

MINUTES
Ferndale City Council
Held Monday, December 20, 2004
City Hall Annex – Council Chambers
7 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver
Councilmember Mike Reilly
Councilmember Susan Cole
Councilmember Ron Wilson

Councilmember Mel Hansen
Councilmember Marianne Elgart
Councilmember Carol Brumet

STAFF:

City Administrator Greg Young
Public Works Director Bob Cecile
Assistant Planner Corey Smith

City Clerk Linda Knutson
City Treasurer Mark Peterson
Associate Planner Michael Jones

Mayor Jerry Landcastle Presiding

CALL TO ORDER

Mayor Landcastle called the Meeting of the Ferndale City Council to order at 7 p.m.

CONSENT AGENDA

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

1. Approval of Minutes of 12/06/04 Council Meeting.
2. Approval of Minutes of 12/13/04 Special Council Meeting.
3. Approval of Payroll of 12/06/04; Automatic Deposit
Amount: \$2,914.25; Checks #22386 - #22393 Amount:
\$8,924.89; Total Payroll:\$11,839.14
4. Approval of Payroll of 12/17/04; Automatic Deposit
Amount: \$103,216.93; Checks #22395 - #22404
Amount: \$36,745.76; Total Payroll: \$139,962.69
5. Approval of Claims Run Of 12/20/04; Checks #42550 -
#42614; Total Claims: \$156,648.29

Motion passed unanimously.

PUBLIC COMMENT

Walt Pollman commented that the new sound system is working well when Councilmember speaks directly into their microphones, and not so well when they don't.

MOTION FOR RECONSIDERATION

It was moved by Councilmember Wilson and seconded by Councilmember Elgart to reconsider the Lodging Tax Funding allocations for 2005, which was voted on at the previous Council meeting. Motion passed unanimously.

Councilmember Wilson stated that the Recreation and Finance Committee had discussed this reconsideration at their last meeting, and felt that the Heritage Society's request for \$6,000 during the 2005 budget year should be approved.

Motion Under Reconsideration – Council Meeting of December 6th, 2004:

It was moved by Councilmember Oliver and seconded by Councilmember Wilson to accept the Recreation and Finance Committee's recommendation to fund the requesting agencies at 2004 levels.

Amendment to Main Motion

It was moved by Councilmember Wilson to amend to motion to fund the Heritage Society at the requested \$6,000 for 2005. This was seconded by Councilmember Elgart.

Discussion

Councilmember Reilly felt that the funding request from the Ferndale Chamber of Commerce should be included in the reconsideration. He stated that the Chamber has undergone some major changes in the past year and could well utilize the extra funds.

Amendment to Amendment

It was moved by Councilmember Reilly and seconded by Councilmember Hansen to fund the Ferndale Chamber of Commerce at the requested \$20,000 for 2005.

Discussion

Councilmember Elgart stated that she had originally believed that the Heritage Society's request had doubled for 2005. After review, she felt the additional \$1,500 was an appropriate request for Lodging Tax monies. She added that she was pleased with the Chamber's renewed emphasis on revitalization for the downtown.

Councilmember Hansen felt that both the Heritage Society and the Chamber should be supported to continue their work in promoting tourism.

Councilmember Brumet had some concerns about the percentage of the Chamber's annual budget that was dependant upon City funding.

Councilmember Reilly said that Lodging Tax monies have been used well by these two agencies.

Councilmember Cole appreciated that the Council was reconsidering this matter, and felt that all the organizations that had applied for funding did good work for the City.

Councilmember Oliver agreed with Councilmember Cole, but still had concerns about funding ongoing operational obligations rather than specifically targeting tourism promotion.

Vote

The amendment to fund the Ferndale Chamber of Commerce at \$20,000 for 2005 passed five-to-two, with Councilmembers Oliver and Brumet voting no.

The amendment to fund the Heritage Society at \$6,000 for 2005 passed six-to-one, with Councilmember Oliver voting no.

PUBLIC HEARING: ORDINANCE #1338 – 2004 BUDGET AMENDMENTS

City Administrator Young reviewed the various unanticipated changes in revenues and expenditures that occurred in 2004, necessitating the budget amendment ordinance.

Public Hearing Opened

No one spoke

Public Hearing Closed

It was moved by Councilmember Wilson and seconded by Councilmember Brumet to approve ordinance #1338 Amending the 2004 budget.

Discussion

Councilmember Oliver stated that he appreciated the information provided, which gave a good overview of the unforeseen spending issues encountered over the year. He added that this was an audit issue earlier in the year which this ordinance helps resolve.

Councilmember Reilly had several questions regarding the Douglas Road project fund. He stated he would vote against the ordinance because he had not been aware of most of the listed expenditures.

Councilmember Hansen stated that the Council should have been advised of the computer upgrade prior to its purchase. Staff agreed.

Councilmember Cole said that the Council had reviewed and approved most of the listed expenditures as they occurred.

Councilmember Elgart agreed with Councilmember Cole.

Vote

Motion passed six-to-one, with Councilmember Reilly voting no.

ORDINANCE #1339 – ADOPTING INTERNATIONAL BUILDING CODES

Planning Director Tom Black reviewed that different uniformed codes that the Planning Department has been using for many years has been replaced by the International Codes. The State of Washington has now adopted these codes and local jurisdictions must follow suit.

It was moved by Councilmember Cole and seconded by Councilmember Brumet to approve Ordinance #1339 adopting the International Building Code.

Discussion

The Council discussed several portions of the ordinance, including the increased inspection fees, the state energy code, and the built-in CPI adjustment.

In discussing permits, fees, and inspections, Councilmember Reilly said he would not support an ordinance requiring that a homeowner obtain a permit and inspection to install items such as furnaces or water heaters. Director Black stated that such permits and inspections are mandated by state law.

Councilmember Oliver preferred not to include to provisions noted in the ordinance that would annually automatically adjust fees and permits by the Consumer Price Index.

A Friendly Amendment was accepted by the maker and second of the motion to include: “striking all references relating to annual CPI adjustments”. Motion passed unanimously.

CHANGE ORDER #10 – MAIN STREET BRIDGE PROJECT

Public Works Director Bob Cecile presented the Council with Change Order #10 for the Main Street Bridge Project. This change order detailed some items related to the two-way traffic accommodations last year at this time. Also, credit was given for extra materials used for the traffic island in front of the Haggen store.

This items was tabled until the second meeting in January. Staff will research minutes regarding prior change orders for two-way traffic and Haggen’s responsibilities towards island reconstruction.

ORDINANCE #1340 – KLOOTWYK ANNEXATION (STONEFIELD LLC)

Planning Director Black stated that this Ordinance is the next step in the process of the Klootwyk Annexation. The City and County have an Interlocal agreement that needs to be updated in conjunction with this annexation. Director Black proposed that a section six be added to the ordinance's language that covers this Interlocal agreement.

It was moved by Councilmember Brumet and seconded by Councilmember Hansen to approve Ordinance #1340, with the inclusion of section six updating the City and County Annexation Interlocal agreement.

Discussion

Councilmember Oliver asked about the additional strip of land included on the map of the property to be annexed. Director Black explained that this was a "housekeeping" technicality to include the attached roadway, as required by the County.

Vote

Motion passed six-to-one, with Councilmember Cole voting no.

PLANNING COMMISSION APPOINTMENTS

Mayor Landcastle recommended to the Council that JoAnn Moore and Joan Beller be reappointed to the Planning Commission for four-year terms.

Councilmember Oliver asked if these positions had been advertised. Director Black said that they had not.

It was moved by Councilmember Brumet and seconded by Councilmember Wilson to confirm the appointments of JoAnn Moore and Joan Beller to the Ferndale Planning Commission. Motion passed unanimously.

MAYOR REPORTS/COMMENTS

Mayor Landcastle reported that there will be a joint meeting of the Councils of the small cities to review the proposed WRIA agreement.

Mayor Landcastle stated that the AWC Legislative Action Conference is scheduled for February, 2005. Interested Council should contact the City Clerk no later than January 3rd to sign up.

COUNCIL REPORTS/COMMENTS

Councilmember Reilly read a statement regarding the special council meeting of November 22nd. He felt that he had been unfairly criticized for threatening to leave that meeting, leaving it without a quorum. He further felt that the meeting had proceeded illegally because there had been no motion to suspend the rules.

Councilmember Reilly asked if Jim Elliott could present the report of the 2010 Committee at a meeting in the near future. Clerk Knutson will schedule this.

SET COMMITTEE MEETINGS

There will be no Committee meetings the week of December 20th.

DEPARTMENT REPORTS

City Clerk Knutson reported that she had recently passed the examination for entry into the National Association of Parliamentarians,

EXECUTIVE SESSION

At 8:35 p.m. to Council adjourned to executive session to discuss personnel issues. Mayor Landcastle estimated no longer than ten minutes, with no Council action anticipated afterwards.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 8:45 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

ATTACHMENT A:

**MINUTES
Streets and Utilities Committee
Held Wednesday December 15, 2004
City Hall Conference Room
7:30 a.m.**

COMMITTEE: Councilmembers Mel Hansen, Marianne Elgart, Ron Wilson
CITY ADMINISTRATION: Greg Young, Bob Cecile, Linda Knutson

CHANGE ORDER #10 – MAIN STREET BRIDGE PROJECT

Public Works Director Bob Cecile explained that the City is near completion on the payments for the Main Street Bridge Project. Change order #10 details the modifications made necessary by the bridge having two lanes open during the last weeks of construction. The change order is in the amount of \$17,945.42, but Director Cecile explained the actual cost will be \$13,319.00, due to variations in extensions of unit prices.

It was moved by Councilmember Wilson and seconded by Councilmember Wilson to recommend approval of Change Order #10. Motion passed unanimously.

UPDATE ON SCHOOL DISTRICT ISSUES

- Director Cecile state that he had responded to the School District's recent listing of unsafe sidewalks, compiled by the District's Transportation Manager.
- Administrator Young has discussed school impact fees with Ron Cowan, and how the City could collect fees for the District for future growth needs.
- Councilmember Hansen will attend this week's school board meeting, as the Malloy Project is on the agenda for discussion.

REQUEST FOR RELIEF ON WATER BILL

City Clerk Knutson related a request for an exemption to City ordinances which allow for one leak adjustment in any twelve month period. The customer had a large leak adjustment in March, and recently discovered and repaired another leak.

While the Committee was sympathetic to the situation, they held that the City must observe the regulation allowing for one adjustment per year.

ATTACHMENT B:

**MINUTES
Recreation and Finance Committee**

**Held Wednesday December 15, 2004
City Hall Conference Room
8:45 a.m.**

COMMITTEE: Councilmembers Ron Wilson, and Marianne Elgart
CITY ADMINISTRATION: Greg Young, and Linda Knutson

RECONSIDERATION – HERITAGE SOCIETY 2005 REQUEST FOR FUNDING

The Committee asked staff to place the question of 2005 funding for the Ferndale Heritage Society on the next Council agenda for reconsideration. Both Councilmembers Elgart and Wilson were on the prevailing side of the vote at the regular Council meeting of December 6.

This item will be placed on the Council Agenda of December 20th.

FINANCIAL POLICIES

Administrator Young gave a brief overview of the proposed Financial Management Policies Manual in its entirety. The Committee has reviewed the first three components at prior meetings. In reviewing the process thus far, it was decided that the Committee will spend the next several meetings completing the policy review, and then forward the entire document to the full Council for a study session.

PARK ISSUES

- Funds had been set aside in the 2004 Parks budget for the purpose of hiring a part-time coordinator for Tosco Field. Mayor Landcastle has been working toward securing an intern to start as early in 2005 as possible.
- The Committee asked staff to look at making the historic cabins in Pioneer Park more accessible to wheelchairs; perhaps portable ramps, and a pervious trail or path system.
- In regard to the upcoming tree removal at Pioneer Park, the Committee suggested that the Lummi Nation might be interested in some of the cedars for totem carving. The discussion also led to the possibility of a multi-cultural event at the park that would include activities like totem carving, salmon bake, canoe races, etc.