

**MINUTES**  
**Ferndale City Council**  
**Held Tuesday, January 18, 2005**  
**City Hall Annex – Council Chambers**  
**7 p.m.**

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**PRESENT BY ROLL CALL:**

<b>Councilmember Steve Oliver</b>	<b>Councilmember Mel Hansen</b>
<b>Councilmember Marianne Elgart</b>	<b>Councilmember Susan Cole</b>
<b>Councilmember Carol Brumet</b>	<b>Councilmember Ron Wilson</b>

**ABSENT: Councilmember Mike Reilly (Excused)**

**STAFF:**

<b>City Administrator Greg Young</b>	<b>City Clerk Linda Knutson</b>
<b>Public Works Director Bob Cecile</b>	<b>City Treasurer Mark Peterson</b>
<b>Planning Director Tom Black</b>	<b>Police Lt. Travis Glass</b>

**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 Oliver and seconded by Councilmember Hansen:***

1. Approval of Minutes of 01/03/05 Council Meeting
2. Approval of Payroll of 12/30/04; Check #22405 Amount: \$218.74 (Quarterly L&I)
3. Approval of Payroll of 01/03/05; Automatic Deposit Amount: \$106,408.46; Checks #22406 - #22415 Amount: \$35,026.66; Total Payroll: \$141,435.12
4. Approval of Payroll of 1/04/05; Automatic Deposit Amount: \$3,081.45; Checks #22420 - #22423 Amount: \$6,575.10; Total Payroll: \$9,656.55 (Final Pay – Baker)  
(Checks #22416 – 22419 VOID – Printer jam)
5. Approval of Claims Run of 1/18/05; Checks #42699 -#42779; Total Claims: \$1,191,698.77

***Motion passed unanimously.***

**OATH OF OFFICE – POLICE RESERVE OFFICER**

Lt. Glass introduced Reserve Officer Jared Haechton to the assembled, who was sworn in by Clerk Knutson.

**PUBLIC COMMENT**

James Kaufman, 5873 Madrona, spoke about his longtime concern regarding the radio station located on Imhoff Road, just outside of the Ferndale city limits. Mr. Kaufman is an amateur radio operator who has experienced constant problems due to the daytime strength of the station's signal which is 50,000 watts. Their nighttime signal is powered at 10,000 and doesn't seem to present a problem. Mr. Kaufman gave a history of the radio station's ownerships as well as information regarding FCC licensing

requirements and dates for public comment. Persons interested in contacting the FCC with comments, either pro or con, may contact the City Clerk.

### **REPORT – 2010 COMMITTEE**

Jim Elliott, who attends meetings of the 2010 Committee on behalf of the City, distributed a report of the Committee's December, 2005 meeting. The 2010 Committee has been organized in anticipation of the 2010 Olympic Games, which will be held in Whistler, BC.

### **STORMWATER WORKSHOP**

City Administrator Young and Consultant David Bren presented information to the Council regarding some of the many stormwater infrastructure problems in the City that need attention. Catch basins, culverts, storm drains, retention and detention ponds, and ditches were discussed at length.

Administration is proposing that a residential flat fee of \$3.50 per month be established as a starting point to begin to address the numerous improvements needed. Smaller Commercial and Industrial customers would initially be assessed a monthly fee of \$10.00 per month, with large Commercial and Industrial customers at \$50.00 per month. A study of actual impervious surface area for the larger customers is proposed, in order to better establish fees for actual impacts to the City's stormwater infrastructure. A separate classification will be proposed for multi-family units.

Stephanie Nelson, a homeowner on Evergreen Way, stated that heavy rains and snow melt have impacted her property, causing damage to her landscape as well as basement. She would like to the City work toward lessening the impacts of such events by upgrading and regularly maintain the stormwater systems throughout the City. She stated that she would be willing to pay a monthly fee for such a plan.

Stormwater discussions will continue at the February Council meetings, with opportunities for public input.

### **WATERSHED INVENTORY RESOURCE AREA PLAN**

Mayor Landcastle reviewed that the Councils of the small cities in Whatcom County had met jointly to consider implementation of the WRIA Plan, which has been in development for several years.

Two pilot projects are planned; one for the middle fork of the Nooksack and the other for Bertrand Creek. The goal of the plan is to keep the small cities and relevant agencies involved in the process of stewardship of the County's water resources.

***It was moved by Councilmember Oliver and seconded by Councilmember Wilson to support phase one of the WRIA Plan through the Small Cities Caucus. Motion passed unanimously.***

### **CHANGE ORDER NUMBER 10 – MAIN STREET PROJECT**

This change order represented costs associated with opening the bridge to two-way traffic prior to its closure for deck work.

This item was referred back to staff at the last Council meeting of 2004. Council had recalled a previous change order related to two-way traffic. After researching this, it was found that Change Orders #3 and #5 were approved by the Council to allow for two-way traffic during the holiday season of 2003-2004. Change Order #10 represents the two-way traffic allowance prior to the complete bridge closure of approximately June, 2004.

***It was moved by Councilmember Elgart and seconded by Councilmember Brumet to approve Change Order #10 in the amount of \$8,300.00. Motion passed unanimously.***

Council had also asked staff to research Haggan's responsibility regarding the traffic island at the Main Street entrance to their store. The last correspondence from Haggan officials indicated a promise to

bear the cost of re-configuring the traffic island if DOT and TIB deemed it unacceptable in its current configuration.

### **FINANCIAL MANAGEMENT POLICIES**

Administrator Young reviewed the first element of the Financial Management Policies being formulated by staff. The Recreation and Finance Committee has been studying the various elements of the proposed plan over the past several months.

The first element under consideration is the fourth version of the policies entitled "Budget Policies and Six-Year Financial Plan". It defines overall financial planning, general budget policies, formulation and approval of budgets, budget line-item adjustments, budget amendments, and budget line-item transfers.

The Council discussed some minor language changes. Councilmember Oliver noted that this plan is a great beginning in establishing clear and concise financial policies.

***It was moved by Councilmember Elgart and seconded by Councilmember Oliver to accept element one of the Financial Management Policies Plan. Motion passed unanimously.***

### **CHANGES RO FERNDAL MUNICIPAL CODE CLARIFYING TITLE 14**

Planning Director Black reviewed three separate ordinances regarding language changes to certain sections of Title 14, which had been recommended for approval by the Planning and Judicial Committee. The ordinances are intended to clarify sections of the code that have been confusing for staff, applicants, and appellants.

The first Ordinance, number 1343, deals with language that indicates a person may appeal a Planning Commission recommendation to the Council. Since this process makes no real sense, and serves no real purpose, staff recommends such language be removed. A person may still appeal a decision of the Council, based upon Planning Commission recommendations.

***It was moved by Councilmember Elgart and seconded by Councilmember Brumet to approve Ordinance #1343, dealing with appeals of Planning Commission recommendations. Motion passed unanimously.***

The second Ordinance clarifies the process in which the Planning Commission forwards a recommendation to the Council. In this case the code will read that the Planning Commission will forward such recommendations through a report, promptly prepared after recommendations are decided.

***It was moved by Councilmember Hansen and seconded by Councilmember Wilson to approve Ordinance #1341 dealing with the review and approval process of hearing body actions. Motion passed unanimously.***

The third Ordinance deals with public notification requirements, adding that a notice of decision shall include all findings and conditions, and the process for appeal.

***It was moved by Councilmember Cole and seconded by Councilmember Oliver to approve Ordinance #1342 dealing with public notice requirements. Motion passed unanimously.***

### **HAZARDOUS TREE REMOVAL – REQUEST FOR ADDITIONAL FUNDING**

Mayor Landcastle stated that bids have been received for the removal of hazardous trees from Pioneer Park. A total of \$10,000 had been requested and approved for such removal during the formulation of the 2005 budget. Mayor Landcastle is requesting an additional \$20,000 bring the total to \$30,000. The number of trees that are sick or dying has driven the price of removal much higher than anticipated. Mayor Landcastle is also recommending that Ken's Tree Service be awarded the project.

***It was moved by Councilmember Wilson and seconded by Councilmember Brumet to authorize an additional \$20,000 for hazardous tree removal, and awarding the project to Ken's Tree Service. Motion passed unanimously.***

**YEAR-END FINANCIAL REPORT**

City Treasurer Mark Peterson provided the Council with the year-end financials for the City. He noted that the City had paid off the \$1 million line-of-credit that had been established during the Main Street Project.

**APPOINTMENT TO PLANNING COMMISSION**

Mayor Landcastle related that Planning Commissioner Brian Wilson would like to be re-appointed to the Planning Commission. Commissioner Wilson has served on the Commission for a little less than a year, and enjoys the challenges of that that position. The re-appointment would be for a four-year term commencing January 1<sup>st</sup> 2005.

***It was moved by Councilmember Brumet and seconded by Councilmember Wilson to confirm the appointment of Brian Wilson to a four year term on the Planning Commission. Motion passed unanimously.***

**SET COMMITTEE MEETINGS**

The following committee meeting was set for the week of January 18<sup>th</sup>:

Streets and Utilities, Wednesday, January 19<sup>th</sup> at 7:30 a.m. at School District Admin Offices

Committee members will be notified by the City Clerk concerning meetings to be scheduled before the next Council meeting.

**COUNCIL REPORTS/COMMENTS**

**Councilmember Marianne Elgart** reminded the assembled that The Thomas L. George Awards ceremony is scheduled for January 26<sup>th</sup> at the Ferndale Senior Center. Councilmember Elgart also noted that she has been appointed to the Mental Health Advisory Board, and will give reports of those meetings at future Council meetings.

**Councilmember Steve Oliver** stated that the installation of 2005 Chamber of Commerce officers will take place at the Silver Reef Casino on Thursday at 6 p.m.

**ADJOURNMENT**

There being no further scheduled City business, the meeting was adjourned at 9:40 p.m.

**ATTEST:**

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Jerry Landcastle, Mayor

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Linda Knutson, City Clerk

***Attachment A:***

**MINUTES  
Planning and Judicial Committee Meeting  
Held Wednesday, December 1, 2004  
City Hall Conference Room  
11 a.m.**

**COMMITTEE:** Councilmembers Cole and Elgart  
**ADMINISTRATION:** Jerry Landcastle, Greg Young, Linda Knutson, Tom Black,

**APPOINTMENT TO PLANNING COMMISSION**

Mayor Landcastle presented the Committee with a request from Brian Wilson for reappointment to the Planning Commission.

*It was moved by Councilmember Cole and seconded by Councilmember Elgart to recommend confirmation of the reappointment of Brian Wilson to the Planning Commission. Motion passed unanimously.*

**PROPOSED CHANGES TO FERNDALE MUNICIPAL CODE**

City Administrator Greg Young reviewed three separate ordinances of the Committee regarding language changes to certain sections of Title 14.

The first Ordinance deals with language that indicates a person may appeal a Planning Commission recommendation to the Council. Since this process makes no real sense, and serves no real purpose, staff recommends such language be removed. A person may still appeal a decision of the Council, based upon Planning Commission recommendations.

The second Ordinance clarifies the process in which the Planning Commission forwards a recommendation to the Council. In this case the code will read that the Planning Commission will forward such recommendations through a report, promptly prepared after recommendations are decided.

The third Ordinance deals with public notification requirements, adding that a notice of decision shall include all findings and conditions, and the process for appeal.

The ordinances are intended to clarify sections of the code that have been confusing for staff, applicants, and appellants.

*It was moved by Councilmember Elgart and seconded by Councilmember Cole to recommend approval of the three reviewed ordinances for the purpose of clarifying the existing code provisions. Three separate motions will be necessary at the full Council meeting.*

**PIONEER PARK PROTOCOL COMMITTEE**

Councilmember Cole asked Mayor Landcastle and Administrator Young to attend the next Pioneer Park Protocol meeting to discuss grants issues a preliminary recommendation regarding Pioneer Park.

***Attachment B:***

**MINUTES  
RECREATION AND FINANCE COMMITTEE  
Held Wednesday, January 12, 2005  
8:45 a.m.**

**COMMITTEE:** Councilmembers Oliver, Wilson, Elgart  
**ADMINISTRATION:** Mayor Landcastle, Administrator Young, Deputy City Clerk Stiles  
**GUEST:** David Erickson (Former Parks & Recreation Director)

**TREE REMOVAL AT PIONEER PARK**

Mayor Landcastle informed the committee that the Tree Committee has marked all of the trees in the park that are a danger to persons utilizing the park. The city has received bids ranging from \$23,000 to \$35,000 for the removal of

these trees. Currently the City has \$10,000 set aside in the 2005 for tree removal. David Erickson, former Parks and Recreation Director, was with the City when the trees were inspected and identified by an arborist. City staff is recommending Ken's Tree Service be awarded the bid. Mr. Erickson stated the City has used this company before and they are good. The committee discussed the necessity of tree removal and crown cleaning as a safety issue.

**It was moved by Councilmember Wilson and seconded by Councilmember Elgart to recommend the approval of an additional \$15,000 for tree removal at the Park. Motion passed unanimously.**

#### **LINE OF CREDIT**

Mayor Landcastle informed the committee that the one-million dollar line of credit had been paid off.

#### **FINANCIAL POLICIES**

Administrator Young reviewed with the Committee the Capital Improvement Plan Policies portion of the Financial Policies. The Committee will spend several meetings reviewing these policies. Administrator Young has reconsidered sending the entire document to the Council and feels it will be better to present it in sections so the council can refine each segment.

#### ***Attachment C:***

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

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**COMMITTEE:** Councilmembers Mike Reilly, Mel Hansen, Steve Oliver  
**CITY ADMINISTRATION:** Jerry Landcastle, Greg Young, Bob Cecile, Linda Knutson  
**ENGINEERS:** Greg Ebe, Luis Ponce

#### **CATCH BASIN INVENTORY**

Public Works Director Bob Cecile presented the Committee with information gathered by David Bren and his students regarding the City's catch basins and culverts. Of the 111 identified catch basin and culverts, 39 are in need of repairs, and the remaining 72 need replacement (two of those have already collapsed.) Director Cecile states that the average cost to replace a catch basin or culvert is approximately \$1,500. Cost for needed repairs vary depending upon the degree of deterioration. There was general agreement that this information should be included in storm water discussions.

Staff will provide more information later.

#### **UPCOMING MEETING WITH FERNDALE SCHOOL DISTRICT OFFICIALS**

Mayor Landcastle reviewed that this Committee and City Officials will be meeting next Wednesday, January 19<sup>th</sup>, with School District officials regarding the Vista – Malloy Street improvements and signalization project adjacent to the high school. The District's engineers have formulated a new proposal and plan to present that proposal at next week's meeting.

The assembled reviewed at length the newest District proposal, as well as previous and alternate proposals.