

**CITY OF BLAINE  
CITY COUNCIL MEETING MINUTES**

**January 9, 2006  
7:00 P.M.**

- A. EXECUTIVE SESSION** – Pending Litigation 5:30 p.m.
- B. WORK SESSION** – Harbor Lands Vacation 6:00 p.m.
- C. CALL TO ORDER – 7:00 p.m.**
- **MOMENT OF SILENCE**
  - **PLEDGE OF ALLEGIANCE**
  - **ROLL CALL:** Ken Ely, Charlie Hawkins, John Liebert, Mike Myers, Bonnie Onyon, Jason Overstreet, Bruce Wolf.
  - **STAFF PRESENT:** Steve Banham Public Works Director; Sheri Sanchez, City Clerk; Meredith Riley Finance Director; Terry Galvin Community Development Director; Mike Haslip, Chief of Police.
- D. ORGANIZATION MEETING**
1. Election of Mayor – Mike Myers
  2. Election of Mayor Pro-Tem – Bonnie Onyon
  3. Committee Assignments –
    - i. Whatcom Transit Authority – Mike Myers
    - ii. Whatcom Council of Governments – Mike Myers
    - iii. Economic Development Council – Bonnie Onyon
    - iv. Drayton Harbor Shellfish Advisory Committee – Charlie Hawkins plus a citizen
    - v. Whatcom Law and Justice Council – Mike Haslip plus a citizen
    - vi. Chamber of Commerce – Bruce Wolf
    - vii. Citizens Wastewater Advisory Committee – John Liebert
    - viii. Street Advisory Committee – Ken Ely
    - ix. Library Development Committee – Jason Overstreet
    - x. Alternative Land Use – Airport Property – Bonnie Onyon
    - xi. Accounts Payable Signing – Mike Myers, Charlie Hawkins, John Liebert
- E. AUDIENCE PARTICIPATION**
1. William Pardee, 2203 Hawthorne St., Ferndale, 98248 – Spoke on the Seascapes project. He referred to a letter that was sent to Mr. Douglas and Mr. Richmond on June 9, 2003 that talked about a legal description. He felt that blame should be put on both sides for signing the deed. The other issue is the stop work order and the

2. Christina Alexander, Owl Lane – She talked about her concerns with GSA regarding the construction and its affect on the community.

## F. PUBLIC HEARING (MEETING)

- **PLEASE NOTE:** Persons speaking on any issue will be allowed three (3) minutes. An additional two (2) minutes of non-repetitive testimony will be allowed after all testimonies have been heard.

1. Harbor Lands Vacation Petition -

Myers: Any persons wishing to speak on the Harbor Lands petition.

Tomsic: Mayor, if we could begin with the staff overview of what's being proposed and we'll have Steve take a few minutes and explain what is being proposed and then if the proponent of the vacation has any comments and then the public, if you don't mind me suggesting that order.

Myers: I said I'd make mistakes.

Tomsic: No, it's not mistakes.

Banham: I presented earlier in work session the details of this vacation. Let me go through them quickly before you. The proponent has requested that we vacate a portion of the right of way, which at the start of the development was exchanged for LID indebtedness. We, in that process, exchanged roughly between \$50 and \$60 thousand indebtedness for a right of way with a 30 foot from the centerline of the existing roadway. That was to match the existing right of way as closely as possible to the north of that property. In the construction process it became apparent that in order to use some of the facilities that were being constructed, a little bit more right of way would be required so the proponent has presented a vacation request. When it became apparent that was going to be the case, there was going an encroachment of the right of way required, we suggested this is the appropriate way to deal with it. The right of way vacation, as you see in the diagram that was provided with the package, essentially vacates back to the owner 9 feet of property on their eastern side. It would be the portion of the right of way closest to the proponents property – 9 feet by 230 feet. We have not gone the full length of property trying to reserve that portion towards the intersection of 4<sup>th</sup> Street with Peace Portal and the thought in retaining that right of way would be to preserve the opportunity in the future should that street be widened for a turn lane or just a wider street cross section. The city currently has 40 foot of right of way on the eastern side of the center line. With the right of way that's already improved on the side of the 1300 Peace Portal, on Mr.

Douglas' property, we feel that there is sufficient right of way width there to allow for future expansion of the road should it be necessary. As I mentioned in the work session, the road is improved to a 28 foot paved width, 29 foot if you include the curbs on both sides. It does have a sidewalk on the east side but it seems prudent to us and the public interest to continue to have as much right of way in that area, an ample right of way, should the need be in the future to widen that. We provided a fairly detailed analysis that's required by the code addressing all the different aspects of a vacation and recommended to you that we pass the vacation. One of the things that we're asking you to consider in order to expedite the process is to rather than requiring a separate appraisal being performed it use the agreed per square footage amount that had been used in the transaction for the property exchange for the LID at the start of the development when they would allow us to move forward. Any questions on that or items I failed to mention that I had stated in the earlier work session that you think are pertinent.

Jon Sitkin: The only item you could consider condition of the new – since the site plan hasn't been approved yet but a site plan that conforms to a new boundary after the vacation consistent with the 17.070.30 - approval of that site plan that would be a condition of the vacation.

Tomsic: Mr. Mayor, I'm thinking of some of the people in the audience. Would it be useful, I'm asking a draw, which is scary I know, but Bonnie asked a question in the work session that I thought was pretty illustrative. If you look at the road before they acquired the right of way from Mr. Douglas and you look at the right of way after we acquired it and look at the right of way after the vacation is improved – what is it you have in terms of right of way in each of those scenarios understanding that in every instance you've got 28 feet of pavement with a strip down the middle. So there's 14 feet on each side of the road. So can you explain those 3 scenarios and I think it's really important to understand – one thing to understand is none of the scenarios is any of the pavement being affected.

Banham: This map correctly shows the improved roadway – again it's a 28 foot wide pavement, curbs on both sides, a sidewalk on the east side. That's the residential street standard the city adopted in 96 for the residential street levy. Because this property initially is platted, never dedicated the right of way, the right of way basically went to the curb. There was no dedication of additional right of way and Mr. Douglas purchased the property, the right of way essentially was only that which was improved in that essential configuration for as far back as our records show. When they improved 4<sup>th</sup> Street in the past 8 years, they were very careful to improve it over the existing roadway and I think that was part of the easement and narrow cross section. What we did in the right of way, LID indebtedness is acquired 30 foot from the center line that would, I assume this property line this blue line here represents that – would be that right of way. We have an additional 40 foot on the other side. If you go north you'll see this is the right of way extent here, 40 foot on the other side, so it's an 80 foot right of way. Right of way distinguished from the approved roadway. Again our intent was to provide for utilities and future road improvements. What we're proposing to do with the vacation is in this area – we bought 30 foot from the center line, so which would have extended this out

beyond 30 foot with a 14 ½ foot, 15 ½ feet on the other side behind the curb that allows for construction of utilities on future road improvements. What we're doing with this vacation to partly accommodate the use of this structure here is vacating from the intersection at Alder Street 230 feet back to essentially this area, back 9 feet of that right of way that was exchanged preserving right of way basically from the back of the proposed curb of Mr. Douglas' development still giving us some room for expansion but certainly not as much. Maintaining that 30 foot in this section, and again the thought is if the road needs to be widened in the future, that most likely the need for that widening be near the entrance or the intersection of the road with Peace Portal. Typically a dedicated turn lanes would be something you'd want to consider in the future. We're not looking 5 or 6 years in the future but 10, 15 or 20 years down the line. But you want to do that because later on you don't want to have to tear down buildings for improvements. Again, what we're proposing tonight is to bring that right of way back essentially to allow development to occur. A 24 foot distance from the garage way – that provides an ample distance for vehicles to get in and out of the garage and still staying off the improved right of way but also allowing some space between the driveway and the roadway. Part of that is to provide some room for some vegetative buffer. Not trees but vegetation and things to kind of provide a buffer between the roadway and the development.

Tomsic: So we're selling him back 9 feet of the 30 we bought originally.

Banham: That's correct. For a length of 230 feet. Now one of the other aspects of this, and we discussed this with Mr. Kohl who was representing Mr. Douglas, was in order to minimize the amount of right of way that had to be purchased back, we're also taking a triangular section here. Again the thought is that that would be more valuable – necessary in Mr. Douglas development, but also provides a wider throat. Again, the thought being in the future if we wanted to provide a dedicated turn lane there or adjust that entrance. It's a little bit narrow – we've got that feedback, so that would be something we might want to consider in the future if we have some questions.

Craig Boynton: Is the existing curb line going to be retained in that area, not changed in ingress and egress area, like the driveway?

Banham: You do see some driveway entrances here but they're limited into the – it would not just be a general entrance – no. And that was something we were trying to avoid in this vacation. We went back and forth as to whether or not to provide a real wide driveway section and we felt that it was not a good safe configuration. So we went on with this approach.

Myers: Does that answer it?

Craig: I think so.

Myers: I think at this point I was to poll the members about conflict of interest and I don't have the wording for that so I wonder, Jon, if you could do that for me.

Sitkin: I think the question is here does any member have an interest in the property that's affected or contractual interest with the applicant for the property, or any other reason why they'd be biased on any part of the council. All answered no.

Myers: Thank you Steve.

Banham: I'd be prepared to answer their questions.

Myers: I think there's some members of the public that wish to speak on this issue.

Sitkin: You might hear from the proponent, the applicant, Mr. Kohl and Mr. Douglas who are requesting this vacation first.

Myers: Mr. Kohl has signed up. I believe he's one of the proponents.

Mike Kohl, 2620 North Harbor Loop Drive, Bellingham, 98225 - Good evening, council. It's a pleasure to see you again and new faces. This project has a huge history. My first substantial involvement with the City was in October of 2004 and in that meeting the notes of which I've provided to you in the past, we discussed the vacation. At that time, the vacation was from the property line as it was drawn, which at that time was the center of the street back to the curb. The original legal description that was provided by the city for that vacation included that and about 8 feet behind the curb line. At some point in the city's analysis of that legal description, I believe Mr. Sitkin advised the city that the land that was in the street right of way, actually at that time, did in fact already belong to the city. So the line of vacation was moved into the property an additional 15 feet. The site plan was in process. We had had a TRC meeting and in the TRC meeting there were several things that were brought up. One was that the vacation would not affect the density on the site – that we'd still be allowed to use the square footage for the site as it was originally in the computation of unit density on site. The other was that we would be allowed to use the vacated portion of the street for the application of our driveway. No response has ever been received from the city to that original October 2004 TRC meeting. Understanding from that that we are on course with this project, we submitted the architectural plans and the architectural plans included a site plan for the project. In all cases of submittal the architectural plan provides the basis of understanding for all the other subs that participate in the engineering process. So the architectural plan, the location of the buildings, the location of the driveways, is the guiding factor in the establishment of the landscape plan, the stormwater plan, the civil plans – all of these things originate from the architectural plan that's submitted. The architectural plan and that site plan were both permitted by the city of Blaine. I'd like to add to that so that you understand that there was a lot of additional work in process at the time – an internal city memo from Rod Smith to Sandy Peterson, initialed by Sandy Peterson and it says very clearly the plan set is complete in that all the elements of a plan set are present and the items addressed prior to the submittal plans for review and approval include in this case the completion of the stormwater report which in that application had been deferred, the landscaping plan which had also been deferred, and some verifications of some fire flow and some other water utilities along the site. So at the point that we submitted that

application in January, the site plan, the building placement on the site, in fact the drawing shows and I've given this again, I'm sorry I didn't bring copies for the new members, I didn't know you guys were joining the party tonight, it actually showed the driveway for the project extending into the street right of way and the buffer that was designed included. That has been a part of the application from the day we began the design of the project. So as we move forward, we found at a later time, much to our great distress, that in fact the legal description that we had based the design on, the legal description that had been given originally to Mr. Douglas by the city, had in fact been changed. In that change, as would be typical, at least some demonstrative drawing that would demonstrate the effect of the change would typically be submitted, in this case we received only the legal description. Not assuming that any change had been made nor being advised as such, we proceeded. So I submit to you that the site plan as it is today, the development of the buildings on the site as they are today, have been as they have been since the TRC meeting of October 2004. So there has been, unfortunately, a great deal of discussion and controversy on how this came about and fortunately in working with the city, and working with Mr. Banham, we have come, I believe, to a favorable resolution that allows the retention of a 60 foot right of way, it allows us to proceed with the project, it allows Mr. Douglas to complete the work and the drainage plans that are required for the site. Effectively it accomplishes the requirement of widening the street right of way, providing adequate land, in this case, a 60 foot right of way. We participated in modifying the vacation to include the opening the throat as it approaches Peace Portal Drive so that turn lanes can be built at a later time. I would ask, please, that you consider our good faith in this situation and our attempt, quite honestly, to come to a reasonable and equitable solution and support and thank Mr. Banham for his support and help and hope that you'll participate. Thank you. Do you have any questions?

Douglas: Ask them about the sign.

Kohl: Excuse me, we would like as this vacation takes place and the throat of the street opens up at that point, to be able to put a project sign at the corner of Peace Portal and 4<sup>th</sup> which will currently be in compliance and would have to address at some future date the vision triangle clearances at the intersection. I think, you'll find, however, and we can deal with the planning department, please, on this, that the location of the sign relative to the rights of way would not impede the required 20 foot vision triangle that's typical at intersections. We would like to be able to place that sign 10 feet from the new property line rather than 20.

Myers: City Manager

Tomsic: The city has a sign code and council is not empowered to change the code. So, it's not appropriate to ask council for the sign. I mean you get a sign permit, it's reviewed, we determine whether the sign is legal or not. That's the way it's done, Mike. Council doesn't make variances just because you ask them.

Kohl: I constantly seem to offend Gary, but certainly withdraw the request and deal with the appropriate agency.

Tomsic: Thank you.

Myers: Mr. Glasgow.

Mr. Glasgow: I'm the site superintendent for the project – Seascape condos. I'm really an outsider. I graduated from Mississippi State as a civil engineer.

Myers: Can we get your name and address, sir?

Glasgow: I live in Oak Harbor and I'm working on this project. I would like to say this.

Myers: Can we get your name and address sir?

James Glasgow, 1260 Sunset View Place, Oak Harbor, WA –

Myers: Thank you.

Glasgow: To sum it up, I'd like to say that we're not moving the curb. The curb is staying the same, there's a buffer between this and discussion has been about the stormwater system. I have been to a previous council meeting and heard a decitation or dialogue about the cleaning of the bay where we're doing a bio mass and we're injecting the microbes that used to be there and the bay is cleaning up. I'm proud to say that what we're doing in our stormwater system, we had a stormwater system that would have cost the city had we turned it over, \$5,000 a year to replace filters. We've got a bio mass storm treatment facility, which is state of the art, and I'm proud to say that we're incorporating that in the project, not to mention a lot of other things in the project. What I'd like to do is proceed with the project and get it finished. I've got citizens that live in Blaine that are working on the project – tradesmen, and they need to work. I'd like to keep working and get around the problem that we've got and the stop work order and I can say unequivocally that this project is going to be to the best interest of Blaine. Thank you.

Myers: Thank you. Is there anybody else that would like to speak on the issue? City Manager.

Tomsic: I don't know. I guess I'll ask the staff if there's any comments of the council.

Banham: I think we covered it all. Good work session and comments.

Sitkin: I'll just focus the question as to whether to further the vacation, the right of way, to utilize the appraisal figures as presented by staff or require a second appraisal. Do you include the submission of a site plan, approval of the site plan with the new boundary following your vacation.

Glasgow: It appears to be a site plan right there to me.

Sitkin: Meeting the elements of 17.07.030 of the city code.

Ely: Now, Jon, in work session, we discussed the two alternatives which are

Sitkin: realization of the appraisal that was used for the March 30 conveyance?

Ely: Yes, under #2 On page, whatever it is, it says either/or and we've got 18.5 which operates according to a particular formula.

Sitkin: Staff is recommending that one.

Ely: Then the other one deals with re-evaluating but as far as

Sitkin: The other one

Ely: I guess my question is this. If I make a motion, I'm just going to make a motion to vacate the portion described below in the legal description down here in the amount of \$18,500 but not siting the

Sitkin" formula

Ely: 17.01 and 13.02 or whatever it was – I don't remember the numbers right now. I'm not sure how have crept in in this later discussion and I'm not sure how to form the motion.

Sitkin: What numbers have crept in, I'm sorry.

Banham: The initial language we have on the vacation focuses just on the vacation is not conditioned upon provision of a site plan.

Sitkin: That's something Steven and I had discussed, I think, after the staff report had been prepared, that since you are –a site plan - the city's position is that a complete site plan hasn't been submitted nor has it been approved yet. Even if it had been, let's just assume it had been, they are changing the property boundaries –

Kohl: So how does that change?

Sitkin: You changed your site plan. So worse thing, condition of vacation on submitting a site plan and receiving approval of that site plan, 17.07.030, is the city's code that sets forth the content components of a site plan, so even assume they had an approved site plan, you change the boundaries of the property, you need to do a new site plan. If they've done a complete one already, if they had, the surveyor would move the boundary on a cad program.

Overstreet: So are you saying that that building and those garages exist and there's no site plan for that site.

Sitkin: As we discussed earlier, the city deferred requirement of submitting a site plan on this project at Mr. Douglas' request.

Ely: Wait a second. I'm trying to make a motion here and then we can discuss it. To word the motion it is

Sitkin: Sure – it is approve the variance, acknowledge the intent to vacate as requested in the amount of 18,583.92 and on the condition that they receive an approval of the site plan that corresponds to the new property line from the vacation.

Wolf: And the 162 feet in the triangle area.

Sitkin: And then the triangle area as well – further offset. That's correct.

Banham: By virtue of saying effective upon payment of those fees, those payment of fees include

Sitkin: inaudible

Ely: As Sitkin stated.

Wolf: And I'll second that motion.

Myers: Is there any other discussion amongst council.

Pardee: Can I just make one comment on behalf of Harbor Lands. Just one comment. The site plan was approved based on the old, prior to the property being conveyed by Mr. Douglas, in March of 2005. This project had already started based on a legal description, a right of way that existed at that time, which would exist now under the current vacation. I don't know why we're conditioning the vacation tonight. The approval of that on a submission of a new site plan when the site plan, with the buildings as built now is the old site plan, which is approved by the city to let the project go ahead in the first place.

Myers: I thought that quickly explained.

Wolf: I think the new site plan reflects the fact that it's a new site with a vacation, so it has to be re-done. So

Sitkin: I think, the motion is before the council.

Myers: That's right.

Onyon: We need to close the hearing.

Myers: If nothing further then the public hearing is closed. Do you have something else to say.

Orin Dalaba: Can I comment.

Myers: The public hearing is still open.

Orin G. Dalaba, 1332 4<sup>th</sup> Street, across the street from this project. Now, maybe I'm just pretty naive, but frankly I don't really understand why, so maybe I can be enlightened, at this stage of development this proposal for this big gilway, a very important tax payer property is even being considered. Now maybe I'm a little naïve, but I have assumed all along that we had a professional planning department whose responsibility is to approve all new construction plans to make sure they're in compliance not only with all building codes laws and regulations, but also with all legal property lines and any legally required setbacks. I've also been under the assumption we have a professional building department with trained professional inspectors whose responsibility is to continuously monitor those developments to make sure that they're in compliance with those original plans. Now, I am not against development and I've never before opposed this development. Many other people have. I think Blaine certainly could use more developments both commercial and residential. The one thing I would like to show you is a few pictures. Here is a picture, they're not professional quality but it can at least give you an idea. I took these a couple days before Christmas. As you can see this is taken from 1200 block looking toward the 1300 block, toward Peace Portal Drive. Now as you can see when you're in the 1200 block of 4<sup>th</sup> Street you can see that you lose a whole lane

Wolf: That's what you were saying

Dalaba: on the 1300 block. And the developer has already managed to turn that into a one lane street. If you don't believe it, try to drive through there during the day, which makes a real traffic hazard as I experienced personally a week ago when I was driving up 4<sup>th</sup> Street on my way home and some driver parked on the right side of the street, opened his door in front of me and I had to slam on my brakes to keep from taking his door off. There was certainly no room to move around in. I would also like to show you another picture. Incidentally, what we should also note here is that the builder is as far as I know, and maybe I'm wrong, is only building single storey garages even more as many 2-bedroom and 3-bedroom apartments. Now, we're obviously going to have more cars in those 21 units occupying that space and a great many of them also putting traffic under this restricted narrow 1300 block of 4<sup>th</sup> Street. Now, I'd like to share with you another picture. If you go right around the corner on 4<sup>th</sup> Street, you will see that we're also going to be having within a block 7 more units. That will be more traffic for the constrictive

Sitkin: If a council member could turn a microphone towards him as he speaks.

Dalaba: Pardon

Sitkin: We need to make sure you speak into a microphone. If you walk up and speak you need to turn

Dalaba: Here we see, just below 4<sup>th</sup> Street between 1100 and 1200 block we see that we can expect 7 more units in less than a square block. More traffic for this constricted street. Also, right at the intersection of Peace Portal Drive and 4<sup>th</sup> Street, we also already have a big sign announcing future dental offices and so I've been told, I haven't seen the plans, but it's also zoned commercial and may well include some residential units. So we're going to be putting more people, more cars on what is already a very constricted street. Now, I really don't know why the city never widened that block when they were working on 4<sup>th</sup> Street, because years ago as I found out we residents on that block paid thousands of dollars for sewer work. So, the idea that there was, if you want to call it improvement on 4<sup>th</sup> Street to put up that cul de sac, it doesn't improve anything at all. It just makes traffic even more difficult when it would have been much more logical to put stop signs on Alder Street which doesn't have nearly as much through traffic as 4<sup>th</sup> Street does. So, my position is that while I'm supportive of the development, it should not be done at the cost of creating this bottleneck hazard which we will have to live with. Thank you very much.

Myers: Thank you, sir. Mr. Kohl.

Kohl: Again, council, the thing that's missing in the chronology of this process is that our application first TRC, October 2004, permit application January 2005, our application for construction and the site plan we submitted was in process based on the original application, original vacation description given by the city, prior to the time they submitted the deed, the revised street to the new width. So the thing that happened in the chronology is that our application is in place, our site plan is in place, we have a letter from the city that says all the documents are in place. We had in March, 2 ½ months after we submitted the application, we get a revised deed from the Public Works Department that changes the vacation. The errors of the situation are many and the interest that we have here is to correct it. The opportunity to deal with the development of 4<sup>th</sup> from Alder out to Peace Portal is still intact, there's still a 60 foot right of way. The round about intersection easily allows for future misalignment of that intersection and please remember from Steve Banham's comments, that the right of way, north of Alder Street, is and was always 80 feet which naturally would have misaligned the street anyway. So again, I understand the gentleman's concerns. It's the concern of all of us in a growing community. The property is zoned for the density and I appreciate your consideration. Thank you. Yes sir.

Myers: Does the city agree with this comment.

Sitkin: No, we don't. I was going to ask the council if you can have me elucidate other chronological events and a different interpretation of facts that the characterization given by Mr. Kohl. I don't think the chronology is relevant to the issue but we can spend 20 minutes going over what we believe is the chronology. I didn't bring my 4 boxes of documents up to debate this issue with Mr. Kohl but if you want to put it off 2 weeks to do

that, I'm happy to do that. But I don't think that's really the relevant issue of the vacation request despite Mr. Kohl's desire to make it the issue.

Kohl: I have no interest in any issue other than the fact.

Myers: Thank you Mr. Kohl. Thank you. Please approach the diem.

Craig Boynton, 1346 4<sup>th</sup> Street, I'm a neighbor of Mr. Dalaba – I would like to see this project brought to fruition so the units can be sold and move on. I've been involved in traffic work a good portion of my life with the City of Portland. I believe because of the nature and narrowness of the street that one of the simple remedies would be to remove any parking along that street because of its narrowness for emergency vehicles, or whatever. Those kinds of things can be real bottlenecks in emergency situations. And I don't think that would be particularly difficult to do.

Banham: I would agree that we would look at, especially as the increased traffic occurs. If I might add too, because the parking associated with this development on the western side of Peace Portal will be interior to the property. It will be very easy to strip out at least that one side and certainly as development occurs potentially on the other side with interior parking, would be the logical to close off that narrow stretch to parking alongside the street.

Boynton: The City of Blaine went to a great deal of trouble when they laid out the street grid to put in traffic calming circles which were developed in New Zealand back in the 70's and the emphasis on that was to maintain a neighborhood type atmosphere where cars would slow down and the element of safety would be the primary concern. I think that any decision that is made should be made on the basis of slowing traffic down and keeping it calmed down so we don't have a speedway out there with a situation that's out of control basically. Thank you.

Liebert: Are you in favor of the vacation.

Boynton: At this point I don't see where there's a whole lot of choice without restructuring the project. If I were designing that project, I would have put the majority of the parking access off of Alder, which has less traffic. But that's not the case.

Liebert: With the present scenario, would you be in favor as a neighbor, of the vacation.

Boynton: I would consider any choice I made a victory at this point and I refuse to answer it. Thank you.

Liebert: There is a reason why I asked that question. Because if there's 5 more cars off the street, with a vacation which makes it possible for the garages to be usable – whether we have enough parking spaces or not that's 5 less than need to be parking on the street.

Glasgow: My name is Jim Glasgow again. In deference to the gentleman's concern, I have to park there everyday, too. We have 17 to 22 cars from tradesman parking on Alder & 4<sup>th</sup>. That will go away if we're allowed to complete the project. The parking will be on-site.

Myers: Thank you.

Boynton: They can park on Peace Portal.

Myers: Any other comments or testimony. With that, I think we can close the public hearing and we can continue with the vote for the motion.

**MOTION MADE BY KEN ELY TO PASS THE MOTION OF INTENT TO VACATE THE PORTION OF 4<sup>TH</sup> STREET AS DESCRIBED IN THE STAFF REPORT IN EXCHANGE FOR THE AMOUNT OF \$18,582.92 TOGETHER WITH THE CONVEYANCE TO THE CITY OF ADDITIONAL TRIANGULAR PORTIONS DESCRIBED IN THE STAFF REPORT AND THE SUBMISSION OF AN APPROVAL OF A SITE PLAN REFLECTING THE RECONFIGURED SITE. THE MOTION WAS SECONDED BY BRUCE WOLF.**

Ely: In support of the motion I made it because it was expedient and I don't think chronology at this point has much to do with this vacation and I don't think parking has much to do with this vacation other than the idea that John played out. And so, with all the other arguments set aside I think the easiest way to solve the problem for the city and for Mr. Douglas is to allow the vacation.

Myers: Any other comments from council.

Wolf: The reason I seconded it was that we had a work session before this where there is a 60 foot right of way, so there is adequate space to expand the street. Of course, the street has been done recently so there's no plan to expand it in the foreseeable future. It will be a long time down the road. But a long time down the road, there is a 60 foot right of way, which according to Steve Banham is very adequate to make it an expandable road that will serve the city. Otherwise, I think we would have to tear down these garages and go back to scratch which would be a bad situation for all concerned. If we can keep the project going and still protect the city, then that's the way to go. I think that this provides protection for the city and allows the project to get completed.

Myers: Does everybody understand the motion, now? I say we'll have a voice vote since we're mixed up on the board. All those in favor of the motion signify by saying 'aye'.

**THE MOTION WAS PASSED 6-1 (HAWKINS VOTING 'NO').**

**G CITY MANAGER AND STAFF REPORTS**

1. Boardwalk Update – Banham reported. They are finishing up the auger work and are back on schedule.
2. Lighthouse Point Update – Banham reported. The pre-design report has been done and they did a tour of Duvall to look at their new plant. There are several work sessions coming up.
3. Major Projects Update – Galvin reported. None.
4. Comprehensive Plan Update – Galvin reported. With the approval of the contract with Studio Cascade we will be moving forward. There will be 2 sections – 1) to achieve compliance with the Growth Management Act within 3 months, 2) moving forward with amendments that have been talked about in the public meeting.
5. 2006 County Road Construction Projects – Banham reported. The County plans to repair Drayton Harbor Road as well as Lincoln Road.
6. 2005 Payables Approval January 20, 2006 – Riley requested a quorum for passing payables on January 20, 8 a.m.
7. Response on GSA Environmental Impact Study – Tomsic reported. Gary submitted items on behalf of the City of Blaine. The plan that has been presented does not meet the standards that are required by the federal highway administration and by the Washington State Department of Transportation on the north and south ramps of 276. The primary issue the city has is making it easily accessible to exit into Blaine. Also discussed the Peace Arch Park area. Gary noted that the Senators and Legislators will be notified of the letter.
8. Letters to Property Owners in East Blaine – Galvin and Banham reported. This is a letter that informs anyone living in that area who are trying to access on to Jerome Street they will have to bring their road up to city standard. These are all private roads. There were questions from Overstreet, Onyon and Liebert.
9. Police Patrols in West Blaine – Haslip reported. This is regarding speed enforcement behind gates at Semiahmoo.

**H. MAYOR’S REPORT - None**

**I. WRITTEN COMMUNICATIONS**

1. Letter from Gary Gogal requesting the opportunity to petition for vacation of right of way on east side of 4<sup>th</sup> Street.

**J. CONSENT AGENDA**

- Items listed below have been distributed to Council members in advance for study and will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the regular Agenda at the request of a Council Member.
  - i. Approval of Bills – December \$ 207,386.72; January \$40,914.95
  - ii. Approval of Payroll – Amount \$
  - iii. Approval of December 12 and 27, 2005 City Council Minutes

**MOTION MADE BY KEN ELY TO APPROVE THE CONSENT AGENDA. THE MOTION WAS SECONDED BY BRUCE WOLF AND APPROVED UNANIMOUSLY (7-0).**

**K. UNFINISHED BUSINESS**

**L. COUNCIL ACTION ITEMS**

1. Resolution 1421-06, Contract for Hearing and Pro-Tem Hearing Examiner – presented by Jon Sitkin and Galvin. Roger Ellingson will serve as Hearing Examiner and Michael Bobbink as the Pro-Tem and have contracts from both parties.

**MOTION MADE BY BRUCE WOLF TO APPROVE RESOLUTION 1421-06. THE MOTION WAS SECONDED BY CHARLIE HAWKINS AND PASSED UNANIMOUSLY (7-0)**

2. Tetra Tech/KCM Inc. Marine Drive Contract Change – presented by Steve Banham. They are making adjustments to the design. Total amount is \$49,360 and we should be able to do it for less than that.

**MOTION MADE BY KEN ELY TO AUTHORIZE THE CITY MANAGER TO SIGN THE AMENDMENT AND MOVE FORWARD. THE MOTION WAS SECONDED BY BONNIE ONYON AND PASSED UNANIMOUSLY (7-0).**

3. Ordinance 06-2632, Initiate Conditional Use Amendment in Central Business District – Tomsic reported. Sitkin advised that any council member owning property in the CED would not have a conflict of interest for making any legislative changes. Tomsic noted that this was an idea and give the staff direction as to how to proceed with this. Tomsic used Rick Osborn's building as an example. All of council felt it would be a good idea to move forward with an ordinance proposal.
4. Resolution 1420-06, Legal Defense for Defendants in White vs. Wolf, et al – Wolf left the Chambers due to conflict of interest. This lawsuit stems from David White against 4 individuals acting in an official capacity (Bruce Wolf, Brad O'Neill, Sue Sturgill, Roger

**MOTION MADE BY CHARLIE HAWKINS TO APPROVE RESOLUTION 1420-06.**  
**THE MOTION WAS SECONDED BY JASON OVERSTREET AND PASSED**  
**UNANIMOUSLY (6-0 Wolf being excused).**

**M. COUNCIL NEW BUSINESS**

**N. COUNCIL MEMBERS AND ADVISORY COMMITTEE REPORTS**

**O. ADJOURN – 9:48 p.m.**

Americans with Disability Act (ADA) Requirement: The meeting location is accessible. If you require a special accommodation during your attendance at any public meeting, please contact the City Clerk (360) 332-8311, 7-10 days prior to the meeting date you will be attending. Thank you.

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MAYOR

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CITY CLERK