

MINUTES
Ferndale City Council Meeting
Held Monday, December 19, 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 Gary Jensen

ABSENT:

Councilmember Mike Reilly and Councilmember Marianne Elgart – both excused

STAFF:

City Administrator Greg Young
City Treasurer Mark Peterson
Public Works Director Bob Cecile
City Attorney Dick Langabeer

City Clerk Linda Knutson
Planning Director Tom Black
Police Chief Michael Knapp

Mayor Jerry Landcastle Presiding

CALL TO ORDER

Mayor Landcastle called the meeting of the Ferndale City Council to order at 7:00 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 12/05/05 Council Meeting
2. Approval of Payroll of 12/02/05; Automatic Deposit
Amount: \$5,549.46; Checks #22792 - #22797 Amount:
\$11,782.72; Total Payroll:\$17,332.18 (Buy-outs)
3. Approval of Payroll of 12/06/05; 0,000.00; Check #22798 & #22799
Totaling:\$1,690.41 (Medical Premium Correction)
4. Approval of Payroll of 12/16/05; Automatic Deposit
Amount: \$112,839.24; Checks #22800 - #22822 Amount:
\$41,387.38; Total Payroll:\$154,226.62
5. Approval of Claims Run Of 12/19/05; Checks #44642 -
#44756; Total Claims: \$595,432.58

Motion passed unanimously.

PUBLIC COMMENT

Barbara Brenner, Whatcom County Courthouse, Bellingham, stated that she had looked into whether or not a Ferndale Comprehensive Plan Update document had been delivered to the County Council, and presented a memo to the Ferndale Council from a County employee saying that such a document had not been delivered.

PUBLIC HEARING – PIONEER PARK MASTER PLAN

Mayor Landcastle read the rules governing public hearings, then reviewed that process that has led to the proposed final Pioneer Park Master Plan.

Public Hearing Opened

Donna Pollman, Thornton Road, said there were four main areas in need of attention and action: upgraded electrical and lighting; tree replacement and irrigation; gas instead of propane; and the need for a parks director.

Lynn Templeton, Boys and Girls Club Executive Director, listed the many problems with the aging Boys and Girls Club facility at the park. He said that there is no question that it needs to undergo major renovations or be completely rebuilt and further, that it should stay in Pioneer Park. If the facility were to be converted into a museum or community center, it would still require major renovations at a considerable price. He then read into the record a letter from "United for Kids", a group of County and State leaders who thanked the City Council for their ongoing support of youth activities through the Boys and Girls Clubs. The letter writers urged the Council to allow for the Club to remain in Pioneer Park.

Bill Elfo, County Sheriff and Ferndale Resident, said that there is a compelling need for the youth in the community to have a safe place to gather, and that the Ferndale Club has his full support.

Josh Wilund, Ferndale Boys and Girls Club Director, has met with the various community and civic groups in the area, as earlier requested by the Council. He received positive and supportive input, and is looking forward to moving the capital campaign forward. He feels strongly that a new building in Pioneer Park is a positive and progressive direction for Ferndale.

Paul Lahr, Hawthorne Street, said that he is very much in favor of keeping the Club in Pioneer Park. He added that the Club has been in the Park for over twenty years, and a second generation of kids are moving through their programs.

Elinor King, Heights Drive, stated that she supports the Boys and Girls Club, but has concerns about the proposed site, which she feels takes up too much space, and would generate traffic problems for the area.

Betty Eichenberger, Trigg Road, felt that the landscape architect did a great job in creating the proposed plan, but she still had many questions regarding the proposed use of the Tillicum House, fencing, the proposed museum, and other issues.

Elie Samuel, Main Street, said that he has been on the B&G Club Board for over five years and has seen first-hand the great work that they do. He supports the building of a new Club, and feels the Park is the ideal location.

Barbara Brenner, Bellingham, said that she also supports the Club and its goals, which have a far-reaching and positive impact on the area's youth.

Josh Leibrant, Second Avenue, said that he lives next to the Park and sometimes has issues with noise emanating from the Club. He hoped that in building a new Club, some kind of superior soundproofing would be incorporated.

Troy Clark, Thornton Road, stated that he is a strong supporter of the Ferndale Boys and Girls Club, as he has five children who are all involved. He said that the community needs this Club for a place that the community's youth have a chance to learn, change and grow.

Public Hearing Closed

Council Discussion

Councilmember Jensen said that he completely supports the Club remaining at the Park as he knows of the great need that it supplies to the community's children. He is not convinced the location on the Master Plan is the best choice.

Councilmember Oliver thanked everyone who has participated in this process, as this will result in a major policy statement by the City for the future of this Park. He added that Pioneer Park is the logical site for the Club, and that the location needed to be carefully considered.

Councilmember Wilson also agreed that the Club needed to stay in Pioneer Park, and that some "fine-tuning of the Master Plan" was needed in order to accommodate everyone's needs.

Councilmember Hansen stated that after thinking about this issue for a number of months, he is going to support the Club staying at the Park. He further stated that he will support the Master Plan as long as doing so does not "lock in" the proposed site of B&G Club. He felt that other locations within the Park should be studied.

Councilmember Cole agreed, saying that the Club should stay in the Park, but options should remain open.

It was moved by Councilmember Oliver and seconded by Councilmember Wilson to approve the Pioneer Park Master Plan Concept.

Councilmember Oliver re-stated his support for the B&G Club and the Master Plan, saying that current and future plans and objectives will enhance the community in very positive ways. He wished the Club great success in raising funds for the new building.

The Council did wish to make clear for the record that while they intended to adopt the principles of the Master Plan, they also expected that some interior flexibility was needed, especially in looking at existing and conceptual building within the Park for the B&G Club.

Vote

Motion passed unanimously.

CAPTAIN SCHWARTZ FINAL PLAT PHASE 2

Planning Director Black stated that this is a proposed 7-lot single-family residential subdivision in the RS 8.5 zone, located just north and west of the intersection of Thornton Road and Captain's Way, addressed as 2541 Captain's Way.

The Preliminary Plat for the Schwartz Subdivision, Phase 2, consisting of 7 residential lots, was approved by the City Council on September 7, 2004. Construction of the physical infrastructure has been underway for several months and is now substantially complete.

The applicant desires City approval of the Final Plat, which is necessary before the Plat can be recorded, any lot sold, or building permits issued. Before the Final Plat may be approved, all requirements of the Preliminary Plat must be met, and all required site improvements, which cannot be bonded for, must be completed to the satisfaction of the Public Works Director. It is not the purpose of this meeting to reconsider issues or questions that were previously decided by the approval of the Preliminary Plat. The review of the City Council must focus on the issue of whether the conditions of the Preliminary Plat have been, or will be satisfied.

The Hearing Examiner held a meeting on November 10, 2005 to consider the proposal for the Final Plat and found that the applicant has substantially complied with the Preliminary Plat conditions of approval, and recommended approval, subject to the Conditions of Final Plat Approval, conclusions of law, and findings of fact, listed in the Council's staff report. This Final Plat is subject to the provisions of the moratorium adopted by Ordinance #1379.

It was moved Councilmember Oliver and seconded by Councilmember Cole to approve the Captain Schwartz Final Plat Phase 2, subject to the Hearings Examiner's Findings of Fact, Conclusions of Law, and Conditions of Approval. Motion passed unanimously

MALLOY VILLAGE FINAL PLAT PHASE 1

Director Black explained that this is a portion of a proposed 154-lot residential development on approximately 40 acres of land located in the RS 8.5 zone. Phase 1 consists of eight residential lots and one open space lot on approximately 1.4 acres of the 40-acre site and is located on the east side of Malloy Avenue, approximately ¼ mile north of Thornton Road, addressed as 6250 Malloy Avenue.

The Preliminary Plat and Planned Unit Development for Malloy Village, consisting of 154 single-family residential lots, was approved by the City Council on December 13, 2004. Construction of the physical infrastructure for Phase 1 of the project, consisting of 8 residential lots has been underway for several months and is now substantially complete.

The applicant desires city approval of the Final Plat for Phase 1, which is necessary before the Plat can be recorded, lots sold, or building permits issued.

The Hearings Examiner held a public meeting on December 1, 2005 to consider the Final Plat Application. After considering the materials provided, the report submitted by staff, and the recommendations of the Plat Administrator and the Public Works Director, the Hearings Examiner recommends approval of the Final Plat Application, based on the Findings of Fact and Conclusions of Law contained in the Hearings Examiner Decision, and subject to the Conditions of Final Plat Approval contained in the Staff Report dated December 1, 2005.

This Final Plat is not subject to the provisions of the moratorium adopted by Ordinance #1379.

It was moved Councilmember Oliver and seconded by Councilmember Wilson to approve the Malloy Village Final Plat, subject to the Hearings Examiner's Findings of Fact, Conclusions of Law, and Conditions of Approval. Motion passed unanimously

LIBERTY PARK FINAL PLAT

Director Black reviewed that Liberty Park is a 54-lot residential subdivision in the RS 8.5 zone located east of Interstate 5 and north of Smith Road, generally north of the terminus of Shields Road, addressed as 5385 Shields Road.

The Preliminary Plat for Liberty Park, consisting of 54 residential lots, was approved by the City Council on December 13, 2004. Construction of the physical infrastructure for the plat has been underway for several months and is now substantially complete.

The applicant desires city approval of the Final Plat, which is necessary before the Plat can be recorded, lots sold, or building permits issued.

The Hearings Examiner held a public meeting on December 1, 2005 to consider the Final Plat Application. After considering the materials provided, the report submitted by staff, and the recommendations of the Plat Administrator and the Public Works Director, the Hearings Examiner recommends approval of the Final Plat Application, based on the Findings of Fact and Conclusions of Law contained in the Hearings Examiner Decision, and subject to the Conditions of Final Plat Approval contained in the Staff Report dated December 1, 2005.

This Final Plat is not subject to the provisions of the moratorium adopted by Ordinance #1379.

It was moved Councilmember Oliver and seconded by Councilmember Wilson to approve the Liberty Park Final Plat, subject to the Hearings Examiner's Findings of Fact, Conclusions of Law, and Conditions of Approval. Motion passed unanimously

JUDGE CONTRACT

City Clerk Knutson reviewed that Terry Lewis, who has served as Ferndale municipal Court Judge for the past four years, has expressed his interest in serving another four-year term. Clerk Knutson noted that court, probation, and police staff all support Judge Lewis for another term, and that she has been very appreciative of his performance. Councilmember Cole also noted that she has heard many good comments about Judge Lewis.

It was moved by Councilmember Cole and seconded by Councilmember Wilson to appoint Terry Lewis to a four-year term as Ferndale Municipal Judge. Motion passed unanimously.

CITY PROSECUTOR SERVICES FOR 2006

City Clerk Knutson stated her support for the retention of David Nelson as City Prosecutor for 2006 under the same conditions and compensation stated in the 2004 contract for professional services with his firm. Clerk Knutson noted strong staff support for the job that Mr. Nelson performs in this capacity.

It was moved by Councilmember Wilson and seconded by Councilmember Oliver to retain David Nelson as City Prosecutor for 2006. Motion passed unanimously.

CITY INDIGENT DEFENSE SERVICES FOR 2006

City Clerk Knutson asked that Tom Lester and Associates be authorized to continue indigent defense services for the City in 2006 under the same conditions and compensation stated in the 2004 contract for indigent defense services. Attorney Doug Hyldahl will be taking on different duties and will be replaced by another attorney from this firm to handle city cases. Clerk Knutson again noted that this law firm has done a commendable job for the City.

It was moved by Councilmember Wilson and seconded by Councilmember Hansen to retain Lester and Associates for indigent defense services in 2006. Motion passed unanimously.

JANITORIAL SERVICES FOR 2006

City Clerk Knutson asked that Coast Maintenance be retained for the janitorial maintenance of City owned buildings for 2006. Tim Patterson has been performing this service for approximately three years.

It was moved by Councilmember Wilson and seconded by Councilmember Cole to retain Coast Maintenance Services for janitorial services in 2006.

YEAR END BUDGET AMENDMENT UPDATE AND ORDINANCE # 1382

City Treasurer Mark Peterson outlined a few year end budget adjustments necessary for City funds. The Main Street Project Fund is very near finalization, and the need for upgrading the City's computer network necessitates an expenditure immediately rather than waiting until it was authorized for in 2006. A few other housekeeping issues were discussed.

Councilmember Oliver wondered if there would be any more billings from the Main Street Project. Treasurer Peterson said that only minor engineering costs remained as the City's contracted engineers close up the project.

It was moved by Councilmember Cole and seconded by Councilmember Wilson to approve Ordinance #1382, amending the 2005 budget. Motion passed unanimously.

APPOINTMENT OF CIVIL SERVICE COMMISSIONERS

Mayor Landcastle reviewed for the Council three individuals who he has contacted and who have agreed to serve on the City's Civil Service Commission. If confirmed by the Council, Ruth Ashe, Stan Bruner, and John Clark, will begin service January 1st, 2006.

Councilmember Hansen noted the high caliber of the recommended individuals, saying he was please to confirm all three.

It was moved by Councilmember Hansen and seconded by Councilmember Cole to confirm the Mayors appointments of Ruth Ashe, Stan Bruner, and John Clark, as City of Ferndale Civil Service Commissioners. Motion passed unanimously.

REVIEW OF IMPACT FEES

City Administrator Young asked to Council to begin thinking about instituting an automatic inflationary adjustment to certain impact fees.

Councilmember Jensen stated that having just passed the budget, which included fee and rate increases, he was not anxious to raise any other fees.

Councilmember Oliver agreed, saying that impact fees need a good deal of study and justification before increases are considered.

Councilmember Hansen thought it would be wise to formulate a proposal, backed with the suggested justifications and recommendations, and bring to Committees for review.

MAYOR REPORTS

Mayor Landcastle said that the parade honoring the Ferndale Football Team and Marching Band was a great success, with good attendance.

Councilmember Wilson urged the assembled to purchase the newly printed Team Calendars to help support the team's efforts to purchase championship rings.

Councilmember Cole thanked her fellow Councilmembers, city staff, and Ferndale residents for allowing her to serve over the past seven years. She said that it had been an honor, and that she will continue to be involved in City matters in the future.

Councilmember Hansen thanked Susan Cole, Ron Wilson, and Carol Brumet for their time and dedication in service to the citizens.

Mayor Landcastle noted that the Council will formally honor all three outgoing Councilmembers at the meeting of January 3rd.

EXECUTIVE SESSION

Mayor Landcastle stated that the Council would adjourn to executive session to consider a complaint against a City employee. He expected this to take 30 minutes after which time the Council would reconvene taking no action, then adjourning.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 9:05 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

ATTACHMENT A:

**MINUTES
Planning and Judicial Committee Meeting
Held Wednesday, December 14, 2005
City Hall Conference Room
11:00 a.m.**

COMMITTEE: Susan Cole
ADMIN: Greg Young, Mark Peterson, Linda Knutson, Mike Knapp
CONSULTANT: Paul George, Cascade Design Group

PIONEER PARK MASTER PLAN

Paul George of Cascade Design Group presented a conceptual drawing of Pioneer Park which is the culmination of several meetings and discussions with civic groups, citizens, Council committees, and City staff. Committee discussion centered on the final design's placement of different buildings and facilities, as well tree replacement. It was further discussed that this concept plan was somewhat flexible regarding items within the drawing that need individual Council review and action.

This item will go forward to the full Council for consideration of adoption.

YEAR END BUDGET AMENDMENT UPDATE AND ORDINANCE

City Treasurer Mark Peterson outlined a few year end budget adjustments necessary for City funds. The Main Street Project Fund is very near finalization, and the need for upgrading the City's computer network necessitates an expenditure immediately rather than waiting until it was authorized for in 2006. A few other housekeeping issues were discussed.

These items will go forward in the form of a year end Budget Amendment Ordinance to the Full Council.

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It was moved to forward this item to the full council for consideration and approval.

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It was moved to forward this item to the full council for consideration and approval.

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This Final Plat is not subject to the provisions of the moratorium adopted by Ordinance #1379.

It was moved to forward this item to the full council for consideration and approval.

JUDGE CONTRACT

City Clerk Knutson reviewed that Terry Lewis, who has served as Ferndale municipal Court Judge for the past four years, has expressed his interest in serving another four-year term. Clerk Knutson noted that court, probation, and police staff all support Judge Lewis for another term, and that she has been very appreciative of his performance. Councilmember Cole also noted that she has heard many good comments about Judge Lewis.

It was moved to recommend approval to the full Council of Terry Lewis as Ferndale Municipal Court Judge for a four year term.

CITY PROSECUTOR SERVICES FOR 2006

City Clerk Knutson stated her support for the retention of David Nelson as City Prosecutor for 2006 under the same conditions and compensation stated in the 2004 contract for professional services with his firm. Clerk Knutson noted strong staff support for the job that Mr. Nelson performs in this capacity.

It was moved to recommend approval to the full Council to retain David Nelson as City Prosecutor for 2006.

CITY INDIGENT DEFENSE SERVICES FOR 2006

City Clerk Knutson asked that Tom Lester and Associates be authorized to continue indigent defense services for the City in 2006 under the same conditions and compensation stated in the 2004 contract for indigent defense services. Attorney Doug Hyldahl will be taking on different duties and will be replaced by another attorney from this firm to handle city cases. Clerk Knutson again noted that this law firm has done a commendable job for the City.

It was moved to recommend approval to the full Council to retain Lester and Associates for indigent defense services in 2006.

JANITORIAL SERVICES FOR 2006

City Clerk Knutson asked that Coast Maintenance be retained for the janitorial maintenance of City owned buildings for 2006. Tim Patterson has been performing this service for approximately three years.

It was moved to recommend approval to the full Council to retain Coast Maintenance Services for janitorial services in 2006.

CHAMBER OF COMMERCE CONTRACT

A contract renewal with the Chamber will be re-worked due to their leaving the current visitor's center located on Riverside Drive and moving into an office in the Lederblock Building.

ATTACHMENT B:

**MINUTES
Recreation and Finance Committee Meeting
Held Wednesday, December 14, 2005
City Hall Conference Room
9:00 a.m.**

COMMITTEE: Ron Wilson
ADMIN: Greg Young, Mark Peterson, Linda Knutson, Mike Knapp
CONSULTANT: Paul George, Cascade Design Group

PIONEER PARK MASTER PLAN

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This item will go forward to the full Council for consideration of adoption.

UPDATE ON POLICE STAFFING ISSUES

Chief Knapp was present to update the Committee of the ongoing need to police officers in the City. In his first few months on the job, he has compiled information, and has seen first hand, several areas of mounting concern with crime in the City. He further explained the difficulties the City experiences in recruiting officers, including the time investment and financial commitment.

On a different subject, Chief Knapp noted that the new police cars coming on line will be in the old style black and white design, which is superior to a mostly white design due to visibility, re-sale value, and maintenance.

YEAR END BUDGET AMENDMENT UPDATE AND ORDINANCE

City Treasurer Mark Peterson outlined a few year end budget adjustments necessary for City funds. The Main Street Project Fund is very near finalization, and the need for upgrading the City's computer network necessitates an expenditure immediately rather than waiting until it was authorized for in 2006. A few other housekeeping issues were discussed.

These items will go forward in the form of a year end Budget Amendment Ordinance to the Full Council.

ATTACHMENT C:

MINUTES

**Streets and Utilities Committee Meeting
Held Wednesday, December 14, 2005
City Hall Conference Room
7:30 a.m.**

COMMITTEE: Mike Reilly, Steve Oliver
ADMIN: Greg Young, Mark Peterson, Bob Cecile, Linda Knutson, Mike Knapp
CONSULTANT: Paul George, Cascade Design Group

RESULTS OF SURPLUS PROPERTY BID

Public Works Director Cecile updated the Committee that the City received bids on the surplus Malloy houses totaling nearly \$4,000. One party submitted bids for the houses and another for the existing fencing. These houses were purchased by the City for needed right-of-way for the Malloy-Vista Improvement Project. All structures and other items will need to be removed no later than March 31, 2006.

STORMWATER EDUCATION

Director Cecile stated that he has been pursuing the possibility of using Western Washington University students to help with the stormwater public education program. After a brief discussion, it was decided that Director Cecile will bring a budget request to the Council after estimations are complete of such a program.

PIONEER PARK MASTER PLAN

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