

MINUTES
Ferndale City Council Meeting
Held Monday, September 15, 2003
City Hall Annex Building – 5694 Second Avenue
7:00 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver	Councilmember Mel Hansen
Councilmember Mike Reilly	Councilmember Marianne Elgart
Councilmember Susan Cole	Councilmember Ron Wilson

ABSENT: Councilmember Jerry Landcastle (Excused)

STAFF:	City Administrator Roland Signett	City Clerk Linda Knutson
	Public Works Director Loren Sperry	Police Chief Dale Baker
	City Engineer Jim Hobbs	

Mayor Carolyn Jensen Presiding

CALL TO ORDER

The meeting was called to order at 7 p.m. by Mayor Jensen

CONSENT AGENDA

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

1. Approval of Minutes of 09/02/2003 Council Meeting
2. Approval of Payroll of 09/03/03; Auto-Deposit Amount: \$100,477.58; Checks #21925 - #21939 Amount: \$32,771.48; Total Payroll: \$133,249.06
3. Approval of Claims Run for September, 2003; Checks #40184 - #40320; Total Claims: \$1,107,250.42 (Check #36284 & 38170-Void-Lost)

Motion passed unanimously.

PUBLIC COMMENT

Jim Elliott stated that he was pleased with recent dealings with City staff on several items, most notably the additional language to the Special Events permit concerning sanitary facilities, and the prompt response from Public Works and the Police Department on another concern.

Mark Tapley said that he was very concerned over high water and sewer bills. He said that his mother, who lives in Correll Park, received a bill for a period when she was not occupying her home. He further stated that his own bill was more than \$200, which he felt was much too high. Staff will research Mr. Tapley's concerns.

CONSIDERATION OF BID – TOSCO SPORTS COMPLEX PHASE III

Public Works Director Sperry stated that the bid opening was held on the prior Thursday afternoon, and that seven bids had been received. During the Engineer's tabulation process, it was discovered that the low apparent bidder, Matia Contractors, Inc., wrote the total bid item extension prices in words rather than numerically. Washington State Department of Transportation Engineer Harry Haslem was consulted, and determined that this error was a "immaterial discrepancy which does not gain a competitive advantage for the low bidder, and therefore does not constitute grounds for rejection." City Attorney Dick Langabeer was also contacted, and agreed with Mr. Haslem's assessment. City staff and engineers recommended that the contract be awarded to Matia Contractors, with the low bid of \$277,213.81.

Motion

It was moved by Councilmember Elgart and seconded by Councilmember Oliver to award the contract for the Tosco Sports Complex Phase III project to Matia Contractors, Inc., in the amount of \$277,213.81, and waiving bid irregularities per Harry Haslem of WashDOT.

Discussion

Councilmembers Wilson asked what projects were included in this bid for the Complex, and why the bid results did not go to Committee before coming to Council. Director Sperry responded that quad-softball field material was upgraded to tournament quality, completion of two soccer fields, trail installation, completion of lighting and parking lots were included in Phase III. Also in Phase III will be the construction of a field house under a different bid. Administrator Signett added that because of the timing of the construction season, and the Council's familiarity with the ongoing project, oftentimes bid results are brought directly to Council.

Councilmember Hansen expressed concern that several bids of late had been found to contain irregularities. He felt that this was inconsistent, and that perhaps the bid documents needed review. He does not want the City put into a liability situation.

Councilmember Oliver pointed out that this phase of the project had been thoroughly discussed by the Recreation and Finance Committee, who had recommended the priority elements of Phase III to the full Council during the authorization to go to bid process.

Vote

Motion passed unanimously

CONSIDERATION OF BID – EMERGENCY CULVERT REPLACEMENT

Director Sperry introduced City Engineer Jim Hobbs, of Reichhardt and Ebe Engineering, who explained options concerning the bids received for the emergency culvert replacement project extending from Vista Avenue to property just east of City Hall. In anticipation of this project the City had secured a \$150,000 emergency low-interest loan from the Public Works Trust Fund Board. The Engineers had estimated the project budget at approximately \$190,600. The lowest submitted bid was just short of \$257,000 .

Mr. Hobbs suggested several reasons for the higher than normal bids, including the fact that it was an emergency project with restrictive working hours, and it is late in the construction season. Also, the proximity of the project to existing utilities caused some of the bidders to add contingency to many items to account for lost time anticipated due to dealing with these items.

Three options were presented for Council consideration. The first would be to modify the plans and specifications and re-bid the project. The second would be to slip-line the existing storm drain. The third would be to award the bid if funding were available.

Councilmember Hansen remember that the original estimate for slip-lining was around \$122,000 . He was very uncomfortable authorizing the expenditure of \$250,000 that the City does not have. He felt that the only viable option at this point was to have the slip-line done rather than the culvert replaced.

Councilmembers Reilly and Oliver agreed. Councilmember Oliver suggested that the item go to Streets and Utilities Committee in order to evaluate options. Director Sperry will attempt to obtain a firm bid for slip-lining as soon as possible.

It was moved by Councilmember Reilly and seconded by Councilmember Elgart to send this item to Streets and Utilities for further consideration. Motion passed unanimously.

CONSIDERATION OF BID – CITY HALL ROOF REPLACEMENT

Director Sperry reviewed that the City received three bids from the small works roster on the City Hall roof replacement project. It was the recommendation of staff to accept the bid from Access Services for a forty-year laminated shingle roof in the amount of \$22,803 .

It was moved by Councilmember Reilly and seconded by Councilmember Oliver to accept the bid from Access Services in the amount of \$22,803 for a new laminated shingle roof for City Hall. Motion passed unanimously.

COUNCIL REPORTS COMMENTS

Councilmember Cole noted that the minutes of the Planning and Judicial Committee meeting of September 10th had been corrected and revised by the addition of an item that had inadvertently been omitted. She distributed the revised minutes to the Council.

Councilmember Elgart stated that the City's cost for the WhatComm user fees will be reduced in 2004.

Councilmembers Elgart and Cole attended a meeting of the Whatcom County Planning Commission, who were considering public testimony on the five-year urban fringe area. Councilmember Elgart read a letter from the Ferndale City Council strongly objecting to this process to the exclusion of Ferndale review and input.

SET COMMITTEE MEETINGS

The following meetings were set for the week of September 15th:

Streets and Utilities	Wednesday, September 17 th at 7:30 a.m.
Recreation and Finance	Wednesday, September 17 th at 9:00 a.m.
Planning and Judicial	Wednesday, September 17 th at 1:00 p.m.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 7:50 p.m.

ATTEST:

Carolyn Jensen, Mayor

Linda Knutson, City Clerk

ATTACHMENT "A":

**MINUTES
Planning and Judicial Committee Meeting
Wednesday, September 10, 2003
City Hall Conference Room
1 p.m.**

COMMITTEE: Councilmembers Cole, Elgart, and Reilly

ADMINISTRATION: Roland Signett, Carolyn Jensen

STAFF: Tom Black, Loren Sperry, Linda Knutson

LETTER TO WHATCOM COUNTY EXECUTIVE KREMEN

Administrator Signett reviewed a revised letter from the Ferndale City Council to Whatcom County Executive Pete Kremen. The letter states the Council's strong opposition to the process currently being undertaken by Whatcom County and the City of Bellingham in the matter of determining urban growth boundaries. The Council is urging the County to concurrently review the boundaries of Ferndale and Bellingham *where proximity creates a likelihood that (both cities) would each view the area in question as one that should be in its respective UGA.* The letter further states that Ferndale should be made an integral part of the planning process, and expects that the County will take no final action on

Bellingham=s proposed UGA until Ferndale has had an opportunity to undertake a comprehensive review of its own UGA with the County planning department.

Councilmember Elgart will obtain signatures from the full Council, and she and Councilmember Cole will attend the UGA planning meeting of September 11th to present the letter and further voice the City=s concerns.

SSP PREFERRED ANIMAL CONTROL - PERSONNEL CONCERNS

The City has received some complaints regarding contacts with SSP Animal Control employees. Administrator Signett and City Clerk Knutson will meet with the Rustands to discuss City expectations of conduct during animal control contacts, and interpretation of ordinances.

DUCK BLIND NEAR WASTEWATER TREATMENT PLANT

Director Sperry stated that he and Police Chief Baker had recently investigated the area in question near the Treatment Plant, but outside of the city limits, where duck hunting is apparently occurring, resulting in ammo coming into the city limits. The Chief and Director Sperry concluded that the pellets being used by the owner of the blind would not pose a danger to Treatment Plant personnel. However, any incidents of shooting should be called into the Whatcom County Sheriff=s Office.

Mayor Jensen said she will contact Sheriff Bill Elfo to discuss this situation, and will report back to the Committee.

DUAL MEDICAL COVERAGE INCENTIVE

City Clerk Knutson said that she has been working to find innovative ways to save the City money in the area of medical premiums, which have increased dramatically in recent years. Some cities have instituted a voluntary program in which employees who cover their spouses and/or dependents on their city insurance, and are also covered by the spouses= insurance, have the option of dropping the dependent coverage and splitting the savings with the city.

The Committee would like more time to review this proposal.

ADDITION TO PERSONNEL POLICIES

Several months ago the Committee had requested that management personnel research severance pay for inclusion into the City=s personnel policies. A draft policy was distributed to the Committee and will be reviewed at an upcoming meeting.

LETTER TO WHATCOM COUNTY COUNCIL - PUBLIC WORKS COMMITTEE

Chair Cole presented a letter to the Whatcom County Council=s Public Works Committee Chair Barbara Brenner. The letter outlines the ongoing complaints of Ferndale citizens and area residents over the interference caused by the radio station located on Imhoff Road (KRPI). Chair Cole asks that the Public Works Committee consider this issue, and offers up Planning and Judicial to jointly work with that Committee in supplying background information and documentation gathered over the years regarding the numerous complaints and frustrations of residents and businesses.