

MINUTES
Ferndale City Council Meeting
Held Monday, May 1, 2006
City Hall Annex – Council Chambers
7 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver
Councilmember Mike Reilly
Councilmember Ken Downey
Councilmember Keith Olson

Councilmember Mel Hansen
Councilmember Marianne Elgart
Councilmember Gary Jensen

ABSENT: Mayor Jerry Landcastle
STAFF:

City Administrator Greg Young
City Treasurer Mark Peterson
Public Works Director Bob Cecile
City Attorney Richard Langabeer

City Clerk Linda Knutson
Planning Director Tom Black
Police Chief Michael Knapp
Sr. Planner Robb Millspaw

Mayor Pro-Tem Steve Oliver Presiding

CALL TO ORDER

Mayor Pro-Tem Oliver 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 Jensen:

- Approval of Minutes of Council meeting of April 17, 2006
- Approval of Payroll of April 18, 2006 – Auto Deposit amount \$112,148.45; Checks #22961 - #22975 amount: \$43,348.64; Total Payroll: \$155,497.09 (Check #22963 & 22964 VOID – Printer Jam)
- Approval of Claims Run of May 1, 2006 – Checks #45512 - #45593; (#45443 Voids), Totaling \$505,883.96

Motion passed unanimously.

PUBLIC COMMENT

Steve Malpezzi, Ferndale, said that he wished to speak to an item on the agenda when it came up for discussion.

COMPREHENSIVE PLAN UPDATE

Senior Planner Robb Millspaw informed the Council that the updates to the City of Ferndale Comprehensive Plan are on schedule and noted upcoming dates for further review.

RECONSIDERATION OF COUNCIL ACTION: PRELIMINARY PLAT OF VISTA MEADOWS

Mayor Pro-Tem Oliver asked Planning Director Tom Black to summarize the series of events that led to this possible reconsideration.

Planning Director Black stated that at the last Council meeting, the Council had approved the preliminary plat for Vista Meadows, with the condition that the applicant provide an additional access through his plat to Washington Street to the south. The current configuration allowed for access to Legoe via Siddle. The applicant, David Braithwaite, felt that it made more sense to configure the plat with access to Vista rather than Washington. His plat borders Vista and it would just be a matter of opening that border for Vista access. Some Councilmembers did not favor Vista access, as it has been policy for a number of years to not allow further ingress and egress to that avenue. Mr. Braithwaite believed it made good sense to allow access and requested that Council reconsider their policy on access to Vista.

Director Black stated that if Council were to reconsider this action, that they allow staff several weeks to put together information and documentation to aid Council in their reconsideration. He added that a traffic study would be a major component of this information, and that the cost of such should be borne by the applicant.

Motion to Reconsider

It was moved by Councilmember Downey and seconded by Councilmember Elgart to reconsider the Council's approval of the Vista Meadows Preliminary Plat condition for access to Washington Street. Motion passed unanimously.

Councilmember Downey felt that since Mr. Braithwaite was present he should be allowed to present his case for reconsideration to the Council.

Councilmember Hansen preferred not to take testimony because the parties of record were probably unaware of the item coming back before the Council. He felt it would be prudent for the Council to receive all of the information and testimony necessary to make an informed decision at the same time.

Councilmember Reilly held that the Council had recently denied Vista access to a plat to the north, and agreed with Councilmember Hansen that all interested parties should be present for further discussion.

It was moved by Councilmember Hansen and seconded by Councilmember Reilly to table this item until the Council meeting of June 5th to allow staff to gather requested information and notify parties of record of this pending decision. Motion passed unanimously.

MOUNTAIN VIEW MEADOWS FINAL PLAT

Planning Director Black reviewed that this is a request for final approval of Mountain View Meadows, a 15-lot subdivision with one open space tract on approximately 4.27 acres of land located in the RO zone, located on the south side of Mountain View Road, 325 feet east of Church Road, addressed as 2477 Mountain View Road.

The Preliminary Plat for Mountain View Meadows was approved by the City Council on August 1, 2005. Construction of the infrastructure for the plat has been underway for several months. The improvements to Mountain View Road, sewer, water, and storm sewer infrastructure, and the new public street (Meadowview Court) are now substantially complete.

The Hearings Examiner held a public meeting on April 6, 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 April 6, 2006. Director Black noted that at the time of the staff report the paving was not yet completed, but was now finished.

Councilmember Downey asked why this area was designated as Residential Office. Director Black responded that this was done many years ago to allow for mixed use, but recently areas in the City zoned as Residential Office have been primarily developed for single family use.

It was moved by Councilmember Hansen and seconded by Councilmember Reilly to approve the Final Plat of Mountain View Meadows as presented and subject to the 27 conditions of approval noted in the staff report and Hearings Examiner report. Motion passed five-to-one, with Councilmember Downey voting no.

LABOUNTY LOCAL IMPROVEMENT DISTRICT

City Administrator Greg Young reviewed that the City has been approached by property owners on LaBounty who are requesting some improvements and revisions to that area, possibly through the formation of a Local Improvement District.

The first improvement, with an estimated cost of approximately \$795,000 would extend LaBounty Road though to Slater. The second improvement would install curb, gutter and sidewalk from Sunset to Seahawk Drive, located in the new LaBounty Estates subdivision. The approximate cost of this improvement is \$2.4 million.

In order to assess the improvement – to – assessed value of the affected properties, the City is proposing a feasibility study to be performed by Macaulay and Associates at a cost of \$21,500. To fund this study, Administrator Young noted that the City has applied to the Port of Bellingham for a \$30,000 grant through the Small Cities Caucus. This would be matched by City funds. He also noted that the storage facility next to LaBounty Estates paid in-lieu-of funds that could be used for the matching requirements of the Port grant.

Steve Malpezzi had some questions regarding what would be done with excess grant monies. He further stated that he wasn't sure if these projects were worth spending a lot of city funds on, with other possibly more important projects in the works.

City Treasurer Mark Peterson noted that the figures quoted in the provided spreadsheets were "very" preliminary.

Councilmember Reilly added that the costs to the citizens should be minimal if the area property owners are in general agreement for a local improvement district formation.

Public Works Director Cecile stated that since this area has been on the Six-Year Transportation Improvement Plan for a number of years, it would probably be appropriate that the City share in 5 – 10 percent of the costs.

It was moved by Councilmember Hansen and seconded by Councilmember Jensen to approve the expenditure of \$21,500 to Macaulay and Associates for a feasibility study on the formation of a LaBounty Local Improvement District. Motion passed unanimously.

ORDINANCE #1390 – REVISION TO STORMWATER FEE SCHEDULE

Administrator Young said that Councilmember Hansen had suggested some modifications to the Stormwater Ordinance which was passed at the last Council meeting. It was recommended that commercial and industrial customers have a choice between paying the established fee of \$3.50 per 10,000 square feet of property, or paying \$7.00 per 10,000 square feet of impervious surface.

As proposed, the commercial and industrial customers would be contacted and given an amount of time to respond to which option they would prefer for their properties. It would further be the responsibility of the commercial and industrial customers who choose the second option to provide an accurate drawing of their property showing a close approximation of the total impervious surface. This information would be confirmed and approved by staff.

It was moved by Councilmember Hansen and seconded by Councilmember Reilly to approve Ordinance #1390 as presented, giving options for commercial and industrial customers regarding stormwater fees.

Discussion

Brent Goodrich, Ferndale, said he still wasn't clear on how condo owners would be assessed. City Administrator said that condos would be assessed at 50%, with no charge for irrigation meters.

Councilmember Downey wondered if residential customers could dispute their assessed fees. City Administrator Young responded that flat fees were determined to be the fairest assessment for residential customers, as well as the simplest. Otherwise, for example, every time a deck or driveway was altered, or a patio poured, customers would need to have their fee revised/altered.

What prompted this revision, Councilmember Hansen said, were the Riverside Golf Course property and some school properties that have small amounts of impervious surface on large quantities of land.

Motion passed unanimously.

SEWER MORATORIUM IN THE AREA OF THE SOUTHWEST SEWER BYPASS PROJECT

Administrator Young stated that the Southwest Sewer Bypass Project is within two weeks of completion. He said that the Council could now decide whether to keep the moratorium in place until the actual completion date or to lift it immediately. Public Works Director Cecile added that lane closures would only be in place for about two more weeks, and that Imhof Road is back open to through traffic.

It was moved by Councilmember Hansen and seconded by Councilmember Downey to lift the sewer moratorium in the area of the Southwest Sewer Bypass Project. Motion passed unanimously.

AERIAL PHOTOGRAPHY

Public Works Director Bob Cecile noted that the County and the Department of Transportation will be updating their aerial photographs and that Ferndale can "piggy back" on their contract to update ours as well. The estimated cost is \$15,000, a substantial savings for the City. Stormwater monies would be the funding preferred.

Councilmember Downey asked if the flyover had already taken place, and staff responded that it had, the previous Saturday.

The Council agreed that this was a good opportunity to save money as well as update the City's outdated aerials.

It was moved by Councilmember Downey and seconded by Councilmember Hansen to approve the expenditure of \$15,000 for update aerial/digital photos. Motion passed unanimously.

PANDEMIC EMERGENCY PLANNING

Administrator Young stated that City staff began meeting several weeks ago to formulate an emergency plan to deal with a potential pandemic outbreak. While the County, State and Nation have pandemic plans in the works, it was felt that the City needs a plan that would fit with the larger plans, and define needs, communications, and personnel needed to deal with such an outbreak in this area. First and foremost it was important that all essential personnel know their roles and responsibilities. Next it was established what could be done to continue the business of the City from remote sites. There is still a good deal of work to be done and interlocals to be worked out, but the foundation is in place to enable the City to better handle a potential pandemic.

Administrator Young stated that the planning that has gone into this issue will also transfer easily to other emergencies or disasters.

Mayor Pro-tem Oliver thanked staff for their pro-active approach to this issue.

DEPARTMENT REPORTS

Economic Development Consultant Paul Koch stated that he had prepared a letter to be distributed to Council regarding their roles in the upcoming Community Vision Forums.

Public Works Director Bob Cecile updated the Council on the recent promotions and additions to the Public Works staff, including the promotion of Bo Westford to Senior Foreman and Jim Slaughter to Foreman. Katy Radder has taken on some of the more complex duties of the administrative team since her reclassification to Program Specialist. Also, two new utility workers have been hired.

Planning Director Tom Black stated that Fran Raabe had resigned as Permit Specialist a few weeks ago, and that Marci Wightman the recently hired Planning and Building Clerk, has been hired to replace her. The Planning Department is now actively searching for a person to fill the P&B Clerk opening. Director Black stated that the entire department "stepped-up" to make sure that department functions continued smoothly during this transition, and that he was "very proud of this team".

Police Chief Michael Knapp noted that the Police Department had concluded promotional testing procedures and that Matt Huffman is the new lieutenant, and Ken Gates and Bill Hatchett are the new sergeants. He also welcomed Officer Campos back from maternity leave.

EXECUTIVE SESSION

At approximately 8:55 p.m. Mayor Pro-Tem Oliver announced that there would be a five-minute break to allow Councilmembers to sign off on the attending student's forms, to be followed by an executive session to consider collective bargaining issues. He noted that the Council could possibly take action upon reconvening, and that the session would last approximately ten minutes.

RECONVENE

Mayor Pro-Tem Oliver called the meeting back to order at 9:12 p.m.

IAM TECHNICAL AND PROFESSIONAL UNIT CONTRACT

It was moved by Councilmember Hansen and seconded by Councilmember Jensen to approve the IAM Technical and Professional Unit contract as presented by the City.

Councilmember Reilly felt that the City and the Unit should continue to work towards and agreement for at least two more weeks.

Councilmember Hansen felt that the City had presented a fair offer, and that the unit members had already gone nearly two years without a salary adjustment.

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

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 9:17 p.m.

ATTEST:

Mayor Pro-Tem Steve Oliver

City Clerk Linda Knutson

ATTACHMENT A:

**MINUTES
Planning and Judicial Committee Meeting
Held Wednesday, April 26, 2006
City Hall Conference Room
9:30 a.m.**

PRESENT: Councilmembers Jensen, and Downey

ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson, Tom Black

MOUNTAIN VIEW MEADOWS FINAL PLAT

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The Preliminary Plat for Mountain View Meadows was approved by the City Council on August 1, 2005. Construction of the infrastructure for the plat has been underway for several months. The improvements to Mountain View Road, sewer, water, and storm sewer infrastructure, and the new public street (Meadowview Court) are now substantially complete.

The Hearings Examiner held a public meeting on April 6, 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 April 6, 2006. Director Black noted that at the time of the staff report the paving was not yet completed, but was now finished.

It was moved by Councilmember Jensen and seconded by Councilmember Downey to move the Final Plat of Mountain View Meadows forward to the full Council for consideration. Motion passed.

LABOUNTY LOCAL IMPROVEMENT DISTRICT

City Administrator Greg Young reviewed for the Committee that the City has been approached by property owners on LaBounty who are requesting some improvements and revisions to that area, possibly through the formation of a Local Improvement District.

The first improvement, with an estimated cost of approximately \$795,000 would extend Slater Road though to Sunset. The second improvement would install curb, gutter and sidewalk from Sunset to Seahawk Drive, located in the new LaBounty Estates subdivision. The approximate cost of this improvement is \$2.4 million.

In order to assess the improvement – to – assessed value of the affected properties, the City is proposing a feasibility study to be performed by Macaulay and Associates at a cost of \$21,500. To fund this study, Administrator Young noted that the City has applied to the Port of Bellingham for a \$30,000 grant through the Small Cities Caucus. This would be matched by City funds. He also noted that the storage facility next to LaBounty Estates paid in-lieu-of funds that could be used for the matching requirements of the Port grant. The Streets and Utilities Committee have moved this item forward to the full Council for consideration.

ATTACHMENT B:

**MINUTES
Recreation and Finance Committee Meeting
Held Wednesday, April 26, 2006
City Hall Conference Room
8:45 a.m.**

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

AERIAL PHOTOGRAPHY

Public Works Director Bob Cecile noted that the County and the Department of Transportation will be updating their aerial photographs and that Ferndale can "piggy back" on their contract to update ours as well. The estimate cost is \$15,000, a substantial savings for the City. Stormwater monies would be the funding preferred. The Committee agreed that this was a good opportunity to save money as well as update the City's outdated aerals.

It was moved by Councilmember Oliver and seconded by Councilmember Jensen to recommend approval of this expenditure. Motion passed unanimously.

PANDEMIC FLU UPDATE

City Administrator Greg Young reviewed that the City has been preparing internally for a possible flu pandemic. While the County, State and Nation have pandemic plans in the works, it was felt that the City needs a plan that would fit with the larger plans, and define needs, communications, and personnel needed to deal with such an outbreak. Administrator Young will present an informational overview of the City's plan at the next Council meeting.

ADMISSIONS TAX ORDINANCE

Administrator Young stated that many jurisdictions have in place an admissions tax as a source of revenue that can be used to deal with impacts of large events on the City. The Committee discussed how such a tax would be administered and what kind of exemptions could be levied. Generally, it was felt that this proposal would be better timed for the budget discussions for 2007.

ATTACHMENT C:

MINUTES
Streets and Utilities Committee Meeting
Held Wednesday, April 26, 2006
City Hall Conference Room
7:30 a.m.

PRESENT: Councilmembers Reilly, Hansen, and Oliver
ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson, Tom Black
Bob Cecile, Mark Peterson
CITY ATTORNEY: Richard Langabeer

LABOUNTY LOCAL IMPROVEMENT DISTRICT

City Administrator Greg Young reviewed for the Committee that the City has been approached by property owners on LaBounty who are requesting some improvements and revisions to that area, possibly through the formation of a Local Improvement District.

The first improvement, with an estimated cost of approximately \$795,000 would extend Slater Road though to Sunset. The second improvement would install curb, gutter and sidewalk from Sunset to Seahawk Drive, located in the new LaBounty Estates subdivision. The approximate cost of this improvement is \$2.4 million.

In order to assess the improvement – to – assessed value of the affected properties, the City is proposing a feasibility study to be performed by Macaulay and Associates at a cost of \$21,500. To fund this study, Administrator Young noted that the City has applied to the Port of Bellingham for a \$30,000 grant through the Small Cities Caucus. This would be matched by City funds. He also noted that the storage facility next to LaBounty Estates paid in-lieu-of funds that could be used for the matching requirements of the Port grant.

The Committee was in agreement that the proposed improvements would greatly enhance this area for economic development, and would match up well with the improvements already made at Rural and Sunset.

It was moved by Councilmember Oliver and seconded by Councilmember Reilly to recommend to the full Council the expenditure of \$21,500 to Macaulay and Associates for a feasibility study on the formation of a LaBounty Local Improvement District. Motion passed unanimously.

SEWER MORATORIUM IN THE AREA OF THE SOUTHWEST SEWER BYPASS PROJECT

Administrator Young stated that the Southwest Sewer Bypass Project is within two weeks of completion. He said that the Council could now decide whether to keep the moratorium in place until the actual completion date or to lift it at the Council meeting of May 3rd in anticipation of the completion.

It was moved by Councilmember Reilly and seconded by Councilmember Hansen to recommend to the full Council that the sewer moratorium be lifted at the next regular meeting. Motion passed unanimously.

MODIFICATION TO STORMWATER FEE STRUCTURE

Administrator Young said that he had spoken to Councilmember Hansen who had suggested some modifications to the Stormwater Ordinance which was passed at the last Council meeting. It was recommended that commercial and industrial customers have a choice between paying the established fee of \$3.50 per 10,000 square feet of property, or paying \$7.00 per 10,000 square feet of impervious surface. What prompted this discussion, Hansen said, were the Riverside Golf Course property and some school properties that have small amounts of impervious surface on large quantities of land.

As proposed, the commercial and industrial customers would be contacted and given an amount of time to respond to which option they would prefer for their properties. It would further be the responsibility of the commercial and industrial customers who choose the second option to provide an accurate drawing of their property showing a close approximation of the total impervious surface. This information would be confirmed and approved by staff.

It was moved by Councilmember Hansen and seconded by Councilmember Hansen to approve the presented options for commercial and industrial customers regarding stormwater fees, via a change to the stormwater ordinance, and presented to the Council at the next meeting. Motion passed.

AERIAL PHOTOGRAPHY

Public Works Director Bob Cecile noted that the County will be updating their aerial photographs and that Ferndale can "piggy back" on their contract to update ours as well. The estimate cost is \$15,000, a substantial savings for the City.

This item will be presented at the next Council meeting for discussion.

REQUEST FROM DAVID BRAITHWAITE TO RECONSIDER COUNCIL DECISION

At the last Council meeting, the Council approved Mr. Braithwaite's Preliminary Plat, Vista Meadows, with the following motion:

Motion

It was moved by Councilmember Hansen and seconded by Councilmember Reilly to approve the Preliminary Plat of Vista Meadows, subject to the applicant revising the Plat to allow for a second access from the Plat to Washington Street.

The motion passed unanimously, with the Council allowing the applicant to work out the details of accomplishing the connection to Washington Street.

Mr. Braithwaite was asking the Committee to bring this back to the full Council for reconsideration, as he felt that connecting directly to Vita would provide a better alternate ingress/egress to his plat. He added that he had spoken with Herman Traffic Engineering, who are working on the Malloy/Vista Roundabout, and had given him their "preliminary support for this access point..."

The Committee had several questions for City Attorney Langabeer regarding legal aspects to the reconsideration process on this plat. Mr. Langabeer felt that Mr. Braithwaite's request, along with his subsequent contact with staff and Council, had been proper and appropriate in his quest to voice his issues and alternatives for this project. The Committee was concerned about changing the practice of limiting new access to and from Vista, citing their recent decision regarding the Homestead project at the former Pioneer Ridge property. Mr. Braithwaite contended that it made more sense to access Vista rather than an unimproved Washington Street.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to recommend reconsideration of the Vista Meadows Plat condition of accessibility only at the next Council meeting. Motion passed.

The Committee asked that staff supply information from Reichhardt and Ebe, as well as a staff opinion in preparation for the reconsideration.

PARKING SPACE IN FRONT OF CHAMBER OF COMMERCE OFFICE

Councilmember Hansen wondered if the City had further considered the placement of a sign indicating "Chamber Parking Only" in front of the Chamber's office on Second Avenue. Director Cecile indicated that he will have an answer at the next meeting of the Committee.