

MINUTES
Ferndale City Council Meeting
Held Monday, August 1, 2005
City Hall Annex – Council Chambers
7 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver	Councilmember Mel Hansen
Councilmember Mike Reilly	Councilmember Susan Cole
Councilmember Carol Brumet	Councilmember Ron Wilson

ABSENT: **Councilmember Marianne Elgart (Excused)**

STAFF:

City Clerk Linda Knutson	Planning Director Tom Black
Public Works Director Bob Cecile	Police Lt. Travis Glass
City Attorney Richard Langabeer	City Engineer Greg Ebe

Mayor Jerry Landcastle Presiding

EXECUTIVE SESSION

The Council met in executive session from 6:30 p.m. to 6:55 p.m. to discuss real estate issues.

CALL TO ORDER

Mayor Landcastle called the Meeting of the Ferndale City Council to order at 7:03 p.m.

CONSENT AGENDA

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

1. Approval of Minutes of 7/18/05 Council Meeting
2. Approval of Payroll of 7/18/05; Automatic Deposit
Amount: \$106,222.40; Checks #22612 - #22630 Amount:
\$42,492.07; Total Payroll:\$148,714.47
3. Approval of Claims Run Of 8/01/05; Checks #43819 -
#43896; Total Claims: \$213,656.13

Motion passed unanimously.

PUBLIC COMMENT

Sheila Weber, Ferndale, spoke in favor of the proposed Pioneer Plaza plan east of the freeway, saying she felt that the planned project will enhance property values and city prosperity. She added that the "small but vocal opposition" needed to know that a "vast majority of people" are in favor of this project.

Janice Schuch, Whatcom County, said that Axton Road is in terrible condition, with many ruts and dangerous curves, where her daughter recently ran off the driving surface. She again urged a moratorium on large retail establishments.

Paul Englesberg, Ferndale, said that he has been following media accounts of the proposed Pioneer Plaza project, and has attended one neighborhood meeting. He wondered why the City Council seemed less concerned than the County Council, who recently passed a resolution opposing the project.

John Flarry, Whatcom County, said that while he appreciates the public comment process, he did not think it was fair that persons cannot speak twice to the same subject.

Lynnea Flarry, Whatcom County, said that speakers at County Council meeting may speak as long as they like, and as many times as they like, and that meetings often go past midnight to accommodate public comment..

Mayor Landcastle responded that the City has not received any formal plan for the proposed project, therefore no decisions have been made. The process is in place to make careful decisions based on sound planning regulations, he added.

Michael Cuberson, Ferndale, said he is a resident and Main Street business owner, and is strongly in favor of the services, jobs, and revenue that the project will bring to the area. He stated that the City cannot improve its infrastructure without a strong revenue base, which the project will provide.

Brent Hoezle, Ferndale, said his home neighbors the proposed project, and that more hears about the project the more he supports it. He believes that this project will "build-up" the quality of life for the Ferndale area.

Uros Lukic, Bellingham, owns property near the proposed project and stated that it is a "great idea, and a good project" that will benefit Ferndale. He urged the City to not miss this opportunity to bring "great things to the City".

Brad Oxford, Ferndale, stated that his family has lived in Ferndale for five generations, has deep roots in the community, and supports this project as a good opportunity to provide "better things" for the area. He added that he questions the motives of recent transplants to the area who want to stop the project.

PRESENTATION - BOYS AND GIRLS CLUB

Lynn Templeton and Josh Wilund of the Boys and Girls Club were present to inform the Council of preliminary plans to build a new facility near their current location in Pioneer Park. The Club will soon begin a capital campaign to fund this project, and hopes the Council will be supportive.

UPDATE ON MALLOY PROJECT

Public Works Director Bob Cecile reviewed that he had spoken with Transportation Improvement Board officials regarding the Council's action to abandon the roundabout configuration in favor of the original signalized intersection project for the Malloy Vista area. While TIB was still in favor of a roundabout, they would support a signalized intersection if the City can work out its differences with the School District.

Director Cecile also said that a roundabout is still a viable alternative, but initial engineering would give the City a better idea of its practicality. He estimated that \$7,500 would fund the roundabout to thirty percent of full design, along and that it would be money well-spent.

The motion at the last regular meeting to return to the signalization project, with the possible closure of Shukson, would need to be moved for reconsideration, to continue the feasibility of a roundabout design.

Motion for Reconsideration (must be made by a member of the prevailing side of vote)

It was moved by Councilmember Brumet and seconded by Councilmember Hansen to reconsider the motion made at the Council meeting of July 18th regarding the Malloy project. Motion passed four-to-three, with Councilmembers Brumet, Hansen, and Wilson voting yes, and Councilmembers Oliver, Reilly, and Cole opposed. Mayor Landcastle broke the tie with an affirmative vote. Motion to reconsider passed.

Motion on the Floor: (From Council meeting of July 18, 2005):

It was moved by Councilmember Reilly and seconded by Councilmember Oliver to return to the conventional traffic and signalization project to the point where it left off several months ago, including the closing of Shukson Street.

Discussion:

Lucy Morse, Ferndale, appreciated that Council was reconsidering this issue, and urged them to work with the School District to find an acceptable compromise. She added that TIB's concerns were valid, and the City will need their support in future issues as well.

Director Cecile believes the TIB is being fairly flexible in the matter.

Councilmember Cole does not think the City should spend any more money on roundabout design.

Councilmember Hansen stressed that roundabouts are "great solutions" for non-perpendicular streets like the City has in this area. He asked that the Council allow more study and engineering on this concept.

Amendment to Main Motion

It was moved by Councilmember Hansen and seconded by Councilmember Brumet to amend the motion that the City first spend an additional \$7,500 on roundabout engineering. Motion passed four-to-two, with Councilmembers Reilly and Oliver voting no.

Vote on Main Motion as Amended

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

PRELIMINARY PLAT AND VARIANCE – MOUNTAINVIEW MEADOWS

Planning Director Tom Black reviewed Mountainview Meadows, a proposed 15-lot subdivision on approximately five acres of land, located on the South side of Mt. View Road, approximately 300 feet east of the intersection of Church Road and Mt. View Road.

The applicant proposes a Preliminary Plat to subdivide approximately 5.0 acres of land located in the RO zone into 15 single-family lots, and 1 open space/detention tract. This proposed subdivision would be located at the western city limits on the south side of Mountainview Road.

The proposed Preliminary Plat includes an associated request for a Plat Variance for reduced street frontage on some lots to be served by shared access easements.

The Planning Commission held a public hearing on July 13, 2005 to consider the proposed Preliminary Plat and Plat Variance. A staff report with accompanying exhibits was presented by Planning Department staff. The applicant's representative also provided information to the Commission in the form of verbal testimony.

Public testimony included a range of comments including concerns about existing drainage conditions and potential impacts to be caused by this project. The general urbanization of the area and the impact of future home construction on views were also addressed.

The discussion of drainage issues focused on upstream drainage coming down onto the property and adjacent properties from Church Road and other uphill properties, as well as a substantial area of stormwater ponding that occurs to the southeast of the site.

After a discussion of the proposed project, including numerous questions directed to staff and the applicant's engineer, the Planning Commission voted unanimously to RECOMMEND APPROVAL of the proposed Plat Variance based on the staff analysis and findings noted in the staff report. The Planning Commission also voted unanimously to RECOMMEND APPROVAL of the Preliminary Plat based on the Preliminary Plat Approval Criteria listed on page 8, and the Findings of Fact listed on pages 9 of the staff report. The Planning Commission voted unanimously to make their recommendations subject to the original 25 Conditions of Approval listed on pages 10-12 of the staff report, with addition of two conditions noted below.

Two letters were received before the Planning Commission hearing, but after the Planning Commission staff report was drafted. In addition, slightly revised plat drawings were submitted shortly before the Planning Commission hearing.

26. The applicant shall install French drains on the east and west boundaries of the project site diverting towards the stormwater detention facility as determined necessary by the Public Works Director.

27. Professional offices as an accessory use with a residence, and multi-family uses, as allowed in the RO zone shall not be precluded by the CC&R's for the plat.

The Council had questions regarding drainage and density. Staff sees no real problems associated with either, as this plat will take care of and actually improve drainage in its area, but is not expected to deal with pre-existing drainage coming off Church Road.

It was moved by Councilmember Brumet and seconded by Councilmember Wilson to approve the Preliminary Plat of Mountainview Meadows, subject to all Findings of Fact and Conditions of Approval as recommended by the Planning Commission and presented by staff. Motion passed unanimously.

It was moved to Councilmember Brumet and seconded by Councilmember Oliver to approve the requested variance regarding reduced street frontage for the Mountainview Meadows Preliminary Plat. Motion passed unanimously.

CHANGE ORDER ON FILTER UPGRADE PROJECT AT TREATMENT PLANT

Public Works Director Cecile reviewed that some extra work has been necessary for the updates to the Ferndale Filter Plant Controls Upgrade Project. Director Cecile indicated that the company doing the upgrades, Technical Systems, Inc., has been very responsive and pro-active during this project, and that the added costs are reasonable, due to some of the obstacles encountered.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve the change order in the amount of \$11,400 to the full Council. Motion passed.

ANNEXATION AND DEVELOPER AGREEMENT – LEAVITT

Mayor Landcastle reviewed the proposed developer agreement between the City and Donald Leavitt, who proposes to develop the Blomquist annexation, once it completes the County review process. This agreement spells out certain conditions that the developer will adhere to in regard to infrastructure participation, mitigation fees, and sub-area planning costs. It also serves as a “will-serve” agreement from the City.

It was moved by Councilmember Brumet and seconded by Councilmember Hansen to approve the Annexation and Developer Agreement between the City of Ferndale and Donald Leavitt. Motion passed five-to-one, with Councilmember Cole voting no.

HEARING EXAMINER AGREEMENT FOR SERVICES

Mayor Landcastle reviewed a proposed contract for Hearings Examiner services by Richard Sepler. Mr. Sepler provides similar services to other jurisdictions.

It appears from the contract language that the City will be providing staff support for hearings. The Mayor will obtain clarity on this, plus requested assurance that user fees will pay for the costs of the hearing examiner process.

It was moved by Councilmember Hansen and seconded by councilmember Wilson to approve the Hearings Examiner Agreement for Services, subject to defining support services provided by the contractor. Motion passed unanimously.

MAYOR REPORTS

Mayor Landcastle reported that the Association of Washington Cities had presented the City with a check for over \$11,000 as a “rebate” on L&I costs.

COUNCIL REPORTS

Councilmember Oliver commented that the recently reviewed Riverfront Trail Plan is an outstanding effort by Planning staff, and that he looks forward to Planning Commission review and comments.

Councilmember Reilly stated that he enjoyed being a part of the Old Settlers event the previous weekend.

Councilmember Hansen added that the Old Settlers Picnic was well-attended and well-run.

DEPARTMENT REPORTS

Lt. Glass updated the Council that a new officer will be sworn in during the next few days. Police had very few problems with the Old Settlers event, other than a near-fight, and some alcohol over-indulgences. He also enjoyed being part of the Police Chief interview process.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 9:26 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

Attachment A:

**MINUTES - Streets and Utilities Committee
Held Wednesday July 27, 2005**

ROUNDBOUT DISCUSSION

Staff updated the Committee that the Transportation Improvement Board is indicating that they may have some funding issues if the Malloy Project is switched back to the original concept of a signalized intersection.

Administration would like the Council as a whole updated on this development, and will continue discussions with the TIB on the City's concerns regarding this project.

CHANGE ORDER – WATER TREATMENT PLANT FILTER UPGRADES

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It was moved by Councilmember Oliver and seconded by Councilmember Hansen to recommend approval of the change order in the amount of \$11,400 to the full Council. Motion passed.

REQUEST FOR ADJUSTMENT TO WATER BILL

The Committee reviewed a request for an adjustment to a water utility bill. Clerk Knutson explained that the resident did receive an adjustment, as allowed by code, but that the leak spanned two billings, and the customer was requesting additional relief.

While the Committee sympathized with the customer's situation, they could not recommend going outside of established procedure to allow for additional adjustments.

OTHER

The Committee was also briefed on upcoming stormwater issues, cross-connection issues, and EMS proposals.

Attachment B:

**MINUTES - Recreation and Finance Committee
Held Wednesday July 27, 2005**

DRAFT RIVERVIEW PLAZA AND TRAIL PLAN

Associate Planner Michael Jones distributed the draft plan for the proposed Riverview Plaza and Trail. The plan was developed by a citizen's committee, and has been reviewed by the Parks Board. The plan is currently being distributed to outside agencies, including the Department of Ecology and the Diking District, and will go the Planning Commission in August.

The Committee was very pleased with the plan and is looking forward to final review.

OTHER

The Committee was briefed on the upcoming EMS issue and was given copies of the proposed plan to review.

Attachment C:

**MINUTES - Planning and Judicial Committee
Held Wednesday July 27, 2005**

DRAFT RIVERVIEW PLAZA AND TRAIL PLAN

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The Committee was very pleased with the plan and is looking forward to final review.

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The proposed Preliminary Plat includes an associated request for a Plat Variance for reduced street frontage on some lots to be served by shared access easements.

The Planning Commission held a public hearing on July 13, 2005 to consider the proposed Preliminary Plat and Plat Variance. A staff report with accompanying exhibits was presented by Planning Department staff (please refer to attached staff report and minutes). The applicant's representative also provided information to the Commission in the form of verbal testimony.

Public testimony included a range of comments including concerns about existing drainage conditions and potential impacts to be caused by this project. The general urbanization of the area and the impact of future home construction on views were also addressed.

The discussion of drainage issues focused on upstream drainage coming down onto the property and adjacent properties from Church Road and other uphill properties, as well as a substantial area of stormwater ponding that occurs to the southeast of the site.

After a discussion of the proposed project, including numerous questions directed to staff and the applicant's engineer, the Planning Commission voted unanimously to RECOMMEND APPROVAL of the proposed Plat Variance based on the staff analysis and findings noted in the staff report. The Planning Commission also voted unanimously to RECOMMEND APPROVAL of the Preliminary Plat based on the Preliminary Plat Approval Criteria listed on page 8, and the Findings of Fact listed on pages 9 of the staff report. The Planning Commission voted unanimously to make their recommendations subject to the original 25 Conditions of Approval listed on pages 10-12 of the staff report, with addition of two conditions noted below.

Two letters were received before the Planning Commission hearing, but after the Planning Commission staff report was drafted. In addition, slightly revised plat drawings were submitted shortly before the Planning Commission hearing. Those are attached.

26. The applicant shall install French drains on the east and west boundaries of the project site diverting towards the stormwater detention facility as determined necessary by the Public Works Director.

27. Professional offices as an accessory use with a residence, and multi-family uses, as allowed in the RO zone shall not be precluded by the CC&R's for the plat.

The Committee asked that the minutes of the Planning Commission public hearing be provided for review prior to the Council meeting. Planning staff will distribute those minutes in Council boxes before the weekend.

CONTRACT FOR SERVICES – HEARINGS EXAMINER

The Committee reviewed a proposed contract for Hearings Examiner services by Richard Sepler. Mr. Sepler provides similar services to other jurisdictions. It appears from the contract language that the City will be providing staff support for hearings. The Committee wished clarity on this, plus requested assurance that user fees will pay for the costs of the hearing examiner process.

Mr. Sepler will be present at the Council meeting to address any questions regarding this contract.

This item will be forwarded to the full Council for consideration.

ANNEXATION AND DEVELOPER AGREEMENT – LEAVITT

Administration reviewed the proposed developer agreement with Donald Leavitt, who proposes to develop the Blomquist annexation, once it completes the County review process. This agreement spells out certain conditions that the developer will adhere to in regard to infrastructure participation, mitigation fees, and sub-area planning costs. ***The item will moved forward to the full Council for consideration.***

OTHER - The Committee reviewed the official literature concerning a ballot-proposed sale-tax increase to fund EMS services.