

MINUTES
Ferndale City Council
Held Tuesday, February 22, 2005
City Hall Annex – Council Chambers
7 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver	Councilmember Mike Reilly
Councilmember Marianne Elgart	Councilmember Susan Cole
Councilmember Carol Brumet	Councilmember Ron Wilson

ABSENT: Councilmember Mel Hansen (Excused)

STAFF:

City Administrator Greg Young	City Clerk Linda Knutson
Public Works Director Bob Cecile	Police Lt. Travis Glass
Associate Planner Michael Jones	Assistant Planner Corey Smith

Mayor Jerry Landcastle Presiding

CALL TO ORDER

Mayor Landcastle called the Meeting of the Ferndale City Council to order at 7 p.m.

CONSENT AGENDA

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

1. Approval of Minutes of 02/07/05 Council Meeting
2. Approval of Payroll of 02/18/05; Automatic Deposit
Amount: \$101,989.30; Checks #22471 - #22480 Amount:
\$36,131.72; Total Payroll: \$138,121.02
3. Approval of Claims Run of 2/22/05; Checks #42873 -
#42956; Total Claims: \$192,517.82 (Checks #42921 and
42946 VOID due to Printer Jam)

Motion passed unanimously.

PUBLIC COMMENT

Michael Culberson, 5744 Second Avenue, stated that he is happy to be a new resident to Ferndale, and looks forward to opening a Quizno's Restaurant in May of this year.

WiFi PRESENTATION – UPDATE

Ryan Oord, Owner of Northwest Technology Solutions, reviewed for the Council the progress in the WiFi installation to the City's police vehicles. This process was started last year with the idea of providing a wireless technology to the police department which would enable mobile access to a number of systems.

Antennae have been installed atop City Hall, and an agreement has been secured with Ferndale Grain for antennae at that location. Mr. Oord has been in discussions with the Ferndale School District and Whatcom County Fire District 7 for future installations at their various locations, which would give complete wireless coverage of the City. Wireless cameras for the police vehicles are also being proposed.

Mr. Oord hopes to have a police vehicle ready to go "live" within a week.

2004 COMPREHENSIVE PLAN AMENDMENT – FOUR ELEMENTS

Associate Planner Corey Smith presented a staff report detailing the 2004 Comprehensive Plan Amendment which addresses four separate elements proposed for changes. The four proposed changes to the City’s CPA are:

ELEMENT 1: 04002.CPA
A proposed Comprehensive Plan Amendment to change the land use designation for approximately 18 acres from Medium Density Residential to Industrial.

Located on the south side of Sunset Avenue and west side of Rural Avenue, addressed as 1409, 1415, and 1431 Sunset Avenue.

ELEMENT 2: 04003.CPA
A proposed Comprehensive Plan Amendment to change the land use designation for approximately 2.8 acres from Commercial to Low Density Residential.

Located on the south side of Main Street approximately ¼ mile east of I-5 (the existing Axton Court subdivision).

ELEMENT 3: 04004.CPA
A proposed Comprehensive Plan Amendment to change the land use designation for approximately 2.7 acres from Commercial to Low Density Residential.

Located on the north side of Main Street approximately 1,000 feet east of I-5, addressed as 1628 Main Street.

ELEMENT 4: 04005.CPA
A proposed Comprehensive Plan Amendment to change the land use designation for approximately 9.8 acres from Commercial to Low Density Residential.

Located on the south side of Trigg Road approximately 300 feet west of Portal Way.

Planner Smith stated that details of each proposed element are contained in the Planning Commission Staff Report dated December 15, 2004.

The Planning Commission held a public hearing on December 15, 2004 to consider the 4 elements of the 2004 Comp Plan Amendment. Following the public hearing, the Planning Commission made the following recommendations:

ELEMENT 1:	04002.CPA Rural-Sunset Avenues	PC Recommended Approval 5-0
ELEMENT 2:	04003.CPA Axton Court	PC Recommended Approval 5-0
ELEMENT 3:	04004.CPA E. Main Street	PC Recommended Approval 5-0
ELEMENT 4:	04005.CPA Trigg Road-Portal Way	PC Recommended Denial 4-1

At the conclusion of the staff report, Mayor Landcastle reviewed the protocol regarding public hearings. It was determined that speakers would be called in the order of the elements as listed.

Public Hearing Opened:

Element #1 – No one spoke

Element #2 – Donald Anderson, 5673 Axton Court, said he wanted his property to remain residential. If zoned Commercial, his and other adjoining properties in this area would become “non-conforming uses” which would create a multitude of issues for improvements, and even sale of the properties. He added that he understands the surrounding areas will develop commercially, but that there are natural buffers in place to protect the residential area.

Element #3 – Craig Bryant, speaking for Arthur and Frances Bryant, 1628 Main Street, said that his parents have owned this property for more than forty years. The entire property encompasses nearly seven acres, 2.8 of which are inside the City limits. The property is split-zoned, dependant upon whether in or out of the City. Mr. and Mrs. Bryant wish to have their in-city property remain residential as it has for nearly 100 years.

Element #4 – Fred Bovenkamp, 700 Fern Drive, Lynden, said that his family has owned the property in question for many years. It had always been their intention to develop it as residential, but due to the “over-percolation” of the property, they were not able to satisfy septic sewer regulations until the City extended the sewer system along Portal Way. The Bovenkamps realized only recently that their property had been rezoned Commercial in 1996, and are requesting that their property be designated residential.

Public Hearing Closed

Council Discussion:

Council discussion centered mainly on the Bovenkamp element of the CPA. Several Councilmembers noted that the minutes of the Planning Commission meeting that dealt with this issue were not in the agenda packet. While most felt that the first three elements were straight forward, they wished to review the Planning Commission record for more understanding of their recommendation to deny this element of the Amendment.

Motions:

It was moved by Councilmember Oliver and seconded by Councilmember Elgart to approve Element #1 of the 2004 Comprehensive Plan Amendment. Motion passed unanimously.

It was moved by Councilmember Wilson and seconded by Councilmember Brumet to approve Element #2 of the 2004 Comprehensive Plan Amendment. Motion passed unanimously.

It was moved by Councilmember Brumet and seconded by Councilmember Wilson to approve Element #3 of the 2004 Comprehensive Plan Amendment. Motion passed unanimously.

It was moved by Councilmember Oliver and seconded by Councilmember Brumet to hold action on Element #4 of the 2004 Comprehensive Plan Amendment pending further information and discussion at the next regular Council meeting. Motion passed unanimously.

Once a decision is made regarding Element #4, a final ordinance will be completed in conformance with CPA procedure.

ORDINANCE #1344 – ANNEXATIONS

City Administrator Greg Young reviewed that the proposed ordinance that outlines annexation procedures has been through several drafts and reviews by the Planning and Judicial Committee, staff, and the City Attorney.

Council had several questions and suggestions for language changes that clarified some language in the ordinance.

It was moved by Councilmember Oliver and seconded by Councilmember Reilly to approve Ordinance #1344, the "Annexation Ordinance". Motion passed unanimously.

RIVERFRONT TRAIL PLAN

Associate Planner Michael Jones presented an overview to Council on a proposed trail along the west bank of the Nooksack River from Vanderyacht Park to Tosco Sports Complex. The project was stimulated by a recent request from the Planning Commission that staff explore options for public access improvements along Front Avenue.

Recently, two permits for multi-family residential projects were granted. During its review, the Planning Commission conditioned both projects to provide street frontage improvements along Front Avenue. The conditions included developing pedestrian improvements along Front Avenue to connect the two projects where a narrow intervening property would have left an incomplete sidewalk section. The focus of the Commission's discussion was a desire to enhance the waterfront and create a pedestrian-friendly environment. The Commission directed staff to review the type of improvements that would be appropriate given the known constraints of the topography and limited right-of-way.

Front Avenue follows the west bank of the Nooksack River from Main Street south to Cherry Street. South of Cherry Street, the Front Avenue alignment is known as Ferndale Road. North of Main Street, the same alignment is occupied by Bass Street. Between Main Street and Cherry Street, Front Avenue is paved, varying in width from 10 to 22 feet (approx.). The Front Avenue right-of-way has an irregular width because one side is limited by the water line. The street, levee and riverbank occupy the right-of-way. In many areas, the existing right-of-way on the inland side of the levee is only wide enough to allow a single travel lane.

A trip count has not been conducted, but it is evident that Front Avenue has an extremely low trip count. Only one home uses Front Avenue for vehicle access. All other properties either use adjacent streets or the alley for access. The two recently approved projects, mentioned above, are designed to use the alley to access basement-level parking. It is reasonable to expect other projects to be designed similarly, because it is necessary to elevate living spaces above the 100-year flood elevation. This makes rear access and basement parking the most practical approach to development.

In 1997, the City adopted the City of Ferndale Comprehensive Parks, Open Space, and Recreation Plan Element 1996 to 2015 (Park Plan). The Park Plan includes a proposed trail connection between Vanderyacht Park and Pioneer Park-Bergsma Addition (now Tosco Sports Complex).

The central issue that has arisen early in the planning process is, "Will the City Council support a closure of Front Avenue?" There are several reasons to consider street closure. The narrow and irregular Front Avenue right-of-way precludes developing a public street to city standards. Front Avenue supports very limited traffic. Only one developed property currently uses Front Avenue for vehicular access. Front Avenue is one of the city's only urban waterfront areas, and as such warrants special consideration under the city's Shoreline Master Program. These factors, combined with the city's previously expressed intent to develop a trail along the riverbank, raise the possibility of closing Front Avenue to most vehicular traffic to facilitate developing a pedestrian corridor along the river.

The current residential projects require upgrading portions of the Front Avenue right-of-way. As part of that upgrade for pedestrian access, staff recommends developing a plan for a multi-use trail that interconnects Tosco Sports Complex, Pioneer Park, the Boys and Girls Club, the Senior Center, and Vanderyacht Park. To facilitate this pedestrian and bicycle corridor, staff recommends closing Front Avenue to general vehicle traffic (maintaining access for the one property currently using the street and for emergency access vehicles).

The details of a draft plan are not yet known. Presumably, a trail would begin at Tosco Sports Complex; extend along the levee to Front Avenue, where a wider pedestrian promenade could be developed in the

existing Front Avenue right-of-way. The route would cross Main Street at the First Avenue intersection and follow Bass Street north into Vanderyacht Park. Staff work, public meetings, and hearings would be required to fully develop a plan for the corridor. Eventually the project would be developed with a combination of public and private money.

Staff is requesting City Council direction in regards to the future of Front Avenue. If the City Council will support a general closure of the street as part of an overall Riverfront Trail Plan, plan development will proceed under that assumption. If the City Council will not support general street closure, staff will pursue other alternatives that are consistent with the direction of the Planning Commission and the Parks Plan.

Council Discussion

Councilmember Reilly wondered if staff had checked with anyone from the Diking District. Planner Jones responded that staff had wanted to wait for direction from the Council before engaging entities in any planning of this trail.

Councilmember Cole said she strongly supported this concept as exciting. She added that she has long felt that the riverfront could be a tremendous asset to the City if planned correctly.

Councilmember Oliver agreed and felt that if this is planned carefully, it could be a long-term enhancement to the City.

Councilmember Elgart said she fully supported this proposed plan.

Councilmember Wilson said he envisioned a promenade with picnic tables, and shops lining the riverfront. He stated the plan has his full support.

It was moved by Councilmember Wilson and seconded by Councilmember Cole to direct staff to move forward with this concept. Motion passed unanimously.

FINANCIAL MANAGEMENT POLICIES – ELEMENT #2

Administrator Young present the latest draft of the second element of the proposed Financial Management Policies. This component deals with policies governing reserves for both revenue and expenditures. The Recreation and Finance Committee had recommended approval of this element at their last meeting.

Councilmember Oliver, who sits on the Recreation and Finance Committee, pointed out that these policies will need to be evaluated and adjusted on a regular basis to make certain that the intended outcomes are realized.

It was moved by Councilmember Reilly and seconded by Councilmember Brumet to approve the second element of the Financial Management Policies. Motion passed unanimously.

2005 ADDENDUM TO JAIL CONTRACT WITH WHATCOM COUNTY

An addendum for jail services with Whatcom County was received by staff the week prior to the Council meeting. The only significant change from the 2004 agreement was the rise in per day jail cost from \$61 to \$67.

Councilmember Reilly stated that the County needed to justify a ten-percent raise in cost.

It was moved by Councilmember Oliver and seconded by Councilmember Brumet to approve the 2005 addendum to the Whatcom County Agreement for Jail Services. Motion passed five-to-one with Councilmember Reilly voting no.

MAYOR REPORT-COMMENTS

- Mayor Landcastle stated that due to the recent vacancy on the Parks Board created by the resignation of Gary Russell, he wished to appoint Catherine Raymond. The Council reviewed Ms. Raymond's resume and intent letter and found her to be a good candidate. ***It was moved by Councilmember Brumet and seconded by Council Reilly to confirm the Mayor's appointment of Catherine Raymond to the Parks Board. Motion passed unanimously.***
- The following Committee meetings were set for the week of February 22:

Streets & Utilities	Thursday	7:30 a.m.
Planning & Judicial	Thursday	7:30 a.m.
Recreation & Finance	Thursday	9:00 a.m. (tentatively)
- Mayor Landcastle announced that Dan Russell will be resigning from the Planning Commission as soon as a replacement can be appointed.
- Rite-Aide will have a ribbon-cutting ceremony at their new location on March 4th at 9 a.m.
- The North Bellingham Rotary Club will have a "Turn Over The Keys" ceremony at the new Food Bank Building on February 24th at 12:45 p.m.
- The Mayor received a letter from the Chairman of the Lummi Nation regarding the cedar trees that are being removed from Pioneer Park, and the possibility of a joint City of Ferndale-Lummi Nation effort involving story totems, a Peace and Friendship arch, and a tribal community center. Elinor King said she had met with members of the Heritage Society to discuss the proposal. ***The Council unanimously supported the joint effort proposed by the Tribe,***

DEPARTMENT REPORTS

Administrator Young said that the next three regular Council meetings will begin with an hour workshop (from 6 – 7 p.m.) for updates from financial experts regarding LID's, bonds, and mitigation banking.

Lt. Glass said the police department has extended a conditional offer of employment for a lateral transfer to the force.

EXECUTIVE SESSION

At 9:45 p.m. Mayor Landcastle announced that the Council would adjourn to executive session to discuss personnel issues. It was expected to take approximately 15 minutes, with no action to be taken upon reconvening.

ADJOURNMENT

After the executive session, with there being no further scheduled City business, the meeting was adjourned at 10:05 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk