

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, October 3, 2005**  
**City Hall Annex – Council Chambers**  
**7 p.m.**

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**PRESENT BY ROLL CALL:**

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

**ABSENT: Councilmember Steve Oliver (Excused)**  
**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 Attorney Richard Langabeer</b>

**Mayor Jerry Landcastle Presiding**

**WORKSHOP AND EXECUTIVE SESSION**

Mayor Landcastle announced that the Council would be meeting in executive session from 6 p.m. to 6:30 p.m. to discuss litigation issues. At 6:30 Council voted to extend the session for an additional ten minutes. City Clerk Knutson announced this to those waiting outside. At 6:40 the Council voted to extend the session an additional fifteen minutes. City Clerk Knutson announced this to those waiting outside, as well as posting a sign on the door announcing the extension.

**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 Brumet:***

1. Approval of Minutes of 9/19/05 Council Meeting
2. Approval of 9/24/05 Budget Retreat Summary
3. Approval of Payroll of 10/03/05; Automatic Deposit  
Amount: \$113,128.30; Checks #22727 - #22739 Amount:  
\$41,263.66; Total Payroll:\$154,391.96
3. Approval of Claims Run Of 10/03/05; Checks #44202 -  
#44274; Total Claims: \$92,350.18 (Checks 44193, 44262-  
44264 VOID, duplicate and printer jam)

***Motion passed unanimously.***

**PUBLIC COMMENT**

**Sheila Weber, Ferndale**, said that she was at this meeting with a group of citizens who are opposed to "high frequency radio interference", and specifically, station KRPI located on Imhof Road just outside the City limits. She said that the comment "window" to the FCC during this license period is very limited, and that it is the only time that the FCC considers public input and complaints regarding radio stations.

**Judy Davis, Ferndale**, said that at the last meeting of this group over fifty people were present to complain about the interference from the station affecting radios, telephone, computers, faxes, and other equipment. She added that the County Council, as the jurisdiction in which the station is located, is writing to the FCC in support of lowering KRPI's frequency.

**James Kaufman, Ferndale**, said that he has been in front of the Council many times over the past decade addressing this issue, and is grateful that the County is finally going to address it. He believes the newly installed transmitter is a huge part of the problem, and that he would be satisfied if the station "powered down" from 50k to 10k.

**Dave Edmondson, Whatcom County**, said that two people reported RF burns from clothes lines and similar conductors in the path of the station, which makes this a safety issue as well as a nuisance issue. He added that the towers need to be fenced to avoid injury to children, pets, and wildlife.

**Richard Hartley**, representing the **Ferndale American Legion**, reported that the Legion Hall has had problems for years with all of their electronic and communication equipment, and asked the Council for help.

**Terese VanAshe, Ferndale**, stated that the sidewalk near her home on Second Avenue was in serious disrepair, and will only worsen during inclement weather this winter. She also had issues with the lack of police patrols in her area to control speeders; the need for a 4 way stop at Second and Cherry; and new condos being built near her home.

**Terry Long, Ferndale**, said that he was thankful for being contacted by the Police Chief and the Public Works Director regarding his comments at the last meeting. He added that if the Boys and Girls Club were planning on building a new building at Pioneer Park, he would prefer that it be located on the far side, across from the river and near the parking for the Sports Complex.

#### **DISCUSSION ON ROUNDABOUTS**

Luis Ponce from the Engineering firm of Reichhardt and Ebe, introduced Bob Herman, from Herman Traffic Engineering, a firm that specializes in roundabout engineering. Mr. Herman presented a Power Point presentation that focused on the superior safety records of roundabouts versus conventional, signaled intersections. He stated that roundabouts outperform signalized systems, with higher capacity and lower delays. He also presented a conceptual animated mockup of a roundabout at the Malloy/Vista location, showing traffic loads on a single lane through the year 2025. He emphasized that roundabout construction should be accompanied by public education, brochures, videos, and website information.

Councilmember Elgart expressed her support for a roundabout at Malloy and Vista, and said this was an impressive presentation.

Councilmember Hansen also appreciated the presentation, saying it clarified some questions. He added he was very much in favor of a roundabout.

Councilmember Brumet said that she previously had not been swayed one way or the other, but that this was a very convincing presentation.

***It was moved by Councilmember Hansen and seconded by Councilmember Elgart to proceed with the roundabout concept and fund engineering costs for the Malloy Vista Project.***

Councilmember Cole wondered if the School District had been kept up to date regarding possible roundabout installation. Mayor Landcastle said that the City had brief contact with Ron Cowan's replacement, and will put together an informational meeting. Administrator Young added that the City also needs to talk with the Transportation Improvement Board regarding the need for additional right-of-way.

***Motion passed four to one with Councilmember Cole voting no.***

#### **ORDINANCES #1373 AND #1374 – 2005 COMP PLAN AMENDMENTS AND REZONES**

Mayor Landcastle presented two ordinances representing the passage of the Imhof CPA and Rezone, and the Tiderington CPA and Rezone at the regular Council meeting of September 6, 2005.

Both ordinances are awaiting legal descriptions, but spell out the decisions made by the Council on September 6<sup>th</sup>. At that meeting the Imhof CPA/Rezone passed five-to-two, with Councilmembers Elgart and Cole voting no. The Tiderington CPA passed five-to-two, with Councilmembers Reilly and Cole voting no, and the Rezone passed six-to-one, with Councilmember Cole voting no.

***Councilmember Hansen moved passage of Ordinance #1373 approving the 2005 Comprehensive Plan Amendment, Imhof and Tiderington Elements. Seconded by Councilmember Brumet. Motion passed four to one with Councilmember Cole voting no.***

**Councilmember Wilson moved passage of Ordinance #1374 approving the associated Rezones to the 2005 Comprehensive Plan Amendment, Imhof and Tiderington Elements. Seconded by Councilmember Hansen. Motion passed four to one with Councilmember Cole voting no.**

**AGREEMENT FOR SENIOR PLANNER SERVICES**

Administrator Young introduced an agreement outlining the terms and conditions for the temporary employment of a Senior Planner to work of the City's Comprehensive Plan Update and the City's 2020 Plan. Robb Millspaw has been performing these services for the past few months and the City would like to continue his services for the next eighteen months to two years. This is an already budget item.

***It was moved by Councilmember Brumet and seconded by Councilmember Elgart to approve the Agreement for Senior Planner Services with Robb Millspaw. Motion passed unanimously.***

**DEPARTMENT REPORTS**

Administrator Young noted for the Council that the summary of Budget Retreat items was in the Council packet for Council review. Several Councilmembers said the Retreat was a valuable exercise.

**ADJOURNMENT**

There being no further scheduled City business, the meeting was adjourned at 8:35 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  
Held Wednesday, September 28, 2005  
City Hall Conference Room  
11 a.m.**

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

**CONTRACT FOR SENIOR PLANNER SERVICES**

Administrator Greg Young reviewed a professional services contract between the City of Ferndale and Robb Millspaw for planning services. Mr. Millspaw is currently working to update the City's Comprehensive Plan, and it is expected that this process will take eighteen months to two years to complete. The proposed two-year contract provides for salary, benefits, and leave time.

The Committee had some questions regarding professional service contracts in general, which the group discussed. It was noted that the effective date of the contract will be changed to the date of Council ratification.

***It was moved by Councilmember Brumet and seconded by Councilmember Cole to recommend approval of the contract for Senior Planner Services with Mr. Millspaw with the noted change of effective date. Motion passed.***

**MANDATORY GARBAGE SERVICE**

A copy of the Ferndale Municipal Code regulations regarding mandatory garbage service for all city residents was reviewed. As currently written, non-compliance is a code enforcement issue.

City Clerk Linda Knutson noted that the Streets and Utilities Committee suggested that SSC provide the City with a list of persons and/or properties currently not receiving garbage pick up. Staff will notify those on the list that such service is mandatory and non-compliance will result in monetary penalties. The Planning and Judicial Committee concurred with this direction.

## **ANIMAL ISSUES**

- Mayor Landcastle reviewed that a resident of Barrett Lake Trailer Park had informed the Council at their September 6<sup>th</sup> meeting of problems with her neighbor's aggressive "prescription" dogs. The Mayor noted that this matter had actually gone to court and was dismissed by the judge. Also, SSP reported that they have received many calls to this trailer park, and that the animals were always under control and well behaved when they arrived on the scene. The Police Department reported the same thing.

The Committee recognized that this problematic situation is a civil matter.

- Mayor Landcastle reviewed a letter from the Correll Park Homeowners Association complaining of a nearby resident's cat situation. The letter says they have observed up to seventeen cats at the residence on occasions, and that the cats are using the park as a "litter box" and "ruin flower beds". The homeowner in question stated that she has four licensed cats, the legal limit in the City. She said her next door neighbor also has four licensed cats, and another neighbor has two, but that she doubted that seventeen cats had been seen at her home. She will cease putting out food for the animals that live in the wetlands behind her house, and she will work to keep her and her neighbor's cats more contained.
- In a related matter, staff will advertise (RFP) for Animal Control services for 2006.

### ***Attachment B:***

**MINUTES**  
**Recreation and Finance Committee**  
**Held Wednesday, September 28, 2005**  
**City Hall Conference Room**  
**9:30 a.m.**

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

### **CONTRACT FOR SENIOR PLANNER SERVICES**

Administrator Greg Young reviewed a professional services contract between the City of Ferndale and Robb Millspaw for planning services. Mr. Millspaw is currently working to update the City's Comprehensive Plan, and it is expected that this process will take eighteen months to two years to complete. The proposed two-year contract provides for salary, benefits, and leave time.

The Committee had some questions regarding professional service contracts in general, which the group discussed.

***It was moved by Councilmember Oliver and seconded by Councilmember Wilson to recommend approval of the contract for Senior Planner Services with Mr. Millspaw. Motion passed.***

### **MANDATORY GARBAGE SERVICE**

A copy of the Ferndale Municipal Code regulations regarding mandatory garbage service for all city residents was reviewed. As currently written, non-compliance is a code enforcement issue.

City Clerk Linda Knutson noted that the Streets and Utilities Committee suggested that SSC provide the City with a list of persons and/or properties currently not receiving garbage pick up. Staff will notify those on the list that such service is mandatory and non-compliance will result in monetary penalties. The Recreation and Finance Committee concurred with this direction.

### **YEARLY CITY CLEAN-UP**

Councilmember Wilson asked if the City was considering the yearly City Clean-up program that was in effect many years ago. Administration responded that the cost of such programs were now prohibitive, with vital and essential City services struggling for available funds. However, the Chipping Program will be continued on a yearly basis as part of a grant recipient agreement condition.

## **OTHER**

Councilmember Elgart reported that she had attended a meeting of people who are concerned about radio frequency interference by a nearby station. The group is urging support of a campaign to convince the FCC to require that the station lower its frequency from 50k to 10-15k. The group had also asked that the City pass a resolution in opposition to the station.

Administration felt that the requested resolution was inappropriate, given that only one side of the issue had been visited, and that the station is located in the County. The City could, however, write a letter to the FCC stating factual and documented problems that have occurred in several City buildings.

## **BUDGET PROCESS**

Councilmember Oliver asked that this Committee review the overall 2006 budget process and strategy. Treasurer Peterson will lead these discussions at the Committee and Council level.

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

**MINUTES  
Streets and Utilities Committee  
Held Wednesday, September 28, 2005  
City Hall Conference Room  
7:30 a.m.**

**COMMITTEE:** Councilmembers Mel Hansen and Steve Oliver

**ADMINISTRATION:** Jerry Landcastle, Greg Young, Bob Cecile, Linda Knutson

## **STORMWATER PROJECTS – REVIEW**

Public Works Director Bob Cecile produced three maps and several spreadsheets detailing the various storm water projects and areas of concern regarding same. The spreadsheet identified \$1.4 million in upgrades and improvements to current stormwater infrastructure.

## **COMPLAINT REGARDING TRAFFIC ON SECOND AVENUE**

Mayor Landcastle stated that Terry Long's comments at the Council meeting of September 19<sup>th</sup> had been reviewed by administration.

Mr. Long had suggested a stop sign be added at the current 3-way stop at Second and Cherry. Administration noted that the Washington State Model Traffic Ordinance states that stop signs are not to be used to control speed.

Mr. Long's comment regarding speeders to the ball fields will be addressed through emphasis patrols and radar signage during the next sport season.

## **QUESTION REGARDING BOYS AND GIRLS CLUB UTILITY BILLS**

A citizen had asked if the City charges the Boys and Girls Club for water and sewer use. Mayor Landcastle stated that the Boys and Girls Club pays for their water and sewer.

## **MANDATORY GARBAGE SERVICE**

A copy of the Ferndale Municipal Code regulations regarding mandatory garbage service for all city residents was reviewed. As currently written, non-compliance is a code enforcement issue.

The Committee suggested that SSC provide the City with a list of persons and/or properties currently not receiving garbage pick up. Staff will notify those on the list that such service is mandatory and non-compliance will result in monetary penalties.

## **WATER BILL ADJUSTMENT REQUEST**

***It was moved by Councilmember Hansen and seconded by Councilmember Oliver to allow an adjustment to the March 2005 billing of Mickey Irwin, due to a water leak that took a substantial amount of time to locate and identify. Motion passed.***