

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, July 17, 2006**  
**City Hall Annex – Council Chambers**  
**7 p.m.**

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**PRESENT BY ROLL CALL:**

**Councilmember Steve Oliver**  
**Councilmember Mike Reilly**  
**Councilmember Gary Jensen**

**Councilmember Mel Hansen**  
**Councilmember Ken Downey**  
**Councilmember Keith Olson**

**ABSENT:**

**Councilmember Marianne Elgart (Excused)**

**STAFF:**

**City Administrator Greg Young**  
**City Treasurer Mark Peterson**  
**Police Chief Michael Knapp**

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

**Mayor Jerry Landcastle Presiding**

**WORK SHOP – STUDY SESSION: 5 p.m. – 6:45 p.m.**

A Council workshop was held to discuss the results of the recent LEMAP audit of the Ferndale Police Department, and well as a general discussion of police staffing needs and recommendations. Renton Police Chief Garry Anderson, a member of the LEMAP team, briefed the Council on the approach taken to audit the department. He noted that this process helps departments establish and follow “best practice” guidelines and work toward accreditation. Police Chief Michael Knapp followed up by thanking Chief Anderson for his time and efforts in the audit process.

Chief Knapp spoke to the Council regarding the plans that have already been initiated using the LEMAP recommendations, as well as upcoming staffing requests. Specifically, he would like to hire/promote a third Sergeant immediately, then “backfill the officer position in 2007. This item will be brought back to Council by way of a formal budget amendment request.

**CALL TO ORDER**

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

**CONSENT AGENDA**

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

- Approval of Minutes of Council meeting of July 10, 2006
- Approval of Payroll of June 22, 2006 – Auto Deposit amount \$593.61; Checks #23089 - #23095 amount: \$1,733.34; Total Payroll: \$2,326.95 (Pederson Payout)
- Approval of Payroll of June 30, 2006 – Check #23096 amount: \$141.70; (Second Qtr L&I)
- Approval of Payroll of July 3, 2006 – Auto Deposit amount \$124,160.97; Checks #23097 - #23113 amount: \$47,322.69; Total Payroll: \$171,483.66
- Approval of Claims Run of July 17, 2006 – **Manual** Checks #46029 - #46030; amount: \$5,437.21; **Regular** Checks #46031 - #46105; amount: \$539573.44, Totaling \$545,010.65

***Motion passed unanimously.***

**PUBLIC COMMENT Speaking on items not on the current agenda**

**Donna Pollman** reported that the Heritage Society will be overseeing a “Ferndale Downtown Clean Up Day” on Saturday, July 22, from 9 a.m. to noon. Interested persons should meet at the City Hall Annex.

Mayor Landcastle noted that following the Downtown Clean Up, some skateboarders will be putting on an exhibition of safe boarding at fourth and Alder, beside City Hall. The Road will be barricaded behind and between the Shell station and the PRWeb building for approximately one hour.

### **SHANNON TERRACE PRELIMINARY PLAT AND STREET VACATION**

Planning Director Tom Black reviewed Shannon Terrace, a Preliminary Plat, Plat Variance, and Street Vacation. This project is a proposed 27-lot multifamily residential Preliminary Plat and associated lot-width variance request located on approximately 10.5 acres of land in the RM 1.5 zone, and located approximately 400 feet north of the intersection of Shannon Avenue and Mountain View Road, addressed as 2369 Mountain View Road.

The applicant requests City approval of a land division to create 27 lots for multi-family residential development, 1 tract for the purposes of stormwater treatment, and 2 tracts of land for the purposes of wetland mitigation and open space. The applicant also requests a plat variance to allow lots 1, 2, 13, 14, 16, 17, 23, 24, 25, 26, and 27 to be served by "panhandle" lot arrangements.

The Hearings Examiner held a public hearing on June 15, 2006 to consider the application. After considering the materials provided, the report submitted by staff, and public testimony, the Hearings Examiner recommends approval of the Preliminary Plat Application, based on the Findings of Fact and Conclusions of Law contained in the Hearings Examiner Decision, and subject to the Conditions of Preliminary Plat Approval contained in the Staff Report dated June 15, 2006.

The Streets and Utilities Committee reviewed the recommended street vacation of Shannon Avenue and has recommended approval of that portion of the Preliminary Plat application.

***It was moved by Councilmember Downey and seconded by Councilmember Hansen to approve the Shannon Terrace Preliminary Plat, and associated variances and street vacation as presented. Motion passed unanimously.***

City Administrator Young added that this plat density will be sixteen units per acre, which is in line with what the City is moving towards for infill requirements.

### **FINAL PLAT: PIONEER MEADOWS – DIVISION 2**

Planning Director Black stated that Pioneer Meadows, Division 2 is a 43-lot single-family residential subdivision and Planned Unit Development in the RS 10.5 zone, and is located approximately 700 feet south of the intersection of Old Settler Drive and Axton Road, immediately south of the existing terminus of Old Settler Drive, and addressed as 5585 Old Settler Drive.

The Preliminary Plat for the Pioneer Meadows Planned Unit Development, consisting of 68 residential lots, was approved by the City Council on December 18, 2000. The Final Plat for Division 1, consisting of 25 lots, was approved by the City Council in of 2004 and recorded in October 2004. Division 1 has been substantially built-out with single-family residential development. Division 2 consists of the remaining 43 lots.

Construction of the physical infrastructure and other improvements within Division 2 has been determined to be substantially complete, according to the Public Works Director.

The Hearings Examiner held a public meeting on June 29, 2006 to consider the Final Plat Application. After considering the materials provided, the report submitted by staff, and the recommendations of the Plat Administrator and the Public Works Director, the Hearings Examiner recommends approval of the Final Plat Application, based on the Findings of Fact and Conclusions of Law contained in the Hearings Examiner Decision, and subject to the Conditions of Final Plat Approval contained in the Staff Report dated June 29, 2006.

Councilmember Reilly stressed that the landscaping buffers should be closely monitored per the wishes of neighboring properties. Director Black responded that the homeowners association has been cooperative and responsive to earlier complaints.

***It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve the Final Plat of Pioneer Meadows, Division II, subject to all conditions of approval as presented. Motion passed unanimously.***

**PETITION TO ANNEX – FERNDALE SCHOOL DISTRICT (VARIOUS PROPERTY OWNERS)**

Planning Director Black reviewed that this is a proposed annexation of approximately 6.6 acres of land known as the Church Road Annexation, and is located on the west side of Church Road approximately 950 feet north of Thornton Road, addressed as 6141, 6159, and 6175 Church Road.

During the February 21, 2006 meeting, the City Council voted to accept a Notice of Intent to Annex for 6.6 acres on the west side of Church Road (commonly referred to as the Ferndale School District Annexation). The applicants have submitted a Petition to Annex; the proposal has had a public hearing before the Planning Commission where the Commission voted unanimously to recommend the annexation to the City Council with no conditions. The Commission recommended a zoning of RS 8.5 for the property as requested by the applicants. There was minimal public comment given on the proposal. Two of the applicants spoke in favor of the proposal; no one spoke in opposition.

The applicants' request has reached the final steps wherein the City Council considers the annexation, and, upon approval, amends the City-County Interlocal Agreement or forwards the annexation to the Whatcom County Boundary Review Board for consideration.

Mayor Landcastle stated that the City Attorney advised that in an annexation where the property is valued at less than \$2 million, and is less than ten acres, the City can request that the Boundary Review Board waive review.

***It was moved by Councilmember Oliver and seconded by Councilmember Jensen accept the petition for annexation as presented. Motion passed unanimously.***

***It was moved by Councilmember Oliver and seconded by Councilmember Downey to request that review of this annexation be waived by the Boundary Review Board, due to its size and value, as recommended by the City Attorney. Motion passed unanimously.***

**MID-YEAR FINANCIAL UPDATES AND BUDGET AMENDMENT ORDINANCE #1395**

City Treasurer Mark Peterson updated the Council on the City's revenues and expenditures through the end of June.

On the revenue side, Peterson distributes graphs with year to date budget, actual, and projected incomes in the various revenue sources. He noted that a majority of funds are at or above projections.

On the expenditure side, overall funds are running at projections, with some line items over and some under, equalizing the bottom line.

The mid-year budget amendment was then reviewed and discussed. The amount of Council-authorized amendments totaled \$73,781.00 and was presented as Budget Amendment Ordinance #1395.

City Treasurer Peterson reviewed the six year financial plan that shows the Current Expense fund running a deficit in 2011. He pointed out that he had built in no new staff positions, and noted that there are still three unsettled union contracts that may heavily impact this fund.

Council had some questions regarding the six year plan, to which staff replied that the noted future expenditures should not be construed as Council-approved, but as staff-recommended.

***It was moved by Councilmember Oliver and seconded by Councilmember Downey to approve Ordinance #1395 to amend the 2006 Budget, second quarter. Motion passed unanimously.***

### **ANIMAL CONTROL FEE SCHEDULE**

Mayor Landcastle said that this item has been to the Planning and Judicial Committee several times. Because the Committee was unable to come to a consensus, the fee schedule was in front of the Council without a recommendation.

***It was moved by Councilmember Hansen and seconded by Councilmember Jensen to approve the Animal Control Fee Schedule.***

Councilmember Downey referred to the proposed license fee for unaltered dogs as a “penalty” and said he would not support it.

Councilmember Reilly felt that the fee schedule used under the SSP contract was appropriate and should not be changed. He felt this item should go back to committee.

Councilmember Hansen stated that the Council should remember that these fees are established to encourage responsible pet ownership, and he would support the proposed fees. Councilmember Jensen agreed.

Whatcom Humane Society Executive Director Penny Cistero explained that it is the unaltered animals that cause the most problems for communities, and said the higher fees were an incentive for pet owners to spay or neuter their animals. She also commended the Council for requiring that cats be licensed, saying such a regulation was progressive and pro-active.

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

### **THIRD AVENUE SEWER CHANGE ORDER**

Mayor Landcastle stated that Change Order #1 on the Third Avenue Sewer and Street Improvement Project was necessitated because of upgrading the projected four-inch sewer stubs to six-inch sewer stubs to better serve potential properties lining the project.

***It was moved by Councilmember Hansen and seconded by Councilmember Downey to approve Change Order #1 totaling \$6,731.64 for the upsizing of fifteen stubs and fittings.***

Councilmember Jensen felt that it should be the financial responsibility of potential property owners to pay for upgrading, and the City not burden the taxpayers with this change order. He supported the idea of charging future connectors a fee to cover their proportionate share of this change order.

Councilmember Oliver and Mayor Landcastle replied that installing these upgrades at this point will save the street and sidewalk from being torn up for individual future upgrades.

Councilmember Reilly took issue with change orders being completed before Council review and approval. He suggested that special meetings be called immediately when a change order is presented, in order to not hold up projects, and yet allow for prior Council review.

***Motion passed four-to-two, with Councilmembers Jensen and Olson voting no.***

Staff will prepare a “stub upgrade latecomers” proposal for Committee review.

**ADJOURNMENT**

There being no further scheduled City business, the meeting was adjourned at 8:15 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, July 12, 2006  
City Hall Conference Room  
7:30 a.m.**

**PRESENT:** Councilmembers Reilly, Hanson, and Oliver  
**ADMINISTRATION:** Jerry Landcastle, Greg Young, Linda Knutson, Bob Cecile,  
Mark Peterson

**SHANNON TERRACE PRELIMINARY PLAT: STREET VACATION**

Associate Planner Michael Jones reviewed that as a condition to the approval of the Shannon Terrace Preliminary Plat, the Hearings Examiner has noted and recommended the following:

*The applicant is proposing a 27-lot short plat for a four-unit building per lot multi-family residential development on an approximately 10.5-acre parcel of land. The applicant is also requesting a lot-width variance to facilitate the use of a “panhandle” for a number of the lots in order to fulfill the requirement that each lot abut a public street. In addition, the City Council will be requested to vacate existing right-of-way for Shannon Avenue to allow the road to be relocated into the interior of the parcel. The re-located road will be a public road. The purpose of the road relocation is to better serve the lots with a minimum of impervious surface and to allow a road crossing of Schell Creek that will minimize impacts to the stream corridor. These two open space tracts will contain wetland mitigation required to obtain compliance with the Critical Areas Ordinance.*

*In addition to the 27-lots, each of which is proposed to contain a four-unit, two-story multi-family structure, the applicant is proposing three tracts. The pond tract will be located in the southeast corner of the site and will serve as a detention area to handle the increased stormwater drainage after development. Open space tracts A and B are bisected by the proposed road way and are located in the northeast corner of the site. These tracts include Schell Creek and its associated buffers. Nearly 70,000 square feet of space will be contained in these open space tracts.*

Planner Jones noted that the applicants were very cooperative and agreeable to the Hearings Examiner’s and staff’s recommendations for approval.

***It was moved by Councilmember Reilly and seconded by Councilmember Hansen to recommend approval of the Shannon Terrace Street Vacation to the full Council. Motion passed unanimously.***

**THIRD AVENUE SEWER CHANGE ORDER**

Public Works Director Bob Cecile state that Change Order #1 was necessitated because of upgrading the projected four-inch sewer stubs to six-inch sewer stubs to better serve the properties lining the project.

***It was moved by Councilmember Reilly and seconded by Councilmember Hansen to recommend approval of Change Order #1 totaling \$6,731.64 for the upsizing of fifteen stubs and fittings. Motion passed unanimously.***

**SEPTIC SYSTEM REQUEST**

Public Works Director Cecile stated that a property owner, who is on a septic system, has applied to build an addition to his home. According to City policy, if you change the footprint of you home, and City sewer is available, you are required to hook up at that time. The owner contends that he has an expensive, state-of-the-art system, which still has many useful years.

Councilmembers Oliver and Reilly said that the City should not deviate from its policy requiring hookup. Councilmember Hansen disagreed, saying that the size of septic systems is dictated by the number of bedrooms in a home, and to his knowledge the homeowner is adding a great-room living space, not a bedroom.

Director Cecile indicated that the homeowner will be filing a formal request for review of this issue, so no action was taken.

**BILL OF SALE – MOUNTAIN VIEW MEADOWS**

Director Cecile said that the City has received a bill of sale from the developers of Mountain View Meadows. This is apparently something the City should be doing each time a housing division is completed in order to officially dedicate the infrastructure to the City. The developers plan to apply for a latecomers agreement in order to recoup some of their investment. A public hearing for that latecomers is set for August 7<sup>th</sup>.

**OTHER**

- Mayor Landcastle distributed copies of the LEMAP report on the Police Department's recent audit. The results of the report will be presented by Chief Knapp at a Study Session on July 24<sup>th</sup>.
- Administrator Young distributed copies of the revise Shoreline Master Program that will also be discussed in depth at an upcoming workshop.
- City Treasurer Peterson handed out some corrected figures on the Six Year Transportation Improvement Program; specifically the Main Street Improvement Project.

***ATTACHMENT B:***

**MINUTES  
Recreation and Finance Committee Meeting  
Held Wednesday, July 12, 2006  
City Hall Conference Room  
8:30 a.m.**

**PRESENT:** Councilmembers Oliver, Jensen, and Downey  
**ADMINISTRATION:** Jerry Landcastle, Greg Young, Linda Knutson, Mark Peterson

**MID-YEAR FINANCIAL UPDATES AND BUDGET AMENDMENT ORDINANCE**

City Treasurer Mark Peterson updated the Committee on the City's revenues and expenditures through the end of June.

On the revenue side, Peterson noted that a majority of funds are at or above projections.

On the expenditure side, overall funds are running at projections, with some line items over and some under, equalizing the bottom line.

The mid-year budget amendment was then reviewed and discussed. The amount of Council-authorized amendments total \$73,781.00 and will come forward as a budget amendment ordinance at the Council meeting of July 17<sup>th</sup>.

City Treasurer Peterson handed out an updated six year financial plan that shows the Current Expense fund running a deficit in 2011. He pointed out that he has project no new staff positions, and that there are still three unsettled union contracts that may heavily impact this fund.

Councilmember Oliver stated that he very much appreciates the information and data provided, in that it helps Council make informed decisions.

#### **OTHER**

- Mayor Landcastle distributed copies of the LEMAP report on the Police Department's recent audit. The results of the report will be presented by Chief Knapp at a Study Session on July 24<sup>th</sup>.
- Mayor Landcastle mentioned that the Centennial Committee has been meeting regularly and will be coming forward with some recommendations in the very near future.
- Administrator Young distributed copies of the revise Shoreline Master Program that will also be discussed in depth at an upcoming workshop.
- City Treasurer Peterson handed out some corrected figures on the Six Year Transportation Improvement Program; specifically the Main Street Improvement Project.

#### **ATTACHMENT C:**

**MINUTES**  
**Planning and Judicial Committee Meeting**  
**Held Wednesday, July 12, 2006**  
**City Hall Conference Room**  
**9:30 a.m.**

**PRESENT:** Councilmembers Jensen, and Downey  
**ADMINISTRATION:** Jerry Landcastle, Greg Young, Linda Knutson, Mark Peterson,  
Michael Jones

#### **PETITION TO ANNEX – FERNDALE SCHOOL DISTRICT (VARIOUS PROPERTY OWNERS)**

Associate Planner Michael Jones reviewed that this is a proposed annexation of approximately 6.6 acres of land known as the Church Road Annexation, and is located on the west side of Church Road approximately 950 feet north of Thornton Road, addressed as 6141, 6159, and 6175 Church Road.

During the February 21, 2006 meeting, the City Council voted to accept a Notice of Intent to Annex for 6.6 acres on the west side of Church Road (commonly referred to as the Ferndale School District Annexation). The applicants have submitted a Petition to Annex; the proposal has had a public hearing before the Planning Commission where the Commission voted unanimously to recommend the annexation to the City Council with no conditions. The only staff-recommended condition included in the Commission report was satisfied before the date of the Commission hearing. The Commission recommended a zoning of RS 8.5 for the property as requested by the applicants. There was minimal public comment given on the proposal. Two of the applicants spoke in favor of the proposal; no one spoke in opposition.

The applicants' request has reached the final steps wherein the City Council considers the annexation, and, upon approval, amends the City-County Interlocal Agreement or forwards the annexation to the Whatcom County Boundary Review Board for consideration.

***It was moved by Councilmember Jensen and seconded by Councilmember Downey to forward the petition to annex to the full Council for consideration. Motion passed.***

### **SHANNON TERRACE PRELIMINARY PLAT AND STREET VACATION**

Associate Planner Michael Jones reviewed Shannon Terrace, a Preliminary Plat and Plat Variance. This project is a proposed 27-lot multifamily residential Preliminary Plat and associated lot-width variance request located on approximately 10.5 acres of land in the RM 1.5 zone, and located approximately 400 feet north of the intersection of Shannon Avenue and Mountain View Road, addressed as 2369 Mountain View Road.

The applicant requests City approval of a land division to create 27 lots for multi-family residential development, 1 tract for the purposes of stormwater treatment, and 2 tracts of land for the purposes of wetland mitigation and open space. The applicant also requests a plat variance to allow lots 1, 2, 13, 14, 16, 17, 23, 24, 25, 26, and 27 to be served by "panhandle" lot arrangements.

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The Streets and Utilities Committee reviewed the recommended street vacation of Shannon Avenue and has recommended approval of that portion of the Preliminary Plat application.

***It was moved by Councilmember Jensen and seconded by Councilmember Downey to move this item forward for full Council consideration. Motion passed unanimously.***

### **FINAL PLAT: PIONEER MEADOWS – DIVISION 2**

Planner Jones stated that Pioneer Meadows, Division 2 is a 43-lot single-family residential subdivision and Planned Unit Development in the RS 10.5 zone, and is located approximately 700 feet south of the intersection of Old Settler Drive and Axton Road, immediately south of the existing terminus of Old Settler Drive, and addressed as 5585 Old Settler Drive.

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Construction of the physical infrastructure and other improvements within Division 2 has been determined to be substantially complete, according to the Public Works Director.

The Hearings Examiner held a public meeting on June 29, 2006 to consider the Final Plat Application. After considering the materials provided, the report submitted by staff, and the recommendations of the Plat Administrator and the Public Works Director, the Hearings Examiner recommends approval of the Final Plat Application, based on the Findings of Fact and Conclusions of Law contained in the Hearings Examiner Decision, and subject to the Conditions of Final Plat Approval contained in the Staff Report dated June 29, 2006.

***It was moved by Councilmember Downey and seconded by Councilmember Jensen to move this item forward to the full Council for consideration. Motion passed.***