

MINUTES
Ferndale City Council
Held Monday, February 7, 2005
City Hall Annex – Council Chambers
7 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver
Councilmember Susan Cole
Councilmember Ron Wilson

Councilmember Mel Hansen
Councilmember Carol Brumet

ABSENT: Councilmember Mike Reilly (Excused)
Councilmember Marianne Elgart (Excused)

STAFF:

City Administrator Greg Young
Public Works Director Bob Cecile
Planning Director Tom Black

City Clerk Linda Knutson
City Treasurer Mark Peterson
Police Lt. Travis Glass

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 Cole and seconded by Councilmember Brumet:

1. Approval of Minutes of 01/18/05 Council Meeting
2. Approval of Payroll of 1/18/05; Automatic Deposit
Amount: \$108,125.69; Checks #22424 - #22433 Amount:
\$35,904.64; Total Payroll:\$144,030.33
3. Approval of Payroll of 2/01/05; Automatic Deposit
Amount: \$3,140.10; Checks #22434 - #22460 Amount:
\$13,074.76; Total Payroll:\$16,214.86 (Check #22451-
22453 VOID – Printing error)
4. Approval of Payroll of 02/03/05; Automatic Deposit
Amount: \$108,803.96; Checks #22461 - #22470 Amount:
\$35,624.25; Total Payroll:\$144,428.21
5. Approval of Claims Run of 2/07/05; Checks #42780 -
#42872; Total Claims: \$293,426.08 (Check #42840 VOID)

Motion passed unanimously.

AGENDA ITEMS MOVED TO COUNCIL MEETING OF FEBRUARY 22, 2005

Mayor Landcastle announced that the following agenda items were moved to the Council meeting scheduled for Tuesday, February 22, 2005:

- C. Wi-Fi Report – Police Vehicles - Ryan Oord – Northwest Technology Solutions
G. Annexation Ordinance #1344 City Administrator Young
H. Riverfront Trail Plan Planning and Judicial Item

PUBLIC COMMENT

Ernie Heinrich stated his concerns regarding the corner of Second and Main, saying that vehicles were driving up onto the pedestrian “bulbs” making it dangerous for anyone waiting to cross the street.

Yvonne Goldsmith said that she had an unpleasant encounter with the City regarding an oversized campaign sign in her yard during the recent election season. She felt that a 24 hour notice via a door hanger was rude and degrading, and that 72 hours via a letter would be much more reasonable. She further stated that City workers had no right to come on her property.

SHORELINE MASTER PLAN UPDATE

Planning Director Tom Black reviewed the progress of the City’s Shoreline Master Plan to date, saying it was submitted to the Department of Ecology in 2002. Shortly thereafter DOE submitted a considerable list of information that did not meet their standards for approval of the Plan.

The City’s biological consultant Jim Wiggins, presented several maps, that are a result of the City and DOE working together to find solutions and compromises in the SMP.

The first map “Proposed Changes in Shoreline Jurisdiction” depicts differences in the 2001 and 2005 Shoreline jurisdictions, as well as the wetlands located in the FEMA 100-year floodplain. The second map shows the same information on and near the western boundaries of the City. The third and fourth maps illustrate the “Proposed Shoreline Land Use Designations” for the same areas.

Council and staff discussed the impacts of the land designations, especially the conservancy areas, on property owners within those designations. This item will be back in front of the Council on March 7th, and Council directed staff to notify all affected property owners so that they have an opportunity to comment or have questions answered.

It was moved by Councilmember Wilson and seconded by Councilmember Cole to submit the maps as presented to the DOE for the SMP process. Motion passed unanimously.

PUBLIC HEARING – STORMWATER FEES

Mayor Landcastle outlined the protocol regarding public hearings. He introduced Public Works Director Bob Cecile who presented the staff report.

Staff Report

Cecile stated that the City is proposing a residential flat fee of \$3.50 per month, with commercial and industrial customers paying from \$10.00 to \$50.00 depending on square footage of impervious surfaces. The heavy rainfall in late November brought out a number of deficiencies in stormwater drainage in many areas of the City. Catch basins, culverts and ditches are deteriorating or failing. Several retaining and detaining ponds need regular maintenance. The City’s vactor truck is aging and will soon need to be replaced.

Public Hearing Opened

Doug Johansson, 6129 Evergreen Way, stated he was in favor of the proposed fee. He lives in an area that has flooded during storm events and feels that the City needs to begin addressing overloaded systems.

John Wordien, 5665 Correll Drive, stated that he is a retired engineer. He is against the proposed fee and feels that water fees are already high, and other utility expenses keep growing.

Brad Oxford, 6316 Malloy Road, stated that a fee is necessary as stormwater is becoming a big issue. He is willing to pay his fair share and noted that this is everyone's responsibility.

Jim Wright, 5667 Front Avenue, believes that the large commercial areas are responsible for stormwater problems and doesn't feel he should have to pay for something that he didn't generate.

Rhonda Oxford, 6316 Malloy Road, stated that a fee of \$3.50 is reasonable, and much lower than what she pays on her properties in Bellingham.

Pete Harksell, 6847 Enterprise Road, said he against the fee. He feels that the City should rent a vactor truck rather than purchasing a new one. He further felt that fees always go up and that this would double next year.

Karl Nelson, 6128 Evergreen Way, supports the fee. He stated that water damage is very expensive and that \$3.50 a month would be money well spent. His area has also been hit hard during heavy rains.

Dennis Davenport, 5930 Foxtail Court, has a catch pond in his area that serves around sixty property owners. Each of those homeowners pays \$70 per year for pond maintenance. He didn't believe he should be charged twice for stormwater issues. He felt this issue should be voted on.

John Garner, 2557 Captains Court, had major damage to his retaining wall in late November during the heavy rains. The pond adjacent to his back yard overflowed and the ground was saturated, forcing water over his wall. He believes the pond is owned by the City and that it has not been managed correctly. His claim for damages was denied, and he feels that the City should pay to have his wall repaired.

Jon Mutchler, 2556 Captains Court, stated that he just moved into his new home the weekend of the heavy rain event last November. He felt that the retaining pond near their home was the cause of some damage to area homes, and that the City should invest some time and money into making certain it works well enough to prevent future damage.

Jim Smits, 6350 Portal Way, said that he lives at Portal Creek Park, a park for persons over 55 years of age. Mr. Smits said most of the residents are on fixed incomes, and that they own and maintain a "fairly efficient stormwater system" at the park. He stated that he is not opposed to a stormwater fee, but only for those who are not already paying for their own systems.

Yvonne Goldsmith, 5840 Church Road, said she is opposed to the new fee; that it should go to a vote of the people, and that there should be no taxation without representation.

Ernie Heinrich, 2178 Ferndale Terrace, wanted to know what priorities the City had established for the revenue that would be raised by this fee. He said he is willing to pay his fair share, but wants to see a list of projects.

Mike DeLancey, 1808 Trigg Road, said that his garden center business on Main Street would have to pay \$120 per year according to the proposed fee schedule, which he felt was high for a small business. He wanted to know how commercial and industrial fees will be structured, as well as how the collected monies will be spent.

Elinor King, 2465 Heights Drive, said she has been a city resident since 1976 and has personally experienced stormwater problems at her home. She felt that instituting a stormwater fee was a good idea that should have been done years ago.

Jeff Sturmberg, 2555 Captains Court, felt that the pond that overflowed near his property in November was poorly engineered and had design flaws.

John Friberg, Crescent Street, said that he had built the pond near Captains Way, and that it does need routine maintenance. He questioned how the City would structure the fee schedule for this fee. How would the City charge entities like the School and Fire Districts? What about large and small residential lots? He felt the structure should be carefully constructed to be fair.

Public Hearing Closed

Council Discussion

Councilmember Cole noted that the hearing brought forward good and diverse opinions and questions from the residents. She asked if Public Works had formulated a list of capital projects for stormwater. Director Cecile responded that many issues were identified during the November storms, as well as Bren reports. He added that the purchase of newer equipment will add to maintenance and cleaning of existing stormwater facilities.

Councilmember Hansen recommended investigating rental options rather than the purchase of a new tractor truck. He further felt that a vote of the people was warranted in this matter.

Councilmember Brumet emphasized the need for a fee schedule that was fair to all properties. Administrator Young pointed out that there are numerous variables when measuring impervious surfaces. The expansion or removal of a deck, widening of a driveway or walking path, even things like pavers or block walls. He felt that a process would be available for larger commercial and industrial properties that would allow for "challenges" to levied fees.

Councilmember Oliver said that this is a complicated and cumulative issue for the citizens to consider. He would like to see a priority plan before implementing a fee, but would like the process to move ahead before state and federal agencies mandate changes.

Councilmember Cole recognized that there is an urgent need to address the stormwater deficiencies in the City, and wants to see a list of project priorities.

Mayor Landcastle stated that this has been a long and difficult issue, going back several years. He said that staff will prepare a capital improvement plan within ninety days for review. A public vote would be time consuming and expensive, he said, and Council and Mayor were elected to do the homework, study the issues, and to make hard decisions that are sometimes politically unpopular but responsible to the health and safety of everyone.

It was moved by Councilmember Hansen and seconded by councilmember Cole to table the stormwater fee issue until staff develops a list of projects and priorities. Motion passed unanimously.

**UPDATE OF MALLOY-VISTA IMPROVEMENT AND SIGNALIZATION PROJECT AND
THIRD AVENUE SEWER PROJECT**

Administrator Greg Young updated the Council of the progress of both the Malloy-Vista Project and the Third Avenue Sewer Project. The City is ready to go to bid on the Malloy Project, but has been in discussions with the School District for several months regarding right-of-way and bus staging at the high school location. The Third Avenue Sewer Project still has funding shortfalls that staff will need to cover in the coming months.

The Council discussed the pros and cons of proceeding with the Malloy Project as originally scheduled. Councilmember Hansen said that he would like to see the school district and the City come to agreement on outstanding issues and then move ahead. Other Councilmembers felt that the issues were relatively minor and that they needed to go ahead with the project. Councilmember Cole pointed out that this is a safety oriented project that will benefit the school district and the City as a whole. The consensus of the Council was to bid the project with and without the school district right-of-way to provide some time for further discussions.

It was moved by Councilmember Wilson and seconded by Councilmember Oliver to proceed with preparing the project to go to bid as soon as soon the alternate plans are prepared. Motion passed four-to-one with Councilmember Hansen voting no.

OTHER REPORTS

Lt. Glass reported that Sgt. Huffman has completed his certification for mid-level management. Also, the Police Department was awarded a \$5,000 grant for the purchase of portable breathalyzers.

Councilmember Cole related that she had attended a STAR (Straight Talk About Responsibility) meeting, and that Sheriff Elfo had complimented Lt. Glass and his running of the Police Department over the past couple of months.

EXECUTIVE SESSION

At 10 p.m. Mayor Landcastle announced that the Council would adjourn to executive session to discuss real estate issues, and was expected to take approximately thirty minutes. No action would be taken upon reconvening.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 10:30 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

Attachment A:

**MINUTES
Planning and Judicial Committee
Held Wednesday, February 2, 2005
City Hall Conference Room
11 a.m.**

COMMITTEE:

Councilmembers Susan Cole and Marianne Elgart

CITY ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson, Travis Glass,
Tom Black, Michael Jones
CONTRACTED I.T.: Ryan Oord

REVIEW OF WI-FI TECHNOLOGY PROJECT FOR POLICE VEHICLES

Ryan Oord was present to give an overview of progress on the Wi-Fi project that will enable wireless technology to be employed by police officers from their vehicles. Ryan stated that eventually he hopes to include fire-trucks, public works vehicles, and other monitoring stations to be included in this process.

Funding for this project was instituted in 2004 by earmarking monies not used to purchase an evidence dryer, as well as a \$10,000 grant. These monies were not spent in 2004 and a budget amendment will be needed to fund this project in 2005. Administrator Young will cover this at the Council meeting of February 7th.

Ryan will do a presentation of the project progress at the Council meeting of February 7th. A mobile unit will be set up for Council to inspect after the meeting is adjourned.

RIVERFRONT TRAIL PLAN

Associate Planner Michael Jones presented a preliminary plan on a proposed trail along the west bank of the Nooksack River from Vanderyacht Park to the Tosco Sports Complex. The Planning Commission has asked staff to explore options for public access improvements along Front Avenue.

Jones explained that two projects have been approved for multi-family complexes on Front Street, one a three-unit, and one a ten-unit. Front Street does not have the necessary width to improve to City standards, and the Planning Commission wishes to explore the possibility of enhancing the waterfront and creating a pedestrian friendly environment, such as a promenade or riverfront square. This would involve closing Front Street. Jones said that property owners would access their homes through the alleys, and parking areas could be provided at the areas leading to Front Street.

The Committee was energized about the possibility of promoting the Nooksack's Riverfront as an asset for City residents, businesses, and visitors. Councilmember Cole stated that she has long felt that this area would benefit from more of a mixed-use zoning that would allow for upstairs multi-family dwellings, with boutiques and other small businesses at street-level. Planners Black and Jones said that such uses would be allowable under current zoning. The Committee agreed that the proximity of Front Street to the Tosco Complex, Pioneer Park, the Senior Center, the downtown core, and eventual trail tie-in to Vanderyacht Park would be a tremendous boost to downtown revitalization and citizen enjoyment.

It was moved by Councilmember Elgart and seconded by Councilmember Cole to recommend that the Council allow staff to pursue the possibility of closing Front Street for the purpose of developing a riverfront trail plan. Motion passed unanimously.

Attachment B:

**MINUTES
Recreation and Finance Committee
Held Wednesday, February 2, 2005
City Hall Conference Room**

9:00 a.m.

COMMITTEE: Councilmembers Ron Wilson, Marianne Elgart, Steve Oliver
CITY ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson

REVIEW OF FINANCIAL MANAGEMENT POLICIES

Administrator Young review the second draft of the Capital Improvement Plan (CIP) element of the Financial Management Policies. This portion includes language covering the relationship of long-range plans to the CIP, the CIP coordinating team, establishing priorities, types of projects, dollar thresholds, and use of debt.

The Committee discussed and suggested some minor changes that Administrator Young will incorporate into a third draft for review at the next Committee meeting.

Attachment C:

**MINUTES
Streets and Utilities Committee
Held Wednesday January 19, 2005
Ferndale School District Board Room
7:30 a.m.**

COMMITTEE: Councilmembers Mike Reilly, Mel Hansen, Steve Oliver
CITY ADMINISTRATION: Greg Young, Bob Cecile, Linda Knutson
CITY ENGINEERS: Greg Ebe, Luis Ponce of Reichhardt & Ebe Engineering
SCHOOL DISTRICT ADMIN: Roger Lehnert, Ron Cowan
SCHOOL DIST ENGINEERS: Jack Bartman, Craig Parkinson of David Evans & Assoc.

REVIEW OF OPTIONS FOR SCHOOL BUS STAGING IN RELATION TO MALLOY/VISTA IMPROVEMENT PROJECT

The City and the School District Administration, along with their engineers, met to continue discussions related to the Vista/Malloy Improvement Project, and how it might affect school bus queuing.

A power point presentation by DEA found fault with the City's proposed designs for improvements at the intersection of Malloy and Vista. To accomplish the project as currently designed, the City will need to purchase some right-of-way from the School District. The School District has thus far resisted that purchase until they have some resolution to bus-staging at the High School location.

City Engineer Greg Ebe expressed some disappointment that DEA had concentrated on criticism of the City's design, while offering no concepts or proposals for on-campus solutions. To that end, the City presented a plan for an on-campus bus staging area that could do double-duty as an event parking lot. This is in an area that is not currently used by the District, and could accommodate 32 school busses and provide 125 parking spaces.

The cost of this proposal was discussed. R&E estimated that costs for the proposed staging could run between \$100,000 and \$200,000 to complete. The S&U Committee felt strongly that it was important that the District in the City work cooperatively. Ron Cowan felt that the newest

proposal was worth looking at. Roger Lehnert agreed, saying that an all weather stadium is planned and event parking might be an issue.

It was concluded that the City and District engineers will meet to discuss the proposals, and that the City will provide the district with preliminary drawings, along with particulars on the right-of-way needed from the District. Timing of a solution was also discussed, as the City had hoped to have bidding prepared by now. It had also been hoped to begin the Third Avenue sewer improvement project concurrently, so as to disrupt school property only once.

Attachment D:

**MINUTES
Streets and Utilities Committee
Held Thursday January 20, 2005
City Hall Conference Room
7:30 a.m.**

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

**RECAP OF JANUARY 19TH MEETING WITH SCHOOL DISTRICT: MALLOY/VISTA
IMPROVEMENT PROJECT**

The Committee met to review the meeting of the previous morning with Roger Lehnert and Ron Cowan of the Ferndale School District.

The City feels it is ready to proceed with the Third Street Sewer Project this year. The duration of that project is approximately eight weeks. The City will see what it can do to accomplish this portion of the project located on school property during the summer months. Funding for this project is currently still in the works. It is possible that a Local Improvement District could be formed for the street, curb, gutter, sidewalk portion, which Administrator Young advised can take at least six months. Loans and grants would be needed for the sewer improvement portion.

Still in question is whether the Vista/Malloy Improvement Project can be bid in time to accomplish construction in 2005. There may still be funding issues, depending upon how the bids come in.

It was decided that Reichhardt and Ebe will meet with the Streets and Utilities Committee on Wednesday, February 2nd to present a currently realistic view of both projects. The Committee will review the information, which will be forwarded to the full Council at their regular meeting of February 7th.

Attachment E:

**MINUTES
Streets and Utilities Committee
Held Wednesday, February 2, 2005
City Hall Conference Room
7:30 a.m.**

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

REVIEW OF MALLOY-VISTA IMPROVEMENT PROJECT

Greg Ebe and Luis Ponce were present to discuss the two major projects pending in the area of the high school.

The Malloy-Vista Improvement and Signalization Project is ready to go to bid as designed, however the City has been in discussions with the Ferndale School District for several months regarding school owned right-of-way on Malloy, which is needed to proceed with the project as currently designed. The City had most recently met with District officials two weeks prior. The Superintendent has followed up with a letter requesting numerous documents. The Committee understands that this will further delay the City's concerns being brought to the School Board. City Engineers presented an alternate preliminary design that would allow the project to proceed without the District's property. Luis Ponce estimated that the project would take approximately three months to complete.

City Administrator Young pointed out some of the pros and cons of both proposals. He also stated that he will respond to the most recent letter from the Superintendent, and ask that the City be placed on the District's next Board agenda.

After a lengthy discussion ***it was moved by Councilmember Reilly and seconded by Councilmember Hansen to recommend that the bidding of the project be delayed until January of 2006. Motion passed two-to-one with Councilmember Oliver voting no.***

This item will go the full Council on February 7th.

REVIEW OF THIRD AVENUE SEWER PROJECT

The Third Street Sewer Project will improve the sewer line from the School District's music building on the High School's campus to south of Ferndale Grain on Third. This length of sewer line is old and probably in danger of failing in the near future, which makes its replacement a priority.

Since road improvements, curb, gutter, sidewalks, and storm drains will be part of this project, the City will look into the formation of a Local Improvement District. Administrator Young is also looking into refinancing the City's bond debt in order to free up some project funding. Administrator Young added that this project will likely need to be postponed until 2006 in order to secure the needed funding.

PEDESTRAIN SAFETY

Councilmember Hansen noted that the wife of a City employee had been seriously injured recently while in a crosswalk downtown. He asked what could be done to improve pedestrian safety. Director Cecile said that more dollars could be spent on the traffic controllers; however everyone noted that drivers are simply not paying attention to the crosswalks while navigating through the downtown. Administrator Young will talk to the Police Department about a possible pedestrian safety emphasis.