

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, August 6, 2007**  
**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 Mike Reilly</b>	<b>Councilmember Jim Elliott</b>
<b>Councilmember Ken Downey</b>	

**ABSENT:** Councilmember Gary Jensen and Councilmember Keith Olson (Excused)

**STAFF:**

<b>City Administrator Greg Young</b>	<b>City Clerk Linda Knutson</b>
<b>Public Works Director Bob Cecile</b>	<b>Planning Director Dennis Rhodes</b>
<b>Police Chief Michael Knapp</b>	<b>Associate Planner Jori Burnett</b>

**Mayor Jerry Landcastle Presiding**

**CALL TO ORDER**

The regular meeting of the Ferndale City Council was called to order at 7 p.m. by Mayor Jerry Landcastle.

**PUBLIC COMMENT**

Perry Eskridge, Ferndale, stated that the construction occurring near his home is causing major dust problems for his family. He noted that his air conditioner has broken down due to the copious amounts of dust entering his residence. He asked staff to work with the construction crews to ensure regular use of watering trucks to hold down the dust and dirt.

Mr. Eskridge also noted that a neighborhood meeting has been organized by a developer to discuss sidewalk improvements to Church Road. He wondered what the City's plans were in this regard. Staff stated that they had recently become aware of this meeting through phone calls from citizens who had been invited. Staff will attend to gather information and provide some input if needed.

***It was moved by Councilmember Hansen and seconded by Councilmember Reilly to refer the dust control issue to the next Planning and Judicial meeting, and the Church Road sidewalk issue to the next Streets and Utilities Committee meeting. Motion passed unanimously.***

Rick LaFaeve supported Mr. Eskridge's statements regarding the dust issue, saying that a family member at home has a respiratory illness, and this is being aggravated by the constant dust.

Arless Naylor of the Jet Oldsters Group at the Ferndale Senior Center was present to thank the Council for their continued financial support of the Senior Center. She hopes that Council will continue to keep that support in mind during the upcoming 2008 budget sessions.

Lloyd Zimmerman said that he attended the recent open house regarding the Douglas and Main Signalization Project. He thought Council should consider spending enough money to underground the utilities in the area as part of the project. He also felt that traffic access could be directed through Hendrickson Street during construction.

**CONSENT AGENDA**

City Administrator noted some minor language changes to the Community Garden Lease which were made to clarify the conditions of the lease.

***The following consent agenda was moved for approval by Councilmember Reilly and seconded by Councilmember Elliott:***

- *Approval of Minutes of Council meeting of July 16, 2007*
- *Approval of Payroll of 7/18/07 – Auto Deposit amount \$93,765.35; Federal Tax Auto Deposit Amount: \$35,289.67; Checks #50371 - #50390 amount: \$55,910.61; Total Payroll: \$184,965.63 (Regular Payroll)*
- *Approval of Payroll of 9/01/07 – Auto Deposit amount \$00; Federal Tax Auto Deposit Amount: \$962.83; Checks #50391 - #50408 amount: \$5,227.04; Total Payroll: \$6,189.87 (Uniform Allowance)*
- *Approval of Payroll of 8/03/07 – Auto Deposit amount \$101,077.77; Federal Tax Auto Deposit Amount: \$37,986.66; Checks #50409 - #50429 amount: \$58,420.08; Total Payroll: \$197,484.51 (Regular Payroll)*

- Approval of Claims Run of 8/06/07 – **Manual Checks** #62295 - #62313; amount: \$42,777.41; **Regular Checks** #62314 - #62424 amount: \$221,457.60, Totaling \$264,235.01
- Domestic Violence MOU
- Community Garden Lease Agreement
- Authorization to Bid LaBounty LID

**Motion passed unanimously.**

### **REPORTS BY COMMUNITY GROUPS**

The Council packets contained written reports by the various community advisory boards, with representatives of each of the groups in attendance at the meeting to field any questions or comments regarding the activities outlined in the submitted materials.

#### **Community Coordinating Association**

Councilmember Reilly noted that the CCA report contained a statement regarding the group's desire to pursue autonomy from the City. CCA President Steve Malpezzi responded that a formal letter will be coming forward from the board of the CCA in response to a unanimous decision of the board to gain independence from the City. Councilmember Reilly asked why a group that was created by the Council would want to pursue such a course. Mr. Malpezzi responded that it had always been his understanding that the group would evolve this way. Councilmember Reilly disagreed, and said it did not make sense.

Councilmember Hansen wondered if the CCA understood that autonomy meant that the group would no longer receive financial or staff support from the City, and that the group would not fall under the Open Public Meetings Act, thus inviting secret meetings. Malpezzi indicated that the CCA by-laws were constructed to prevent such things from happening, and could be further refined to reflect that.

Mr. Malpezzi stated that when minutes of the previous meetings have been completed he will forward them to the Planning and Judicial Committee, along with the formal letter requesting autonomy.

#### **Community Forestry Committee**

Councilmember Hansen stated that the overall status report indicated that the Forestry Committee was disbanding or suspending activities. Mayor Landcastle responded that this was not the case.

### **HERON CREST FINAL PLAT**

Associate Planner Jori Burnett presented the staff report on Heron Crest, formerly called Highwater Downs, which was up for final plat. The Heron Crest Preliminary Plat consisting of 30 residential lots, was approved by the City Council on December 13, 2004. In January 2007, the City of Ferndale was informed of a name change from Highwater Downs to Heron Crest. No additional significant changes were proposed at that time. Construction of the physical infrastructure and other improvements within the project has been determined to be substantially complete, according to the Public Works Director.

While staff believes the project is substantially complete enough to be presented to the City Council, there are several minor outstanding issues that must be handled administratively by the Planning and Public Works staff after the council's approval to ensure that all original conditions of approval for the project are met.

Planner Burnett said that only three issues were left to deal with: The possible bonding of the yet-to-be-completed tot-lot, an existing residence, and language acknowledging future development on adjacent land. The residence has now been removed, and the acknowledge language is being drafted.

***It was moved by Councilmember Hansen and seconded by Councilmember Elliott to approve the Heron Crest Final Plat as presented, including the bonding of the tot-lot. Motion passed unanimously.***

### **AUTHORIZATION TO PROCEED WITH NOTICE OF INTENT TO ANNEX**

Associate Planner Jori Burnett reviewed Alliance Properties 2000 LLC (Ralph Black) proposed annexation of approximately 45 acres of land located on the south side of Slater Road, from approximately 1300 feet west of Rural Road to the Interstate Five interchange, addressed as 1293, 1301, 1303, 1309, 1317, 1382, 1404, 1410, 1420 Kope Road, and 4839, 4844 Rural Avenue.

Planner Burnett stated that the Ferndale Municipal Code outlines an eleven-step process for annexation. In summary those steps are as follows:

1. Pre "Notice of Intent Meeting" with staff.
2. Pre "Notice of Intent Neighborhood Meeting.
3. Notice of Intent filed with City.
4. City Council consideration of Notice of Intent.
5. Petition for Annexation filed with City.
6. Certificate of Petition Completeness issued by City.
7. Technical Review and Analysis conducted.
8. Planning Commission Public Hearing.
9. City Council Public Hearing.
10. Whatcom County Boundary Review Board Review.
11. Annexation Ordinance adopted by City Council.

With submittal to the City of a Notice of Intent, the applicant has completed step #3. Consideration of the Notice by Council will complete step #4. If Council chooses to accept the Notice of Intent, the applicant may proceed to step #5. If Council chooses to reject the Notice of Intent, the applicant may not proceed to step #5, but after a 6-month waiting period may resubmit a Notice of Intent under step #3. Staff has verified that the applicant has completed steps #1 and 2.

The area east of Rural Avenue is in Whatcom County's Short Term Urban Growth Area and is currently zoned General Commercial. Properties west of Rural Avenue are also in Whatcom County's Short Term Urban Growth Area, and are zoned Light Impact Industrial. Legally established single family residences in this zone may be considered non-conforming by the County.

The existing comprehensive plan designation for this area is industrial. A comprehensive plan amendment has been submitted separately and will be considered in a subsequent, public hearing.

As required by the Ferndale Municipal Code, the City Council shall consider the Notice of Intent after referral by the Planning and Judicial Committee. The Council shall vote to accept or reject the Notice of Intent.

Burnett noted that the decision at hand is not the proposed future use, it is not the proposed zoning, it is not the act of annexing land, it is not a review or discussion of the comprehensive plan amendment, which will be considered separately at a public hearing, but simply, it is the act of expressing the Council's willingness or refusal to consider the applicant's request, and thereby allow or disallow the submittal of a Petition of Annexation.

If the Council votes to accept the Notice of Intent the applicant is expected to proceed with submittal of a Petition to Annex. Following which, City staff will conduct technical review and present the findings to the Planning Commission and City Council. At such time the Council will have the opportunity to consider the future zoning for the property, and the actual decision to annex or not annex the land.

Planner Burnett added that an adjacent property owned and occupied by Ace Beverage is considering joining the annexation process.

***It was moved by Councilmember Reilly and seconded by Councilmember Oliver to accept the Notice of Intent to Annex as presented by staff, based upon the findings of fact outlined in the staff report.***

Councilmember Downey felt that the annexation area was "stretching the City into an odd shape" that might cause issues with the ability to provide infrastructure and police services. Councilmember Reilly responded that the urban growth boundaries dictated by Whatcom County determine how the City grows in these directions.

***Motion passed unanimously.***

#### **VARIABLE FREQUENCY DRIVE PROJECT**

Public Works Director Bob Cecile outlined the purchase and installation of the "variable frequency drives project" to run the three high-head pumps in the Water Treatment Plant. He explained that these pumps transmit the treated water out into the distribution system and that converting to this control method will save energy because the pumps can run at the speed required by the demand instead of running "full-out".

Three quotes were obtained from the small works roster, and staff recommends the project be awarded to L2 of Everett, with a low quote of \$73,455. The City was previously worked with this company and feels they are "good to work with".

This project was budgeted for 2007, and will cost half of what was anticipated, as Chief Operator Mike Olinger applied for and received an energy conservation grant with Puget Sound Energy that will pay for half of the project, or about \$35,600.

***It was moved by Councilmember Hansen and seconded by Councilmember Downey to recommend approval of L2 of Everett for the VFD Project. Motion passed unanimously.***

Councilmember Oliver wished to commend staff and Chief Operator Olinger for applying for and being awarded the grant from PSE.

#### **DISCUSSION ON TEMPORARY SKATEBOARD PARK**

Mayor Landcastle distributed reviewed the discussion held at the Recreation and Finance Committee regarding the establishment of a temporary skateboard park. The preference of the users is the asphalt area in front of Hastings Park, where the pump station is located. Other options offered included an area of Pioneer Park near the old Boys and Girls Club, an area in VanderYacht Park, and an area on the property between the Post Office and the old Ferndale Drug store.

Lane Guffy said that he believed Hastings Park to be ideal because of the condition of the blacktop, the visibility and the ability to supervise. Mayor Landcastle said that the blacktop area is not part of Hastings, but is used for City access to the pump station. Councilmember Reilly said that the Recreation and Finance Committee was not in favor of Hastings because it was too visible, to the point of distraction of motorists. He also cited safety concerns. He suggested Pioneer Park. Mr. Guffy was open to this possibility.

Councilmember Oliver felt that all of the suggested locations had pros and cons.

The Council held a lengthy discussion regarding the VanderYacht Park option.

#### **Motion**

***It was moved by Councilmember Downey and seconded by Councilmember Elliott to install an asphalt pad measuring approximately 30 feet by 50 feet at the northern end of VanderYacht Park.***

#### **Discussion**

Art Rojsza called himself a “passionate proponent” of a skateboard park, and felt strongly that Hastings was the best option.

Brent Goodrich did not feel VanderYacht was a good option as it is an off-leash dog area.

Lloyd Zimmerman believed Hastings to be ideal.

Robert Dodge said that because of flooding a VanderYacht, Hastings was a better choice.

#### **Vote on Motion**

***Motion failed two-to-three, with Councilmembers Downey and Elliott voting yes.***

#### **Motion**

***It was moved by Councilmember Oliver and seconded by Councilmember Reilly to locate a temporary skateboard park in the asphalt area near the pump house next to Hastings Park.***

#### **Discussion**

The Council discussed the merits of Hastings for temporary use.

Paul Ingram wondered if the parking lot at the Annex could be used temporarily.

Norbert Rojsza felt that it was time for the City to take responsibility and to “stop pushing kids around”.

Sara Hall said that the boarders had skated at Hastings for several days without incident, and that it was the best option.

Keena Dodge said that the kids using Hastings have been responsible, and that it is a good location.

Cheristy Peters said that as the mother of nine skateboarders, the youth of Ferndale do not have any place to go, and that the City is "sorely lacking" in recreation opportunities.

#### **Vote on Motion**

***Motion failed two-to-three, with Councilmembers Oliver and Reilly voting yes.***

City Attorney Langabeer outlined the steps necessary to designate a park or recreation area, and also how the City has liability issues covered under the "recreational immunity" law.

#### **Motion**

***It was moved by Councilmember Hansen and seconded by Councilmember Reilly to designate the area between the Post Office and Ferndale Drug as a recreation area for the purpose of constructing/installing an approximately 30 foot by 50 foot asphalt area temporary skateboard park.***

The Council discussed this option as being both visible but not distracting. Councilmember Oliver did not feel it was a good use on funds.

Walt Pollman, who owns the vacant Ferndale Drug Store property, encouraged the installation of parking so that neighboring properties aren't impacted by the park.

Mayor Landcastle asked the Council to establish where the funding would come from.

#### **Vote**

***Motion passed four-to-one, with Councilmember Oliver voting no.***

#### **REVIEW OF UPCOMING PLANNING WORKSHOPS**

Planning Director Dennis Rhodes reviewed a calendar and outline of the upcoming Planning Commission workshops that will be used to facilitate discussions on large retail with interest community groups and citizens. The workshops are scheduled for August 8, 15, and 29 at Central Elementary School.

#### **DISCUSSION ON WATER AND SEWER CONNECTION FEES**

Staff has prepared an ordinance that would approve an adjustment to the current water and sewer connection fees, based on staff's analysis of insufficient funds for capital projects, especially in the sewer funds which is covering only debt service. Staff is working on a "phase-in" scenario that would allot percentages each year to projects, reserves, and debt service. Staff hopes this will aid Council in determining fee increases.

#### **OVERVIEW OF BUDGET RETREAT**

City Administrator Young reviewed the planned schedule for the upcoming Council Budget Retreat on August 22<sup>nd</sup>.

#### **COUNCIL STIPEND FOR INTERGOVERNMENTAL ASSIGNMENTS**

Councilmember Hansen stated that Councilmembers are assigned every two years to attend intergovernmental boards and commission meetings as representatives or liaisons of the City. As such, he felt that the per-meeting stipend that Council receives includes credit for attendance to these intergovernmental meetings. He added that intergovernmental boards that already pay for member attendance, such as the Whatcom Transportation Authority, would not qualify for the City's stipend.

***It was moved by Councilmember Hansen and seconded by Councilmember Oliver to include all intergovernmental meetings to the list of eligible meetings qualifying for the per-meeting stipend of \$50.00, with a maximum pay of \$500 per month. Motion passed four-to-one, with Councilmember Reilly voting no.***

#### **EXECUTIVE SESSION**

At 9:27 Mayor Landcastle announced that the Council would be entering into executive session for approximately thirty minutes to discuss personnel issues and contracts. He added that upon re-convening, action may occur.

#### **RECONVENE**

The meeting was called back to order at 10:04 p.m.

#### **CITY ADMINISTRATOR CONTRACT**

***It was moved by Councilmember =Downey and seconded by Councilmember Hansen to approve the salary adjustment, deferred comp contribution, and additional year extension to June 30, 2010 in the agreement between Greg Young and the City of Ferndale for City Administrator services. Motion passed four-to-one with Councilmember Reilly voting no.***

**ADJOURNMENT**

***There being no further scheduled City business, the meeting was adjourned at 10:06 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, August 1, 2007  
City Hall Conference Room  
10:00 a.m.**

**PRESENT:** Councilmembers Hansen, Reilly, and Elliott  
**ADMINISTRATION:** Jerry Landcastle, Greg Young, Michael Knapp, Dennis Rhodes, Jori Burnett, Ryan Morrison, Linda Knutson

**POLICE OVERTIME FOR PUBLIC EVENTS**

Police Chief Knapp was present to discuss some issues related to police department overtime for working special events. The Council recently waived charges for some events, and other groups are now asking for the same consideration.

The Committee stated that they were more inclined to provide police coverage when the event in question provided an overall "public benefit", such as tourism promotion and visits to local businesses. On the other hand, events such as auctions and fundraisers are often by invitation and persons attending will be less likely to visit a business or restaurant.

It was suggested that the Hotel/Motel Group look at a Police Overtime line item that can be accessed for events qualifying under the Lodging Tax guidelines.

Police Chief Knapp will investigate what other jurisdictions do for special event safety coverage.

**SOUTH SLATER INTENT TO ANNEX**

Associate Planner Jori Burnett reviewed that the City has received a Notice of Intent to Annex. He gave the following staff report to the Committee:

The Ferndale Municipal Code outlines an eleven-step process for annexation, and with submittal to the City of a Notice of Intent, the applicant has completed step #3. Consideration of the Notice by Council will complete step #4.

The property proposed for annexation is located on the south side of Slater Road and encompasses a majority of the Urban Growth Area in that vicinity. At this time, the only properties in the southern UGA that are not included in this annexation proposal lie between the subject property and the railroad tracks to the west. There are a total of twelve parcels and eleven single family residences in the proposed annexation area. Approximately five acres to the east of Rural Avenue is currently being utilized for agricultural purposes.

The area east of Rural Avenue is in Whatcom County's Short Term Urban Growth Area and is currently zoned General Commercial. Properties west of Rural Avenue are also in Whatcom County's Short Term Urban Growth Area, and are zoned Light Impact Industrial. Legally established single family residences in this zone may be considered non-conforming by the County.

The applicant has requested a General Commercial zone designation for the annexation area. At present, the Comprehensive Plan shows the area to the east of Rural Avenue as potential commercial land, which is appropriate for the proposed zoning. The Comprehensive Plan has designated the area west of Rural Drive as Industrial. The applicant has filed a comprehensive plan amendment to alter the comprehensive plan designation for the area west of Rural Avenue. This amendment, the appropriate comprehensive plan designations, and the appropriate zoning will be discussed and considered at a public hearing on a later date.

The existing comprehensive plan designation for this area is industrial. A comprehensive plan amendment has been submitted separately and will be considered in a subsequent, public hearing.

As required by the Ferndale Municipal Code, the City Council shall consider the Notice of Intent after referral by the Planning and Judicial Committee. **The Council shall vote to accept or reject the Notice of Intent.**

The decision at hand is not the proposed future use, it is not the proposed zoning, it is not the act of annexing land, it is not a review or discussion of the comprehensive plan amendment, which will be considered separately at a public hearing, but simply, it is the act of expressing the Council's willingness or refusal to consider the applicant's request, and thereby allow or disallow the submittal of a Petition of Annexation.

If the Council votes to accept the Notice of Intent the applicant is expected to proceed with submittal of a Petition to Annex. Following which, City staff will conduct technical review and present the findings to the Planning Commission and City Council. At such time the Council will have the opportunity to consider the future zoning for the property, and the actual decision to annex or not annex.

Regardless of the decision of the Council, whether it is to accept or reject the Notice of Intent, the following Findings of Fact would apply:

1. The applicant has successfully completed the required pre-Notice of Intent meeting with the City.
2. The applicant has successfully completed the required pre-Notice of Intent Neighborhood Meeting.
3. The applicant has submitted a complete Notice of Intent Application.

The City has no obligation to make findings as to why the Notice was accepted, or why the Notice was rejected.

***It was moved by Councilmember Hansen and seconded by Councilmember Reilly to move the intent to annex forward to the full Council for consideration. Motion passed unanimously.***

### **HERON CREST FINAL PLAT**

Associate Planner Jori Burnett reviewed Heron Crest Final Plat, formerly known as Highwater Downs, a 30-lot single-family residential Planned Unit Development on approximately 13 acres in the RS 10.5 zone and located on the west side of Church Road, 1800 feet south of Thornton Rd addressed at 5943 Church Road.

The Heron Crest Preliminary Plat (then known as Highwater Downs), consisting of 30 residential lots, was approved by the City Council on December 13, 2004. In January 2007, the City of Ferndale was informed of a name change from Highwater Downs to Heron Crest. No additional significant changes were proposed at that time. Construction of the physical infrastructure and other improvements within the project has been determined to be substantially complete, according to the Public Works Director.

The applicant desires City approval of the Final Plat, which is necessary before the Plat can be recorded, lots sold, or building permits issued. Before the Final Plat may be approved, all requirements of the Preliminary Plat/PUD must be met, and all required site improvements that cannot be bonded for must be completed to the satisfaction of the Public Works Director.

While staff believes the project is substantially complete enough to be presented to the City Council, there are several minor outstanding issues that must be handled administratively by the Planning and Public Works staff after the council's approval to ensure that all original conditions of approval for the project are met. Other conditions, such as payment of fees, minor revisions and addition of notes to the plat, completion of the wetland mitigation, installation and/or bonding of landscaping items and approval of CC&R's will be accomplished prior to recording of the Final Plat. As such, the Plat Administrator also recommends APPROVAL of the proposed Final Plat.

***It was moved by Councilmember Hansen and seconded by Councilmember Elliott to move the Heron Crest Final Plat forward to the full Council. Motion passed unanimously.***

**PLANNING COMMISSION WORKSHOPS OVERVIEW AND SCHEDULES**

Planning Director Dennis Rhodes reviewed for the Committee the Planning Commission workshops scheduled for the purpose of discussion regarding large retail establishments. The workshops will be held on August 8<sup>th</sup>, 15<sup>th</sup>, and 22<sup>nd</sup> at Central Elementary School.

**COUNCIL RETREAT**

City administrator Young advised the Committee that *the full Council will have a discussion regarding the format of the upcoming retreat at the next Council meeting.*

**UPDATE ON WC – COF UGA ISSUES**

Staff stated that they will be communicating with Whatcom County officials regarding proper procedures in development in the City's urban growth areas. Some inaccuracies are suspected in recent decisions by the County, which staff hope to clarify.

**COFFEE STAND FOOD SERVICES IN LI ZONES**

Assistant Planner Ryan Morrison stated that on June 13, 2007, staff met with the Planning Commission at their monthly meeting to present the subject zoning text amendment application. It was staff's intention to get an understanding of how the Commission felt about the request to allow coffee/food stands as permitted uses in the Manufacturing zone, and to obtain some recommendation on the specific items to focus on when proposing the language for this text amendment. The overall feeling of the Commission toward the applicants' request was positive. The Planning Commission also took into consideration allowing this use in the Light Industrial zone per City staff request. Overall, the Planning Commission provided insightful comments and recommendations that aided staff in preparing this follow-up report.

Planning staff was asking the Committee for guidance on the Planning Commission's inclination to include restaurants up to 6,000 ft into this amendment. While staff felt that this could be considered separately, they want to move the smaller request forward alone. The Committee agreed with this approach.

**ATTACHMENT B:**

**MINUTES  
Recreation and Finance Committee Meeting  
Held Wednesday, August 1, 2007  
City Hall Conference Room  
9:00 a.m.**

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

**BERGSMA COMMUNITY GARDEN LEASE**

City Administrator Young has worked out a lease agreement with the group wishing to establish a community garden located at the Bergsma House near Pioneer Park.

The Committee had some suggestions for some minor language revisions, and felt that the project was a good one and positive for the community overall.

*This item will moved forward to the next Council agenda via the consent agenda.*

**TEMPORARY SKATEBOARD PARK DISCUSSION**

Art and Margaret Rojsza were present to ask the Committee to consider allowing a temporary skateboard park to be located in the asphalt area of Hastings Park, next to the Main Street Bridge. The Committee felt that while high visibility is desirable for a skateboard park of any kind, the location at the mouth of the Bridge was too visible, to the point of distraction for drivers. The Committee further felt that better locations should be researched and recommended, as determined during the 2007 budget session, when the skateboard park fund was created and funded. There was also the issue of possible liability, which staff said they would research.

*The Committee felt that a discussion on this subject with the full Council was warranted, and set this as an item on the August 6<sup>th</sup> Council agenda.*

**ATTACHMENT C:**

**MINUTES  
Streets and Utilities Committee Meeting  
Held Wednesday, August 1, 2007  
City Hall Conference Room  
7:30 a.m.**

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

**WATER AND SEWER CONNECTION FEES**

Staff has presented this Committee will several options for water and sewer connection fee increases over the past few months. While increases to water and sewer utility fees will be considered during the budget process, staff felt that the connection fees should be addressed as soon as possible. Staff explained that connection fees must be significantly increased due to the number of major projects needed for both water and sewer infrastructure.

The Committee discussed at length the Capital Improvement Plan projects, and which projects were critical to infrastructure in the immediate future. Also discussed were revisions to the City's Financial Policies that would allow some flexibility in the water and sewer funds.

Staff will return to the Committee will some suggested revisions to the Financial Policies.

**UPCOMING PUBLIC HEARING ON THE WATER CAPITAL IMPROVEMENT PLAN**

The Committee and staff discussed the upcoming public hearing and presentation on the Capital Improvement Plan contained the Water Comprehensive Plan. It was the preference of the Committee that staff present the plan in the same manner as the Six Year Transportation Improvement Plan, so that Council and members of the public understand that the listed projects are slated but not mandated.

***It was moved by Councilmember Oliver and seconded by Councilmember Hansen to move the Water Capital Improvement Plan forward to the full Council on August 20<sup>th</sup>. Motion passed unanimously.***

**VARIABLE FREQUENCY DRIVE PROJECT – WATER TREATMENT PLANT**

Public Works Director Cecile overviewed the installation of the "variable frequency drives project" to run the three high-head pumps in the Water Treatment Plant. He explained that these pumps transmit the treated water out into the distribution system and that converting to this control method will save energy because the pumps can run at the speed required by the demand instead of running "full-out".

Three quotes were obtained from the small works roster, and staff recommends the project be awarded to L2 of Everett, with a low quote of \$73,455. The City was previously worked with this company and feels they are "good to work with".

This project was budgeted for 2007, and will cost half of what was anticipated, as Chief Operator Mike Olinger applied for and received an energy conservation grant with Puget Sound Energy that will pay for half of the project, or about \$35,600.

***It was moved by Councilmember Hansen and seconded by Councilmember Oliver to recommend approval of L2 of Everett for the VFD Project. Motion passed unanimously.***

**UPDATE ON MOWING TRACTOR**

Director Cecile updated the Committee that repairs to the City's mower tractor have totaled around \$5,000, and the rental costs during the repair has cost approximately \$2,200.

**TEK COST SHARE REQUEST**

Director Cecile has been negotiating with TEK, developers of the Skyview Subdivision, regarding the installation of 12 inch water line rather than the planned 8 inch line. The upgrade will cost approximately \$30,000. He will return to the Committee with more information.

**BAKERVIEW PUMP STATION SURCHARGE ZONE**

Director Cecile distributed a map that outlined that area of the City that will be benefiting from the soon-to-be-installed Bakerview Booster Station. After considerable discussion the staff will refine the area map and work on a “financially-based” surcharge proposal.

### **RIGHT-OF-WAY REQUEST**

The City received a request from a property owner on the east end of the Main Street Bridge for a r-o-w vacation of a triangle of land owned by the City. After a brief discussion the Committee felt that it was not in the best interest of the City to grant this request.

### **SIGNS IN THE RIGHT-OF-WAY**

The Committee reviewed a legal opinion authored by City Attorney Langabeer regarding signs in the public r-o-w. The opinion focused mainly on a Tacoma lawsuit regarding time limits on the placement of campaign signs before and after elections. The Committee felt comfortable with the recent decision of Council regarding political signs being restricted to private property.

### **PUBLIC COMMENT AT COUNCIL MEETINGS**

Staff noted that recently there have been several incidents of prolonged Council discussions during the public comment portion of the Council meetings. Staff feels that persons with issues should be referred to the appropriate staff or Committees, so that the Council is not put in the position of having to solve issues “on the fly”. Oftentimes, staff has a great deal of background information that would benefit Council consideration of such issues. Sometimes those staff members that have knowledge and background on issues are not present at the meeting.

City Clerk Knutson added that she worried about items being added to the agenda as a result of public comment that might create problems with the Open Public Meetings Act, with the public at large not being notified of an item that could be of interest to them being discussed and acted upon without prior notice.

The Committee agreed that directing a speaker to staff or Committee was the most appropriate choice in most cases, but that all public comments should be considered on a case-by-case basis.

On a related note, Councilmember Reilly wondered if it was proper to allow persons who had not signed up to speak for a Public Hearing subject to be allowed to speak on such items. City Clerk Knutson said she would check both Council Rules and Roberts Rules.

### **COMMUNITY SURVEY**

City Administrator Young distributed a Community Satisfaction Survey for Council review. The intention is gather information to aid staff and Council in determining areas of strengths and weaknesses. The Committee felt that the Council should discuss the survey at the upcoming Council Retreat on August 22<sup>nd</sup>.

### **REQUEST FOR EXCEPTIONS TO WATER BILL ADJUSTMENT POLICY**

City Treasurer Mark Peterson discussed a recent water bill that had an “inexplicable” spike in usage. The citizen usually has very minimal water use, and was certain that she had no leaks, running toilets, nor had she done any lawn watering during the period in questions. Her usage is now back to normal. She reviewed her water habits, which were extremely conservative, said Peterson. He wondered if Council would allow some “leeway” for staff to allow adjustments in these cases.

While the Committee was sympathetic, they felt that any deviation from policy would set a poor precedent and instructed staff to follow current policies and procedures.