

MINUTES
Ferndale City Council Meeting
Held Monday, August 20, 2007
City Hall Annex – Council Chambers
7 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver	Councilmember Mel Hansen
Councilmember Mike Reilly	Councilmember Jim Elliott
Councilmember Ken Downey	Councilmember Gary Jensen
Councilmember Keith Olson	

STAFF:

City Administrator Greg Young	Deputy City Clerk Sylvia Stiles
Public Works Director Bob Cecile	Planning Director Dennis Rhodes
City Treasurer Mark Peterson	Assistant Planner Ryan Morrison

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

Lloyd Zimmerman, Ferndale Double Dome Group, requested the Council consider allowing community interest groups to have a link on the City of Ferndale website.

CONSENT AGENDA

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

- *Approval of Minutes of Council meeting of August 6, 2007*
- *Approval of Payroll of 8/17/07 – Auto Deposit amount \$97,968.02; Federal Tax Auto Deposit Amount: \$37,129.55; Checks #50430 - #50451 amount: \$56,801.22; Total Payroll: \$191,898.79 (Regular Payroll)*
- *Approval of Claims Run of 8/20/07 – **Manual** Checks #62425 - #62439; amount: \$13,866.56; **Regular** Checks #62440 - #62543 amount: \$965,057.57, Totaling \$978,924.13*

Motion passed unanimously.

LEGISLATIVE UPDATE

Representative Doug Ericksen reported to the Council on a number of items which the State Legislature has been working on and will continue to consider. He expressed concern that transportation is under funded on the State level. The State has increased bonding to fund transportation. The Capital Budget spent this year on Whatcom County was good citing the Boys and Girls Club and the Guide Meridian Improvements as examples.

Representative Ericksen also updated the Council on the State Budget, Climate Action Team and Value Pricing concerns. In 2008 his office will be working on a Public Trails District. He and a few of his staff members hope to meet with community leaders from each of the small cities in Whatcom County for the purpose of creating interactive bill writing sessions prior to January 2008. Councilmember Oliver questioned Representative Ericksen about sales tax streamlining. Representative Ericksen indicated that some communities were concerned there would be a loss of revenue but that the Legislature felt this loss would be backfilled by tax on internet purchases.

PUBLIC HEARING: WATER COMPREHENSIVE PLAN ORDINANCE – PUBLIC HEARING

Director Cecile informed the Council that staff had looked at several areas including water lines, the Urban Growth Area, water usage and cross connection control. They have also included cross connection controls, an emergency response program as well as twenty and six year plans. Mayor Landcastle opened the Public Hearing. No one wished to speak so the Public Hearing was closed. Councilmember Hansen declared he would like to see a list of projects before voting on the Ordinance. Administrator Young indicated to the Council that the Water Comprehensive Plan Ordinance will be presented to Council at the next meeting.

EDC MONTHLY REPORT

Brent Goodrich, Ferndale EDC, highlighted several areas of focus for the EDC. They have been involved with the large retail meetings, working with the Planning Commission and partnering with the Bellingham Whatcom EDC group. He asked the Council for guidance in prioritizing a list of items for the EDC to focus on.

CONOCO-PHILLIPS PARKING LOT IMPROVEMENT UPDATE

Councilmember Hansen emphasized the need to smooth out the north parking area to prevent damages to vehicles. Council discussed briefly the necessity of resurfacing the parking area.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to authorization of up to \$10,000 to delineate, grade and gravel the north Sports Complex parking area.

Motion passed unanimously.

LARGE RETAIL PUBLIC PROCESS UPDATE

Director Rhodes conveyed the results of the public meetings held on August 8th and August 15th with regard to large retail. A composite of breakout groups discussion on benefits, concerns, location and size along with different way to mitigate them relating to large retail development from workshop discussions were distributed to the Council. It was staffs opinion the meetings were positive and constructive. They are reaching out through the CCA and the local paper to increase awareness of these public meetings. At the August 29th public meeting there will be a power point presentation which is a repeat of an earlier presentation in hopes more citizens will attend. There will also be another break out meeting at the conclusion of the power point presentation on August 29th. Director Rhodes along with Paul Koch will be compiling all this data and taking it to the Planning Commission. Councilmember Hansen asked Director Rhodes if there would be an up or down vote on August 29th. Director Rhodes indicated there would be a vote but it will not be a yes or no question. Councilmember Hansen contended he would not like to see the vote overloaded with people who had not attended previous meetings. Councilmember Jensen suggested the vote be at the end of the meeting. Director Rhodes felt the staff could track attendance at these meetings.

CONSULTANT/PLANNING DEPARTMENT/COMMUNITY COMMITTEES TRANSITION PLAN

Director Rhodes has been working on this transition with Paul Koch as Mr. Koch's contract will expire the end of October. He reviewed the transition plan with the council. Council felt it was important that staff interact with boards and commissions on how they will function. There is a need to develop a process to better use the boards and commissions.

DOUGLAS/MAIN SIGNAL PROJECT BID AWARD

Director Cecile stated that the tabulation showed that Soto and Sons submitted the lowest responsible bid. Two alternate bids were included for different types of retaining walls. Councilmember Downey inquired as to the projected working date. Director Cecile indicated it would be 40 working days from the start date which will be in September of October.

It was moved by Councilmember Oliver and seconded by Councilmember Hansen to award Soto and Sons the bid in the amount of \$1,131,327.40 including alternate bid #2, for the Douglas & Main Signalization Project.

Motion passed unanimously.

NON-CONFORMING USE DISCUSSION

Assistant Planner, Ryan Morrison presented a list of comparables regarding non-conforming uses in other local jurisdictions. It was noted that Ferndale has the most restrictive percentage in the Maintenance and Repair category at ten-percent. Other jurisdictions had either unlimited (most) or fifty-percent. The Planning Department is recommending that the Council consider raising the current percentage. The Council discussed if the change would apply to single family residences only. Councilmember Hansen suggested the maintenance and upkeep could exceed the current 10% allowance. After a short discussion on how to determine the value of property and the need to apply rules evenly it was decided the planning department would compile and forward a list of criteria to the Planning Commission and return to the Council with recommendations within four to six weeks.

PROJECT UPDATES

Malloy/Vista Roundabout: Director Cecile noted there were some surprises in the utilities some of the water lines were not a deep as they needed and new storm lines needed to be installed. These will amount to cost overruns for this project. The contractors will be paving next week. The light poles are not available at this time.

Centennial Riverwalk: Director Cecile informed the Council the walls are up and subs will begin. Curbs and gutters will be installed in the next couple of weeks on Cherry Street. Concrete work and debris removal will begin soon. The consulting engineers submitted several change orders amounting to a total cost of \$13,465.00. It was recommended that two additional steps be done which would strengthen the railing. Additional change orders were to reinforce the concrete being used in the Riverwalk.

It was moved by Councilmember Reilly and seconded by Councilmember Jensen to approve change orders one through six in the amount of \$13,465.00.

Motion passed unanimously.

Mayor Landcastle asked if the Council would be interested in installing a flag pole at Centennial Riverwalk. Council held a short discussion regarding cost, lighting, location and security for the flag pole.

It was moved by Councilmember Elliott and seconded by Councilmember Downey to authorize up to \$8,000.00 for purchase and installation of a flag pole at Centennial Riverwalk.

Motion passed unanimously.

Councilmember Hansen stressed the need for ongoing maintenance of the dike. The Army Corps of Engineers has asked that trees be removed from the river banks. Director Cecile responded they will start budgeting for spraying and removal of trees from the rivers bank.

Craig Caulkins from the Ferndale School District relayed the necessity of closing a portion of North Bellingham School. This facility is not in the City limits nor is it in the UGA, however the City currently supplies both water and sewer. Whatcom County has permitted the installation of five portable buildings as an "emergency repair" not an "expansion". It is anticipated the School District will rebuild the damaged portion. It was recommended by Director Cecil that the District be allowed to reconnect to water and sewer lines as there will be no change in usage.

Director Cecile notified Council that park maintenance is out of control. It was suggested by Councilmember Jensen the Park, Recreation and Trails Advisory Board could be used to prioritize the maintenance of City parks.

MAYOR REPORTS

Mayor Landcastle announced there would be an executive session at the end of the regular council meeting.

COUNCIL REPORTS/COMMENTS

Councilmember Jensen reminded all of the Street Fair this weekend

DEPARTMENT REPORTS

Treasurer Peterson reported the State Auditors are on site and invited council to attend the entrance conference. He will inform them of the date when it is set.

EXECUTIVE SESSION

At 8:40 Mayor Landcastle stated that the Council would be entering into executive session for approximately twenty minutes to discuss real estate issues. He added that upon re-convening, action may occur.

RECONVENE

The meeting was called back to order at 8:55 p.m.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 8:57 p.m.

ATTEST:

Jerry Landcastle, Mayor

Sylvia Stiles, Deputy City Clerk

ATTACHMENT A:

MINUTES

**Streets and Utilities Committee Meeting
Held Wednesday, August 15, 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

TRANSPORTATION BENEFIT DISTRICT INFORMATION

Mayor Landcastle distributed information regarding the creation of transportation Benefit districts for the purpose of raising revenue. The Committee was asked to study the information and a discussion can be held at an upcoming meeting on whether or not this is worth pursuing.

NORTH BELLINGHAM GRANGE

Russ Weston was present to review with the Committee some information he had gleaned while researching the history of connections to the North Bellingham Interceptor, or Norbell line. His last reference in the City Code stated that the City charged \$500 for a connection to the line, along with a fee to be paid to Whatcom County. He said that in checking with the County, no one was able to tell him what that fee was.

The Committee held a lengthy discussion regarding what policies were being compromised, and what was fair to both the Grange and the City in allowing for this connection.

Ultimately it was decided that the City Attorney will be asked to review the situation, and staff will do further research. The Committee will look at this issue again at their meeting of August 29th.

CHURCH ROAD CROSS SECTION

Public Works Director Cecile asked Committee members whether or not the 44 foot width requirement for streets was to be followed along the entire length of Church Road. He explained that this will encroach extremely close to some residences. The Committee felt that the 44 foot rule needed to be strictly followed.

SIDEWALK DISCUSSION

Sidewalks along Church and Thornton were discussed, as Councilmember Hansen had attended a neighborhood meeting by a developer who is offering to install sidewalks for approximately \$30 per linear foot. Administrator Young stated that this would be a good discussion to hold during the August 22 budget retreat.

SECOND AVENUE EXTENSION

Director Cecile reviewed that the old Simplot property is under yet another new owner who is interested in dedicating right-of-way to the City for the purpose of a Second Avenue extension. He feels that an LID process may take too long. After some discussion, the Committee felt that this was an offer worth pursuing and asked that staff work with the owner to develop a right-of-way agreement.

LUMMI WATER QUALITY STANDARDS

Director Cecile stated that the Lummi Nation has released a "Response to Comments on Lummi Nation Draft Surface Water Quality Standards". Four pages of this document respond to the City's written concerns. This documentation will be included in the Council packets for informational purposes. Director Cecile will keep the Committee informed.

**MINUTES
Streets and Utilities Committee Meeting
Held Thursday, August 16, 2007
City Hall Conference Room
3:30 pm.**

PRESENT: Councilmembers Hansen, and Oliver
ADMINISTRATION: Jerry Landcastle, Linda Knutson, Bob Cecile

RECOMMENDATION FOR BID AWARD: DOUGLAS AND MAIN SIGNALIZATION

The Streets and Utilities Committee met on Thursday, August 16th to review the bids submitted. Director Cecile state that the tabulation showed that Soto and Sons submitted the lowest responsible bid. Two alternate bids were included for different types of retaining walls. After a brief discussion it was decided that Alternate 2 was the best choice.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to recommend that the bid submitted by Soto and Sons in the amount of 1,131,327.40 base bid including alternate bid #2, be awarded the bid for the Douglas & Main Signalization Project.

**MINUTES
Recreation and Finance Committee Meeting
Held Wednesday, August 15, 2007
City Hall Conference Room
9 a.m.**

PRESENT: Councilmembers Oliver, Jensen, and Hansen (for Downey)
ADMINISTRATION: Jerry Landcastle, Greg Young, Mark Peterson, Linda Knutson, Bob Cecile

TEMPORARY SKATE PARK DISCUSSION

At the Council meeting of August 6th, the Council had directed staff to utilize an area of City property between the Post Office and the old Ferndale Drug as a temporary skateboard park. It was thought by the Council that installing an asphalt pad of approximately 30 feet by 50 feet would cost around \$5,000.

A more realistic estimation of the cost is closer to \$15,000. Further information from the City's risk pool indicates that unless the asphalt and any structures are specifically and carefully engineered for skateboarding purposes, the City will in fact be liable for injuries.

The newly formed Ferndale Skate Park Association submitted a staff report outlining their preferences for sites, along with the advantages and disadvantages of each site. The Committee appreciated the information and input but felt that a realistic timeframe would not allow for even a temporary park until 2008, given the cost and liability issues.

The Committee directed staff to study and comment on the suggested sites. Councilmember Hansen added that he would like input from the Fire Department, Police Department and Public Works Department on all suggested locations.

COSTS TO PAVE PARKING LOT

The Council had been recently discussing whether or not to pave the north parking lot at the Conoco-Philips Sports Complex. Mayor Landcastle distributed a table showing how the costs increase each year for the proposed paving. Public Works Director Cecile stated that the current practice is to grade the lot as needed throughout the year.

Councilmember Jensen stated that he felt that the parking lot was used so infrequently that the \$45,000 could be spent in more urgent areas. He wondered if Public Works could grade the lot and add crushed gravel. This would make the lot usable over the foreseeable future.

It was moved by Councilmember Oliver and seconded by Councilmember Hansen to recommend authorization of up to \$10,000 to delineate, grade and gravel the north Sports Complex parking area. Motion passed unanimously.

REQUEST FOR SWIMMING POOL FEASIBILITY STUDY

Connie Faria, Chair of the Parks Recreation and Trails Advisory Board was present to answer questions regarding the PRTAB's recent recommendation to go forward with a Swimming Pool Feasibility Study. The Board is asking for \$25,000 to accomplish this.

The Committee all stated that a pool would be a tremendous community asset, but were reluctant to authorize the requested \$25,000 in the 2007 budget. It was generally felt that that the PRTAB should present its budget priorities and requests, including the study, a parks department, sports complex priorities, and neighborhood park improvements. Also requested were funding strategies for any and all suggestions and requests, as well as a plan that would address the creation of a Parks and recreation district.

The request for a feasibility study was remanded back to the PRTAB so that Planning Director Dennis Rhodes could work with the group on a complete presentation containing all of the requested information.

BERGSMA HOUSE OPERATION

Consultant Paul Koch updated the Committee that the Bergsma House had been completed inspected and was found to be in good condition, with approximately \$10 – 15,000 in repairs and upgrades needed. He said that once the City completed the needed repairs, the Heritage Society could take over the operation of the house for use as a rental facility for meetings, etc.

Councilmember Jensen said that an agreement with the Heritage Society, similar to one they have for the Tillicum House, would make sense. He reviewed that the Heritage Society took responsibility for making all repairs and improvements to the Tillicum House, and therefore has been able to collect and keep all proceeds generated through rentals. He did not want the City to commit to make thousands of dollars in repairs for the benefit of one organization. The rest of the Committee agreed.

Mr. Koch said that he would relate the Committee’s discussion to the Heritage Society members.

COMMUNITY GROUPS – TRANSITION PLAN FROM CONSULTANT TO PLANNING DEPARTMENT

Director Rhodes and Mr. Koch reviewed the transition plan that will have the Planning staff taking over support responsibilities for the various Community groups. Mr. Koch’s contract ends in October.

ART REVIEW PANEL

Administrator Young stated that he’s felt the Recreation and Finance Committee would be the logical body to review all responses from the Request for Qualifications for Public Art. After the RFQ’s are narrowed down, it was suggested that there be a public viewing/vote of the submitted materials. The Committee agreed with this approach.

**MINUTES
Planning and Judicial Committee Meeting
Held Wednesday, August 15, 2007
City Hall Conference Room
10 a.m.**

PRESENT: Councilmembers Jensen and Elliott
ADMINISTRATION: Jerry Landcastle, Greg Young, Linda Knutson, Dennis Rhodes,
Ryan Morrison, Paul Koch

JURISDICTIONAL COMPARISONS OF NON-CONFORMING USES

Assistant Planner Ryan Morrison reviewed a table that compared how non-conforming uses are handled in several jurisdictions in comparison to Ferndale. He noted that Ferndale has the most restrictive percentage in the Maintenance and Repair category at ten-percent. Other jurisdictions had either unlimited (most) or fifty-percent. The Planning Department was recommending that the Council consider raising the current percentage to at least fifty percent.

The Committee reviewed the comparisons ***and recommended that this discussion go to the full Council for review and possible action.***

REVIEW OF LARGE RETAIL WORKSHOP OF AUGUST 8TH

Director Rhodes and Consultant Koch reviewed that the first workshop in a series of three was held on Wednesday August 8th. Both were disappointed that the meeting was not better attended but felt that those who did participate did a “great job” in discussions.