

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Tuesday, September 4, 2007**  
**City Hall Annex – Council Chambers**  
**7 p.m.**

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**PRESENT BY ROLL CALL:**

<b>Councilmember Steve Oliver</b>	<b>Councilmember Mel Hansen</b>
<b>Councilmember Mike Reilly</b>	<b>Councilmember Jim Elliott</b>
<b>Councilmember Ken Downey</b>	<b>Councilmember Gary Jensen</b>
<b>Councilmember Keith Olson</b>	

**STAFF:**

<b>City Administrator Greg Young</b>	<b>City Clerk Linda Knutson</b>
<b>City Treasurer Mark Peterson</b>	<b>Police Chief Michael Knapp</b>
<b>Senior Planner Michael Jones</b>	<b>Assistant Planner Ryan Morrison</b>

**Mayor Jerry Landcastle Presiding**

**CALL TO ORDER**

The regular meeting of the Ferndale City Council was called to order at 7 p.m. by Mayor Jerry Landcastle.

**CONSENT AGENDA**

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

- *Approval of Minutes of Council meeting of 8/20/2007*
- *Approval of Payroll of 8/31/07 – Auto Deposit amount \$99,941.83; Federal Tax Auto Deposit Amount: \$37,303.83; Checks #50452 - #50472 amount: \$56,797.14; Total Payroll: \$194,042.80 (Regular Payroll)*
- *Approval of Claims Run of 9/04/07 – **Manual** Checks #62544 - #62551; amount: \$24,861.98; **Regular** Checks #62552 - #62609 amount: \$104,927.56, Totaling \$129,789.54*

Councilmember Olson had a question on the \$10,000 expenditure for a used ambulance. Mayor Landcastle noted that the Police Department had secured a Homeland Security grant in the amount of \$14,000 for the purpose of purchasing a mobile command center. Police Chief Knapp expects that the remaining \$4,000 will cover the retrofitting of the vehicle. More grant funds are available if additional money is needed.

***Motion passed unanimously.***

**LEED CERTIFICATION PRESENTATION**

Derek Long of Sustainable Connections and Alistair Jackson of O'Brian and Company presented a review of LEED certification, a growing movement of building green. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their buildings' performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. LEED provides a roadmap for measuring and documenting success for every building type and phase of a building lifecycle. Specific LEED programs include:

- New Commercial Construction and Major Renovation projects
- Existing Building Operations and Maintenance
- Commercial Interiors projects
- Core and Shell Development projects
- Homes
- Neighborhood Development
- Guidelines for Multiple Buildings and On-Campus Building Projects
- LEED for Schools
- LEED for Retail

Mr. Jackson indicated that the interest and participation in this program has been steadily growing over the past 3-4 years. Cities can provide a streamlined or express permit service for qualifying projects.

The Council had several questions and comments on the presentation, including how large retail could be encouraged to build greener, what the new Boys and Girls Club could do to build a healthy and green facility, and encouraging more pervious materials in parking lots.

#### **CHAMBER OF COMMERCE MONTHLY REPORT**

Guy Occhiogrosso, Chamber Director, updated the Council on August statistics. Two new businesses have joined the Chamber, and over 700 people visited the Chamber offices on Second Avenue. He feels that the recently installed directional signs have helped travelers find the visitor's center. The Annual Street Festival was deemed a success, with estimated attendance thought to be higher than last year.

#### **ORDINANCE #1434: FEE CODE**

Mayor Landcastle reviewed that the Fee Code Ordinance now included all fee references that were included in the Ferndale Municipal Code.

***It was moved by Councilmember Jensen and seconded by Councilmember Downey to approve Ordinance #1434.***

Councilmembers Reilly and Hansen wondered why some new fees had not been included in either the agenda bill of the committee minutes. Councilmember Jensen responded that his committee had discussed the additional fees and felt they should be included in the Fee Schedule. Councilmember Reilly said that his Committee had not reviewed the fees, but Treasurer Peterson recalled that Streets and Utilities had reviewed the proposed fees a few months prior. Ultimately the Council felt that the new fees were reasonable and could be added to the Schedule as proposed.

***Motion passed unanimously.***

#### **ORDINANCE #1432: CRIMINAL CODE**

Councilmember Jensen noted that his committee had reviewed the criminal code ordinance that would incorporate by reference several sections of the Revised Code of Washington. The purpose of this incorporation was to enable the Police Department, Court, and Prosecutor to better enforce and uphold laws, most notably some domestic violence laws that had been lacking in the City Code.

***It was moved by Councilmember Jensen and seconded by Councilmember Downey to approve Ordinance #1432. Motion passed unanimously.***

#### **DISCUSSION ON PARKS MASTER PLAN**

Senior Planner Michael Jones stated that the Planning Department and the Hearings Examiner, in administering the recently approved Parks Master Plan element of the Comprehensive Plan, have found some inconsistencies and conflicts that will need to be amended and revised. Work needs to be done on the mitigations fees, parkland dedication, and trails portions of the Plan.

The Council had several questions regarding how staff is currently handling the deficiencies. Planner Jones stated that they are and will be noting conflicting areas in the project staff reports to the Council, along with recommendations for interim fixes. When asked for a timeline regarding revisions, he said that because the Parks Plan was part of the City's Comprehensive Plan, it needs to be docketed for a Comprehensive Plan Amendment in early 2008. This gives staff time to develop recommendations for revisions, which will be forwarded to the Parks Recreation and Trails Board, then to the Planning Commission, and finally back to Council.

Councilmember Hansen stated that he did not recall reviewing or approving a trails map, only a text concept in the plan. He asked the City Clerk to check the Master Plan document that come before the Council for the public hearing in April.

#### **ZONING TEXT AMENDMENT – COFFEE/FOOD STANDS IN MANUFACTURING AND LIGHT INDUSTRIAL**

Assistant Planner Ryan Morrison reviewed the staff report regarding a proposed text amendment to the Manufacturing zones and Light Industrial zones to include coffee and food stands up to 750 square feet. Kendra Smith, with the Silver Creek Business Park, has proposed the addition of coffee/food stands to the Manufacturing (M) zone. Staff has recommended that this use also be added to the Light Industrial (LI) zone.

On June 13, 2007 the Planning Commission held a public hearing on the proposed amendment. Two people spoke during the public comment period. Kendra Smith (applicant) spoke in favor of the amendment. Sean Hawes also spoke during the public testimony section of the hearing. Mr. Hawes spoke generally about the nature of the Planning Commission, and not really about the subject of the amendment proposal. There were no objections to the proposed amendment by the public or members of the Planning Commission. The Planning Commission recommended approval to allow coffee/food stands no greater than 750 sq ft as permitted uses in both LI and M zones, and to allow coffee/food stands and restaurants greater than 750 sq ft, but less than 6,000 sq ft as conditional uses in both LI and M zones. The applicant had originally asked to include coffee/food stands up to 900 sq ft in size as permitted uses in the Manufacturing zone.

The Planning Commission voted unanimously to RECOMMEND APPROVAL of the revisions to FMC18.54 and FMC18.56 as presented by staff. After discussion with the Planning and Judicial Committee on July 18, 2007, it is staff's intent to revise the language approved by the Planning Commission so that the amount of square footage for these coffee stands as conditional uses is reduced to 1,500 sq ft, and that restaurants be stricken from this text amendment. Staff feels that conditionally permitted coffee/food stands and restaurants up to 6,000 sq ft in size may too large. Staff would like to visit the possibility of adding "restaurants" as permitted and/or conditional uses in the Light Industrial and Manufacturing zones at a future date.

Adoption of new municipal code sections requires a 60-day review by state agencies. A draft ordinance was sent to the State for review on July 23, 2007. The 60-day period will expire on September 23, 2007. If the Council chooses to approve the Ordinance, the last remaining item in finalizing this text amendment will be for the 60-day state agency review to conclude.

The Municipal Code requires that the City Council make findings of fact in order to approve zoning text amendments. Staff has drafted the following findings for the Council's consideration:

1. No SEPA review was required. The proposed code revision does not meet regulatory thresholds that would indicate the potential for significant adverse impacts on the natural environment.
2. The proposed code amendments will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone affected by the code amendments.
3. The code changes will encourage additional commercial uses in the Manufacturing and Light Industrial Zones thereby helping the City achieve the goals of the Comprehensive Plan and the mandates of the Growth Management Act.

The Council had some general questions and comments regarding the size limitation of 750 square feet. It was also asked whether mobile lunch wagons/trucks were addressed in these zones. Staff responded that such trucks are at the discretion of the property owners. Also discussed was the City's involvement in deciding whether or not liquor could become an issue. It was felt that this was subject to the State Liquor Board regulations, and that the City has the opportunity to comment on liquor service or sale, but is not the ultimate authority.

***It was moved by Councilmember Downey and seconded by Councilmember Elliott to approve Ordinance #1433 as presented based upon the staff report, conclusions of law, and findings of fact. Motion passed unanimously.***

## **COUNCIL REPORTS**

**Councilmember Downey** stated that there is a possibility of him being sent to Arizona for up to three months. He will update the Council when he learns more.

**Councilmember Olson** asked for an update on the Roundabout Project. Mayor Landcastle responded that the roundabout had some test runs earlier in the day with school busses, which went well. He said that all that remains is the pouring of the truck apron. Signage and other minor completions can be installed after opening, which is expected by the end of the week. Councilmembers Olson and Reilly expressed extreme disappointment that the roundabout was not completed before the first day of school, as originally planned. They both felt that the construction company could have worked "around the clock" to accomplish this. Administrator Young noted that this would have brought the project over budget, and he believed going over the planned completion by only a few days was reasonable. Reilly and Olson both said that the extra days were a "huge inconvenience to the public". Councilmember Jensen added that the construction company had run into some unforeseen and serious issues during some excavation work and that they had done a good job in attempting to keep on schedule.

**Councilmember Jensen** reminded everyone to attend the upcoming Hispanic Independence Day event.

**EXECUTIVE SESSION**

At 9:20 p.m. Mayor Landcastle announced a ten minute break and that the Council would be adjourning to executive session for approximately one hour, and expected that no action would be taken upon reconvening. The purpose of the executive session was to review collective bargaining issues and personnel issues.

**RECONVENE AND ADJOURNMENT**

At 10:40 p.m. the Council reconvened. There being no further scheduled City business the meeting was adjourned.

**ATTEST:**

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Jerry Landcastle, Mayor

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Linda Knutson, City Clerk

***Attachment A:***

**MINUTES  
Streets and Utilities Committee Meeting  
Held Wednesday, August 29, 2007  
City Hall Conference Room  
7:30 a.m.**

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

**FLAG POLE HOLDERS AT CENTENNIAL RIVERWALK PARK**

Public Works Director Cecile displayed a map showing potential locations for flag pole holes/holders at the new Centennial Riverwalk Park. These would be utilized during the holidays and events that the Kiwanis normally display flags along Main Street. The Committee all felt that this was a good idea.

**NORTH BELLINGHAM GRANGE UTILITY CONNECTIONS**

Russ Weston of the North Bellingham Grange was present to inquire where the City was at regarding utility connections to the Grange Hall, which is located outside of the City's UGA. Mr. Weston had been contesting the cost of the sewer connection, citing code and ordinance provisions put in place during the Norbell agreement with the County.

Administrator Young stated that the City Attorney is currently reviewing the situation and that Director Cecile will notify Mr. Weston once a legal opinion is received.

In answer to a question by Councilmember Hansen, Mr. Weston said he expects to pay the full required connection fee for water. Mr. Weston added that based on this conversation, the Grange will proceed with engineering.

**MONTESSORI SCHOOL ON VISTA**

Director Cecile stated that a Montessori School is being proposed on Vista Drive outside of the City limits. They are requesting City services. The Committee stated that this was against policy unless they area is annexed. The Committee directed staff to inform the County that all street improvements related to this project must be done to City standards.

**CHURCH ROAD CROSS SECTION**

As part of an ongoing discussion, Director Cecile noted to the Committee that most developments along Church Road have installed Streets of 36 feet. The Committee agreed that along most stretches of Church the 36 feet will be adequate, and where possible 44 feet should be installed to accommodate possible bike lanes and left turn lanes. It was generally felt that parking should not be accommodated on Church because of r-o-w and safety considerations.

**BAKERVIEW BOOSTER STATION BENEFIT AREA**

Director Cecile showed a map of the area that will benefit from the Bakerview Booster Pump Project. Using the criteria of useful life, 60% of the total project cost, and a twenty year recovery period, it was estimated by Treasurer

Peterson that a surcharge for new connections in this area should be set at \$300. Peterson also suggested a year inflator on this project as well as the Southwest Sewer Interceptor. The Committee agreed.

**WILLOW SPRINGS CROSS CONNECTION CONTROL ISSUE**

Director Cecil and Chief Operator Olinger will be meeting with the homeowners association of Willow Springs on September 13<sup>th</sup> to discuss and answer questions on cross connection control issues in this subdivision.

**SOUTHWEST REGION STORMWATER FACILITY**

Director Cecile stated that a recent appraisal of the property proposed to house the Southwest Regional Stormwater Facility has caused some developers to lose interest in participating in the project. The City would like to go forward with the project with the idea of selling capacity as needed for future development in this area, and will return to the Committee with more specifics.

**WATER AND SEWER CONNECTION FEES**

As requested at an earlier meeting, Treasurer Peterson prepared a spreadsheet that showed incremental connection fee increases through the year 2015 that would be sufficient to cover upcoming capital projects and reserve balances.

The Committee discussed at length several scenarios that would have less impact on connections fees, including the elimination of some of the many projects listed in the water and sewer CIP's. Councilmember Reilly pointed out that the WWTP will be paid off in 2015, eliminating \$1 million a year in debt service. Councilmember Oliver stated that he would like to see a list of actual projects, and then having connection fee increases related directly to those projects. Administrator Young added that those projects should be identified as growth related and maintenance related. Councilmember Hansen felt comfortable looking at major projects and fee increases in "reasonable scenarios".

Using the original spreadsheet as a guide, the Committee generally agreed that taking the discussion into consideration, a 2008 sewer connection fee of \$5,000 and water connection fee of \$3,500 would be an appropriate increase. The Committee also would like to see the water and sewer funds combined to take some of the pressure off of the less solvent sewer fund. Finally, the Committee generally agreed that a three-percent increase in water and sewer rates was suitable for 2008. Treasurer Peterson will run these numbers for the next meeting.

**OTHER**

Director Cecile updated the Committee on the sidewalk program (to begin in September using the Small Works Roster), and the coordination of Main Street Signalization (currently being fine tuned).

***Attachment B:***

**MINUTES  
Recreation and Finance Committee Meeting  
Held Wednesday, August 29, 2007  
City Hall Conference Room  
9 a.m.**

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

**PURCHASE OF PARK LANDS**

Councilmember Downey stated that he had knowledge of a large area of property for sale that might work very well for future passive park land for the City.

**PARKS MASTER PLAN**

The Committee discussed two major issues that have arisen with the recently adopted Parks Master Plan, which was also incorporated by reference into the City's Comprehensive Plan.

Senior Planner Michael Jones stated that the Ordinance imposing a \$1,100 park mitigation fee does not mention or provide for trail and/or park dedications. This is causing some inconsistencies and inequities on submitted projects. It was suggested that staff develop language that will clarify the intent of Council in this regard.

The second issue concerned developing a logical and consistent trail plan for the City from a professional planning perspective. Jones noted that the trail plan currently in effect will serve as a good guide, only needing some amending, and flexibility where appropriate.

Administrator Young summarized that staff will work on language for dedication and fees, and also verbiage on the trail map interpretation. In the meantime, and until corrections are completed, staff stated that Council has the final say on items coming before them, and that staff reports will contain recommendations for action on those items in the plan that are somewhat ambiguous or confusing.

**Attachment C:**

**MINUTES  
Planning and Judicial Committee Meeting  
Held Wednesday, August 29, 2007  
City Hall Conference Room  
10 a.m.**

**PRESENT:** Councilmembers Jensen, Elliott, and Downey  
**ADMINISTRATION:** Greg Young, Linda Knutson, Mark Peterson, Dennis Rhodes

**ASSESSED VERSUS MARKET VALUE DISCUSSION**

Planning Director Rhodes stated that based upon a recent discussion with Council concerning non-conforming uses, it would be good to clearly define the meaning of "assessed", "market", and "replacement" as referred to and used in City codes.

**UPDATED FEE CODE**

An updated version of the City Fee Schedule/Code was presented to the Committee for review. City Clerk Knutson explained that during the major revision of the Municipal Code, all fees and dollars amounts have been extracted from the current code and placed on this list. A more thorough review of the Fee Code will be conducted in upcoming months that will include modifications, and in some cases removal of the listed fees. However approval of the code at this point will allow for a more timely completion of the FMC.

***It was moved by Councilmember Jensen and seconded by Councilmember Downey to recommend approval of the Fee Code to the full Council. Motion passed unanimously.***

**ORDINANCE INCORPORATING BY REFERENCE TITLE 9 OF THE RCW**

For several years staff and legal counsel have been working on an addition to the City's criminal code that would incorporate by reference several portions of the Revised Code of Washington's Title 9 Criminal Code provisions. This work has been reviewed by the Court Administrator, Probation Officer, Prosecuting Attorney, Police personnel, and City Attorney.

***It was moved by Councilmember Jensen and seconded by Councilmember Elliott to recommend approval of the Criminal Code Ordinance. Motion passed unanimously.***

**OVERVIEW OF FINAL PUBLIC MEETING ON LARGE RETAIL**

Planning Director Dennis Rhodes reviewed for the Committee the agenda for the third and final meeting on large retail hosted by the Planning Commission.