

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, June 19, 2006**  
**City Hall Annex – Council Chambers**  
**7 p.m.**

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**PRESENT BY ROLL CALL:**

<b>Councilmember Mel Hansen</b>	<b>Councilmember Mike Reilly</b>
<b>Councilmember Marianne Elgart</b>	<b>Councilmember Ken Downey</b>
<b>Councilmember Gary Jensen</b>	<b>Councilmember Keith Olson</b>

**ABSENT:**

**Councilmember Steve Oliver (Excused)**

**STAFF:**

<b>City Administrator Greg Young</b>	<b>Deputy City Clerk Sylvia Stiles</b>
<b>City Treasurer Mark Peterson</b>	<b>Public Works Director Bob Cecile</b>
<b>Planning Director Tom Black</b>	<b>City Attorney Dick Langabeer</b>
<b>EDC Consultant Paul Koch</b>	

**Mayor Jerry Landcastle Presiding**

**WORK SHOP – STUDY SESSION: 6 p.m. – 6:30 p.m.**

The Council met with Penny Cistero, Executive Director, Whatcom Humane Society to discuss and consider the proposed animal control fee schedule. Ms. Cistero suggested several different types of animal licensing. It was decided to take this item to Committee for further review.

**EXECUTIVE SESSION 6:30 – 6:55 p.m.**

The Council met in executive session to discuss personnel issues.

**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 Hansen and seconded by Councilmember Reilly with a correction to the text of the minutes of June 5, 2006:***

- *Approval of Minutes of Council meeting of June 5, 2006*
- *Approval of Payroll of June 16, 2006 – Auto Deposit Amount :122,993.97; Check #23020 - #23088 Amount: \$47,548.20; Total Payroll: \$170,542.17 (Multiple checks voided due to incorrect form)*
- *Approval of Claims Run of June 19, 2006 – Checks #45848 - #45943; (#45877 Void), Totaling \$383,206.98*

***Motion passed unanimously.***

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

**Sarah Horner, Chamber of Commerce Director**, thanked the council for their support of the chamber during her directorship. Her hope is the relationship will continue to grow.

**Carl Weimer, Whatcom County Council**, expressed his desire for cooperation between the County and City to control growth and density.

### **MAYORAL PROCLAMATION**

Mayor Landcastle presented Sarah Horner with a proclamation for her efforts as Director of the Ferndale Chamber of Commerce.

### **CONTRACT EXTENSION OF THE CITY ADMINISTRATOR**

*It was moved by Councilmember Downey and seconded by Councilmember Elgart to accept the amendment to the contract of the City Administrator with the condition that section # 4 be removed referring to the addition of a car allowance. Motion passed unanimously.*

### **CONSENT AGENDA AMENDMENT**

*It was moved by Councilmember Hansen and seconded by Councilmember Reilly to correct the text of the minutes of the meeting of June 5, 2006 to read: To temporarily allow RV parking for bona-fide participants at Pioneer Park events or Field tournaments until the current ordinance is revised.*

Councilmember Jensen asked for clarification that the correction was for the ball fields and Pioneer Park events. Councilmember Hansen affirmed that was the motion.

Councilmember Downey asked staff when a revised ordinance would be presented to Council.

Administrator Young felt there could be an ordinance presented to the council at the July 3, 2006 meeting.

*Motion passed unanimously.*

### **PRESENTATION: COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE**

Sherry Emerson from the Whatcom County Commission Against Domestic Violence handed out a packet of information to raise awareness and let council know a little bit about what the commissions roll is and what they are doing in the community. The Commission wants the City to know they are in the community doing good work that affects all of us. Councilmember Oliver is now serving on this commission and there will be training to assist the community.

### **PRESENTATION: COMPREHENSIVE PLAN REVISION UPDATE**

City Planning Director Black informed the council that so far the Planning Commission has reviewed the land use element of the Comprehensive Plan, the housing element of the Comprehensive Plan and the transportation element of the Comprehensive Plan. They are at about 98% completion on the land use and housing elements. They are on schedule for completion by the end of this year. They will then be able to move into the 20/20 planning process.

Councilmember Downey asked if they are making sure that what is put in the Comprehensive Plan is consistent with what is in the Shoreline Plan. Director Black explained that the Shoreline Master Plan overlays the existing zoning. There are no land use changes proposed in this technical update any proposed changes or new designations will be considered in the 20/20 plan to be more consistent with the overlying ordinances and regulations.

Director Black informed the council the current Shore Line Master Program is from 1982. The City is currently preparing more information to submit to the DOE for review which has not yet been accepted.

### **ECONOMIC DEVELOPMENT PROJECT STATUS REPORT**

Paul Koch, EDC Consultant, gave the council a list of upcoming meetings of the sub-committees. One committee is very close to having a preliminary draft vision statement for council by late July. The communication sub-committee is working to develop a communication system to keep the community apprized of the progress. The action plan sub-committee was meeting to develop a time-line. The Park Advisory Board will be meeting every week to update park master plan. The Downtown Core Group will be meeting with all business and building owners in the downtown area in a Town Hall meeting.

## **PUBLIC HEARING: SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN**

### **Staff Report**

Public Works Director Cecile handed out a prioritized list of the various improvements and projects within the city along with estimated cost for some of the projects.

First on the list is Third Avenue Improvement which is currently under construction.

The Malloy roundabout is being designed and talks are underway with the school district regarding right-of-ways.

Main St. improvements are out to 2008 or 2009 for construction federal money has been obtained to assist with the funding there may also be some TIB funds.

The Church Road improvement and connection to South Church Rd. has been combined. This consists of reconstruction of Church Road from Thornton Road to Main Street and a connection to South Church. Current developers would have a section they would need to do to complete the connection.

Thornton Road improvements from Vista Drive to Church Road consist of portions needed to be widened. Thornton Road improvements from Vista Drive to Malloy Avenue also need to be widened.

Thornton Rd improvements east of Malloy Avenue and the extension to Portal Way at southbound I-5 off ramp would extend over the railroad tracks and connect to Portal Way. DOT is also looking at this project.

LaBounty Drive Improvement south of Smith Road and extension to Slater Road has an LID for consideration on the agenda later in the meeting.

The I-5 freeway interchange at Smith Road continues to be carried on the Transportation Plan.

Second Avenue, Washington Avenue, Portal Way and Somerset Avenue area would be upgraded to an arterial route for traffic in and out of town using the Portal Way interchange.

Treasurer Peterson informed the council there are only four projects that can be funded at this point. Council could opt to use solid waste money to increase these funds. Administrator Young stated the order of projects could be changed on an annual basis.

Mayor Landcastle reviewed the protocol governing public hearings.

### **PUBLIC HEARING OPENED:**

**Barbara Brenner, Whatcom County**, would like the council to reconsider combining the Church Road Projects. She felt that the property owners in the county that would have their proper taken by eminent domain.

**Sue Remaklus, Whatcom County**, does not want the extension of Church Road. She felt this proposed Road has caused a great deal of stress in her life. She asked the council to go to their community and look at the project. There was a petition submitted to stop this project.

**Mary and Tom Bair, Whatcom County**, are opposed to the extension. Stated this would decrease the market value of their home and destroy their peaceful neighborhood.

**Lucy Morse, Whatcom County**, is pleased to see the project north of Mt. View Road is included in the transportation plan and felt the improvements were needed due to increased traffic. She is opposed to the extension of Church Rd, as there are other roads in the area which will service new construction that

need to be upgraded before the extension. There is also the problem that one home would be need to be moved or removed.

**Paul Englesberg, Whatcom County**, agreed with previous speakers. He is concerned about the amount of money the combined projects would cost and where that the funding will come from. He asked the council to consider the timing of the connection of South Church. Mr. Englesberg asked if there other routes that might work better. He is concerned about the safety of Church Road north of Main Street to Thornton.

**Robyn Sanford, Ferndale**, is somewhat affected by this project and supports the residents on Mt. View Road.

**Janice Schuch, Whatcom County**, would like the improvements on Church Road but not to include the extension at this time.

## **PUBLIC HEARING CLOSED**

### **Council Discussion**

Councilmember Hansen will support the separation of Church Road improvements from the connection to South Church. He felt the improvement to Church Road safety issues make this a high priority. Councilmember Hansen further stated that the connection of South Church Rd. would eventually occur.

### **Motion**

***It was moved by Councilmember Hansen and seconded by Councilmember Downey that the Church Road Improvement and the South Church Road Connection be separate and the connection of South Church Road be moved down to number seven on the Six-Year Transportation Improvement Plan.***

Councilmember Reilly agreed with the separation of the Church projects. He would like to see Thornton Road extension moved further up the list.

Councilmember Elgart asked Director Cecile why the projects were combined. It was explained that this had been decided at the Committee level.

Councilmember Downey supported the separation of the Church projects. He also agreed that Thornton needs to be a higher priority.

The separation of Church and South Church was also supported by Councilmember Jensen.

### **Amendment to Main Motion**

***It was moved by Councilmember Hansen and seconded by Councilmember Downey to amend the original motion to have Church Road Improvement stay at number four and move the Connection of South Church Road to number eight. Motion passed unanimously***

### **Vote on Main Motion as Amended**

***Motion as amended passed unanimously***

The public hearing will be held open through the July 3rd council meeting, along with the adoption of the six-year plan, as amended.

Councilmember Hansen asked that the commitment of engineering funds to the Church Road project be taken to Committee.

Councilmember Downey asked Mr. Peterson if the separation of Church and South Church would free up funds to pay for improvements to central Thornton Road. Mr. Peterson responded that there was a shortfall of funding for the completion of the combined projects. Administrator Young felt recalculation could be made and presented to the committees.

### **PRELIMINARY PLAT OF VISTA HEIGHTS**

Planning Director Black stated that the Vista Heights plat consists of nine lots on 2.5 acres of land and has been combined with Pioneer Meadows Plat which has been redesigned to accommodate the Council's direction regarding adequate ingress and egress. These two projects are now designed to be dependent on each other. Vista Heights requires a road to be constructed so they have access to Seamount Dr. and Pioneer Meadows is dependent on the storm water pond in Vista Heights. The Hearings Examiner has recommended approval of this preliminary plat based on findings of fact and conditions of law and subject to conditions of approval. He has recommended fencing along westerly property boundary and fencing of the storm water pond. Mr. Black explained that the two projects together fall within the range the county is looking for in density.

Councilmember Jensen asked that the fence be solid to prevent garbage accumulation. Mr. Black stated that would be reviewed.

Councilmember Downey expressed his appreciation for the cooperation between the two developers.

***It was moved by Councilmember Hansen and seconded by Councilmember Reilly to accept the Preliminary Plat of Vista Heights with all conclusions of law and findings of facts as recommended by the Hearings Examiner. Motion passed unanimously***

### **PRELIMINARY PLAT OF ROSEBERRY HEIGHTS**

Director Blake presented Roseberry Heights, a 20 lot residential subdivision in the RS 8.5 zone. A condition of this plat would require that the developer pay the city for use of an existing storm water pond with details to be worked out with public works staff.

Councilmember Reilly asked about density. Director Black stated this plat is 2.9 units per gross acre. The City currently does not require more density. Staff has attempted to schedule a meeting with the county council to discuss density. No date for that meeting has been set.

***It was moved by Councilmember Hansen and seconded by Councilmember Reilly to accept the Preliminary Plat of Roseberry Heights based on the conclusions of law and the findings of fact as recommended by the Hearings Examiner. Motion passed unanimously***

### **THIRD AVENUE SEWER PROJECT ADD-ON OPTIONS**

Director Cecile presented the council with costs for the conduit to accommodate future street lighting would be \$10,000 conduit for future underground conversion of all overhead utilities would be an additional \$20,000 and the cost for decorative street lights/poles would cost and additional \$100,000 to convert all overhead utilities to underground would be \$60 - \$100,000

Council discussed when or if these additions would be completed and possible funding for the project. Councilmember Downey pointed out the future costs would be much less if the infrastructure were completed during the current construction. Councilmember Reilly felt it was necessary to set a time limit for completion of these additions. Councilmember Reilly suggested the time to do this would be during the budget process.

***It was moved by Councilmember Hansen and seconded by Councilmember Reilly to move forward with the \$197,819.97 for Third Avenue project plus negotiate with the contractor for installation of buried conduit for future street lighting and buried conduit for future underground conversion of all overhead utilities.***

Councilmember Elgart supports this with the understanding that at budget time the council commits the funding needed to complete follow through.

***Motion passed unanimously***

**ORDINANCE #1392 CREATING THE LABOUNTY ROAD LID FUND**

Administrator Young explained to the council that this would create a fund into which expenses as they occur would be added and the \$30,000 grant would also go into this fund to offset the cost. Councilmember Downey asked what would happen should the LaBounty project not go through. Administrator Young explained the fund would then be closed

***It was moved by Councilmember Reilly and seconded by Councilmember Downey to create the LaBounty Road LID Fund. Motion passed unanimously***

**ORDINANCE # 1393 REVISION OF THE FMC ANIMAL CONTROL CODE AND ADOPTING ANIMAL CONTROL FEES**

Councilmember Downey asked for a definition of dangerous dog. This definition is included in the existing ordinance which this ordinance amends.

***It was moved by Councilmember Reilly and seconded by Councilmember Hansen to pass Ordinance # 1393 amending Ferndale Municipal Code Chapter 6.02 to require that potentially dangerous dogs and dangerous dogs be micro chipped. Motion passed unanimously***

**RESOLUTION # 06-06-19 AUTHORIZING THE ISSUANCE OF MANUAL CHECKS UNDER CERTAIN CONDITIONS**

***It was moved by Councilmember Reilly and seconded by Councilmember Reilly to pass Resolution # 06-06-19 authorizing the issuance of manual checks under certain conditions. Motion passed unanimously***

**MAYOR REPORTS/COMMENTS**

Mayor Landcastle called for substitutes for committee meeting on June 28th in preparation for the July 3rd council meeting.

Administrator Young expressed a need for study sessions each Monday in July from 5 p.m. to 7 p.m. There are a lot of items which need to be discussed in work sessions.

**COUNCIL REPORTS/COMMENTS**

Councilmember Downey asked about the current status of the proposed Pioneer Plaza project. Director Black confirmed that the City has a complete application and the process is moving forward.

**DEPARTMENT REPORTS**

There were no department reports

**ADJOURNMENT**

There being no further scheduled City business, the meeting was adjourned at 9:20 p.m.

**ATTEST:**

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Jerry Landcastle, Mayor

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Sylvia Stiles, Deputy City Clerk

**Attachment A:**

**MINUTES: Streets and Utilities Committee Meeting  
Held Wednesday, June 14, 2006**

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

**SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN**

Public Works Director Bob Cecile reviewed the top ten projects that the City would like to accomplish over the next six years. Of those, City Treasurer Mark Peterson forecasts that the top four could realistically be funded before the City runs out of capital funds.

The Committee will continue to evaluate the projects as listed, and there will be an opportunity for public comment at the next Council meeting through the required public hearing process.

**THIRD AVENUE PROJECT ADD-ON OPTIONS**

As directed at the last Council meeting, Director Cecile has received some rough estimates regarding the proposed add-on to the Third Avenue Sewer Project:

- The cost of adding conduit for the decorative street lights/poles would be approximately \$10,000.
- The cost of adding decorative street lights/poles would cost an additional \$100,000.
- The cost of adding conduit that would accommodate undergrounding utilities would be an additional \$20,000.

These figures are in addition to the street improvements proposed at the last Council meeting, estimated at \$200,000.

***It was moved by Councilmember Reilly and seconded by Councilmember Jensen to move this item forward for discussion and possible action by the full Council. Motion passed unanimously.***

**ORDINANCE # 1392: ESTABLISHING A LABOUNTY LID FUND**

Administrator Greg Young reviewed that the City is progressing through the formation of an LID for certain improvements on LaBounty Avenue. This ordinance would establish a fund for the purpose of funding and tracking the planning and execution of the local improvement district.

***It was moved by Councilmember Reilly and seconded by Councilmember Oliver to recommend approval of Ordinance #1392 creating the LaBounty LID Fund. Motion passed unanimously.***

**ACCEPTANCE OF PORT OF BELLINGHAM GRANT AWARD**

Administrator Young noted that the Port of Bellingham had notified the City that a grant in the amount of \$30,000 had been awarded to the City for the purpose of securing professional services to establish feasibility for the proposed LaBounty Road LID. The City will match the grant at \$30,000, using funds collected from recent LaBounty development in-lieu-of actual improvements.

**REVIEW OF SIX-YEAR WATER AND SEWER FUND PLAN**

City Treasurer Mark Peterson stated that in keeping with the adopted Financial Policies, he was working on the reserve balance for the various water and sewer funds. The most notable trend was the use of collected water and sewer connection fees to pay down debt service. Peterson recommended that any monies over and above the actual funds needed to pay debt service remain in reserves in order to try and meet the "target" balance in the next several years.

The Committee agreed, noting that more projects and expansions are "looming" on the horizon, and these funds need to remain stable and strong.

**Attachment B:**

**MINUTES: Recreation and Finance Committee Meeting  
Held Wednesday, June 14, 2006**

**PRESENT: Councilmembers Oliver, Jensen, and Downey**

**ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson, Mark Peterson**

**ORDINANCE # 1392: ESTABLISHING A LABOUNTY LID FUND**

Administrator Greg Young reviewed that the City is progressing through the formation of an LID for certain improvements on LaBounty Avenue. This ordinance would establish a fund for the purpose of funding and tracking the planning and execution of the local improvement district.

**ACCEPTANCE OF PORT OF BELLINGHAM GRANT AWARD**

Administrator Young noted that the Port of Bellingham had notified the City that a grant in the amount of \$30,000 had been awarded to the City for the purpose of securing professional services to establish feasibility for the proposed LaBounty Road LID. The City will match the grant at \$30,000, using funds collected from recent LaBounty development in-lieu-of actual improvements.

**RESOLUTION #06-06-19 AUTHORIZING THE ISSUANCE OF MANUAL CHECKS**

Administration Young stated that the City must sometimes write manual" checks, for immediate issue, due to certain limitations regarding late fees, discounts. And time sensitive payments. While these are always budgeted and approved items, they are released before the actual approval of the Claims run through the Consent Agenda. This Resolution would officially allow for such manual checks under certain conditions and with dual authorization of the Treasurer and Administrator.

***It was moved by Councilmember Jensen and seconded by Councilmember Downey to recommend approval of Resolution #06-06-19 Authorizing the Issuance of Manual Checks. Motion passed unanimously.***

Councilmember Oliver noted that he would like to see all manual checks clearly denoted in the Claims fund register and included in the consent agenda.

**Attachment C:**

**MINUTES: Planning and Judicial Committee Meeting  
Held Wednesday, June 14, 2006**

**PRESENT: Councilmembers Jensen, and Downey**

**ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson, Mark Peterson,  
Tom Black**

**VISTA HEIGHTS PRELIMINARY PLAT AND PLAT VARIANCE**

Planning Director Tom Black reviewed Vista Heights, a proposed 9-lot residential Preliminary Plat and associated plat variance requests located on approximately 2.5 acres of land in the RS 6.5 zone and located approximately 500 feet south of the intersection of Vista Drive and Seamount Drive on the west side of Vista Drive, addressed as 5863 Vista Drive.

The applicant requests City approval of a land division to create 9 lots for single-family residential development and 2 tracts of land for the purposes of stormwater treatment and street buffering. The applicant also requests 2 plat variances from the City code. The applicant proposes that Lots 1, 2, 3, 4, 5, and 9 contain less than the minimum lot width (60 feet is being requested, 65 feet is required by code), and also proposes a "boundary street", with associated reduced street width.

The Hearings Examiner held a public hearing on May 11, 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 May 11, 2006, and as also supplemented by the Staff Report Addendum, also dated May 11, 2006. The Hearing Examiner added two conditions to the project (beyond those recommended by staff), as detailed in the Hearings Examiner Decision.

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

#### **ROSEBERRY HEIGHTS PRELIMINARY PLAT**

Planning Director Tom Black presented Roseberry Heights Preliminary Plat, consisting of 20 single-family residential lots and one open space lot on approximately 7 acres in the RS8.5 zone, and located at the eastern terminus of Nicholas Drive, addressed as 6289 Vista Drive.

The applicant requests City approval of a land division to create 20 lots for residential development. The project also includes use of an existing City-owned stormwater facility to manage the runoff generated by the project.

The Hearings Examiner held a public meeting on May 11, 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 May 11, 2006.

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