

MINUTES
Ferndale City Council Meeting
Held Monday, June 5, 2006
City Hall Annex – Council Chambers
7 p.m.

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
EDC Consultant Paul Koch
Assistant Planner Corey Smith

City Clerk Linda Knutson
Public Works Director Bob Cecile
Planning Director Tom Black
Associate Planner Michael Jones

Mayor Jerry Landcastle Presiding

WORK SHOP – STUDY SESSION: 6 p.m. – 7 p.m.

The Council met to discuss and consider the City's annual prioritization of street projects for the Six Year Transportation Improvement Plan. Also discussed was an "add-on" to the Third Avenue Sewer Project that would accomplish street improvements to streets north of Main Street in the downtown core.

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 May 15, 2006*
- *Approval of Payroll of May 18, 2006 – Auto Deposit amount \$122,500.07; Checks #22898 - #23001 amount: \$48,082.33; Total Payroll: \$170,582.40*
- *Approval of Payroll of June 2, 2006 – Auto Deposit amount \$128,331.53; Checks #23002 - #23019 amount: \$47,826.29; Total Payroll: \$176,157.82*
- *Approval of Claims Run of June 5, 2006 – Checks #45732 - #45847; (#45646-5.15.06/45747, 45793, 45794 Voids), Totaling \$440,800.28*

Motion passed unanimously.

PUBLIC COMMENT Speaking on items not on the current agenda

There was no public comment.

UPDATE ON DOWNTOWN DEVELOPMENT STANDARDS REVISIONS

Associate Planner Michael Jones presented part one of a two part overview covering the progress made in updating the downtown core's development standards. Planner Jones covered zoning issues and recommendations being considered by a citizens' committee. This committee has been convened to serve as an advisory function to Planning Department staff for the purpose of developing a draft ordinance revising zoning in the downtown area and developing a set of design guidelines and standards for downtown construction and site development. Particular emphasis will be on design guidelines for Riverview Plaza and Main Street. The goals of the committee are:

1. Establish clear and appropriate standards for construction that will define and create a desirable public space.
2. Require a level of design consistency between buildings and sites to establish rhythm and structure in the streetscape.
3. Require site design and construction consistent with a desired future condition or vision for downtown Ferndale.

The regulatory scope is not yet defined, but may include a "Design Guidelines" document, amendments to the CB (Central Business) and RM 1.5 (Residential Multi Family) zones, and adoption of a zoning overlay or new zoning district for downtown.

The process of the committee has been set to include:

1. Introduction and Walking Tour
2. Staff Report Back and Presentation of "Grocery List" of Regulatory Options
3. Staff Creation of Draft Ordinance(s)
4. Committee Work to Revise Draft Ordinance(s)
5. Committee Workshop with Opportunities for Public Participation
6. Planning Commission Workshop(s) and Hearings(s)
7. City Council Hearing(s)
8. Ordinance Adoption
9. Ongoing Staff Review and Application of Ordinance(s)

Assistant Planner Corey Smith reviewed the design concepts, or "streetscapes", being considered for recommendation by the committee. Planner Smith explained that the streetscape is the space between the buildings on either side of the street. It sets the stage for pedestrian experiences as they walk, bike, or drive down a street. He added that one way to think about it is to imagine that the streetscape comprises the walls, ceiling, floor, and furniture of our downtown living room.

The facades or fronts of buildings are the walls of the room. The materials used in these buildings (brick, wood, glass, etc.) provide the visual texture that frames the street.

The ceiling of the downtown is defined by the canopy of street trees that line a street or the awnings that shade sunny sidewalks. It is further defined by the streetlights that brighten dark street corners at night.

The floor of the downtown is sidewalks, streets and plazas. It is the space used to move from one corner of the outdoor living room to the next.

The furniture of the downtown are those elements that further create the special sense of place that every street provides. Landscaping, such as trees, shrubs, planters, and gardens soften the street. Street furniture such as benches, kiosks, trash receptacles and public art such as murals, statues, fountains are the pictures used to brighten a dull wall.

All of these elements come together to create a dynamic and livable human-scale outdoor room that defines the character of downtown. Planner Smith also stated that the proposed design standards will allow for developer creativity and flexibility on proposed projects.

The Council had several comments regarding differences between current and proposed zoning, as well as the overall progress of this project.

Brent Goodrich, Ferndale, asked the Council and Planning staff to keep in mind how important adequate parking is when making these kinds of revisions.

RESOLUTION 06-06-05 D: Supporting the Art Walk – Downtown Ferndale

Mayor Landcastle read Resolution #06-06-05 D which supports “The Art Walk” in downtown Ferndale between June 2 and 9. The Art Walk is a display of art created by Ferndale’s elementary students in downtown area businesses. Mr. George Holmes, an organizer of the event, was present to receive a copy of the Resolution.

It was moved by Councilmember Hansen and seconded by Councilmember Downey to approve Resolution #06-06-05 D Supporting The Art Walk in Downtown Ferndale, as presented. Motion passed unanimously.

RECONSIDERATION: Vista Meadows Preliminary Plat – David Braithwaite, Applicant

Public Works Director Bob Cecile reviewed that the applicant had been required to come up with a secondary access to the Preliminary Plat of Vista Meadows, in addition to the Siddle Avenue access that was originally proposed.

Mr. Braithwaite engaged Jake Traffic Engineering to produce and study and recommendation for this plat, based upon recent traffic counts done by the City. Jake Engineering, along with the City’s contracted engineers of Reichardt and Ebe, sub-consultant (and roundabout engineers) Herman Traffic Engineering, as well as staff, all agreed that the most practical additional access would be accomplished by a punch through to Vista, which borders the plat.

The Council held a long discussion regarding the presented information. Several had concerns as to why Washington Street was not seriously considered. The applicant and his attorney, Doug Robertson, pointed out that such an access would involve the purchase and destruction of a residence. It was further discussed that traffic being routed to Washington would still end up on Vista.

Several Councilmembers informed Mr. Braithwaite that he needed to become a good neighbor to the residents of Siddle if he wanted this project to proceed smoothly. Mr. Braithwaite assured the Council that he would, and presented an additional plan to improve (curb, gutter, sidewalks) a section of Legoe, ending where Woodside Villas’ improvements begin, to help aid pedestrian safety through this area.

Motion

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve the Vista Meadows Preliminary Plat with additional access to Vista Drive, and extending sidewalk improvements from Siddle onto a section of Legoe ending at Woodside Villas frontage improvements.

Warren Vose, Ferndale, wondered if this project and the proposed Malloy-Vista roundabout would be running concurrently, as that would constitute “a traffic nightmare”. He was also convinced that the applicant, along with the City, should improve Legoe all the way to Main Street.

Vote

Motion passed unanimously.

THIRD AVENUE SEWER PROJECT ADD-ON

Public Works Director Cecile reviewed that the City is ready to begin the Third Avenue Sewer/Street Improvement Project, with Friberg Construction being the awarded the bid at the last Council meeting. Staff presented an “add-on” to that project that would include street (and some storm) improvements to Second Avenue and Main Street to Vista, and from Vista and Second to Third Avenue. This add-on would basically connect improvements from where the Main Street Project left off to where the Third Avenue Project begins. The projected cost is approximately \$200,000.

Councilmember Hansen pointed out that the question of an add-on originally was based upon the possible extension of the decorative street lamp onto downtown side streets. Staff responded that that

could still be looked at but probably not in conjunction with this project, as it takes a tremendous amount of lead time to coordinate with the affected utilities. This add-on was presented because it made sense with the approved project, and completed work that had been cut from the Main Street Project due to cost overruns.

The Council considered the advantages of running conduit for either the decorative lighting poles, or for both the poles and the undergrounding of utilities. Administration stressed that the undergrounding of utilities was much more complicated than simply laying down conduit, and that such a plan could take many months.

Several Councilmembers were of the opinion that this project should not be rushed, but reconsidered as a stand-alone project with all of the elements discussed, including curb, gutter, sidewalk, storm, utilities undergrounding, and decorative light poles.

It was moved by Councilmember Hansen and seconded by Councilmember Jensen to direct staff to continue investigating the cost of undergrounding, conduit only, and decorative lighting.

Councilmember Hansen clarified that staff should return with solid numbers for a separate project.

Motion passed unanimously.

ORDINANCE #1391: Blomquist Annexation

Planning Director Tom Black reviewed that this is an ordinance approving the Blomquist annexation, consisting of approximately 98 acres of land on the city's western boundary just south of Thornton Road. This annexation was approved by Council in November of 2004, but because of inter-jurisdictional issues with Whatcom County which have only recently been resolved, it has not been possible to bring this ordinance back to Council for final approval until now. In addition to the ordinance, Council authorization to amend the existing Interlocal Agreement between the City and the County relative to annexations is also requested.

The Council accepted the applicant's Letter of Intent to Annex on June 21, 2004, and forwarded the matter to the Planning Commission for a recommendation as to zoning. The Planning Commission met on September 15, 2004, and recommended that the RS 10.5 zoning be applied to this property once annexed. On November 15, 2004 the Council approved the annexation (subject to 3 conditions which will be discussed below), and authorized the annexation to be forwarded to the Boundary Review Board, with the enacting ordinance to be returned for final approval by the Council upon completion of that process.

Subsequent to the decision of the Council, it was determined that part of the annexation area was located outside of the County-defined Short Term Planning Area (STPA). The STPA defines the area which, according to the County, is eligible for annexation.

In an attempt to resolve this issue the applicant approached the County about rezoning the subject property from Long Term Planning Area (LTPA) to STPA. However, because of the way in which Whatcom County schedules these rezones for consideration, and in order to save time, the applicant decided to process what the County calls a "site-specific" rezone, which could be processed outside of the normal schedule for rezones. In essence, the applicant proposed a specific project to go along with the rezone, and these have been under review by the County over the last year and a half. Unfortunately, this tactic did little to shorten the County rezoning process. In fact, it probably lengthened the process.

Within the last few weeks, the County approved the "site-specific" rezone of the Blomquist property from LTPA to STPA. That action also approved a Preliminary Plat and PUD which must now gain approval from the City as well. The plat and PUD will be scheduled for your consideration at a later date.

November 15, 2004 approval of the Blomquist annexation was subject to three conditions of approval:

1. The applicant shall contribute fair share funding to a study of effluent flow and sewer line capacity of the existing sewer lines being conducted by the City. Such study shall be completed to the satisfaction of the Public Works Director.
2. The applicant/developer shall contribute fair share funding for downstream sewer infrastructure improvements necessary to increase capacity.
3. The applicant shall contribute fair share funding to a planning effort, to be developed by the City, including analysis of, at a minimum, transportation, storm detention, parks/open space, water, and sewer services. Such plan shall be adopted by the City Council prior to approval of a Preliminary Plat for the annexation area.

Conditions 1 and 2 relate to the planning, funding, and construction of the Southwest Sewer Interceptor, which is nearly complete at this time. The applicant did contribute to the funding of the project in amounts that were determined by the City to be appropriate, and has fulfilled his obligation in this regard.

Condition 3 relates to the identified need for more planning of the City's unincorporated Urban Growth Area (UGA). At the time the annexation was approved, it was thought that this "neighborhood-level" planning, now termed the "20/20" planning process, would be accomplished in relatively short order---most likely in advance of an application for an actual project. In retrospect, this assumption was too ambitious. Current plans are for the City to complete its "technical" update of the Comprehensive Plan by around year's end, with the 20/20 planning process to follow immediately thereafter. Nevertheless, the applicant has contributed funding in an amount determined appropriate by the city, to be applied to the 20/20 planning for this area, once initiated.

While the neighborhood, or subarea, level planning has not been accomplished in this area, the City has a good idea of how the area will and should be served by existing infrastructure. The proposed project (which you will consider at a later date) has made provisions for sewer, water, and storm, and roadway connectivity to the south, east, and west will be incorporated into the plat design. Given these circumstances, staff believes that a plat could be approved for the Blomquist property without the need for waiting for the completion of the 20/20 planning process. Consequently, staff believes that the intent of Condition #3 has been satisfied.

Staff recommends that the Council approve the ordinance, and authorize the administration to amend the current Interlocal Agreement between the City and Whatcom County relative to this annexation.

Councilmember Downey posed several questions regarding whether the passage of this ordinance bound the City to a specific project. Staff clarified that as far as the City is concerned, there is no project, and this is an annexation with recommended zoning of 10.5.

Councilmember Hansen pointed out that the City Council has final say over any Planned Unit Development that is proposed.

Motion

It was moved by Councilmember Oliver and seconded by Councilmember Reilly to approve Ordinance #1391 annexing approximately 98.0 acres of property located generally south of Thornton Road and west of Church Road, known as the Blomquist property.

Discussion

Doug Robertson, attorney developer Don Leavitt, stated that City staff should be congratulated for successfully working through what he termed "one of the most difficult and complicated land use issues"

he had ever worked on. He also addressed the concerns of Councilmember Downey, noting that a developer's agreement was in place.

Vote

Motion passed unanimously.

Motion

It was moved by Councilmember Oliver and seconded by Councilmember Downey to approve Amendment #5 to the City of Ferndale-Whatcom County Interlocal Agreement on Annexations. Motion passed unanimously.

RESOLUTION 06-06-05 A: Emergency Preparedness Grant (EMPAG)

Administration Greg Young stated that the City would like to apply for an Emergency Management Preparedness Assistance Grant (EMPAG), partnering with the Ferndale School District and Whatcom County Fire District 7 (Ferndale Community Disaster Network). Proceeds of the grant would be used to develop a community-wide comprehensive emergency management plan. No matching funds are required for the \$182,000 applied-for monies.

Administrator Young noted that with the City's recent pandemic planning, it was quickly apparent that Ferndale is not ready for a major disaster by having a viable, workable plan in place. Police Chief Michael Knapp will be designated as the Project Administrator, who will work closely with the other entities in the formulation of the plan. It is estimated that the process will take approximately ten months to complete.

It was moved by Councilmember Reilly and seconded by Councilmember Downey to approve Resolution #06-06-05 A authorizing the application for EMPAG funds as presented.

Councilmember Oliver stated that he fully supported the grant application, with the expectation that the City would work within established emergency procedures in and for the County to ensure essential coordination and cooperation.

Motion passed unanimously.

RESOLUTION 06-06-05 B: Banking Services

City Treasurer Mark Peterson reviewed that the City had published and distributed a Request for Proposals to institutions located in Ferndale for banking services. Of the seven that responded, Treasurer Peterson stated that Banner Bank had the best proposal to meet the City's needs. The biggest determining factor, he said, was the "sweep account" that Banner proposed.

Darwin Parker of Banner Bank gave the Council a brief history of Banner Bank's presence in the community, as well as their new drive to provide specialized services to public entities. Being a former elected official, he was keenly aware of limitations and regulations that public entities work under.

It was moved by Councilmember Oliver and seconded by Councilmember Reilly to approve Resolution #06-06-05 B naming Banner Bank as the City's financial institution and authorizing the City Treasurer and City Administrator to enter into an agreement with same. Motion passed unanimously.

Councilmember Oliver noted that since Mr. Parker joined Banner Bank, they have "revved-up" public entity services, which was refreshing to see.

RESOLUTION 06-06-05 C: ICLEI Program and Summer Intern

Mayor Jerry Landcastle reviewed that the City has an opportunity to host an intern over the summer months (approximately 400 hours) who would collect and analyze data for the *Energy Conservation and*

Climate Project being offered to jurisdictions in Island, Whatcom, and Skagit Counties by OCLEI – Local Governments for Sustainability USA and the Northwest Clean Air Agency.

The intern would research major sources of greenhouse gas emissions in the City, recommend an emissions reduction target, investigate impacts of measures already taken to reduce emissions, and analyze the potential impacts of emission reduction measures within Ferndale. Ferndale will provide insight into and data on the measures to be included in this plan.

Councilmember Reilly was concerned that this agreement would obligate the City to adhere to unreasonable restrictions. Mayor Landcastle responded that the purpose of the study was to establish baseline recommendations, with voluntary compliance.

It was moved by Councilmember Jensen and seconded by Councilmember Oliver to approve Resolution #06-06-05 allowing the City to enter into a Memorandum of Understanding for the ECLEI Project as presented. Motion passed unanimously.

MID-YEAR GRANT RECOMMENDATIONS FROM LODGING TAX ADVISORY COMMITTEE

Mayor Landcastle reviewed that two grants requests were recommended for approval from the LTAC and the Recreation and Finance Committee.

The Chamber of Commerce was requesting \$11, 929.52 to promote and advertise the 2006 Ferndale Street Festival. Advertising will be accomplished through local radio and television ads, and printed signs and posters. A local artist will be hand painting some standing signage.

The City's new revitalized Department of Economic Development and Downtown Revitalization is taking on some major public outreach campaigns regarding the future economic health of the City and the downtown business district. The requested \$6,500 would be used to promote and advertise for public participation in this process.

It was moved by Councilmember Reilly and seconded by Councilmember Jensen to approved the recommendations of the LTAC and the R&F Committee to fund the Chamber of Commerce's request for up to \$12,000 for the Annual Street Fair and the City's request for \$6,500 for economic development and downtown revitalization promotion. Motion passed unanimously.

REQUEST FOR APPROVED EXPENDITURE CHANGE: Vehicle for Parks Maintenance Equipment

Public Works Director Bob Cecile said that the Council had approved funds in the 2006 budget to purchase a new pickup truck for the Parks division. He proposed to instead use those funds for several pieces of parks maintenance equipment, which staff felt was more of a priority. Pickup purchase could be reasonably deferred due to the retirement of a long time parks employee which freed-up the use of a serviceable truck.

Councilmember Jensen noted that the Public Works Department and Parks division does make good and prolonged use of their fleet.

It was moved by Councilmember Downey and seconded by Councilmember Hansen to approve the change in expenditure authorization from a new vehicle to the requested parks equipment. Motion passed unanimously.

COUNCIL REPORTS/COMMENTS

Councilmember Hansen stated that there will be a ceremony celebrating Delta's first flight from Bellingham International Airport this Thursday.

Councilmember Hansen reviewed that the Recreation and Finance Committee had discussed the revision of the current overnight parking policy at the Conoco Sports Complex, in order to accommodate RV's who are associated with bona-fide events at the fields.

It was moved by Councilmember Hansen and seconded by Councilmember Reilly to temporarily allow RV parking for bona-fide participants of CP Sports Complex events/tournaments until the current ordinance is revised. Motion passed unanimously.

Councilmember Jensen announced that Sarah Horner, Chamber of Commerce Director, will be leaving that position at the end of this month to pursue other opportunities.

DEPARTMENT REPORTS

Police Chief Michael Knapp expressed his appreciation to the Council for their attendance and support of the recent police awards banquet. The Council in turn thanked Chief Knapp for hosting the event.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 9:50 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

ATTACHMENT A:

**MINUTES
Streets and Utilities Committee SPECIAL Meeting
Held Thursday, May 18, 2006
City Hall Conference Room
8 a.m.**

PRESENT: Councilmembers Reilly, Hansen, and Oliver
ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson,
Bob Cecile, Bo Westford

WATER ON ROAD – SMITH RD, LABOUNTY AND HOVANDER

Mayor Landcastle reported that the general area of Smith Road at LaBounty and Hovander has become more and more problematic due to constant water near or on the roadway. There are several factors working in tangent that are exacerbating the situation, including clogged culverts, beaver damming, and possibly lake levels. The Mayor was very concerned that this situation has developed into a public safety hazard, and asked the Committee for input on how to proceed.

The Committee discussed at length the short and long-term solutions to the problem. First and foremost, the culverts need to be cleaned regularly. BNSF needs to be contacted, and if allowable, let the City clean the culverts that are the railroad's responsibility. Next, the City must work with the County and State regarding removal/relocation of the large beaver population. Finally, the City, County, State, and Railroad need to come to a long-term solution, with possible cost-sharing.

ATTACHMENT B:

**MINUTES
Streets and Utilities Committee Meeting
Held Wednesday, May 31, 2006
City Hall Conference Room
7:30 a.m.**

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

VISTA MEADOWS ACCESS RECONFIGURATION – D. BRAITHWAITE

Council had directed David Braithwaite to provide information and plans for a secondary access to his Vista Meadows Plat. The Plat in its original form has access to Siddle to Legoe. During the approval process the Council felt that the one access put too much pressure on Legoe.

In his opening statement, Mr. Braithwaite requested that Council reconsider its original decision and instead “approve the preliminary plat without a requirement for a second access”, or, “approve the preliminary plat with a second access to Vista Drive.”

Mr. Braithwaite also provided for the Committee with a study and recommendation from Mark Jacobs of Jake Traffic Engineering, Inc. The letter from Mr. Jacobs concludes with the recommendation that a scenario that would provide right-in right-out access to Vista Drive was the best of the possible scenarios being considered, as it would “significantly reduce the added site traffic to two lane unclassified streets and a classified street with limited pedestrian facilities.”

This information will be accompanied by a staff opinion and an opinion by City engineers in the Council packet for consideration at the June 5 Council meeting.

SIX YEAR TRANSPORTATION IMPROVEMENT PLAN

Public Works Director Bob Cecile distributed a list of prioritized road projects for Committee review. The Committee had several suggestions regarding combining two or more similar projects into larger more comprehensive projects, as well as dropping some projects altogether. Staff explained the projects that could be funded with grants, those that could be paid for by a LID, and those that would need to be completely funded by the City.

This item will be reviewed at a study session prior to the next Council meeting. The formal Six Year Transportation Plan will be presented for adoption at the June 19th Council meeting.

THIRD AVENUE SEWER PROJECT ADD-ON

The City is ready to begin the Third Avenue Sewer/Street Improvement Project, with Friberg Construction being the awarded the bid at the last Council meeting. Staff presented an “add-on” to that project that would include street (and some storm) improvements to Second Avenue and Main Street to Vista, and from Vista and Second to Third Avenue. This add-on would basically connect improvements from where the Main Street Project left off to where the Third Avenue Project begins. The projected cost is approximately \$200,000.

Councilmember Hansen pointed out that the question of an add-on originally was based upon the possible extension of the decorative street lamp onto downtown side streets. Staff responded that that could still be looked at but probably not in conjunction with this project, as it takes a tremendous amount of lead time to coordinate with the affected utilities. This add-on was presented because it made sense with the approved project, and completed work that had been cut from the Main Street Project due to cost overruns.

There was discussion on the formulation of a policy regarding the appearance of the downtown core as far as lighting and undergrounding. ***This will be discussed at the study session prior to the next Council meeting, along with the Six Year Transportation Plan.***

LUMMI CASINO SIGN

Administrator Young briefly reviewed preliminary sign design for the Lummi Silver Reef Casino signage, per the agreement made last year between the Lummi Nation and the City.

ATTACHMENT C:

**MINUTES
Recreation and Finance Committee Meeting
Held Wednesday, May 31, 2006
City Hall Conference Room
8:30 a.m.**

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

REQUEST FOR EXPENDITURE CHANGE

Public Works Director Cecile was asking Council approval for a change in vehicle/equipment as approved by Council for the 2006 budget. The budget includes a \$17,500 expenditure for the Parks Department for a new pickup, and staff is requesting that those monies instead be spent on some needed field maintenance equipment.

While a new pickup was needed for the department, the retirement of Fred Sutcliff freed up an older yet serviceable vehicle for parks use.

It was moved by Councilmember Oliver and seconded by Councilmember Downey to recommend approval of the requested change of the allotted funds for the purpose of purchasing field maintenance equipment instead of a new vehicle. Motion passed unanimously.

PROPOSED AGREEMENT FROM PARENTS/COACHES FOR FIELD USE

Citizens Kenny Littrell and Mike Pennylegion submitted a proposed agreement that would trade volunteer field grooming and prep work for field time. The group is requesting keys to the fields, as well as the right to use the fields when not scheduled.

Mayor Landcastle said that he had responded to the group's proposal, stating that the City appreciated their support and input, but that the fields were now fully scheduled for the season, and that staff was already stretched beyond capabilities. Committee members also believed that distributing keys to non-personnel was not an option.

After discussion, the Committee agreed that the group should submit written documentation regarding specific times for requested field use. The Committee will then consider all of the information submitted, as well as staff opinions and recommendations, before forwarding to the Council.

RV PARKING AT SPORTS FIELDS

It was discussed that the City must update or create a policy regarding recreational vehicle parking at the sports fields. ***City staff will evaluate its current policy and check similar policies in other jurisdictions.***

LODGING TAX ADVISORY COMMITTEE RECOMMENDATIONS FOR MID-YEAR GRANTS

City Clerk Knutson reviewed that the LTAC met on April 17th to consider mid-year requests for funding through the Hotel/Motel Tax Fund.

The following two requests were recommended for approval:

1. The Chamber of Commerce was requesting \$11, 929.52 to promote and advertise the 2006 Ferndale Street Festival. Advertising will be accomplished through local radio and television ads, and printed signs and posters. A local artist will be hand painting some standing signage.
2. The City of Ferndale Department of Economic Development and Downtown Revitalization is taking on some major public outreach campaigns regarding the future economic health of the City and the downtown business district. The requested \$6,500 would be used to promote and advertise for public participation in this process.

It was moved by Jim Elliott and seconded by Al Brockley to APPROVE UP TO \$12,000 FOR THE CHAMBER OF COMMERCE FOR STREET FESTIVAL PROMOTION. Motion passed.

It was moved by Sarah Horner and seconded by Jim Elliott to APPROVE \$6,500 TO THE CITY OF FERNDAL DEPARTMENT OF ECONOMIC DEVELOPMENT AND DOWNTOWN REVITALIZATION FOR PUBLIC OUTREACH AND EDUCATION. Motion passed.

The Recreation and Finance Committee briefly discussed the two recommendations.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to recommend approval of the two LTAC grants to the full Council. Motion passed unanimously.

RFP FOR BANKING SERVICES

City Treasurer Mark Peterson related that all seven full-service banks located in the City of Ferndale had responded to the City's Request for Proposals for Banking Services. Of those responding, Banner Bank offered the best overall proposal in staff's opinion.

It was moved by Councilmember Hansen and seconded by Councilmember Downey to recommend approval of Banner Bank to provide banking services to the City. Motion passed unanimously.

Staff will present a Resolution to the full Council authorizing staff to complete the bank transition.

LEOFF I FUND CALCULATIONS

Treasurer Peterson has been working on funding projections and scenarios for the newly created LEOFF I Fund in order to be financially prepared for costs incurred by the City's three retired LEOFF 1 employees. Some help will be offered in the near future through the State Actuary's Office to better forecast financial obligations for state agencies in this area. Also being explored are long-term disability coverage and life insurance policies. Treasurer Peterson will keep the Council updated on this issue.

ATTACHMENT D:

**MINUTES
Planning and Judicial Committee Meeting
Held Wednesday, May 31, 2006
City Hall Conference Room
9:30 a.m.**

PRESENT: Councilmembers Elgart, Downey, and Hansen (for Jensen)
ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson, Tom Black, Bob Cecile, Mark Peterson

VISTA MEADOWS ACCESS RECONFIGURATION – D. BRAITHWAITE

Council had directed David Braithwaite to provide information and plans for a secondary access to his Vista Meadows Plat. The Plat in its original form has access to Siddle to Legoe. During the approval process the Council felt that the one access put too much pressure on Legoe.

In his submitted memo, Mr. Braithwaite requested that Council reconsider its original decision and instead "approve the preliminary plat without a requirement for a second access", or, "approve the preliminary plat with a second access to Vista Drive."

Mr. Braithwaite also provided for the Committee with a study and recommendation from Mark Jacobs of Jake Traffic Engineering, Inc. The letter from Mr. Jacobs concludes with the recommendation that a scenario that would provide right-in right-out access to Vista Drive was the best of the possible scenarios being considered, as it would "significantly reduce the added site traffic to two lane unclassified streets and a classified street with limited pedestrian facilities."

This information with be accompanied by a staff opinion and an opinion by City engineers in the Council packet for consideration at the June 5 Council meeting.

BLOMQUIST ANNEXATION - ORDINANCE #1391

Planning Director Tom Black reviewed the background of the Blomquist property annexation which began approximately two years ago. The Council accepted the applicant's Letter of Intent to Annex on June 21, 2004, and forwarded the matter to the Planning Commission for a recommendation as to zoning. The Planning Commission met on September 15, 2004, and recommended that the RS 10.5 zoning be applied to this property once annexed. On November 15, 2004 the Council approved the annexation (subject to 3 conditions which will be discussed below), and authorized the annexation to be forwarded to the Boundary Review Board, with the enacting ordinance to be returned for final approval by the Council upon completion of that process.

Subsequent to the decision of the Council, it was determined that part of the annexation area was located outside of the County-defined Short Term Planning Area (STPA). The STPA defines the area which, according to the County, is eligible for annexation.

In an attempt to resolve this issue the applicant approached the County about rezoning the subject property from Long Term Planning Area (LTPA) to STPA. However, because of the way in which Whatcom County schedules these rezones for consideration, and in order to save time, the applicant decided to process what the County calls a "site-specific" rezone, which could be processed outside of the normal schedule for rezones. In essence, the applicant proposed a specific project to go along with the rezone, and these have been under review by the County over the last year and a half. Unfortunately, this tactic did little to shorten the County rezoning process. In fact, it probably lengthened the process.

Within the last few weeks, the County approved the "site-specific" rezone of the Blomquist property from LTPA to STPA. That action also approved a Preliminary Plat and PUD which must now gain approval from the City as well. The plat and PUD will be scheduled for your consideration at a later date.

The Council's November 15, 2004 approval of the Blomquist annexation, was subject to three conditions of approval:

1. The applicant shall contribute fair share funding to a study of effluent flow and sewer line capacity of the existing sewer lines being conducted by the City. Such study shall be completed to the satisfaction of the Public Works Director.
2. The applicant/developer shall contribute fair share funding for downstream sewer infrastructure improvements necessary to increase capacity.
3. The applicant shall contribute fair share funding to a planning effort, to be developed by the City, including analysis of, at a minimum, transportation, storm detention, parks/open space, water, and sewer services. Such plan shall be adopted by the City Council prior to approval of a Preliminary Plat for the annexation area.

Conditions 1 and 2 relate to the planning, funding, and construction of the Southwest Sewer Interceptor, which is nearly complete at this time. The applicant did contribute to the funding of the project in amounts that were determined by the City to be appropriate, and has fulfilled his obligation in this regard.

Condition 3 relates to the identified need for more planning of our unincorporated Urban Growth Area (UGA). At the time the annexation was approved, it was thought that this "neighborhood-level" planning, now termed the "20/20" planning process, would be accomplished in relatively short order--- most likely in advance of an application for an actual project. In retrospect, this assumption was too ambitious. Current plans are for the City to complete its "technical" update of the Comprehensive Plan by around year's end, with the 20/20 planning process to follow immediately thereafter. Nevertheless, the applicant has contributed funding in an amount determined appropriate by the city, to be applied to the 20/20 planning for this area, once initiated.

While the neighborhood, or subarea, level planning has not been accomplished in this area, the City has a good idea of how the area will and should be served by existing infrastructure. The proposed project (which Council will consider at a later date) has made provisions for sewer, water, and storm, and roadway connectivity to the south, east, and west will be incorporated into the plat design. Given these circumstances, staff believes that a plat could be approved for the Blomquist property without the need for waiting for the completion of the 20/20 planning process. Consequently, staff believes that the intent of Condition #3 has been satisfied.

Staff recommends that the Council approve the Blomquist Annexation Ordinance, and authorize the administration to amend the current Interlocal Agreement between the City and Whatcom County relative to this annexation.

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

EMERGENCY MANAGEMENT PREPAREDNESS ASSISTANCE GRANT

City Administrator Young reviewed that the City was applying for an Emergency Management Preparedness Assistance Grant. These monies would be used to prepare such items as seismic studies, inter-agency planning, program preparation, etc. The City is co-applying with the Ferndale School District and Whatcom County Fire District. There is no financial match needed and the approximate amount of the grant is \$108,000.

The Committee concurred to move this item forward for Council consideration and approval.

BUFFER CONCERNS BROUGHT FORWARD BY CITIZEN

At the last regular Council meeting Janice Schuch expressed concern that the Pioneer Meadows development neighboring her property was not adhering to buffer requirements imposed by the City. The president of the homeowners association, Calyx Hoag, was present to explain that the vegetation buffers were part of the homeowners CCR's and that some had removed the buffer vegetation, not knowing that they were in violation. Still other portions of the buffers had not survived their initial planting. Mr. Hoag explained that he has contacted all of the homeowners and the buffer situation will be corrected. Mr. Schuch expressed her appreciation.