larger areas would have greater impacts, and all annexations should be considered in the

context of the cumulative impact of annexation, and the individual impacts of the specific annexation in question.

Staff recommends that if the annexation is approved, it should be subject to the following condition(s):

1. The applicant shall provide proof of easements adequate to provide gravity sewer to the project site.
2. The applicant/developer shall contribute fair share funding for downstream sewer infrastructure improvements necessary to increase capacity.

It was also suggested by the Planning and Judicial Committee that perhaps the applicant should fund an analysis of sewer flow in the area through the use of flow meters during peak times.

The Council had several questions, including how this analysis would be used in evaluating larger annexations. Also, the impacts to Church Road were discussed.

Mayor Landcastle reviewed the protocol governing public hearings, including appearance of fairness.

### **Public Hearing Opened**

**Peter Klootwyk**, the proponent and owner of the property in question, stated that this annexation is a logical inclusion into the City. He stated that lots will be bigger than the proposed 8.5, and a pond is planned to minimize drainage impacts. He isn't convinced that infrastructure in the area has reached its capacity, but would like to help in clarifying this issue.

**Bob Cecile**, Public Works Director stated that the City will have a more definitive answer to sewer capacity in this area within the next month.

### **Public Hearing Closed**

### **Motion**

***It was moved by Councilmember Wilson and seconded by Councilmember Brumet to approve the Stoneyfield/Klootwyk Annexation.***

### **Discussion**

Councilmember Elgart stated that while she was not opposed to the proposal, she needed more information on the infrastructure capacity before she could decide.

Councilmember Reilly said he had concerns about the traffic impacts to Church Road, which he felt was already overloaded. He felt that there has not been enough long-term planning to adequately address the infrastructure impacts to this area.

Councilmember Oliver stated that he was in support of the annexation, but agreed that many issues remain to be addressed with long-term planning.

Councilmember Cole felt that due to the issues regarding capacity and long-range planning in the UGA, she was unable to support this annexation.

### **Vote**

***Motion passed four-to-three, with Mayor Landcastle casting the tie-breaking vote to approve the Stoneyfield/Klootwyk annexation. Councilmembers Reilly, Elgart and Cole voted no.***

### **ORDINANCE #1328 – SHORELINE APPLICATIONS MORATORIUM**

Planning Director Tom Black reviewed the Ordinance which would extend the moratorium on the acceptance of applications for shoreline development permits for projects that involve alteration of wetlands within the FEMA 100-year floodplain. The City is still working with the Department of Ecology toward the completion of the City's Shoreline Master Program, and wishes to preclude the submittal of

applications for certain shoreline development permits until appropriate land use designations can be assigned to the unmapped wetland areas that fall under shoreline jurisdiction.

#### **Motion**

***It was moved by Councilmember Cole and seconded by Councilmember Elgart to approve the extension of the Shoreline Moratorium.***

#### **Discussion**

Councilmember Reilly stated he would not support the moratorium extension, as he had opposed the original. He felt that people are being told what they can and cannot do with their land, and that this constituted a “taking”.

Councilmember Brumet stated that she would support the moratorium so that when applications are reinstated, applicants will have a clear and viable process to follow. Councilmember Cole agreed.

Councilmember Oliver also stated his support, and was confident that the City and the Department of Ecology will be able to quickly resolve remaining issues.

#### **Vote**

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

#### **WATER COMPHENSIVE PLAN – SCOPE OF SERVICES**

Earlier in the year, Council had approved a spending limit of \$80,000 for the Water Comprehensive Plan update. Public Works Director Bob Cecile reviewed that Reichhardt and Ebe have now submitted the Scope of Services to accomplish that project, along with a cost estimate not to exceed \$67,000. Cecile noted that the City will be saving considerable money due to the fact that staff will be doing much of the work.

Councilmember Oliver asked, for the record, if this plan will include the City’s urban growth area. Cecile stated that it would.

***It was moved by Councilmember Wilson and seconded by Councilmember Brumet to approve the Scope of Services for the Water Comprehensive Plan to be provided by Reichhardt and Ebe Engineering. Motion passed unanimously.***

#### **RURAL AND SUNSET PROJECT CHANGE ORDERS**

Before presentation of this item, Councilmember Reilly excused himself, citing the fact that his cousin owns the Construction company involved with this project.

Public Works Director Cecile reviewed that the City has received two work orders that will essentially complete the project and Rural and Sunset.

The first change order involves fixing the taper length on Rural created by the additional turn lanes at the new signalization. The City’s share of this change order is \$1615. The County has been contacted and is being asked to share in this cost.

***It was moved by Councilmember Oliver and seconded by Councilmember Wilson to approve change order number one in the amount of \$1615. Motion passed unanimously.***

The second change order involves culvert and banking correction in front of Crystal Investment Properties, which the City has determined to be a reasonable corrective measure. The City’s share of this change order is less than \$200.

***It was moved by Councilmember Brumet and seconded by Councilmember Wilson to approve change order number two in the amount of approximately \$200. Motion passed unanimously.***

**FINANCIAL POLICIES OVERVIEW**

City Administrator Young reviewed that the Recreation and Finance Committee will be working on all elements of the proposed City of Ferndale Financial Policies over the next several weeks. The goal is to have the financial policies adopted early next year.

**SET COMMITTEE MEETINGS**

The following committee meetings were scheduled:

Streets and Utilities	Wednesday, October 6	7:30 a.m.
Recreation and Finance	Wednesday, October 6	8:30 a.m.
Planning and Judicial	Wednesday, October 6	11:00 a.m.

**COUNCIL REPORTS**

**Councilmember Elgart** stated that the What Comm Administrative Committee has determined that 2005 rates will probably be the same as those in 2004.

**Councilmember Reilly** noted that new regulations are slated to take effect on manufactured homes beginning in July of 2005.

**Councilmember Wilson** wondered what action the City could take to encourage Verizon to cooperate with law enforcement in the tracking of telephone bomb threats. Mayor Landcastle responded that he will write to Verizon on this issue.

**Councilmember Cole** noted that due to the retirement of Kathy Chasteen as Chamber of Commerce Director, there is a vacancy on the Lodging Tax Advisory Committee. It was her recommendation that the new Director, Sarah Horner, be appointed to that Committee. Mayor Landcastle concurred.

***It was moved by Councilmember Cole and seconded by Councilmember Reilly to appoint Sarah Horner to the Lodging Tax Advisory Committee. Motion passed unanimously.***

**Mayor Landcastle** asked that Council review information distributed by Municipal Research regarding motor scooters, as the City has nothing in the Code that specifically addresses this issue.

**ADJOURNMENT**

There being no further scheduled City business, the meeting was adjourned at 8:45 p.m.

**ATTEST:**

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Jerry Landcastle, Mayor

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Linda Knutson, City Clerk

**Attachment A:**

**MINUTES  
Planning and Judicial Committee  
Held Wednesday September 29, 2004  
City Hall Conference Room  
4 p.m.**

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**COMMITTEE: Councilmembers Susan Cole and Marianne Elgart**

**CITY ADMINISTRATION: Tom Black, Michael Jones, Linda Knutson**

**STONEFIELD LLC (KLOOTWYK) ANNEXATION**

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After the Planning Commission has made its recommendation, the applicant may then circulate a formal Annexation Petition for signatures and submittal to the City Council. Once the Petition has been certified, staff will prepare an analysis of the proposal, and the Petition will be forwarded to the City Council for review and final action. If approved by the City Council, the annexation is then forwarded to the Boundary Review Board for review and final consideration.

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It was also suggested by the Committee that perhaps the applicant should fund an analysis of sewer flow in the area through the use of flow meters during peak times.

***This item was forwarded without a recommendation to the full Council for a public hearing on Monday, October 4<sup>th</sup>.***

**SHORELINE MORATORIUM EXTENSION**

Planning Director Tom Black briefly reviewed the moratorium on the acceptance of applications for shoreline development permits for projects that involve alteration of wetlands within the FEMA 100-year floodplain. The City is still working with the Department of Ecology toward the completion of the City's Shoreline Master Program, and wishes to preclude the submittal of applications for certain shoreline development permits until appropriate land use designations can be assigned to the unmapped wetland areas that fall under shoreline jurisdiction.

***It was moved by Councilmember Cole and seconded by Councilmember to approve the extension of the Shoreline Moratorium. Motion passed unanimously.***

**COMP PLAN AMENDMENT WITHDRAWAL**

Director Black updated the Committee that the Planning Department is pulling from the docket the Comprehensive Plan Amendment relating to the area north of the City in the vicinity of Enterprise and Grandview. The amendment will need more extensive EIS work.

**GRAD NIGHT COMMITTEE FUND RAISER – FERNDALE HIGH SCHOOL**

Mariana Smith, Co-Chair of the Ferndale High School 2005 Grad Night Committee, was present to inform the Committee about a fund raiser planned that will raise monies to support a fully-funded safe and sober graduation night for 2005 seniors. It is proposed that a giant "barometer" be constructed and posted in a visible area of the City to create community awareness of this effort. The Committee felt this was a positive and worthwhile project, and suggested that Ms. Smith meet with the City's Code Enforcement Officer and Public Works Director regarding placement of the barometer near or at the Ferndale High School reader board on Main Street by the Chamber of Commerce building.

***The Committee invited Mariana Smith to overview Grad Night fund raising effort to the full Council at the meeting of October 4<sup>th</sup>.***

**OTHER**

City Clerk Linda Knutson distributed the following materials for Committee review and comment at the next scheduled Committee meeting:

- The City's Animal Control Ordinance, for revisions and discussion.
- A proposed addition to the City's Personnel Policies and Procedures covering severance pay for non-represented employees.
- Information from MRSC regarding the legality of motor scooters in Washington State.

***Attachment B:***

**MINUTES  
Streets and Utilities Committee  
Held Wednesday September 22, 2004  
City Hall Conference Room  
7:30 a.m.**

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**COMMITTEE:** Councilmembers Mike Reilly, Mel Hansen, and Steve Oliver  
**CITY ADMINISTRATION:** Greg Young, Bob Cecile, Linda Knutson  
**ENGINEERS:** Greg Ebe, Luis Ponce

**TRAFFIC ALTERNATIVES – FERNDALE HIGH SCHOOL**

As a follow up to recent discussions between the City and the School District, Greg Ebe and Luis Ponce presented two evaluations for bus staging in conjunction with the Malloy Improvement Project.

**Evaluation #1: One Way Bus Traffic/Buses Permitted to Turn Left or Right onto Vista (From Shuksan)**

This alternative consists of bus queuing along Shuksan, as is done currently. Shuksan would be gated at the Vista end, and would essentially become a dead-end street. Buses would be able to turn left or right onto Vista, by monitoring gate access for the 15-20 minute period of time it would take to move all of the buses out. Details on the type of gate have yet to be determined.

**Evaluation #2: Right In/Right Out Access at Shuksan**

This alternative would also consist of bus queuing at its current location, but without gating and dead-ending Shuksan. An island would be installed at Vista which would allow only for right in/right out traffic.

The Committee discussed the advantages and disadvantages of each alternative at length. It was determined that both alternatives will be brought to the School District administration for input.