

MINUTES
Ferndale City Council Meeting
Held Monday, December 20, 2010
City Hall Annex – Council Chambers
6:00 p.m.

PRESENT BY ROLL CALL:

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| Councilmember Steve Malpezzi | Councilmember Mel Hansen |
| Councilmember Connie Faria | Councilmember Paul Ingram |
| Councilmember Jon Mutchler | Councilmember Lloyd Zimmerman |
| Councilmember Brent Goodrich | |

STAFF:

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| City Administrator Greg Young | Deputy City Clerk Sylvia Stiles |
| Finance Director Mark Peterson | Public Works Director Janice Marlega |
| Comm. Development Director Jori Burnett | Chief of Police Mike Knapp |
| Planner Ryan Morrison | |

Mayor Gary Jensen presiding.

6:00 p.m. CALL TO ORDER

6:01 p.m. PUBLIC COMMENT

Ron Wilson, 6154 Sunshine St., Ferndale, wanted to protest about the Mayor hiring someone who was not qualified. He also maintained the increase in pay to Administrator Young was uncalled for.

Pat Alesse, 4825 Alderson Rd., Birch Bay, asked the City to take care of the drainage issues before annexation.

6:04 p.m. CONSENT AGENDA

Councilmember Goodrich asked that Ordinance # 1620 be pulled from the consent agenda for discussion and Councilmember Zimmerman asked that Ordinance # 1621 be pulled from the consent agenda for discussion.

The following consent agenda was moved for approval by Councilmember Ingram and seconded by Councilmember Goodrich:

- *Approval of Minutes of Council Meeting November 15, 2010;*
- *Approval of Minutes of Council Meeting December 6, 2010;*
- *Approval of Payroll of December 3, 2010: Automatic Payroll Deposit Amount: \$119,631.91; Automatic Dept of Retirement And Guild Dues Deposit Amount: \$25,091.42; Automatic Federal Tax Deposit Amount: \$43,756.40; Check # 52126 through #52139 in the amount of \$43,026.84; **Total Payroll: \$ 231,506.57***
- *Approval of Claims Run of December 6, 2010 –Manual Checks, ACH, EFT's, Etc . \$ 1,197,457.11; Check# 71359-71417,12072010, Bon 12202010; Check # 1418-71497: \$ 166,635.48; **Grand Total: \$1,364,092.59***
- *Ordinance 1617 Correcting a Scribner's error on West Slater Annexation*
- *Ordinance 1619 Grandview Annexation- Change in Annexation effective date to July 1, 2011*

Motion passed unanimously.

6:06 p.m. ORDINANCE 1620 REVISING THE COUNCIL RULES OF PROCEDURES

Councilmember Goodrich had concerns the new ordinance removed the two weeks of advertising an open position. He felt to be fair the minimum two week notice needs to be posted to make sure the best candidate receives the job. Councilmember Malpezzi added it was good policy and open government to announce an opening then wait a period of time.

Councilmember Faria asked for clarification from Councilmember Goodrich if it was his intent to have positions advertised for two weeks or if it should be one of the options. Councilmember Goodrich confirmed he thought it should be mandatory.

Councilmember Faria reminded the council that not that long ago Jori Burnett was hired as a Department Head and the position was not advertised. No one on the council mentioned advertising at that time.

Councilmember Malpezzi stated he did not realize Director Burnett's position was not advertised in the local paper.

Councilmember Zimmerman remarked the ordinance went against the balance of power between the Mayor and the Council.

Mayor Jensen confirmed that every city employee has a six months probationary period.

Councilmember Mutchler contended the RCW gives broad powers to the Mayor to choose his staff any way he wants. Then the council can either confirm or not confirm that position. He felt the existing ordinance may be out of compliance with the RCW. The City Attorney, Dick Langabeer confirmed this was correct. Under title 35A 12 the Mayor has the authority to hire department heads. The council has the right to confirm those appointments. Given that as a statutory process Councilmember Mutchler was correct. How the Mayor hires someone is subject to the Council confirmation. This would be the check and balance. While the procedure may state the need to advertise for two weeks the Mayor is not incumbent to follow that procedure. In the procedures there is a waiver policy in any given instance. It was Mr. Langabeer's opinion there was no issue of violating any equal opportunity process. He did not feel the policy to advertise was binding on the administration.

Councilmember Faria stated she was disappointed the council had a policy that did not need to be followed.

It was moved by Councilmember Mutchler and seconded by Councilmember Zimmerman to set aside section 18 the policy and not follow the two week three candidate rule in this case.

Discussion: The council debated the pros and cons of following the policy. Mayor Jensen reminded the council the end result should be to hire a quality employee for the City. He noted some failures when the position was advertised.

Councilmember Goodrich withdrew his objection to the ordinance based on Mr. Langabeer's legal opinion.

Councilmember Mutchler restated his motion to correct errors in the policy. And to set aside the policy as it stands now.

Councilmember Zimmerman after asking for clarification withdrew his second.

The motion was seconded by Councilmember Faria

Councilmember Goodrich asked for clarification on the motion from Councilmember Mutchler. He asked if the suspension of the advertising process be just for the City Clerk position in question or if it applied to all appointments of the Mayor. Councilmember Mutchler responded he was his intention to have the Mayor use whatever process he wants to find his staff member. That was what he believed was the intent of the RCW. He wanted to be certain this ordinance is written properly.

Motion passed 5 to 2 with Councilmembers Zimmerman and Malpezzi voting no

6:38 p.m. ANNUAL COMPREHENSIVE PLAN AMENDMENTS – PUBLIC HEARING

Director Burnett explained every year the City can adopt amendments to its Comprehensive Plan. It can do so no more than once per year. This year there are six amendments. The Code requires there can be only one Public Hearing. What was proposed was to discuss five of the amendments at this meeting and hold over to a date certain which would be January 5, 2011. That is a community meeting scheduled to discuss the transportation element. He proposed opening one Public Hearing during the hearing invite member of the public to come up on the individual agenda items one by one. The Public Hearing will remain open. The final ordinance will be brought before the council on January 18, 2011. Staff recommended the council make a motion to place or not place each amendment items on to the final ordinance.

- Proposal 1. 1467 Sunset Ave. is a map amendment to change from medium density residential to manufacturing. This property is currently surrounded by manufacturing zoning. The proponent is requesting the Comprehensive Plan be changed from its current designation to the industrial designation with a corresponding rezone to manufacturing. Planning Commission recommended approval of this amendment.

6:44 p.m. Mayor Jensen opened the Public Hearing

There was no public comment on this item of the Comprehensive Plan

***It was moved by Councilmember Ingram and seconded by Councilmember Hansen to include proposal 1 on the final 2010 Comprehensive Plan Amendment.
Motion passed unanimously.***

- Proposal 2. Northwest Intersection of Rural Avenue and Slater Road. The City has initiated a Comprehensive Plan Map Amendment to change the land use designation of approximately fourteen acres from Industrial to Commercial. With an associated rezone from Manufacturing to Mixed Use Commercial. The properties are in a highly visible location that will likely benefit from future commercial development to the south. Staff analysis of existing Industrial vs Commercial inventory within the City and the UGA reflects a slight diminishment of Industrial land and a growth in Commercial land over the past several years. The ratio between the two land uses remains relatively even. The Planning Commission and Staff recommend approval of this item. There was no public comment on this item.

***It was moved by Councilmember Faria and seconded by Councilmember Zimmerman to add language to the final 2010 Comprehensive Plan Amendment ordinance amending the Comprehensive Plan to change the northwest intersection of Rural and Slater from Industrial to Commercial with an associated rezone from Manufacturing to Mixed Use Commercial.
Motion passed unanimously.***

- Proposal 3. Downtown Area Reconfiguration and Expansion. The proposal would convert approximately twelve acres of land from High Density Residential to Commercial. The properties are located north of Main Street, including both Hamlin and Sterling Avenues. The proposal would also rezone the properties from Residential Office to City Center. The current proposal would establish a more uniform boundary on both the north and south sides of Main Street, and would extend the downtown zoning to Washington Street. The primary purpose of the proposal is to establish a dense urban environment in and around Main Street. An alternative proposal could include extending the City Center Zone midway along Hamlin and Washington Streets. Single family homes are currently allowed in this area. Currently this area is designated for high density but it has not achieved that density. The Planning Commission felt this change was premature. They felt the market should dictate the manner in which this area converts. Director Burnett explained the difference between conforming and non-conforming uses. He explained it is more difficult to get a loan on a non-conforming piece of property. The property owners would not be forced to sell their property. Councilmember Mutchler noted any action taken would not protect the single family neighborhood. This would need to happen with a further amendment down zoning this area. Director Burnett pointed out that virtually all of the down town area is in the flood plain of the Nooksack River. Regulations do not get easier to comply with. FEMA, DOE, Fisheries and others are making it more difficult to build in the flood plain. He cautioned the council they need to look twenty years out.

Public Comment:

Winella Berner, 5723 Sterling Ave., had concerns over the change. They like the neighborhood as it is. Her granddaughters feel save at this home and they feel protected. Some of her questions were answered. She asked if the property taxes would be affected by this. It was suggested she contact Keith Willnauer at Whatcom County regarding the tax question. She is not surprise by this suggested zoning change.

Elizabeth Behnke, P O Box 66, she spoke with as many neighbors as she could there was great support for keeping for the idea of keeping the area single family. There were also some neighbors with sentiment for letting the market condition drive it. Allow multi-family, allow office but keep the area not non-conforming. Many of the residents bought before the high density designation was in place. She asked if their home burned would they be able to rebuild. She commented right now the high density is not being filled. The distinction between place and site is a place grows organically, has a neighborhood character, is built over time, displays its history and it makes room for something new to happen. A site is the bulldozer mentality where you erase what is there and plunk down something that could just as well exist anywhere. She would like to keep their neighborhood a place rather than a site.

Art & Gina Ivy, 2115 Washington St., agreed with Ms. Behnke.

Mike Kohl, 2620 N Harbor Loop, Bellingham, related what is done today and the seeds that are planted are what the City becomes in the future. He noted right now every new building built in the downtown core be built six feet off the ground in order to escape the flood plain regulations. The development of high density uses adjacent to city cores is critical for the long term growth and development of the city core. He commented the new street scape on Main Street is all City Center developed and all has standards for development that are appropriate for the rest of the downtown. He asked council to consider the impact of the commercial property across the street. The rezone would allow for matching quality design regulated development to take place.

Shawn Morton, 5744 Sterling Ave. also agreed with Ms. Behnke. He urged that some people prefer older homes. They like the location and being able to walk to the library and downtown.

Director Burnett suggested there were a number of options. A no action would retain a zone that is unclear about its intent.

It was moved by Councilmember Goodrich and seconded by Councilmember Zimmerman to do nothing and leave the zoning the way it is.

Motion passed five to two with Councilmembers Faria and Mutchler voting no.

There was a five minute break to dismiss the high school students.

- Proposal 4. Transportation Element. This item will be discussed at a community meeting on January 5, 2011.
- Proposal 5. Multi-Family Density Increase. The council increased height limits within the RM 1.5 and RO zones. Both of which are subject to the High Density Residential land use designation. The proposal would increase the density from twenty-seven units per acre to forty units per acre. This also had an optional Transfer of Development Rights. By expanding the height limit a developer can switch to a different form of construction and possibly get more density. The Planning Commission felt that at this point forty units per acre was not needed. Transfer of Development Rights is a concept that has been used in some other parts of the county. Director Burnett explained how Transfer of Development Rights works to the council. He also asked the council to consider if they want the high density residential area to be in the downtown core or in another location.

Councilmember Hansen wondered if requirements for parking, landscaping and other items would be a better regulator rather than the number of units per acre. Councilmember Faria agreed.

Councilmember Goodrich worried there might be negative impact with the increased number.

Various councilmembers asked Director Burnett to explain options for achieving density.

Councilmember Zimmerman noted there were three builders in the audience. He asked for their comments on this matter.

Councilmember Hansen liked the concept of setting thresholds with set standards for each because it falls into the EAGLE Standards.

Public Comment:

Ron York, 1292 W Axton Rd., appreciated that the council understood increasing density. He encouraged the council to go to forty units and do away with the density. Builders build to the market. Mr. York did not feel he would be qualified to comment on Transfer of Development Rights.

Doug Robertson, 900 Dupont, does a lot of land use work throughout the county. He felt the City was blessed because the Planning Department is looking ahead twenty years. There is going to be growth the City needs to decide where it goes. He felt the increase from 27 units to 40 units is important and the City should adopt it.

David Braithwaite, 5998 S. Bakerview Park Dr., seconded Mr. York and Mr. Robertson. He suggested offering an incentive for higher density.

Director Burnett suggested the council look at Form Based Zoning.

It was moved by Councilmember Faria and seconded by Councilmember Mutchler to not include this amendment on the Comprehensive Plan Amendment.

Motion passed unanimously.

- Proposal 6. Public Use designations. There are two areas in which a map amendment is proposed to change the land use designation to Public, Griffintown Park and the future library site. Both areas were acquired by the City and have or will be developed with public use. Staff recommended approval.

There was no public comment

***It was moved by Councilmember Ingram and seconded by Councilmember Goodrich to include language to include proposal 6 in the final 2010 Comprehensive Plan.
Motion passed unanimously.***

***It was moved by Councilmember Faria and seconded by Councilmember Goodrich to continue the Public Hearing to a date certain January 5, 2011.
Motion passed unanimously.***

8:42 p.m. RIVERBEND ANNEXATION – PUBLIC HEARING

Planner Morrison outlined this is an area on the south side of Newkirk Road approximately 12.2 acres. Staff as well as the Planning Commission recommended approval of the annexation with a zoning designation of RM 1.5 – Multifamily Dwelling Units. The area includes 4 properties originally all property owners submitted a notice of intent to annexation. Since that time one of the properties involved was foreclosed as a result the petition to annex is only 75% of property owners involved. The City had determined the petition to annex is complete. The City has determined the nearby water and sewer systems, though not readily available, have the capacity to service this area. The cost of extending these services will be paid for by new development, City-initiated expansions, or a combination of both.

Mayor Jensen opened the public hearing.

Doug Robertson represents all the applicants on the petition. This will allow for high density multi-family. Part of each property will be in the county and part will be in the City, however everything in the county is in the flood plain.

Public Hearing was closed

It was moved by Councilmember Mutchler and seconded by Councilmember Zimmerman to approve the Riverbend Annexation to a RM 1.5 zoning.

Director Burnett suggested a friendly amendment to the motion to add contingent on BRB approval to the motion.

***Councilmember Mutchler and Councilmember Zimmerman both accepted the friendly amendment.
Motion passed unanimously.***

It was moved by Councilmember Faria and seconded by Councilmember Mutchler to extend the meeting to 10:00 p.m.

Motion failed 3 to 4 with Councilmembers Malpezzi, Hansen, Zimmerman and Ingram voting no.

It was moved by Councilmember Hansen and seconded by Councilmember Faria to extend the meeting to 9:30 p.m.

Motion passed 6 to 1 with Councilmember Malpezzi voting no.

8:52 p.m. ORDINANCE 1621 REVISING THE FEE SCHEDULE

Councilmember Zimmerman thought with the economic situation a 10% increase in the fees was unfathomable. He proposed the fees remain the way they are for the next year. Councilmember Faria clarified not all the fees were increasing by 10%. She related these were increases the Council had passed previously and are being put into effect. Most of the increases were just cost of living increases. Councilmember Goodrich asked council to think about a rebate program for developers.

It was moved by Councilmember Hansen and seconded by Councilmember Mutchler to approve the Fee Ordinance as presented.

Councilmember Hansen asked for confirmation that the increases were previously voted for approval by the council. Director Peterson stated that was correct.

Councilmember Faria acknowledged she like the idea of an incentive program and would like to discuss it in committee.

Motion passed 5 to 2 with Councilmembers Zimmerman and Malpezzi voting no.

8:58 p.m. 2011 BUDGET ADOPTION ORDINANCE 1618

Finance Director Peterson recalled there had been much discussion on this issue over the last four months. He noted the attachment of the retirement bonus letter from Tom Cain, the retirement plan for Linda Knutson and the salary adjustment for Administrator Greg Young. Staff recommended approval.

It was moved by Councilmember Faria and seconded by Councilmember Ingram to approve the budget as presented.

Councilmember Malpezzi asked staff to explain the reasoning behind the retirement bonus. The Mayor explained this was incentive to have him retire earlier than he intended to keep a junior police officer on the payroll.

Councilmember Malpezzi then asked why the leave payout. Director Peterson explained this was per Personnel Policy and in all labor contracts.

Councilmember Mutchler moved to close discussion and called for the question. Motion was seconded by Councilmember Ingram.

Motion passed 5 to 2 with Councilmembers Zimmerman and Malpezzi voting no.

Vote on the original motion:

Motion passed 5 to 2 with Councilmembers Zimmerman and Malpezzi voting no.

9:06 p.m. MAIN/AXTON CORRIDOR PLANNED ACTION EIS CONSULTANT CONTRACT

Administrator Young recommended approval of the contract with INOVA for the Planned Action EIS for the Axton/Main Street Corridor subject to an agreement between three and possible four property owners to offset the cost. There are three possibly four property owners that are interested in financially contributing and be involved with this process.

It was moved by Councilmember Hansen and seconded by Councilmember Ingram to approve the contract with INOVA as presented.

Councilmember Malpezzi contended he would be more comfortable if this contract was reviewed by the City Attorney.

Administrator Young explained there is a mechanism to collect the bulk of the money from the property owners upfront and a backend provision if the scope increases to collect more money.

Motion passed unanimously.

9:14 p.m. VISTA MEADOWS PHASE I – FINAL PLAT

Planner Morrison submitted the Community Development Department and the Planning Commission are recommending approval for Graite Construction's Final Plat application. It is for seven new residential lots four of which would be single family lots three would be multi-family lots. This is a split zoned property RM 1.5 and RS 6.5. There is a stormwater tract that will be included. This is the first phase of the original long plat of Vista Meadows. Public Works has indicated the project is significantly complete and there are a few items that will be taken care of prior to recording of the plat.

Councilmember Hansen asked if Mr. Braithwaite would be landscaping the stormwater vault. Planner Morrison replied the landscaping would be done before recording the final plat. Councilmember Hansen noted the preliminary plat called for some improvements along Siddle. It was his understanding that Phase I does not go out to Siddle. He was concerned that traffic from the lots that are going to be developed not be permitted to use the Siddle entrance and exit. Hansen added that at this time there is a gravel road from the end of the pavement out to Siddle. He wanted to make sure there would be no traffic going across to Siddle until the improvements are made. Planner Morrison noted this access could be closed off with a gate or ecology blocks.

It was moved by Councilmember Mutchler and seconded by Councilmember Faria to approve the final plat of Vista Meadows Phase I with the conditions as brought forward that no traffic accesses or exits on to Siddle until the road improvements and that the landscaping of the vault be completed.

Mr. Braithwaite asked that the tree requirement be removed as part of the landscaping requirement. The tree requirement makes it difficult to keep the pond clean. This would be worked out with staff.

Motion passed unanimously.

9:22 p.m. MAYOR REPORTS/COMMENTS

A couple of people have asked that the Second Avenue lights be repaired. This is being corrected. January 5, 2011 is going to a Public Meeting to discuss the Transpo Element of the Comprehensive Plan Amendment. This will be a Central School at 6:00 p.m. Mayor Jensen noted the Administration hope everyone Happy and Enjoyable Holidays.

9:24 p.m. COUNCIL REPORTS/COMMENTS

Councilmember Ingram reported on the concerns of litter on the streets surrounding the High School. There numerous bags of trash collected by the students.

9:25 p.m. DEPARTMENT REPORTS

There were none

It was moved by Councilmember Faria and seconded by Councilmember Mutchler to extend the meeting until 10:00 p.m.

Motion passed 4 to 3 with Councilmembers Zimmerman, Hansen and Malpezzi voting no.

9:27 p.m. Break for Executive Session

9:52 p.m. Back into Open Session

It was moved by Councilmember Faria and seconded by Councilmember Ingram to accept Sam Taylor's contract as amended.

Motion passed 4 to 3 with Councilmembers Goodrich, Zimmerman and Malpezzi voting no.

It was moved by Councilmember Faria and seconded by Councilmember Zimmerman to accept Sylvia Stiles 5% pay adjustment for October 1, 2010 to January 31, 2011.

Motion passed unanimously..

9:53 p.m. ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 9:53 p.m.

ATTEST:

Gary S. Jensen, MAYOR

Sylvia Stiles, DEPUTY CITY CLERK

ATTACHMENT A:

**MINUTES
Public Works and Utilities Committee Meeting
Held Wednesday, December 15, 2010
City Hall Conference Room
7:30 a.m.**

COMMITTEE: Councilmember Mel Hansen – Chair
Councilmember Lloyd Zimmerman
Councilmember Brent Goodrich

ADMINISTRATION: Mayor Gary Jensen City Administrator Greg Young
Public Wks Director Janice Marlega Project Manager Katy Radder
Deputy City Clerk Sylvia Stiles Finance Dir. Mark Peterson
Stormwater Manager Wendy LaRocque

Flood Event Report

Wendy LaRocque update the committee on the amount of flooding and damages which occurred during the recent heavy rains. Due to early preparations damages were minimal. The water never went over Bass Drive. Ms. LaRocque was asked if the levee had been certified by the Core, she will check on this. The committee briefly discussed the amount of debris accumulating in the river especially at the railroad bridge. There is potential for damage to the city water and sewer lines. PUD has an intake structure which has a measurable effect on the water level. Ms. LaRocque will check to see if that could be removed. There may be an opportunity to partner with the owner of the gulf course to remove this structure after permits have been obtained. It is also a hazard to navigation. Mayor Jensen reported there was a whirlpool underneath the bridge due to the increase in the debris. Councilmember Zimmerman felt the river should have been excavated rather than filling in with riprap where the scouring had taken place. Luis Ponce an engineer with Reichhardt & Ebe explained they had done some modeling of this one area. He explained the fill that was placed at the bridge was only to fill a hole left by scour. Ms. LaRocque explained she had been talking with Mr. Sullivan on the Crestline Heights Project. He was uncomfortable with the language in the right of entry form. She has sent the form to him for adjustments but has not heard back from him.

Main Street Project Update

Project Manager Radder advised the committee on the progress of the Main Street Project. The work has been put on suspension but there is still some work being done. Some storm lines were installed in front of City Hall last week. They have been working on the utility trench and the retaining wall as the weather allows. Ms Radder explained how the non-hazardous contaminated materials found at Fourth and Main Street were being properly disposed of. The Department of Ecology was made aware of the findings within about one month of finding contaminants as required by state law. The City worked with Strider to hire an industrial hygienist who came up with a health and safety plan to deal with worker safety. Air monitoring was done during the removal of this material. The material has been hauled off to a disposal facility. The water was able to be placed in the lechate pond safely. Water lines and storm sewers at each joint have been encased in CDF in this area. \$30,000 was budgeted for handling of contaminated material. Plastic markers are being installed to identify the center line of the roadway. Pedestrians are discouraged from

walking in the construction zone crushed rock has been placed where possible for a temporary walkway. There are nineteen working days remaining for this project. This is based on critical path work.

Police Station/Shop Update

Manager Radder the work is nearly done on this project. Paving is scheduled for this Friday but is weather dependent. A lot of site stabilization has been done. Once paving is done the project will be complete.

Cascade Peak Sewer Bypass

Luis Ponce advised there are a few small items to complete and this project will be done. They are within the Budget.

Groundwater Treatment Plant

Director Marlega noted the plans and specs are at 60%. Then RH2 will be working on the next process over the next month planning to finish by the end of January. They hope to go to bid the first week in March, 2011. The permitting is underway and the city is working closely with DOH. This project is on schedule.

Other

Director Marlega informed the committee she is awaiting completion of the appraisal of Mr. Hong's property. It is anticipated this will take from four to five weeks for completion. The committee discussed at length the options for local ponds. The committee felt there should be a final date established for acquisition of the property for the ponds so as not to delay the street projects. The fair market value needs to be established prior to an offer to purchase.

Finance Director Peterson explained Mr. Rich Peterson has asked for a second leak adjustment. He noted in the past the committee had agreed to back out the old adjustment to allow for a larger adjustment. This adjustment would amount to a \$2,331.58 adjustment leaving him with a \$1,247.50 bill.

***It was moved by Councilmember Goodrich and seconded by Councilmember Zimmerman to back out the old adjustment and adjust the higher bill.
Motion passed unanimously.***

ATTACHMENT B:

**MINUTES
Planning and Land Use Committee Meeting
Held Wednesday, December 15, 2010
City Hall Conference Room
9 a.m.**

COMMITTEE: Councilmember Connie Faria – Chair
Councilmember Paul Ingram
Councilmember for Brent Goodrich

ADMINISTRATION: Mayor Gary Jensen City Administrator Greg Young
Community Dev. Director Jori Burnett
Sr. Planner Ryan Morrison
Deputy City Clerk Sylvia Stiles

Grandview Annexation

Director Burnett noted the Ordinance that was passed at the Council meeting of December 6th had a effective date of January 1, 2011. It had been discussed in committee to change that effective date to July 1, 2011. The county has confirmed they do not care if the date is changed. Director Burnett would contact the land owners to explain the delay.

***It was moved by Councilmember Goodrich and seconded by Councilmember Ingram to place this amendment on the consent agenda with a July 1, 2011 date unless Director Bennett hears otherwise.
Motion passed unanimously.***

Review of 2010 Comprehensive Plan Amendments

Director Burnett explained the Planning Commission held a four hour meeting on these amendments. He proposed the council consider five of the six amendments to the Comprehensive Plan on Monday, December 20th. He explained Comp Plan Amendments can only be considered once per year during one Public Hearing. What he proposed is to bring five amendments to the council on December 20th. While council considered them they would be

making motions on each to put that amendment on the final ordinance adopting the 2010 Comp Plan Amendment. The Public Hearing would remain open until January 5, 2011. Councilmember Faria asked for confirmation that each be done separately. Director Burnett noted this would not be the council's final decision because that could not be done before the public hearing was closed. This is because the transportation element is not being considered until the public meeting where the transpo element will be discussed on January 5th. The public hearing could be closed on the 5th of January and council would make their final decision on the council meeting of January 18, 2011. The reason the transpo element is being considered in a public meeting is because traffic impact fees will need to be increased. The council will also need to determine level of service.

The Comp Plan amendments that are being considered are:

1. 1467 Sunset is a map amendment to change from medium density residential to manufacturing. This property is currently surrounded by manufacturing zoning.
2. The Northwest intersection of Rural Avenue and Slater Road is a map amendment to change the land use designation of approximately fourteen acres from Industrial to Commercial, with an associated rezone from Manufacturing to Mixed Use Commercial.
The property is highly visible that would likely benefit from future commercial development to the south.
3. Downtown Area Reconfiguration and Expansion by converting approximately twelve acres of land from High Density Residential to Commercial. Properties are located north of Main Street, including both Hamlin and Sterling Avenues. The proposal would also rezone the properties from Residential Office to City Center. This would establish a more uniform boundary on both the north and south sides of Main Street and would extend the downtown zoning to Washington Street.
4. The Transportation element. This entire process is currently out of date. The Transpo Group has been working with the City to develop an update to the existing transportation element. This will be discussed at a community meeting on January 5, 2011.
5. Multi-Family Density increase from 27 units per acre to 40 units per acre within the RM 1.5 and RO zones. The committee discussed Transfer of Development Rights (TDR's) which would allow for greater density.
6. Public Use Designations. There are two areas in which a map amendments is proposed to change the land use designation to Public. They are Griffintown Park and the future library site. The amendment would allow Public/Institutional zoning to be established on both properties.

Riverbend Annexation Ordinance

Planner Morrison advised the Riverbend Annexation includes 12.2 acres within the City of Ferndale Urban Growth Area. The area includes 4 properties on the south side of Newkirk Road, just east of City limits. The Ferndale Planning Commission and City staff recommends approval of the 2010 Riverbend Annexation with a preferred zoning designation of RM 1.5 – Multifamily Dwelling Units. This property meets the requirements to proceed.

It was moved by Councilmember Goodrich and seconded by Councilmember Faria to move this to the council agenda.

Motion passed unanimously.

Vista Meadows Phase I – Final Plat

Graite Construction, David Braithwaite, obtained preliminary plat approval for a 34 lot subdivision located at 5787 Vista Drive from the City Council on April 17, 2006. The applicant is now seeking final plat approval for Phase I of the subdivision, which includes 7 residential lots, a stormwater tract, and a portion of Siddle Drive. The applicant has installed all City-required improvements, and will bond for miscellaneous improvements, and now seeks Final Plat approval.

Mr. Braithwaite has proposed installing an engineered lid over the existing storm vault at Vista Meadows and dedicating to the City the south portion of the property at 1963 Washington Street adjacent to VanderYacht Park in exchange for park impact fees to be credited toward any fees or permits associated with Vista Meadows as "in-lieu-of" fees. He would also like the City to vacate the portion of Nelson Avenue that is just on the south side of Washington Street. Mr. Braithwaite is requesting a credit of \$125,000 toward fees for Vista Meadows. After considering the benefit to the City the committee recommended the City counter with Mr. Braithwaite giving all nine lots along Washington Street adjacent to VanderYacht Park to the City and the City would vacate the portion of Nelson Avenue giving him a buildable lot. The City would credit \$90,000 in "in-lieu-of" fee or the City would credit \$100,000 in "in-lieu-of" fees and Mr. Braithwaite would also need to lid the storm vault.

It was moved by Councilmember Faria and seconded by Councilmember Goodrich to move Vista Meadows Phase I Final Plat to the council agenda assuming the exchange gets worked out

Motion passed unanimously.

Planned Action EIS Contract – Main/Axton Corridor – Consultant Contract

Administrator Young stated he would be recommending the council approve the contract with INOVA contingent on the property owners signing the financial agreement. We are asking for \$50,000 from four property owners toward the EIS.

ATTACHMENT C:

**MINUTES
Police / Library Ad Hoc Committee Meeting
Held Wednesday, December 15, 2010
City Hall Conference Room
10 a.m.**

COMMITTEE: Councilmember Paul Ingram – Chair
Councilmember Connie Faria
Councilmember Mel Hansen

ADMIN: Mayor Gary Jensen City Administrator Greg Young
Deputy City Clerk Sylvia Stiles

Update of Library

Administrator Young pointed out the project is moving into the design and development phase. The architect has requested a fee adjustment which Administrator Young is negotiating. Mayor Jensen added this action is what shows the value of Administrator Young. This is where his best talent is. The amount requested by the architect is over \$150,000 over their contract. Mayor Jensen sympathizes with the architect because it is tough to work and get consensus on a project this difficult and it makes it more difficult when people think the city has the ability to make everyone in the community love this project every step of the way. The architect is trying very hard to work with the library and the public. The move we think we are going to make everyone happy the longer the process is and this is unfair to the architect. That is where the City has to be more diligent in ending the discussion. The Mayor admitted some of the architect overcharges are legitimate but not even close to \$150,000 worth. The firm is saying they have spent \$70,000 up to now more than they have received in fees. Administrator Young confirmed the architects had agreed to the lower fee but they knew that they would lose money on it so they planned on coming back later and asking for an increase. They realize they have a contract. Joan Airolodi noted the increase is because the scope of the project has expanded. The committee felt there could be a cost saving in the landscaping.

PIONNER PAVILION REMODEL UPDATE

The library reported seven staff members had been on a tour of the pavilion. Although the big meeting room is small they will be able to make them work. They will remind the public this facility is only temporary. The library wondered if the City could request from the Heritage Society to use the Tillicum House as an overflow meeting room for story time. There was a little concern with the garage door area if it would be cold or hot. The heating system is designed to be adequate and quiet. They will make the space work.

ATTACHMENT D:

**MINUTES
Finance and Administration Committee Meeting
Held Wednesday, December 15, 2010
City Hall Conference Room
10:30 a.m.**

COMMITTEE: Councilmember Connie Faria – Chair
Councilmember Paul Ingram
Councilmember Lloyd Zimmerman (for Steve Malpezzi)

ADMIN: Mayor Gary Jensen City Administrator Greg Young
Finance Director Mark Peterson Deputy City Clerk Sylvia Stiles

Council Rules of Procedure Revision Ordinance

Administrator Young explained this ordinance has to do with the process for hiring of Department Heads. This revision follows the way things are currently done as opposed to what the rules dictate.

Councilmember Faria noted the portion of the rules that has not been followed was the advertising. This process has not been followed in the past. Councilmember Ingram recalled it is not the councils job to micromanage the administration.

It was moved by Councilmember Faria and seconded by Councilmember Ingram to approve this item to the agenda.

Motion passed unanimously.

2011 Budget Ordinance

Director Peterson had typed a new draft ordinance change one number. He then distributed a budget chronology sheet showing more detail with a budget surplus of \$23,418.

It was moved by Councilmember Ingram and seconded by Councilmember Faria to forward this item to the agenda with a recommendation for approval.

Motion passed unanimously.

Informational Items to be included with the council packet:

- Tom Cain's Retirement Bonus
- Linda Knutson's Retirement Plan
- Greg Young's salary adjustment

Administrator Young confirmed it was hard to include these items ahead of time because they could be modified. It is appropriate to bring them forward for the official record.

The committee discussed when and how to go into executive session. When action is taken after executive session, these items will be included in the next council packet.

Planned Action EIS – Main/Axton Corridor - Consultant Contract

See minutes for Planning and Land Use Committee

EDC Funding was be deferred to a future meeting

City Clerk Contract & 5% adjustment for Assistant City Clerk

The committee discussed if these items should be discussed in executive session or open session. This is a procedural question.

Administrator Young noted this is the same format used for all other non-union employees.

Councilmember Faria proposed these items be discussed in executive session.

The personnel policy needs to be reviewed to make it consistent with past practice

Administrator Young noted he would be supervising the Court and Probation for the first year to allow the new City Clerk to focus on certification and other items.

There was a discussion on if administrative staff could be required to live within the City.

Fee Code Revisions

This is the annual cost of living increase and previously council approved increases.

It was moved by Councilmember Faria and seconded by Councilmember Ingram to move this item forward to the consent agenda.

Motion passed two to one with Councilmember Zimmerman voting no.

Review of Claims and Payroll

The committee briefly reviewed the claims run.