

MINUTES
Ferndale City Council Meeting
Held Monday, May 15, 2006
City Hall Annex – Council Chambers
7 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver
Councilmember Mike Reilly
Councilmember Ken Downey
Councilmember Keith Olson

Councilmember Mel Hansen
Councilmember Marianne Elgart
Councilmember Gary Jensen

STAFF:

City Administrator Greg Young
City Treasurer Mark Peterson
Police Chief Michael Knapp

City Clerk Linda Knutson
Public Works Director Bob Cecile

Mayor Jerry Landcastle Presiding

EXECUTIVE SESSION

The Council met in executive session from 6:30 – 6:55 p.m. to discuss collective bargaining-union issues.

CALL TO ORDER

Mayor Landcastle called the meeting to order at 7 p.m.

CONSENT AGENDA

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

- *Approval of Minutes of Council meeting of May 1, 2006*
- *Approval of Payroll of May 3, 2006 – Auto Deposit amount \$121,278.30; Checks #22976 - #22988 amount: \$43,373.23; Total Payroll: \$164,651.53*
- *Approval of Claims Run of May 15, 2006 – Checks #45594 - #45731; (#45606 & 45605 Voids), Totaling \$443,924.13*

Motion passed unanimously.

PUBLIC COMMENT

Donna Pollman, Heritage Society member, expressed her disappointment that the Pioneer Park summer tours had not started as scheduled. She asked that the Society and the City work together to resolve any issues.

Linda Harkleroad, Heritage Society member, stressed the importance of continuing the park tours, as they have been advertised and promoted. Mayor Landcastle responded that there should be a simple solution to overcoming the delay.

It was moved by Councilmember Hansen and seconded by Councilmember Jensen to add a discussion regarding the Pioneer Park tour guides to the evening's agenda. Motion passed unanimously.

This item will follow the discussion of the Riverview Plaza Design contract. (H-1)

Janice Schuch, Whatcom County, complained that the Pioneer Meadows PUD was required to install a twenty foot landscape buffer, which is not being enforced. Staff will check into this and respond at the Planning and Judicial Committee meeting of May 31st.

Steve Malpezzi, Ferndale, stated that we wished to speak to several items on the evening's agenda. He also chastised the Council for not following the listed public comment protocols listed on the back of the agenda page. Councilmember Hansen responded that this Council has always made certain that anyone wishing to speak to any item has had the opportunity to do so.

PUBLIC HEARING – CDBG GRANT

Paul Schissler of the Kulshan Land Trust, stated that the purpose of the CDBG grant is to provide local working people with opportunities for homeownership, affordable at the wages of jobs nearby, using grant funds to assist with the acquisition of land ready for the construction of single-family homes that will remain permanently affordable to low-to-moderate income households. He gave a brief historical summary of the Land Trust's successful efforts in other communities, and how these grants benefits not only the homeowner but the community at large.

The Council had several questions regarding qualifications, screening of applicants, oversight, and so on. Mr. Schissler responded by giving an overview of the application and selection process. Also discussed was what is considered "affordable" in today's housing market.

Mr. Schissler provide the Council and assembled with a Community Trade and Economic Development – Community Development Block Grant Public Hearing handout which further explained the purpose and scope of this program.

Public Hearing Opened

Bob McFarland, Whatcom County, explained that he was the developer working in partnership with the Trust on this project. He gave his background working on various projects and his excitement about being involved in this one. He fully supports the Trust and the grant application and urged the Council to approve the resolution and grant application.

Amber Hollis, Whatcom County, stated that while she understood the reason for the grant and the project, she felt that there were plenty of vacant, older homes that could be used in such a project.

Public Hearing Closed

Motion

It was moved by Councilmember Reilly and seconded by Councilmember Hansen to approve Resolution #06-05-15 supporting a CDBG grant application by the City. Motion passed unanimously.

THIRD AVENUE SEWER PROJECT BIDS

Public Works Director Bob Cecile reviewed that the tabulated results from the bids for the Third Avenue Sewer Project indicated that the apparent low, responsible bidder was Friberg Construction at \$947,132.95. The engineer's estimate was \$1,016,801.21.

City Treasurer Mark Peterson added that funding for this project will come from several sources including the Water Fund, the Sewer Fund, the Street Fund, Real Estate Excise, and Traffic Mitigation Funds, some of which will be interfund loans.

It is expected that the start date for this project will be June 1st.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to accept Friberg Construction's bid of \$947,132.95 for the Third Avenue Sewer Project. Motion passed unanimously.

THIRD AVENUE SEWER PROJECT MANAGEMENT CONTRACT

Director Cecile submitted an estimate for Construction Management Services for the Third Avenue Sewer Project from Reichardt and Ebe Engineering, totaling \$73,110.16. The Streets and Utilities Committee and staff were in agreement that it made sense to have Reichardt and Ebe perform this service for a project that they had designed.

Councilmember Reilly wondered if it would be more economical to have an in-house engineer perform project management duties. Director Cecile said that much project management is performed on-site, and it probably would not save money.

Councilmember Downey asked about the process of contracting with City engineers.

It was moved by Councilmember Oliver and seconded by Councilmember Jensen to approve Reichardt and Ebe to perform construction management services for the Third Avenue Sewer Project at a cost of \$73,110.16. Motion passed unanimously.

WHATCOM HUMANE SOCIETY CONTRACT

Mayor Landcastle reviewed a proposal from the Whatcom Humane Society to provide animal control services in the City. The City's previous provider, SSP Preferred Animal Care, is no longer providing these services. The Humane Society proposed yearly fee for services is \$25,000. The City budgeted \$18,000 for animal control under SSP. Once a contract is in place the Council will need to consider suggested recommendations to the animal control ordinance and fee schedule.

It was moved by Councilmember Hansen and seconded by Councilmember Reilly to approve the contract with the Whatcom Humane Society, excluding the proposed fee schedule, which should be reviewed by the appropriate Committee within the next thirty days. Motion passed unanimously.

HEARINGS EXAMINER CONTRACT

City Administrator Young reviewed that Rick Sepler, who has been providing hearings examiner services to the City, has accepted a job with the City of Port Townsend and will no longer be able to provide said services, as of the end of May.

The City received two responses to its RFP, and is recommending Michael Bobbink as the new Hearings Examiner. Mr. Bobbink currently provides hearings examiner services to Whatcom County, Island County, and the City of Oak Harbor. He is also the Municipal Judge for the Cities of Blaine, Everson, Nooksack, and Sumas.

There was a lengthy discussion on how the hearings examiner process is working, as opposed to the former Planning Commission/Board of Adjustment system. While some Councilmembers felt the process has been working well, others felt that the City should revert back to the Planning Commission/Board of Adjustment process for land use review.

It was moved by Councilmember Reilly and seconded by Councilmember Downey to eliminate the Hearings Examiner process and return to the previous Planning Commission process.

Discussion

Staff suggested that such a change would take time to accomplish, as the Planning Commission had shifted its focus to long range-planning issues and Comprehensive Plan update and review. The Board of Adjustment has been dis-banded, and several portions of the Code will need to be re-written. This change would also necessitate a shift in personnel duties within the Planning Department, and the Planning Director was not present to discuss such impacts.

The Council eventually determined that if such a change was to take place, a transition period would be necessary to allow for proper mechanisms to be prepared. It was also agreed that workshops and possibly a retreat should be arranged so that a comprehensive discussion can take place.

Vote

Motion failed six-to-one, with Councilmember Reilly voting yes.

Motion

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve the contract for Hearings Examiner Services with Michael Bobbink, with the understanding that the Council will hold focused discussions on this issue over the next four-to-six months to determine the best process. Motion passed unanimously.

RIVERVIEW PLAZA CONTRACT FOR ENGINEERING AND DESIGN

The engineering firm of Reichhardt and Ebe submitted an agreement to provide design services for the Riverview Plaza and Trail in the amount of \$42,825. This amount includes sub consultants for geological investigation, landscape architect services, electrical engineering, environmental permitting, and topographical surveying. The City budgeted \$43,000 for project engineering and design services for Riverview Plaza.

Councilmember Reilly wondered if there were any changes anticipated for the dike. Greg Ebe responded that the only changes were some landscaping enhancements.

It was moved by Councilmember Oliver and seconded by Councilmember Jensen to approve of the Riverview Plaza contract for design services with Reichhardt and Ebe in the amount of \$42,825. Motion passed unanimously.

REVIEW OF HERITAGE SOCIETY-TOUR GUIDE OVERSIGHT (Added Agenda Item)

The City had been warned twice by the State Auditors that they could no longer "employ" summer tour guides without oversight and supervision. The Heritage Society did not wish to become the employers of the tour guides, feeling that was not their role as a volunteer society. This had caused the tour guide season to be delayed and the Heritage Society members to request of Council some discussion and resolution of this problem (see Public Comment).

Mayor Landcastle suggested that the Society engage a payroll service to process time sheets and miscellaneous payroll functions, using Hotel/Motel tax proceeds to cover the costs. Linda Harkleroad from the HS commented that beyond the payroll issue was the issue of liability.

Councilmember Hansen recommended that a tour guide supervisor be hired, at approximately eight hour per week, to oversee the guides, coordinate timesheets, confirm attendance, and report to City Hall administration. This suggestion was met with general agreement.

It was moved by Councilmember Hansen to hire a tour guide supervisor to oversee summer tours at Pioneer Park, not to exceed eight hour per week. Seconded by Councilmember Reilly. Motion passed unanimously.

MAYOR REPORTS

Mayor Landcastle reported that the City has again received Tree City USA status.

COUNCIL REPORTS

Councilmember Hansen stated that now that Delta has begun taking reservations for their start date in June, they need to up their reservation percentage to make this a viable move. Several in attendance were not aware that reservations were being taken at this time, thinking they had to wait until June.

DEPARTMENT REPORTS

City Treasurer Mark Peterson stated that he had a very good response from the recent RFP for banking services. He will have a recommendation to the Recreation and Finance Committee at their next meeting.

Chief Michael Knapp reported that the LEMAP audit was now complete. He reminded the Council that the PD awards banquet will be held on the 19th at the Silver Reef at 6 p.m. Finally, the Police Advisory Committee is now in place.

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
Streets and Utilities Committee Meeting
Held Wednesday, May 10, 2006
City Hall Conference Room
7:30 a.m.**

PRESENT: Councilmembers Reilly, Hansen, and Oliver
ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson,
Bob Cecile, Mark Peterson

THIRD AVENUE PROJECT BIDS

Public Works Director Cecile announced the tabulated results from the Bids for the Third Avenue Sewer Project. The apparent low, responsible bidder was Friberg Construction at \$947,132.95. The engineer's estimate was \$1,016,801.21. City Treasurer Mark Peterson added that funding for this project will come from several sources including the Water Fund, the Sewer Fund, the Street Fund, Real Estate Excise, and Traffic Mitigation Funds, some of which will be interfund loans.

Councilmember Reilly stated that there will be some supplemental funds available through the \$1,000 sewer surcharge, as well as Ferndale Grain's financial participation.

It was moved by Councilmember Oliver and seconded by Councilmember Reilly to recommend acceptance of Friberg Construction's bid of \$947,132.95 for the Third Avenue Sewer Project. Motion passed unanimously.

CONSIDERATION OF COMPLETION OF SECOND AVENUE IMPROVEMENTS

Mayor Landcastle reviewed that the Main Street Improvement Project did not include Second Avenue and adjacent areas near and on Vista. Notably, there are some sidewalks near the Lederblock building that are in disrepair. Committee members asked what other improvements are need. Staff responded that storm water infrastructure is needed, some sidewalk work as noted, and curb work.

It was the consensus of the Committee to have staff pursue formulating the costs of improving this area as discussed.

THIRD AVENUE SEWER PROJECT MANAGEMENT CONTRACT

Director Cecile submitted an estimate for Construction Management Services for the Third Avenue Sewer Project from Reichhardt and Ebe Engineering, totaling \$73,110.16. The Committee was in agreement that it made sense to have Reichhardt and Ebe perform this service for a project that they had designed.

It was moved by Councilmember Reilly and seconded by Councilmember Hansen to approve Reichhardt and Ebe to perform construction management services for the Third Avenue Sewer Project at a cost of \$73,110.16. Motion passed unanimously.

DISCUSSION ON REGIONAL STORMWATER POND

Director Cecile reviewed the applicants for the Douglas Long Plat, a proposed subdivision, could be willing to work on some options with the City regarding a regional-type stormwater detention pond on city-owned land adjacent to their property. The Committee felt that discussions of available options with the applicants would be worthwhile. Staff will report back to the Committee.

SURVEY OF ROAD CROSS SECTIONS

Public Works Director Cecile reviewed that he will be comparing Ferndale's standards with those of other jurisdictions. He will update the Committee with the results of that survey.

PHASE II STORMWATER

Director Cecile said that Whatcom County has contacted the City about a possible Interlocal agreement regarding Phase II Stormwater work they are doing in Ferndale's UGA.

JOINT MEETING WITH COUNTY COUNCIL

Mayor Landcastle suggested that the Ferndale City Council and Whatcom County Council consider a joint meeting to discuss some issues that have arisen in recent years. Most notably, the issues of land use, urban growth areas, and Interlocal communication and cooperation could be discussion items.

Administration asked Committee members to submit items that would be appropriate for joint consideration.

CENTENNIAL LOGO

Mayor Landcastle distributed the newly designed centennial logo for the City's 100th birthday in 2007. The logo is proposed to be used for a centennial edition lapel pin, for use on banners and flags, and as a stick-on logo.

OTHER

- Ernie Hienrich provided information on a hanging wire that is impeding pedestrians on Vista. Staff will check on this.
- Mr. Heinrich also expressed concern regarding dump trucks in a construction area which he feels are speeding and endangering pedestrians.
- The Public Works crew is conducting infrastructure surveys around the City.

ATTACHMENT B:

**MINUTES
Recreation and Finance Committee Meeting
Held Wednesday, May 10, 2006
City Hall Conference Room
8:30 a.m.**

PRESENT: Councilmembers Oliver, Jensen, and Downey
ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson, Mark Peterson

HUMANE SOCIETY CONTRACT

Mayor Landcastle reviewed a proposal from the Whatcom Humane Society to provide animal control services in the City. The City's previous provider, SSP Preferred Animal Care, is no longer providing these services. The Humane Society proposed yearly fee for services is \$25,000. The City budgeted \$18,000 for animal control under SSP. Once a contract is in place the Council will need to consider suggested recommendations to the animal control ordinance and fee schedule.

It was moved by Councilmember Oliver and seconded by Councilmember Downey to recommend approval to the full Council of the contract with the Whatcom Humane Society. Motion passed unanimously.

ENGINEERING CONTRACT FOR DESIGN SERVICES: RIVERVIEW PLAZA PROJECT

The engineering firm of Reichhardt and Ebe submitted an agreement to provide design services for the Riverview Plaza and Trail in the amount of \$42,825. This amount includes sub consultants for geological investigation, landscape architect services, electrical engineering, environmental permitting, and topographical surveying. The City budgeted \$43,000 for project engineering and design services for Riverview Plaza.

It was moved by Councilmember Oliver and seconded by Councilmember Downey to recommend approval of the contract for design services with Reichhardt and Ebe in the amount of \$42,825. Motion passed unanimously.

CONTRACT FOR HEARINGS EXAMINER SERVICES

City Administrator Young reviewed that Rick Sepler, who has been providing hearings examiner services to the City, has accepted a job with the City of Port Townsend and will no longer be able to provide said services, as of the end of May.

The City received two responses to its RFP, and is recommending Michael Bobbink as the new Hearings Examiner. Mr. Bobbink currently provides hearings examiner services to Whatcom County, Island County, and the City of Oak Harbor. He is also the Municipal Judge for the Cities of Blaine, Everson, Nooksack, and Sumas.

There was a lengthy discussion on how the hearings examiner process is working, as opposed to the former Planning Commission/Board of Adjustment system. The Committee felt that a discussion should be held with the full Council to receive their impressions of this system.

It was moved by Councilmember Oliver and seconded by Councilmember Jensen to recommend approval of the contract for Hearings Examiner Services with Michael Bobbink. Motion passed unanimously.

RETREAT DISCUSSION

The Committee and staff discussed a Council retreat or a series of retreats to focus on budget, infrastructure/projects, and "visioning" in order to deal with important issues in-depth. The staff and Council will attempt to set a date at the next meeting.

CDBG GRANT AND RESOLUTION

City Administrator Young reviewed that the City is applying to the Washington State Department of Community, Trade and Economic Development for the purpose of supporting Kulshan Land Trust development of affordable homes on Portal Way, near Trigg Road. The amount of the CDBG grant is \$700,000 which would be used for down-payment assistance for income-qualified homebuyers.

As part of the CDBG process, the Council will hold a public hearing at their next meeting, as well as consider a resolution that states the purpose and intent of the grant.

Councilmember Jensen noted that he has observed Kulshan Land Trust projects and found them to be great assets to the community.

It was moved by Councilmember Oliver and seconded by Councilmember Jensen to move this item to the full Council for consideration. Motion passed unanimously.

PARKS IMPROVEMENTS

Mayor Landcastle noted that several improvements are planned for Pioneer Park and the sports complex, including the irrigation system authorized by Council during the 2006 budget talks. One of the recommended items from the park architect/consultant was the elimination of the propane tanks at the historic cabins. Mayor Landcastle stated that he has a verbal estimate of approximately \$12,000 from Cascade Natural Gas to extend gas lines and meters to the cabins. He will confirm this is writing and bring it back to Committee for discussion.

CENTENNIAL LOGO

Mayor Landcastle distributed the newly designed centennial logo for the City's 100th birthday in 2007. The logo is proposed to be used for a centennial edition lapel pin, for use on banners and flags, and as a stick-on logo. The Committee was supportive.

RFP FOR BANKING SERVICES

City Treasurer Mark Peterson updated the Committee that the City is advertising for banking services in an effort to improve investment opportunities through a "sweep account" which is not being provided by the current bank.

ATTACHMENT C:

**MINUTES
Planning and Judicial Committee Meeting
Held Wednesday, May 10, 2006
City Hall Conference Room
9:30 a.m.**

PRESENT: Councilmembers Elgart, Jensen, and Downey
ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson, Mark Peterson

HUMANE SOCIETY CONTRACT

Mayor Landcastle reviewed a proposal from the Whatcom Humane Society to provide animal control services in the City. The City's previous provider, SSP Preferred Animal Care, is no longer providing these services. The Humane Society proposed yearly fee for services is \$25,000. The City budgeted \$18,000 for animal control under SSP. Once a contract is in place the Council will need to consider suggested recommendations to the animal control ordinance and fee schedule.

It was moved by Councilmember Jensen and seconded by Councilmember Elgart to recommend approval to the full Council of the contract with the Whatcom Humane Society. Motion passed unanimously.

CONTRACT FOR HEARINGS EXAMINER SERVICES

City Administrator Young reviewed that Rick Sepler, who has been providing hearings examiner services to the City, has accepted a job with the City of Port Townsend and will no longer be able to provide said services, as of the end of May.

The City received two responses to its RFP, and is recommending Michael Bobbink as the new Hearings Examiner. Mr. Bobbink currently provides hearings examiner services to Whatcom County, Island County, and the City of Oak Harbor. He is also the Municipal Judge for the Cities of Blaine, Everson, Nooksack, and Sumas.

It was moved by Councilmember Elgart and seconded by Councilmember Jensen to recommend approval of the contract for Hearings Examiner Services with Michael Bobbink. Motion passed unanimously.

Mayor Landcastle noted that there was a lengthy discussion with the Recreation and Finance Committee on how the hearings examiner process is working, as opposed to the former Planning Commission/Board of Adjustment system. That Committee felt that a discussion should be held with the full Council to receive their impressions of this system.

ENGINEERING CONTRACT FOR DESIGN SERVICES: RIVERVIEW PLAZA PROJECT

The engineering firm of Reichhardt and Ebe submitted an agreement to provide design services for the Riverview Plaza and Trail in the amount of \$42,825. This amount includes sub consultants for geological investigation, landscape architect services, electrical engineering, environmental permitting, and topographical surveying. The City budgeted \$43,000 for project engineering and design services for Riverview Plaza.

It was moved by Councilmember Downey and seconded by Councilmember Elgart to recommend approval of the contract for design services with Reichhardt and Ebe in the amount of \$42,825. Motion passed unanimously.

RETREAT DISCUSSION

The Committee and staff discussed a Council retreat or a series of retreats to focus on budget, infrastructure/projects, and "visioning" in order to deal with important issues in-depth. The staff and Council will attempt to set a date at the next meeting.

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Mayor Landcastle noted that several improvements are planned for Pioneer Park and the sports complex, including the irrigation system authorized by Council during the 2006 budget talks. One of the recommended items from the park architect/consultant was the elimination of the propane tanks at the historic cabins. Mayor Landcastle stated that he has a verbal estimate of approximately \$12,000 from Cascade Natural Gas to extend gas lines and meters to the cabins. He will confirm this in writing and bring it back to Committee for discussion.

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