

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, November 21, 2005**  
**City Hall Annex – Council Chambers**  
**7 p.m.**

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**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**  
**City Treasurer Mark Peterson**  
**Public Works Director Bob Cecile**

**City Clerk Linda Knutson**  
**Planning Director Tom Black**

**Mayor Jerry Landcastle Presiding**

**BUDGET WORKSHOP – 5 p.m. – 6:45 p.m.**

The Council, Mayor, and Department Heads discussed staffing level and expenditures for 2006.

**CALL TO ORDER**

Mayor Landcastle called the meeting of the Ferndale City Council to order at 7:00 p.m. He announced an added agenda item to follow the public comment period: Bid totals for Southwest Sewer Project.

**CONSENT AGENDA**

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

1. Approval of Minutes of 11/07/05 Council Meeting
2. Approval of Payroll of 11/18/05; Automatic Deposit  
Amount: \$107,910.24; Checks #22769 - #22779 Amount:  
\$41,524.32; Total Payroll: \$149,434.56
3. Approval of Claims Run Of 11/21/05; Checks #44481 -  
#44582; Total Claims: \$477,871.99 (Void Check #44439–  
Reissued 44485 & 44486)

***Motion passed unanimously.***

**PUBLIC COMMENT**

**Sarah Horner, Ferndale Chamber of Commerce**, was present to update the Council on the Chamber's last three months of business. Highlights included fund-raising efforts resulting in the purchase of holiday decorations, a membership drive, and a move to the Lederblock building. Sarah also asked if the City would consider having one of the trees in Hastings Parks be designated the official Ferndale Holiday tree. Public Works will work with the Chamber on this.

**ANNOUNCEMENT OF BID RESULTS – SOUTHWEST SEWER INTERCEPTOR PROJECT**

Public Works Director Cecile stated that the bids for the interceptor project had been opened and publicly read at 1 p.m. that day. Scarsella Brothers submitted the lowest responsible bid at \$1,563,840.92. Staff referenced check the company and found that they have done several projects for the Department of Transportation, including the recent rock slides on Interstate 5. All references were positive.

***It was moved by Councilmember Reilly and seconded by Councilmember Oliver to accept the bid amount of \$1,563,840.92 by Scarsella Brothers, and award them the contract for the Southwest Sewer Interceptor Project. Motion passed unanimously.***

#### **PUBLIC HEARING – 2006 BUDGET**

Mayor Landcastle announced the third public hearing concerning the 2006 Budget. City Treasurer Mark Peterson gave an overview of the decisions and consensus reached thus far in the process.

#### **Public Hearing Opened**

**Jim Stack, 2467 Pheasant Way, Owner of Mt. Baker Lanes**, stated that he was against the reinstatement of the gambling tax for the adverse effects it would have on his business. He stated that he would have to reduce his workforce to stay in business.

**Holly Pike, 7478 Enterprise Rd., Owner of Cedars Tavern**, agreed with Mr. Stack, saying that this tax would be “completely detrimental” to keeping the business afloat financially.

**Sharon Kingsley, 5714 Barrett Road, Manager of Bingo 262**, said that her non-profit group that aids victims of domestic violence and sexual assault, will already be hit very hard by the passage of the anti-smoking initiative, set to take effect in December. She urged the Council to not reinstate the gambling tax.

**Janice Schuch, 1411 Axton Rd.**, was concerned that the proposed storm water fee was being applied to City utility customers outside of the City limits.

#### **Public Hearing Closed**

#### **ORDINANCE #1378 – STORM WATER/DRAINAGE FEES**

Mayor Landcastle reviewed that this is an establishing a Storm Drainage fee. As discussed over several Budget Workshops, the establishment of this fee would be used to address capital projects and ongoing storm drainage related maintenance. The Council was presented with two options for the establishment of this fee: one at \$4.50, and one at \$5.00 that would include a public information campaign. Collections would total approximately \$180,000 per year

#### **Motion**

***It was moved by Councilmember Wilson and seconded by Councilmember Elgart to approve version number two, instating a \$5.00 per month storm fee, including an educational campaign.***

#### **Discussion**

Councilmember Elgart was not in favor of charging an extra 50 cents for community education.

Councilmember Hansen stated that he was very much in favor of a storm fee, but felt that a public vote was probably a better option. He further felt that once the public was educated about the purpose of this fee, he could support it. Councilmember Reilly agreed with Councilmember Hansen. Councilmember Cole agreed with Councilmembers Hansen and Reilly.

#### **Vote**

***Motion failed six to one, with Councilmember Wilson voting yes.***

#### **New Motion**

***It was moved by Councilmember Oliver and seconded by Councilmember Wilson to approve Ordinance #1378 instituting a storm water fee at \$4.50 per month.***

#### **Discussion**

Councilmember Oliver stated that the City needs a stable funding mechanism for storm water issues, and that staff has done what Council had requested by way of studies, and projects, for which there are many. He urged the City to be pro-active and not reactive to storm water problems.

Councilmember Hansen stated that education is needed first.

Councilmember Elgart stated that she favored this option.

Councilmember Cole again agreed with Councilmember Hansen.

**Vote**

***Motion failed four-to-three, with Councilmembers Hansen, Reilly, Cole and Brumet voting no.***

**ORDINANCE #1379 – GAMBLING TAX**

**Councilmembers Susan Cole and Mike Reilly excused themselves from this discussion on advice from the City Attorney.**

City Administrator Young reviewed how much revenue the different proposed percentages would raise for law enforcement needs.

***It was moved by Councilmember Wilson to approve Ordinance #1379 instating a gambling tax of three percent across the board.***

***Motion died for lack of a second.***

**ORDINANCE #1380 – 2006 PROPERTY TAX LEVY**

City Administrator Young outlined the two options that staff was proposing regarding the 2006 property tax levy, via ordinance #1380.

***It was moved by Councilmember Hansen and seconded by Councilmember Cole to approve Ordinance #1380 setting the 2006 property tax at 3 percent, with two percentages coming from banked capacity.***

Councilmember Hansen explained how this increase affects the average property owner.

Councilmember Elgart would support this percentage in order to cover the increase in the fire contract. Councilmember Cole agreed.

Councilmember Reilly stated he would not support an increase.

Councilmember Oliver pointed out that many expenses that the City has no real control over have increased in 2006, not just the fire contract.

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

**ORDINANCE #1381 – SOLID WASTE TAX COLLECTION INCREASE**

City Administrator Young introduced the options for raising the fee imposed upon solid waste/transfer stations located in Ferndale.

***It was moved by Councilmember Hansen and seconded by Councilmember Oliver to increase the Solid Waste Tax an additional four percent, bring the total to five percent.***

Councilmember Hansen explained that raising this fee to five percent would help fund some storm water needs as well as staffing needs.

Councilmember Oliver supported the increase but did not favor earmarking the funds to specific needs of projects at this point.

Councilmember Reilly felt the total fee should be six-percent, keeping in line with most other city taxed and fees.

**Amendment to Main Motion**

***It was moved by Councilmember Reilly and seconded by Councilmember Wilson to amend to proposed total fee of five percent to a total of six percent.***

***Motion passed unanimously.***

Councilmember Cole felt some of the additional revenue should be used to hire an additional building inspector for the Planning Department.

Councilmember Wilson wanted to expend some of the funds on Public Works personnel proposals.

Councilmember Reilly wanted some of the funds to go to reserves.

**Vote on Main Motion as amended**

***Motion passed unanimously.***

**REVIEW OF TRIGG WOODS PRELIMINARY PLAT VOTE OF LAST COUNCIL MEETING**

Planning Director Tom Black stated that the action taken at the last Council meeting regarding the Preliminary Plat for Trigg Woods was incomplete. The Council must look at this item again and either vote to uphold the recommendation of the Hearings Examiner to approve with conditions, or to deny the Plat based upon conclusions of law and findings of fact.

***It was moved by Councilmember Oliver and seconded by Councilmember Brumet to approve the Trigg Woods Preliminary Plat based upon Hearings Examiner Recommendations and Conditions for Approval, Conclusions of Law, and Findings of Fact, and upholding the Hearings Examiners recommendations for the requested variances. Motion passed unanimously.***

**STONEFIELD ESTATES PRELIMINARY PLAT**

Planning Director Black reviewed Stoneyfield Estates, a 10-lot single-family residential plat with one stormwater detention tract on approximately 3 acres, in the RS 8.5 zone (Single-family residential, minimum lot size 8,500 sq. ft.), along with a plat variance to allow one lot with less than the required street frontage, six lots with less than the minimum width, and to allow a plat design with a street on the plat boundary. The project is located on the east side of Church Road approximately 225 feet north of the intersection of Church Road and Pheasant Way, addressed as 6242 Church Road. A cul-de-sac would serve all residences.

The Hearings Examiner recommended approval of the preliminary plat, approval of the plat variance for reduced lot frontage for one lot, approval of the plat variance for reduced street width and a boundary street, and denial of the plat variance for reduced lot width. The Hearings Examiner's recommendation is subject to the staff-recommended conditions of approval and two additional conditions applied by the Hearings Examiner. The effect of the Hearings Examiner's recommended decision would be to reduce the number of lots from 10 to 9.

***It was moved by Councilmember Cole and seconded by Councilmember Wilson to approve the Stoneyfield Preliminary Plat based upon the recommendations of the Hearings Examiner, including Hearings Examiner recommendations on the requested variances. Motion passed unanimously.***

**PIONEER MEADOWS – EXTENSION OF PRELIMINARY PLAT**

Planning Director Black stated that he had received a letter from the owner of Pioneer Meadows, a 68 lot residential subdivision located on the south side of Axton Road near the eastern City limits, asking for a one-year extension on the plat which is set to expire next month. Mr. Black indicated that this letter is in conformance with the City's requirements concerning such extensions, and that the FMC states the Council "shall" grant the requested extension.

*It was moved by Councilmember Reilly and seconded by Councilmember Elgart to Approve the requested extension for the Pioneer Meadows Plat. Motion passed unanimously.*

**COUNCIL REPORTS**

Councilmember Hansen requested that the Planning and Judicial Committee review a request from the Gitt's family. This will go to Committee.

**NEXT BUDGET WORKSHOP**

The next workshop will take place on Monday, November 28<sup>th</sup> at 5 p.m. in Council Chambers.

**ADJOURNMENT**

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

**ATTEST:**

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Jerry Landcastle, Mayor

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Linda Knutson, City Clerk

***Attachment A:***

**MINUTES  
Streets and Utilities Committee Meeting  
Held Wednesday, November 16, 2005  
City Hall Conference Room  
7:30 a.m.**

**COMMITTEE: Mike Reilly, Steve Oliver, Mel Hansen  
ADMINISTRATION: Jerry Landcastle, Greg Young, Bob Cecile, Linda Knutson**

**UPDATE ON MALLOY ROUNDABOUT**

Public Works Director Cecile updated the Committee that the City had met with the School District regarding the engineering of the roundabout proposed near the high school. There still appears to be several issues that have not been resolved. The City will continue to pursue needed resolutions.

**SOUTHWEST SEWER INTERCEPTOR**

Director Cecile said that the bid opening for the Southwest Sewer Interceptor Project will be held Monday, November 21, at 1 p.m. in the City Hall Conference Room. The pipe that will be used in the project has already been purchased by the City.

**THIRD AVENUE SEWER PROJECT**

The Committee briefly discussed the planned upgrade and replacement of the sewer line located between Third Avenue and the music building located at the high school. Improvements will also include sidewalks.

**PARK PLAN OPTIONS**

Mayor Landcastle reviewed that Paul George of Cascade Design Group has completed two conceptual drawings depicting the layout of Pioneer Park. One proposal go forward for public input on December 12<sup>th</sup>, and will then go to the Council on December 19<sup>th</sup> for a public hearing and possible approval. Both concepts will be on display in the Conference room for the next couple of weeks.

**Attachment B:**

**MINUTES**  
**Recreation and Finance Committee Meeting**  
**Held Wednesday, November 16, 2005**  
**City Hall Conference Room**  
**8:30 a.m.**

**COMMITTEE:** Ron Wilson, Marianne Elgart, Steve Oliver  
**ADMINISTRATION:** Jerry Landcastle, Greg Young, Linda Knutson

**PARK PLAN OPTIONS**

Mayor Landcastle reviewed that Paul George of Cascade Design Group has completed two conceptual drawings depicting the layout of Pioneer Park. One proposal go forward for public input on December 12<sup>th</sup>, and will then go to the Council on December 19<sup>th</sup> for a public hearing and possible approval. Both concepts will be on display in the Conference room for the next couple of weeks.

**PORT OF BELLINGHAM GRANT FOR RIVERFRONT PLAZA AND TRAIL PLAN**

Mayor Landcastle reviewed that the City has tentatively received approval of a grant in the amount of \$19,800 for further development of the Riverfront Plaza and Trail Plan along the Nooksack. This amount will be matched with funds from Parks Mitigation. The Port of Bellingham will take final action on the Approval of this grant award in approximately one week.

**TRIGG WOODS PRELIMINARY PLAT**

Mayor Landcastle stated that the action taken at the last Council meeting regarding the Preliminary Plat for Trigg Woods was incomplete. The Council must look at this item again on November 21<sup>st</sup>, and either vote to uphold the recommendation of the Hearings Examiner to approve with conditions, or to deny the Plat based upon findings of fact.

**Attachment C:**

**MINUTES**  
**Planning and Judicial Committee Meeting**  
**Held Wednesday, November 16, 2005**  
**City Hall Conference Room**  
**11 a.m.**

**COMMITTEE:** Susan Cole, Marianne Elgart  
**ADMINISTRATION:** Jerry Landcastle, Greg Young, Tom Black, Linda Knutson

**PIONEER MEADOWS – EXTENSION OF PRELIMINARY PLAT**

Planning Director Black stated that he had received a letter from the owner of Pioneer Meadows, a 68 lot residential subdivision located on the south side of Axton Road near the eastern City limits, asking for a one-year extension on the plat which is set to expire next month. Mr. Black indicated that this letter is in conformance with the City's requirements concerning such extensions, and that the FMC states the Council "shall" grant the requested extension.

***It was moved by Councilmember Elgart and seconded by Councilmember Cole to forward to the Council for consideration and action.***

### **TRIGG WOODS PRELIMINARY PLAT**

Mayor Landcastle stated that the action taken at the last Council meeting regarding the Preliminary Plat for Trigg Woods was incomplete. The Council must look at this item again on November 21<sup>st</sup>, and either vote to uphold the recommendation of the Hearings Examiner to approve with conditions, or to deny the Plat based upon conclusions of law and findings of fact.

### **STONEFIELD ESTATES – PRELIMINARY PLAT**

Planning Director Black reviewed Stoneyfield Estates, a 10-lot single-family residential plat with one stormwater detention tract on approximately 3 acres, in the RS 8.5 zone (Single-family residential, minimum lot size 8,500 sq. ft.), along with a plat variance to allow one lot with less than the required street frontage, six lots with less than the minimum width, and to allow a plat design with a street on the plat boundary. The project is located on the east side of Church Road approximately 225 feet north of the intersection of Church Road and Pheasant Way, addressed as 6242 Church Road. A cul-de-sac would serve all residences.

The Hearings Examiner recommended approval of the preliminary plat, approval of the plat variance for reduced lot frontage for one lot, approval of the plat variance for reduced street width and a boundary street, and denial of the plat variance for reduced lot width. The Hearings Examiner's recommendation is subject to the staff-recommended conditions of approval and two additional conditions applied by the Hearings Examiner. The effect of the Hearings Examiner's recommended decision would be to reduce the number of lots from 10 to 9.

Section 14.11.050 of the Ferndale Municipal Code lists the following actions that may be taken when a recommendation or decision is forwarded to the City Council by the Hearings Examiner:

1. Approve as recommended.
2. Approve with additional conditions.
3. Modify the proposal and approve.
4. Deny the proposal.
5. Deny the proposal, with prejudice.
6. Remand for further proceeding or evidentiary hearing.

***It was moved by Councilmember Cole and seconded by Councilmember Elgart to forward this item to the full Council for consideration and action. Motion passed.***

### **PARK PLAN OPTIONS**

Mayor Landcastle reviewed that Paul George of Cascade Design Group has completed two conceptual drawings depicting the layout of Pioneer Park. Paul presented the two options, depicting several configurations for the various amenities, as well as some added features. One proposal will go forward for public input on December 12<sup>th</sup>, and will then go to the Council on December 19<sup>th</sup> for a public hearing and possible approval. Both concepts will be on display in the Conference room for the next couple of weeks.