

MINUTES
{tc \11 "MINUTES}Ferndale City Council Meeting
Held Monday, December 15, 2003
Council Chambers B City Hall Annex
7 p.m.

CALL TO ORDER

The meeting was called to order at 7 p.m. by Mayor Pro-Tem Mel Hansen. Mayor Pro-Tem Hansen led the assembled in the Pledge of Allegiance.

ROLL CALL

PRESENT: Councilmember Steve Oliver

**{tc \11 "PRESENT:
Councilmember Steve Oliver
Councilmember Mel**

**Hansen}Councilmember Marianne Elgart
Councilmember Jerry Landcastle**

**Councilmember Susan Cole
Councilmember Ron Wilson**

ABSENT: Mayor Carolyn Jensen and Councilmember Mike Reilly (excused)

**STAFF: City Administrator Roland Signett
Planning Director Tom Black
Police Chief Dale Baker}**

**City Clerk Linda Knutson
{tc \12 "Planning Director Tom Black
Public Works Director Loren Sperry
Police Chief Dale Baker**

PRESIDING: Mayor Pro-Tem Mel Hansen

CONSENT AGENDA

the following consent agenda was moved for approval by Councilmember Oliver. Councilmember Landcastle seconded:

1. Approval of Minutes of 12/01/2003 Council Meeting
2. Approval of Payroll of 12/03/03; Auto-Deposit Amount: \$99,019.06; Checks #22026 - #22038 Amount: \$30,787.33; Total Payroll:\$129,806.39
3. Approval of Claims Run for December, 2003; Checks #40634 - #40766; Total Claims: \$307,320.30

Motion passed unanimously.

PUBLIC COMMENT

No one spoke.

ORDINANCE #1315 – STORMWATER DEVELOPMENT AND HOOK-UP FEES

Streets and Utilities Committee Action Item

Councilmember Landcastle reported that the Committee has been reviewing a draft ordinance which would raise the currently collected development fee on raw land from one-half cent per square foot. The Committee discussed several options ranging from two-cents per square foot, up to five-cents per square foot, finally settling on two and one-half cents per square foot. Councilmember Landcastle explained that system development fees are needed for the purpose of defraying the cost of capital improvements to the city-wide storm water facility system.

Next the Committee discussed an initial fee for residential hook-up to the stormwater system. Several ideas were put forth regarding sliding scales, amount of impervious surface, fee by zoning, and so on.

The Committee felt that it would be prudent to keep this fee as simple as possible, and unanimously recommended that Council adopt an initial stormwater hook-up fee of \$250.00 per residential unit.

Motion:

It was moved by Councilmember Landcastle and seconded by Councilmember Wilson to approve Ordinance #1315 raising the Development Fee to two and one-half cents per square foot, and setting a stormwater hook-up fee at \$250.00 per residential unit.

Discussion:

Councilmember Oliver asked how much revenue might be raised with these fees, as proposed. Administrator Signett responded that if 100 new connections were made in 2004, the hook up fees would raise approximately \$25,000. Planning Director Black guessed that between \$2,000 and \$3,000 would be charged for square foot development in 2004.

In response to questions regarding commercial development stormwater charges, Mayor Pro-Tem Hansen stated that the Streets and Utilities Committee will be studying that issue in early 2004.

Vote on Motion:

Motion passed unanimously.

CHANGE ORDERS – MAIN STREET IMPROVEMENT PROJECT

Streets and Utilities Committee Action Item

Councilmember Landcastle stated that two change orders have been reviewed by the Committee and are both recommended for approval.

The first change order concerns the replacement of signal interconnect cable on Main Street from Third Avenue to Fourth Avenue at a cost of \$3,080. The original design required that the existing overhead interconnect cable be reused and placed in the underground conduit. However, when the existing cable was excavated, it ran directly into the traffic control box. As a result, the cable was approximately eight feet short of reaching the cable box through the re-route. Splicing an additional length of cable was not deemed to be a safe or practical option.

The second change order is for the underground conversion along the frontage of Samuels Furniture at a cost of \$900. Mr. Samuel's main concern regarding this conversion was that it would take up to six hours during peak hours and peak season. He asked that the conversion be done either very early or late in the day. Potelco indicated they could do the work outside of their normal working hours,(4 a.m. to 10 a.m.) however this would result in overtime costs. Mr. Samuels agreed to pay half of the extra cost involved.

It was moved by Councilmember Landcastle and seconded by Councilmember Wilson to approve the two change orders for \$3,080 and \$900. Motion passed unanimously.

ADDED AGENDA ITEM – REINSTATEMENT OF CURB, GUTTER, AND SIDEWALK TO PROJECT

Street and Utilities Committee Action Item (September 24, 2003)

Mayor Pro-Tem Hansen had asked staff to research this item, as he had recalled S&U reviewing reinstating curbs, gutter, and sidewalk on the south side of Main Street east of the Bridge into the Main Street Improvement Project. After researching committee and Council minutes, it was discovered that the Streets and Utilities Committee, on September 24th, had recommended approval to the full Council that curb, gutter, sidewalk, asphalt, and landscaping be reinstated in the contracted improvements. This item was inadvertently never placed on the Council agenda.

To summarize, Mayor Pro-Tem Hansen stated that the only official reinstatement to the Main Street Project east of the bridge was for Phase One: mobilization, demolition, and gravel base at a cost of

approximately \$44,000. (July 21 Council meeting). The Streets and Utilities Committee unanimously voted to recommend full Council approval of reinstatement of curbs, gutter and sidewalk to the project. (September 24 Committee meeting). The price quoted to S&U was only for Phase Three at approximately \$24,000. To re-include Phase Two (curb, gutter, and asphalt at approximately \$51,000) and Phase Three (sidewalks and landscaping at a cost of \$27,000) will total approximately \$78,000. New development adjacent to the project will be contributing \$100,000+ towards Traffic Mitigation, Which will provide adequate funding for this reinstatement.

It was moved by Councilmember Landcastle and seconded by Councilmember Wilson to Approve the reinstatement of Phases Two and Three back into the Main Street Improvement Project at a cost of approximately \$78,000. Motion passed unanimously.

ORDINANCE #1316 – SETTING SALARIES FOR 2004

Administrator Signett reviewed that this annual ordinance sets the salaries and wages for City employees for the coming year. Most wages and salaries are negotiated through collective bargaining and are attached to the ordinance as addendums. Non-represented employees' salaries were adjusted, mainly due to said employees lacking a step increase grid, according to Council direction during budget workshops.

It was moved by Councilmember Landcastle and seconded by Councilmember Elgart to approve Ordinance #1316 setting salaries and wages for 2004.

Discussion

Councilmember Oliver supported the ordinance, but urged administration to address the structure and review of non-represented employees during the coming year.

Vote

Motion passed unanimously.

COMPREHENSIVE PLAN AMENDMENT PRESENTATION

Presentation

Planning Director Black reviewed that at the request of the Planning and Judicial Committee, he has been preparing an application for a Comprehensive Plan Amendment to be submitted to Whatcom County for inclusion on their 2004 docket. The purpose of addressing the full Council, he said, was to clarify the level of commitment that will be required to pursue this project in terms of time, personnel, and money.

Black stated that the proposal has three major elements:

1. Expand the UGA east of Ferndale, roughly between Slater and Paradise.
2. Contract the UGA west of Ferndale, roughly between Douglas and Aldergrove.
3. Expand the UGA north of Ferndale, on both sides of Enterprise south of Grandview.

The purpose of the proposed amendment is to reconfigure the UGA to more closely reflect the historical growth pattern in and around Ferndale; include areas in the UGA that are now served with public facilities and services, or where they can be provided in an efficient manner, consistent with the #1 goal of the GMA; create two concentrations of residential development taking access to the freeway from different directions instead of one large concentration taking access from a single direction, and to include area along Enterprise to Grandview so that utilities can be extended to the industrial park in the future (including gravity sewer).

In order to pursue this proposal a Comp Plan Amendment Application is being prepared in accordance with County submittal requirements. This includes the application, and a SEPA checklist. Submittal cost is \$1,000 for the CPA and \$310 for the SEPA. That submittal will get the City in the door, and

because the submittal is by a city, the County will automatically include it on their 2004 CPA docket. The County staff will prepare staff reports by around April or May, and there will be a public hearing around June.

The City is at a disadvantage in that much of the supporting material for our CPA has yet to be developed, although much of it is in work. In essence the City will be developing its full proposal "on the fly", hoping to have enough supporting data developed along the way so that by the time hearings begin we can have a solid proposal.

It is likely that the city will have to do an EIS for the CPA, or at least a focused EIS, dealing with specific issues. At the very least, we will have to do a traffic analysis, fiscal impact analysis, an assessment of impacts to the natural environment, and a buildable lands inventory (in work). Those studies combined are likely to run into the \$20,000 to \$40,000 range. There will be requirements for public notice and public meetings. We can count on spending at least \$5,000 on mailing, and at least that amount public meetings. There will be a commitment of staff time. In the first half of 2004, he would estimate approximately 400 staff-hours, and probably the same number of hours over the second half of the year.

Black further related that there is likely to be serious opposition to, as well as some support for, the proposal. Even if the proposal is ultimately approved by the County, there could well be challenges to it that would have to be resolved by the Growth Management Hearings Board, taking more time and requiring more resources (including legal fees). In fact, if the County ultimately denies the proposal, the city may want to appeal the decision to the GMHB.

Director Black concluded that the City can expect to spend a minimum of \$30,000+, and at least one-half full time employee on this project in 2004. This does not include any of the other GMA update work or plan amendments that are supposed to be accomplished by December, 2004.

Reconfiguration of the Ferndale UGA should have occurred at the time of the adoption of the Comp Plan and UGA in the mid-1990's. It still makes sense (under GMA) and should be pursued. However, if the city is going to initiate this project, it needs to be committed to following it through. Director Black does not believe it would not be in the best interests of the city to submit a proposal of this scope and then be forced to withdraw it because the resources were not there to support the process.

Discussion

Councilmembers Cole and Elgart both felt strongly that this was a process worth pursuing, and that funds should be committed to do so.

It was moved by Councilmember Landcastle and seconded by Councilmember Wilson to move forward with the Comp Plan review process and submit the necessary documents to the County. Motion passed unanimously.

OATH OF OFFICE – COUNCILMEMBERS AND MAYOR

City Clerk Knutson administered the Oath of Office to Councilmembers Oliver, Hansen, and Elgart for their new Council terms to begin January 1, 2004 through December 31, 2007. Councilmember and Mayor-Elect Landcastle was then sworn in for his four-year term as Mayor beginning January 1, 2004.

Councilmember Reilly, who was ill, will be sworn in before the end of the year.

SET SPECIAL COUNCIL MEETING AND COMMITTEE MEETINGS

A Special Council meeting has been set for Monday, December 22, at 5 p.m. to consider amendments to the 2003 Budget. Administrator Signett stated that this is a housekeeping ordinance to balance all funds before year end.

The following Committee meetings were set:

Streets and Utilities
Planning and Judicial

Wednesday, December 17
Wednesday, December 17

7:30 a.m.
9:00 a.m.

DEPARTMENT REPORTS

Planning Director Black reported that FEMA officials recently visited the City, and advised them that Ferndale had done an admirable job with flood management.

Councilmember Landcastle asked Public Works Director Sperry about the bond that was to be used for improvements at the former North County Homes site. Director Sperry responded that improvements will be re-bid this spring.

Mayor Pro-Tem Hansen asked if staff was aware of any proposed uses for the recently sold Hotel on Barrett Road. Director Black said that there have been many inquiries, but no definitive proposed uses.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 8 p.m.

ATTEST:

Mel Hansen, Mayor Pro-Tem

Linda Knutson, City Clerk

Attachment "A":

MINUTES
Streets and Utilities Committee Meeting
Held Wednesday, December 3, 2003
Council Chambers - City Hall Annex
7:30 a.m.

COMMITTEE: Councilmembers Reilly, Hansen, and Landcastle
STAFF: Roland Signett, Loren Sperry, Tom Black, Linda Knutson
ENGINEER: Luis Ponce
GUEST: Roger Eytzen – Ferndale Grain

PEDESTRIAN CONCERNS NEAR FERNDALE GRAIN

Roger Eytzen, Manager of Ferndale Grain, was present to discuss concerns regarding pedestrian safety for his employees and nearby residents of the plant. There are no crosswalks at or near the employee parking, which has resulted in several "close calls", and employees have expressed concern to management.

The Committee looked at a schematic of the area, noting areas of a possible crosswalk. It was pointed out that all criteria needs to be evaluated, including ADA regulations. City staff and engineers will research options for a reasonable solution for presentation at the next meeting.

IMPROVEMENTS TO THIRD STREET

Administrator Signett reviewed the preliminary engineering for the Third Street Improvements (Third to Washington to Golden Eagle, etc.) will cost approximately \$70,000. The Committee felt that funds from the Utility Reserve account should be used for this purpose. The area proposed for improvements mainly consists of sewer and storm problems, along with curb gutter and sidewalk improvements. The area around Ferndale Grain has been particularly imp[acted because of years of heavy truck use.

Director Sperry noted that that area would need commercial upgrading. After engineering is completed, staff and engineers will be able to apply for available grants for this nearly \$1 million project.

Mr. Eytzen said that in the interest of being a good partner with the City and community, Ferndale Grain wishes to participate in the improvements as much as practical.

The Committee directed staff to move forward with the engineering, and to provide Ferndale Grain documentation of the project scope.

CHANGE ORDERS – MAIN STREET PROJECT

Engineer Luis Ponce presented change orders from the Main Street Improvement Project.

Item Number 1: Change Order to replace signal interconnect cable on Main Street from Third Avenue to Fourth Avenue. Cost: \$3,080

The original design required that the existing overhead interconnect cable be reused and placed in the underground conduit. However, when the existing cable was excavated, it ran directly into the traffic control box. As a result, the cable was approximately eight feet short of reaching the cable box through the re-route. Splicing an additional length of cable was not deemed to be a safe or practical option.

It was moved by Councilmember Landcastle and seconded by Councilmember Reilly to recommend approval of the Change Order totaling \$3,080 to Sail Electric. Motion passed unanimously.

Item Number 2: Change Order for underground conversion along the frontage of Samuels Furniture. Cost: \$900

Mr. Samuel's main concern regarding this conversion was that it would take up to six hours during peak hours and peak season. He asked that the conversion be done either very early or late in the day. Potelco indicated they could do the work outside of their normal working hours,(4 a.m. to 10 a.m.) however this would result in overtime costs.

The Committee requested staff to contact Mr. Samuels and ask for his participation in paying for this extra cost.

Item Number 3: Force Account – Roadway Excavation Account: Unanticipated Costs for alley between Oxford Building and Samuels Furniture. Cost: \$5,030

It was necessary to remove extra underlay in this alleyway due to uneven material under the existing asphalt. The cost incurred will be absorbed by the "Roadway Ex" fund within the project.

PARKLAND SUBDIVISION FENCE

Persons unknown have constructed a fence at both ends of the trail/easement near the Parkland Subdivision. This pathway is also used by the City as a utility easement.

The Committee generally felt that the pathway is desirable for providing connectivity between the subdivisions in this area, and that the homeowners brought property knowing that this pathway adjoined their land. The Committee directed staff to remove the fences.

TRAFFIC STUDY – PORTAL WAY

The Committee had asked for the cost of a traffic study to ease traffic flow between Washington and Portal Way. Director Sperry responded that such a study would cost between \$3,500 and \$4,000 . This study will include Portal Way on and off ramp flows as well. The Committee directed staff to go forward with the study.

STORMWATER ORDINANCE – DEVELOPMENT FEES

The Committee continued ongoing discussions concerning stormwater issues. At the Council meeting of December 1, a monthly stormwater fee was proposed and voted down. However, a majority of the Council felt that stormwater development fees were most appropriate at this time, and that the monthly “operational” fees needed further study and workshops.

Director Sperry presented an ordinance that would create storm water utility system development charges for the purpose of defraying the cost of capital improvements to the city-wide storm water facility system. The Committee discussed raising the current fee of one-half cent per square foot to anywhere from two to three cents per square foot. Ultimately two and one-half cents was decided.

It was moved by Councilmember Landcastle and seconded by Councilmember Reilly to recommend approval to raise the development fee to two and one-half cents per square foot. Motion passed unanimously

The Committee then discussed an initial fee for residential hook-up to the stormwater system. Several ideas were put forth regarding sliding scales, amount of impervious surface, fee by zoning, and so on. At this point the Committee felt that it would be prudent to keep this fee as simple as possible.

It was moved by Councilmember Hansen and seconded by Councilmember Landcastle to recommend approval of a stormwater infrastructure fee of \$250 per connection. Motion passed unanimously.

Attachment “B”:

**MINUTES
Planning and Judicial Committee Meeting
Held December 3, 2003
Council Chambers - City Hall Annex
1:00 p.m.**

COMMITTEE: Councilmembers Cole, Elgart, and Reilly
STAFF: Roland Signett, Loren Sperry, Tom Black, Linda Knutson

DISCUSSION REGARDING CITIZEN SALARY COMMISSION

The Committee debated the pros and cons of the formation of a citizens salary commission to review the compensation of City Councilmembers. While the Council’s compensation has not been reviewed or raised for over twenty years, some Councilmembers were not comfortable discussing a modest raise during economically uncertain times. City Clerk Knutson explained that was the purpose of such a commission. It takes the review and decision away from the Council and determines whether or not the Council is fairly compensated in comparison with other similar jurisdictions.

The Committee directed staff to research and provide ordinances creating a citizen Salary Commission. Also, they asked for any available information regarding per diems, taxes on per diems, and how the Public Utility District applies per diems.

UPDATE ON CROSSING CONCERNS AT SKYLINE SCHOOL

Councilmember Elgart said that some progress has been made in addressing school crossing safety at Skyline school. Crossing guards were dropped from consideration due to liability issues. However, Councilmember Elgart became aware of an innovative program being implemented in Seattle’s inner-city, for which she has requested more information.

Attachment "C":

**ADDITIONAL AGENDA ITEM
COUNCIL MEETING OF DECEMBER 15, 2003**

**ITEM: CURB, GUTTER AND SIDEWALK REINSTATEMENT - MAIN STREET PROJECT
SUMMARY:**

- X The only official reinstatement to the Main Street Project east of the bridge was for Phase One: mobilization, demolition, and gravel base at a cost of approximately \$44,000. (July 21 Council meeting)
- X The Streets and Utilities Committee unanimously voted to recommend full Council approval of reinstatement of curbs, gutter and sidewalk to the project. (September 24 Committee meeting) This item was inadvertently never forwarded to Council. HOWEVER, the price quoted to S&U was ONLY Phase three at approximately \$24,000.
- X To re-include Phase Two (curb, gutter, and asphalt at approximately \$51,000) and Phase Three (sidewalks and landscaping at a cost of \$27,000) will total approximately \$78,000

FUNDING:

- X New development adjacent to the project will be contributing \$100,000+ towards Traffic Mitigation.

From **Council Meeting of July 21, 2003:**

DISCUSSION ON CURB, GUTTER, SIDEWALK IMPROVEMENTS TO SOUTH SIDE OF MAIN STREET, EAST OF THE BRIDGE

Streets and Utilities Committee Discussion Item

City Engineer Greg Ebe explained that the curb, gutter, and sidewalk improvements to the south side of Main Street, east of the bridge had been deleted from the original project due to budget limitations. Engineer Ebe stated that approximately \$122,000 had been saved due to this deletion. The members of the Streets and Utilities Committee had recently reviewed this portion of the project and felt it was worth discussion at the Council level to see if any new funding options were available.

Mr. Ebe stated that returning this portion back into the project in a phased approach would make the most sense.

- X *Phase one would include mobilization, demolition, and gravel base at a cost of approximately \$44,000.*
- X *Phase two would include curb, gutter, and asphalt at approximately \$51,000.*
- X *Finally, sidewalks and landscaping would be included in phase three for a cost of \$27,000.*

Staff was of the opinion that doing the improvements now would give the City leverage in requiring new development to make projects work with established City design.

The Council discussed at length the impacts of future development along this stretch of roadway. Several among the Council felt doing the improvements in conjunction with this project made sense, while others felt that the City was not in a financial position to accomplish this.

It was moved by Councilmember Reilly to approve the proposed phase one to be added back into the project at a cost of approximately \$44,000, which was seconded by Councilmember Hansen.

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

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From **Streets & Utilities Committee Meeting of September 24, 2003:**

A East of Bridge: Excavation work has begun on the portion of roadway east of the bridge and improvements will continue through November 30th. The final asphalt will be placed in 2004 due to weather constraints.

Luis reported that even with the extra funds expended for the unanticipated contaminated soils, the entire project is running approximately \$43,000 under budget at this time.

Committee members pointed out that the Council had decided to consider curbs, gutters, and sidewalks for the south portion of this phase of the project if the funds became available within the project. Luis stated that to include these in the project would cost an additional \$24,000 (approximately).

It was moved by Councilmember Reilly and seconded by Councilmember Landcastle to recommend to the full Council the addition of the installation of curbs, gutters, and sidewalks to the south side of Main Street, east of the bridge, at a cost of approximately \$24,000. Motion passed unanimously.@

THE ABOVE RECOMMENDATION WAS NEVER FORWARDED TO THE FULL COUNCIL FOR CONSIDERATION/APPROVAL.