

MINUTES
Ferndale City Council Meeting
Held Monday, June 6, 2005
City Hall Annex – Council Chambers
7 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
Planning Director Tom Black
Police Lt. Travis Glass
Assistant Planner Corey Smith

City Clerk Linda Knutson
City Treasurer Mark Peterson
Associate Planner Michael Jones

Mayor Jerry Landcastle Presiding

EXECUTIVE SESSION 6:00 - 6:55 p.m.

The Council met in executive session from 6:00 to 7:00 p.m. to discuss real estate and personnel matters.

CALL TO ORDER

Mayor Landcastle called the Meeting of the Ferndale City Council to order at 7:00 p.m.

CONSENT AGENDA

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

1. Approval of Minutes of 5/16/05 Council Meeting
2. Approval of Payroll of 5/18/05; Automatic Deposit
Amount: \$102,824.96; Checks #22539 - #22551 Amount:
\$37,955.92; Total Payroll:\$140,780.88
3. Approval of Payroll of 6/03/05; Automatic Deposit
Amount: \$109,680.20; Checks #22552 - #22570
Amount: \$39,963.98; Total Payroll:\$149,644.18
(VOID Checks 22567 & 22569, printer error & incorrect payee)
4. Approval of Claims Run of 6/06/05; Checks #43457 - #43556;
Total Claims: \$426,586.26 (VOID Checks 43499, 43501, 43508)

Two errors in the minutes were noted and will be corrected in their final form.

Motion passed unanimously.

PUBLIC COMMENT

No one spoke.

2006 BUDGET OVERVIEW

City Administrator Young gave a brief overview of the upcoming 2006 budget process. Asked if the Council wished to proceed as they had for the 2005 process, Councilmember Elgart expressed the desire to hold a Council Retreat early in the process. Councilmember Cole agreed, and suggested a citizens group be formed to better help them understand the process.

BOND ORDINANCE #1360 – 1996 WATER-SEWER BOND REFUNDING

Dave Tragesar from Banc of America was present to detail the successful sale of the refunding bonds earlier in the day. He added that the City received a triple A bond rating from the bond insurer. Nancy Nearas, a bond attorney from Preston Gates and Ellis reviewed the final version of Ordinance #1360 which outlines the refunding details and bond covenants, and the City's obligation to maintain a healthy and viable utility as pledged to the bond holders. She reported that the City received great rates and will save a substantial amount of money.

It was moved by Councilmember Hansen and seconded by Councilmember Wilson to approve Ordinance #1360 authorizing the issuance and sale of water and sewer revenue refunding bonds in the aggregate principal amount of \$6,660,000 to provide funds to refund certain outstanding water and sewer bonds of the City; authorizing a plan of refunding, and authorizing the form and term of the bonds. Motion passed unanimously.

Members of the Council thanked staff for their diligent efforts during this process.

CORRELL PARK PUD AMENDMENT

Planning Director Black reviewed for the Council an amendment filed by Homestead for Phase III of the Correll Park Planned Unit Development. Originally, the plan for Phase III was for an assisted living facility. Homestead is requesting that Phase III be amended to the development of condominiums, similar to Phase II. The submitted site plan, as reviewed by the Technical Review Committee proposes 35 units for this Phase. The Planning Commission held a public hearing on this amendment and voted unanimously to recommend approval.

Council had some question regarding homeowners associations and unit limits. Director Black responded that phase II and III will have the same homeowners association, and phase I, the single family division, has its own association. Homestead officials were in agreement with the 35 unit limit on Phase III.

Motion

It was moved by Councilmember Brumet and seconded by Councilmember Reilly to approve the Correll Park PUD amendment, subject to findings of Fact and Conditions of Approval.

Discussion

Several Councilmembers stated that lifting the limit of 35 units for these phase would be good for addressing density issues. Director Black responded that even if approved for the top end limit of fifty, this alone would not address density. Councilmember Hansen added that it should not be the decision of the City to mandate the number of units, as long as the developer is following the area's zoning.

Vote

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

FINAL PLAT - GARDINER TERRACE PHASE II, DIVISIONS 2 & 3

Planning Director Black reviewed that the Preliminary Plat for Phase 2 of the Gardiner Terrace development, consisting of 56 residential lots, was approved by the City Council on April 1, 2002. The Final Plat for Division 1 (30 lots) was recorded in December 2003 and is currently nearing complete build-out. Construction of the physical infrastructure for Divisions 2 and 3 of Phase 2 (being reviewed and developed simultaneously), consisting of a total of 26 lots, began in late 2004. Those improvements are now substantially complete.

The applicant desires city approval of both of the referenced Final Plats, which is necessary before the Plats can be recorded, lots sold, or building permits issued. Before the Final Plats may be approved, all

requirements of the Preliminary Plat must be met, and all required site improvements, which cannot be bonded for, must be completed to the satisfaction of the Public Works Director.

The Planning Commission met on May 11, 2005 to consider the proposal for the Final Plats. As a result of that discussion, the Planning Commission determined that the applicant has substantially complied with the Preliminary Plat conditions of approval and voted unanimously to recommend to the City Council that both Final Plats be APPROVED, subject to the Conditions of Final Plat Approval listed in the staff report to the Council and Planning Commission.

Councilmember Hansen noted that some of the street names listed on the map for this plat were nearly identical to street names in other areas of the City, which would be confusing for emergency services. Assistant Planner Smith noted that those street names had been changed in the staff reports "conditions of approval".

It was moved by Councilmember Wilson and seconded by Councilmember Brumet to approve the Final Plat of Gardiner Terrace Phase II, Divisions 2 and 3, based on Findings of Fact and Conditions of Approval. Motion passed unanimously.

ZONING TEXT AMENDMENT ORDINANCES – MEETING OF MAY 16

Director Black reviewed that the Council had considered five zoning text amendments at their meeting of May 16th. Based on the discussions at that meeting, planning staff prepared three ordinances for Council action.

Ordinance #1357 concerns multi-family dwellings. The Council felt that most of the suggested text was appropriate, but some felt the increase in height restrictions from thirty-five feet to forty-five feet, should be dealt with at another time, perhaps in conjunction with a review or creation of a view ordinance. Director Black noted that staff changed this provision to read thirty-five feet, as it is currently.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve Ordinance #1357 as presented.

Mayor Landcastle indicated that an increase to forty-five feet in height would be a good opportunity to address density issues, while having only minor impact on views. Councilmember Brumet agreed, adding there were certainly no safety issues, as the fire department's newer apparatus is able to address multi-story buildings. Councilmember Elgart also agreed, saying that "growing up" was a good way to begin speaking to growth management density issues.

Councilmembers Hansen, Reilly, and Oliver generally felt that height and density issues need to be looked at comprehensively in the near future, but for now the restriction should remain at thirty-five feet.

Motion passed four-to-three, with Councilmembers Elgart, Brumet and Wilson voting no.

Ordinance #1358 reflects text changes to general and special regulations in all zones, which was basically a clarifying ordinance cleaning up some ambiguous and contradictory language in this section of the Code. The Council felt this was appropriate.

It was moved by Councilmember Reilly and seconded by Councilmember Brumet to approve Ordinance #1358 as presented. Motion passed unanimously.

Ordinance #1359 concerned the replacement of a missing map that outlined parking in the downtown Central Business Zone. The map is referred to in several sections of the Code but has been missing for several years. Staff reconstructed a map that fit with what the Code seemed to be indicating.

Mayor Landcastle stated that the yellow boundary line on the proposed map bi-sected properties and parcels in several instances. He felt it would be more appropriate for the boundaries to be defined by streets.

It was moved by Councilmember Reilly and seconded by Councilmember Brumet to approve Ordinance #1359 as presented. Motion passed unanimously.

ORDINANCE #1361 AUTHORIZING CHARGES IN LIEU OF ASSESSMENTS FOR LOCAL IMPROVEMENT DISTRICTS

Administrator Young presented an ordinance that would allow for the City to collect funds for properties benefiting from LID improvements that are not listed on the LID assessment rolls, but within 120 feet of the improvements/services.

It was moved by Councilmember Oliver and seconded by Councilmember Elgart to approve Ordinance #1361 as presented. Motion passed unanimously.

ORDINANCE #1362 – SETTING ARCHITECTURAL STANDARDS FOR LARGE RETAIL ESTABLISHMENTS

Assistant Planner Corey Smith reviewed for the Council the process taken in the development of the proposed ordinance concerning architectural standards for large retail developments. The Urban Design Committee, a subcommittee of the Planning Commission, was charged with making recommendations for commercial design standards for large retail establishments, as the visual and other impacts of same were determined to be of significant concern. The subcommittee met several times to review standards developed by other jurisdictions and to input original ideas that would fit the “flavor of the community”. They felt the final draft captured the essence and character of Ferndale.

Councilmember Reilly stated that some large retail stores have design standards that they do not vary from. Assistant Planner Smith responded that while researching chain stores, most all adapted their designs to meet local regulations. Some Councilmembers pointed to Leavenworth as an example of those adaptations.

It was moved by Councilmember Wilson and seconded by Councilmember Brumet to approve Ordinance #1362 as presented.

Janice Schuch, a resident of the County, stated that she had several issues and questions on the content of the proposed ordinance. Staff noted that public hearings had already been held for this purpose. Ms. Schuch stated that she had only a few concerns which she listed. Most were related to nighttime lighting, buffers, and burms.

Vote

Motion passed five-to-two, with Councilmembers Hansen and Reilly voting no.

ORDINANCE #1363 – SETTING LANDSCAPING STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY PROJECTS

Associate Planner Michael Jones reviewed, that earlier this year the Planning Commission divided into committees to focus on creating landscaping and architectural guidelines and regulations.

The Landscaping Standards Subcommittee was tasked with formulating landscaping standards which would apply to commercial, industrial and multi-family developments. The Planning Commission determined that a comprehensive landscaping ordinance was an effective way to improve the appearance and character of the community, promote compatibility between uses, enhance public areas, and create a pedestrian-oriented street environment. A drawing of a 70,000 square foot building was displayed to show how these standards might be applied.

Councilmember Oliver stated that the requirement for a landscaping bond for a period of three years would be better if extended for five years as newly planted vegetation oftentimes takes that long to mature.

It was moved by Councilmember Brumet and seconded by Councilmember Wilson to approve Ordinance #1363 with the addition of changing the three year landscaping bond to five years. Motion passed unanimously.

EXTENDED FUNDING FOR TOURNAMENT COORDINATOR

Mayor Landcastle stated that the ConocoPhillips Tournament Coordinator Laura Rehberger was nearing the end of her internship with the City, and has been doing a commendable job. He was requesting \$2,000 to allow for additional hours for Ms. Rehberger to work until the end of September, on a part-time hourly basis.

It was moved by Councilmember Oliver and seconded by Councilmember Wilson to authorize \$2,000 to retain the part-time services of Laura Rehberger as Tournament Coordinator. Motion passed unanimously.

REVIEW OF PROPOSED PIONEER PARK PROTOCOL

Mayor Landcastle reviewed a memo to the Council which outline several protocol recommended by the Pioneer Park Protocol Committee, which was tasked with formulating criteria regarding the maintenance of the historic character of Pioneer Park.

At 10 p.m., in accordance with Council Rules of Procedure, it was moved by Councilmember Elgart and seconded by Councilmember Brumet to extend the Council meeting an additional fifteen minutes. Motion passed unanimously.

After briefly outlining the suggested protocol, Mayor Landcastle stated that Pioneer Park and City owned parks in general are now in need of dedicated personnel to keep up with the ongoing maintenance and operations of the parks. He asked Council for authorization to fund a part-time parks maintenance person through the end of the year.

Councilmember Reilly stated that parks were a low priority and that additional police officers were needed more.

Councilmember Hansen stated that parks are a "huge asset" to the citizens of Ferndale, and that adding the administration of the parks to the Public Works Director and his department was asking too much.

Councilmember Oliver stated that the City needs a Parks Department, parks planning, and a parks funding plan, as this is what the public expects. He urged administration to include this discussion in 2006 budget talks.

Councilmember Cole stated that the City needs plans for all city-owned parks, and that Council should be working on this. She agreed that these issues need to be included in the 2006 budget process. She also felt that the Council could work on the Parks Comprehensive Plan by using the current document as a guide.

Councilmember Reilly stated that he feared the proposed part-time person would quickly be requested to go full-time, and other priorities were more urgent.

It was moved by Councilmember Brumet and seconded by Councilmember Wilson to authorize administration to hire a part-time parks employee through the end of the year, not to exceed \$10,000. Motion passed unanimously.

Mayor Landcastle thanked the Council, and said he will work up numbers for hiring a consultant to update the Parks Plan.

At 10:15 p.m., in accordance with Council Rules of Procedure, it was moved by Councilmember Wilson and seconded by Councilmember Elgart to extend the Council meeting an additional fifteen minutes. Motion failed five-to-two.

EXECUTIVE SESSION

At 10:20 p.m. the Council adjourned to executive session for approximately 20 minutes to consider real estate issues. No action was anticipated.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 10:45 p.m.

ATTEST

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

ATTACHMENT A:

**MINUTES
Streets and Utilities Committee
Held Wednesday June 1, 2005
City Hall Conference Room
7:30**

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

DISCUSSION ON COMM/INDUSTRIAL CONNECTION FEE ORDINANCE

In mid-2003, the Council passed an ordinance altering the method then prescribed for figuring connection fees for commercial and industrial projects. The new ordinance allows for a single connection fee, with a higher rate for ongoing water/sewer consumption over a period over ten to twenty years, much like a deferred payment.

One problem that has arisen is that there appears to be no option for the customer on whether they would prefer to pay the connection fees, based on proposed usage/square foot methodology, up-front or use the new method of single family equivalent with higher ongoing fees. Staff feels it would be better to offer both options. Committee members suggested the ability for customers to eventually “buy-out” the higher per unit cost, based on actual usage. Also suggested was offering the same options to multi-family developments.

Administrator Young will re-work the ordinance to reflect the discussion of this committee.

WATER REQUESTS – OUTSIDE UGA

Director Cecile presented two requests for water service outside of the City’s urban growth boundaries. Both properties are adjacent or near Axton Road. Whatcom County is requiring a notice of availability of water from the City before it approves one of the projects. The other parcel is a one acre lot that cannot be “welled” unless it is 5 acres or more, there the City is its only source of water.

In both cases the Committee agreed that water service was appropriate because of location and prior commitments. The noted that the smaller parcel will only be allowed to develop as the one-acre parcel, and cannot expand further.

REQUESTS FOR STOP SIGNS

Director Cecile reviewed two residential areas requesting three-way stop signs. After discussion, the Committee felt that the three-way configurations were unnecessary, as stop signs cannot be used as a speed deterrent.

SIX-YEAR TRANSPORTATION PLAN REVIEW

Due to time constraints, the discussion on the proposed Six Year Transportation Plan will be discussed at the Committee meeting of June 15th, and forwarded to the City Council's meeting of June 20th for a public hearing. Clerk Knutson will publish the necessary legal notification.

ATTACHMENT B:

**MINUTES
Recreation and Finance Committee
Held Wednesday June 1, 2005
City Hall Conference Room
8:45 a.m.**

COMMITTEE: Councilmembers Marianne Elgart and Steve Oliver
CITY ADMIN: Jerry Landcastle, Greg Young, Linda Knutson

REVIEW OF FINANCIAL MANAGEMENT POLICIES

Administrator Young handed out two remaining elements of the City's Financial Management Policies.

The Accounting and Financial Reporting Policy is a straight-forward element that outlines State of Washington standards for financial reporting.

The Cash Management and Investment Policy covers the City's ability to cover cash needs on a daily basis, while investing idle funds for maximum investment return. Councilmember Oliver noted that he would like to see reporting policies for investments added to this element.

The Accounting and Financial Reporting element will be forwarded to the full Council at their next regular meeting, while the Investment element will return to Committee in second draft form.

ORDINANCE AUTHORIZING CHARGES IN LIEU OF ASSESSMENTS FOR LID'S

Administrator Young presented an ordinance that would allow the City to collect funds for properties benefiting from LID improvements that are not listed on the LID assessment rolls. Most Local Improvement District documents include such language and provisions, but it is prudent to include that same language in the Code.

It was moved by Councilmember Oliver and seconded by councilmember Elgart to recommend approval of the Ordinance to the full Council at their next regular meeting.

Motion passed unanimously.

ORDINANCE AUTHORIZING THE REFUNDING OF WATER AND SEWER BONDS

Administrator Young reviewed that the Council had earlier authorized the refunding of the City's 1995 water and sewer bonds at a reduced rate in order to substantially lower yearly payments of the bonds. The City's bond agent has successfully completed the necessary underwriting to proceed with this refunding, which requires the passage of the attached ordinance at the Council meeting of June 6th.

It was moved by Councilmember Elgart and seconded by Councilmember Oliver to recommend approval of the Ordinance authorizing the refunding of the 1995 water and sewer bonds. Motion passed unanimously.

PIONEER PARK PROTOCOL RECOMMENDATIONS

Mayor Landcastle reviewed that the Pioneer Park Protocol Committee had completed its task of formulating and recommending regulations governing Pioneer Park, and in particular, gifts, donations and memorials. The recommended protocol has been distributed to the full Council and will be discussed at the regular meeting of June 6th.

REQUEST FOR CONTINUED FUNDING OF TOURNAMENT COORDINATOR

Mayor Landcastle updated the Committee that the intern tournament coordinator has been doing an excellent job for the City. She graduates in early June, which is when her internship ends. Mayor Landcastle is requesting \$2,000 to continue her work through the end of September on an hourly basis.

It was moved by Councilmember Oliver and seconded by Councilmember Elgart to authorize \$2,000 to retain the tournament coordinator through the end of September, 2005. Motion passed unanimously.

OTHER

- Mayor Landcastle said he has been contacted by a professional painter who is willing to repaint the stage at Pioneer Park for the cost of materials only.
- The Boys and Girls Club have sent a letter to the City outlining their preliminary goal of building a new facility in Pioneer Park.

ATTACHMENT C:

**MINUTES
Planning and Judicial Committee
Held Wednesday June 1, 2005
City Hall Conference Room
11 a.m.**

COMMITTEE: Councilmembers Susan Cole, Marianne Elgart and Carol Brumet
CITY ADMIN: Jerry Landcastle, Greg Young, Linda Knutson, Tom Black, Michael Jones, Corey Smith

REVIEW OF ZONING TEXT AMENDMENTS AS DISCUSSED AT May 16th COUNCIL MEETING

Planning Director Tom Black reviewed that of the five zoning text amendments presented at the Council meeting of May 16, three did not have ordinances attached. Those ordinances were reviewed with the Committee.

Ordinance #1357 concerns multi-family dwellings. The Council felt that most of the suggested text was appropriate, but some felt the increase in height restrictions from thirty-five feet to forty-five feet, should be dealt with at another time, perhaps in conjunction with a review or creation of a view ordinance. Director Black noted that staff changed this provision to read thirty-five feet, as it is currently.

Ordinance #1358 reflects text changes to general and special regulations in all zones, which was basically a clarifying ordinance cleaning up some ambiguous and contradictory language in this section of the Code. The Council felt this was appropriate.

Ordinance #1359 concerned the replacement of a missing map that outlined parking in the downtown Central Business Zone. The map is referred to in several sections of the Code but has been missing for

several years. Staff reconstructed a map that fit with what the Code seemed to be indicating. The Council felt this was appropriate.

All of these ordinances will go before the Council at the meeting of June 6th.

OVERVIEW OF LANDSCAPING ORDINANCE AND ARCHITECTURAL ORDINANCE

Planning Director Tom Black stated that earlier in the year the Planning Commission divided into committees to focus on creating landscaping and architectural guidelines and regulations.

The Landscaping Standards Committee was headed by Associate Planner Michael Jones, who explained that these standards would apply to commercial, industrial and multi-family developments. The Planning Commission determined that a comprehensive landscaping ordinance was an effective way to improve the appearance and character of the community, promote compatibility between uses, enhance public areas, and create a pedestrian-oriented street environment.

The Urban Design Committee was charged with making recommendations for commercial design standards for large retail establishments, as the visual and other impacts to the community were deemed to be of significant concern. Assistant Planner Corey Smith headed this committee which met several times and reviewed various commercial design standard ordinances from other communities. They ultimately created a draft which they felt captured the essence of the character of Ferndale, which was unanimously approved by the Planning Commission for consideration by the City Council.

It was moved by Councilmember Brumet and seconded by Councilmember Elgart to forward both Ordinances to full Council for review and discussion. Since the ordinances are both fairly lengthy the Committee felt that Council can decide at the meeting whether to discuss and approve, go to a second reading on June 20th, or hold a study session an hour prior to the meeting of the 20th for more in-depth review.

FINAL PLAT – GARDINER TERRACE PHASE II – DIVISIONS II AND III

Associate Planner Michael Jones indicated that the Kramer Final Plat, also known as ***Gardiner Terrace Phase II Divisions II and III will come before Council on June 6th.***

HOMESTEAD – CORRELL PARK PHASE III VARIANCE

Associate Planner Michael Jones reviewed that phase III of Correll Park subdivision is returning to Council with a request to change phase III from its original intended design. Homestead had originally intended to construct an assisted care facility, but now wishes to construct senior condominiums, much like those in phase II. ***This will be brought to the Council meeting of June 6th for consideration.***

REVIEW OF BUILDABLE LAND STUDY

Planning Director Tom Black reviewed the Buildable Lands Study, which will be an essential tool in the development of the City's Comprehensive Plan Update. This study has been several months in development and encompasses buildable land within and City limits and also the urban growth boundaries. The study contains growth projections, critical areas information, density zoning and availability, and other information.