

MINUTES
Ferndale City Council Meeting
Held Monday, November 5, 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** **Public Works Director Bob Cecile**

City Treasurer Mark Peterson	Police Chief Michael Knapp
Planning Director Dennis Rhodes	Deputy City Clerk Sylvia Stiles

Mayor Jerry Landcastle Presiding

CALL TO ORDER

The regular meeting of the Ferndale City Council was called to order at 7:00 p.m. by Mayor Jerry Landcastle.

PUBLIC COMMENT

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 October 15, 2007.*
- *Approval of Payroll of October 18, 2007 – Auto Deposit amount \$102,561.62, Federal Tax Deposit Amount \$39,021.85 Checks # 50531 - #50543 Amount \$53,308.10 Total Payroll \$194,891.57 (regular payroll)*
- *Approval of Payroll of October 19, 2007 –Federal Tax Deposit Amount \$ 5,901.92 Check # 50544 – # 50546 Amount \$ 11,777.65 Total Payroll \$17,679.57 (Retro Police Management)*
- *Approval of Payroll of November 2, 2007 – Auto Deposit amount \$ 102,280.61, Federal Tax Deposit Amount \$38,194.57, Checks # 50547 - # 50560 Amount \$54,237.19, Total Payroll \$194,712.37 (regular payroll)*
- *Approval of Claims Run of November 5, 2007 – **Manual** Checks #62896 - #62926; amount: \$61,074.33; **Regular** Checks #62927 - #63018 amount: \$544,974.64, Totaling \$606,048.97*
- *Notes from October 29, 2007 Transportation Summit*
- *Proclamation – Olde Fashioned Christmas Weekend*

Motion passed unanimously.

MONTHLY CHAMBER OF COMMERCE REPORT

Guy Occhiogrosso from the Chamber highlighted speakers they have had in the past month. There are new visitor information signs in three locations along Portal Way. He also announced Ferndale Mini-Market was this year's winner of the Pumpkin People Contest. There will be a holiday tree decorating contest.

MONTHLY CCA, FDDA, & PRTAB REPORT

FDDA: Jamie Amend remarked on FDDA events for the month of October: Art displays in the annex when the Community Services begin operation. The FDDA is going to emphasize two areas, the first the Community Service Center and the second is the new Library. Their regular

meeting time will be noon of second Thursday of each month. The Association will be initiating bylaws to see if they have any inconsistencies and avoiding duplication with the Chamber. Eric Weden will be filling a position on the Transportation Standing Committee of the FDDA. FDDA will work towards a more extensive Oktoberfest.

PRTAB: Connie Faria noted the board is working on the trails portion of the master plan. They are also working on adding more members to the parks board and working with the 2008 Capitol Improvement Program.

CCA: Director Rhodes reported the CCA will be working on bylaws for clarification of their mission.

DOMESTIC VIOLENCE VICTIM ADVOCATE GRANT UPDATE – TODD ANDERSON

Goals of the grant are to continue and enhance 24 hour on-call community based domestic violence advocacy services and to increase victim safety and offender accountability in domestic and dating violence cases. The grant has been accepted for the domestic violence advocate in the amount of \$233,185 which is a two year grant. An advisory committee has been established to be develop a program and begin the hiring process. The entire grant is for \$270,685. There will be five municipalities receiving services from this program.

RFP OVERVIEW – LIBRARY DISTRICT PROJECT MANAGER

The Library District is requesting a RFP to appoint a project manager to work with the City, Library and Community Foundation on the library. The budget for this service on a full time contract is \$50,000 per year at no cost to the City as the donor has agreed that fund monies can be used to support the position.

Councilmember Hansen asked for clarification of who would be paying this position salary. It was confirmed that this was not a City funded position.

It was moved by Councilmember Reilly and seconded by Councilmember Hansen to support Library manager RFP.

Motion passed unanimously.

BAKerview PUMP STATION – EDI APPLICATION RESOLUTION & LOCAL REIMBURSEMENT RESOLUTION

The City is seeking two funding options for the Booster Pump Station. Two resolutions were presented one for state LOCAL program and the other is for the county EDI (Economic Development Investments) Grant. Treasurer Peterson briefly explained the payment obligations with each type of funding. Payment for this project will be out of the Water Fund.

It was moved by Councilmember Jensen and seconded by Councilmember Downey to approve Res 7-11-05-Afor EDI Grant for Bakerview Pump Station.

Motion passed unanimously.

It was moved by Councilmember Jensen and seconded by Councilmember Downey to approve Resolution 7-11-05 for LOCAL program for Bakerview Pump Station.

Motion passed unanimously.

JUVENILE DETENTION CONTRACT

The City is currently using these facilities even though we do not have a contract. This does not change anything operationally. The County is asking to have a contract for juvenile detention services.

It was moved by Councilmember Oliver and seconded by Councilmember Downey to approve contract for Juvenile Detention between the City of Ferndale and Whatcom County.

Motion passed unanimously.

LAW AND JUSTICE NEEDS ASSESSMENT UPDATE – CAL JORDAN

Chief Knapp remarked on the efforts of the assessment committee reviewing the needs of the Law and Justice Center. Cal Jordan reviewed the space needs for this facility. The results are based on the following factors – an assessment of needs, population growth, future staffing, space standards by use, and the area required for support functions. Mr. Jordan explained how they determined the number of FTE's per thousand for calculating the future space needs of this facility. Shared space between the Police Department and the Court were also considered especially with the bathroom, brake rooms, meeting rooms and storage needs. Current estimate is the needed space will be approximately 25,000 square feet. Councilmember Oliver asked if there is consideration of a completely new structure. Mr. Jordan felt that was a possibility. Mayor Landcastle indicated the next phase is the design phase of the structure.

LETTER OF UNDERSTANDING – WINDWARD H.S. AND NOOKSACK SALMON ENHANCEMENT

The pilot program will be for two years with project goals as defined in the Comprehensive Stormwater Plan which will be used as a guide throughout the project. This project provides a way to get real world projects into the classroom and will provide a way to get citizens attention. Windward High School has a grant to pay for monitoring equipment and will start with five monitoring points then expand to other areas once the program is operating. The High School will also setup a website for field/lab results and provide education and outreach activities. NSEA will train and oversee the students and help with community outreach. The City will pay for direct monitoring costs, publications and provide Windward High School Foundation \$5,000 for coordination, planning and other related service. The City will also provide NSEA with \$5,000 for professional services relating to this project. Jill Iwasaki, Bellingham and Chuck Shelly, Bellingham, explained the student wrote the grant for \$6,800. The students are excited to get started and help out the community.

It was moved by Councilmember Jensen and seconded by Councilmember Hansen to support letter of understanding for services and volunteer work between Windward High School and NSEA.

Motion passed unanimously.

LARSON/HAGGEN LAND SWAP – SURPLUSING OF ROW

The Larson/Nolan families have submitted a petition to the City for vacation of a right-of-way over and across the real property commonly know as 1851 main street, Ferndale, WA. Representatives of Hagggen and the Larson family have come to an agreement for a connector to all of their properties fronting Main Street. The City has been asked to participate in a land exchange to make the future connector possible. This agreement has taken several years to come together. No action is required at this time.

The land owners Attorney and the City Attorney will work to draft language for this agreement to insure the roadway will meet city standards. The City Council will need to make a determination that this is in the best interest of the City. Councilmember Downey asked if the City will receive a constructed road not just a right-of-way as a result of this agreement. Mr. Lakey confirmed this would be the case.

PUBLIC FACILITIES INTERLOCAL AGREEMENT

The City of Bellingham is requesting an Interlocal Agreement between Whatcom County and the Cities within Whatcom County. There would be no monetary benefit to the City. The question of the City being able to opt out of this agreement was answered in a letter for the City of Bellingham which states "The City of Bellingham cannot agree to a provision that would authorize any city to a future 'opt out' of the Public Facilities District obligations". The letter also states "it is clearly the intent of all parties that the cities ratifying the original Interlocal Agreement dated July 31, 2002, are covered by all the provisions of that agreement, including, but not limited to Section 12 of that Interlocal which is the provision related to indemnity and hold harmless. The City of Bellingham's position is to back the bonds.

Therese Holm and Dick Little from the City of Bellingham were on hand to answer questions from the council and audience. Councilmember Reilly asked why Ferndale was not included in the original agreement in 2002. Councilmember Hansen noted he had been contacted and told the funds would come out of the Mt. Baker project if Ferndale did not support the Interlocal Agreement. Ms. Holm assured Council the City of Bellingham is committed to the Mt. Baker Theatre and the Art and Children's Museum projects. Councilmember Oliver reiterated his support for these projects which will benefit all of Whatcom County. Councilmember Jensen implied it would be wise that the concerns of the small city be passed on to the City of Bellingham. Councilmember Hansen claimed he thought the projects put together by the City of Bellingham and Whatcom County were fabulous but he is disturbed there was no need to contact the small cities until this point and Bellingham passed a resolution against Pioneer Plaza but now wants out sales tax.

After a lengthy discussion it was moved by Councilmember Oliver and seconded by Councilmember Downey to approve the Interlocal Agreement between the City of Bellingham and Whatcom County to include cities of Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas, as parties to the Public Facilities District for a Regional Center in Whatcom County.

Motion passed 4 to 3 with councilmember Olson, Reilly and Hansen voting no.

MAYOR REPORT

COUNCIL REPORTS/COMMENTS

Jim Elliott announced there will be occupancy in the annex in January 2008
There will be a 2 hour fund raising for the American Red Cross drive for Whatcom County tomorrow afternoon from 3-5.

DEPARTMENT REPORTS

PLANNING DEPT:

Director Rhodes reported the department has received a \$12,000 grant with a 20% match for permit processing software.

On December 14th the Planning Commission has scheduled a meeting at 7:00 with a focus on LEED.

PUBLIC WORKS:

Director Cecil referred the council to a list which outlines the state of condition for many of the City's large vehicles and equipment.

Public Works is requesting an additional \$20,000 to change the angle at Washington, Legoe and Main St. as part of the Douglas Main Street Project. This would not be part of the federal project. The right of way has already been acquired.

After discussion it was moved by Councilmember Downey and seconded by Councilmember Jensen to approve an additional \$20,000 for the Douglas Main Street project to improve the intersection at Washington and Main Street intersection. Motion passed 6 to one with Councilmember Reilly voting no

CITY TREASURER:

Treasurer Peterson announced on November 1 the Sewer Fund had enough money to meet its debt service.

EXECUTIVE SESSION: Real Estate Matters

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 8:59 p.m.

ATTEST:

Jerry Landcastle, Mayor

Sylvia Stiles, Deputy City Clerk

MINUTES

Streets and Utilities Committee Meeting

Held Wednesday, October 31, 2007

City Hall Conference Room

7:30 a.m.

PRESENT: Councilmembers Reilly, Oliver and Hansen
ADMINISTRATION: Greg Young, Jerry Landcastle, Bob Cecile, Mark Peterson, Sylvia Stiles, Dave Bren

AGREEMENT – WINDWARD HIGH SCHOOL AND NSEA

Director Cecile distributed a Letter of Understanding for service and volunteer work including: storm water quality monitoring and education/outreach service for the 2007-2008 school year between Windward High School, NSEA and the City. The pilot program will be for two years with project goals as defined in the Comprehensive Stormwater Plan which will be used as a guide throughout the project. This project provides a way to get real world projects into the classroom and will provide a way to get citizens attention. Windward High School has a grant to pay for monitoring equipment and will start with five monitoring points then expand to other areas once the program is operating. The High School will also setup a website for field/lab results and provide education and outreach activities. NSEA will train and oversee the students and help with community outreach. The City will pay for direct monitoring costs, publications and provide Windward High School Foundation \$5,000.00 for coordination, planning and other related service. The City will also provide NSEA with \$5,000 for professional services relating to this project.

It was moved by Councilmember Reilly and seconded by Councilmember Oliver to recommend to the full Council to contract with Windward High School and NSEA for stormwater monitoring program. Motion passed

BECKSTEAD REQUEST AT 5600 FIRST AVE.

Mr. Beckstead is requesting consideration of placement of a fence be extended into the right of way by approximately two feet to match the end of the garage which also extends into the right of way. He is also requesting the driveway be improved to asphalt for the existing gravel. Mr. Beckstead needs to use a wheelchair at times. The committee felt that an easement to allow the garage to remain would be acceptable. It was agreed by the committee that the fence be place on the actual property line and the

driveway be restored to gravel at this time. When the Riverwalk is completed the committee may reconsider paving the driveway.

VOTH PROPERTY LINE UPDATE

Public Works Director Cecile reminded the committee of a discrepancy regarding the property line for Mr. Voth. It was recommended by Kyle Haggith, Land Development Engineering and Surveying Inc., that the City consider a lot line adjustment for the cost of approximately \$2800.00. Mr. Voth is seeking a lot line adjustment rather than a easement because he would like clear title to his property. Director Cecile reviewed the survey and did not see any errors. Councilmember Oliver cautioned that the City needed to be sure to follow the law.

PRE-MELT EQUIPMENT

Public Works Director Cecile is requesting the purchase of pre-melt equipment to be ready for winter storms. There is a decision card in the 2008 budget but they would like to have it purchased prior to winter. The environment safe pre-melt can be obtained from DOT or the City of Bellingham. The pre-melt goes on ahead of the event so the snow will not stick to areas where it has been applied. Councilmembers Hansen and Reilly had concerns that it would work due to unpredictable whether. Director Cecile stated it was important that the pre-melt be applied on overpasses, bridges, the roundabout, and some hills including Vista from the roundabout to the top of the hill and Church Road. Sand with salt would still need to be used. This will be discussed as a decision card at the Budget Work Session on Monday, November 5th. It was estimated that pre-melt would be applied to 4-5 miles of pavement each time.

It was moved by Councilmember Hansen and seconded by Councilmember Reilly to recommend to the full Council the purchase of pre-melt and equipment. Motion passed.

FAST CAP PROJECT ON PACIFIC HIGHWAY

Fast Cap Business is relocating to Ferndale on Pacific Highway. Company is currently in the planning process and need to do frontage improvements. They have proposed frontage improvements along Pacific Highway and are seeking to give in lieu fees rather than do specified improvements where the property dips into Silver Creek. Committee discussed the possibility of ever being able to do improvements in the Silver Creek area because it is a salmon stream. Councilmember Hansen felt it is reasonable to consider in lieu payments. Section 12.14.060 of the Code prescribes how the in lieu payment would be calculated. Committee engaged in a brief discussion with the Treasurer regarding the accounting for in lieu funds. Director Cecile felt the developer may be able to bond for these improvements.

ROUNDAABOUT LANDSCAPING

Administrator Young submitted an architectural drawing of proposed landscaping for the Malloy Roundabout. The height of the trees is a safety measure because it forces the driver to look to the left instead of across the roundabout. Landscaping is designed to be low maintenance. Estimated cost would be \$15,000.00. The committee briefly discussed various types of plants and the appropriated time to plant. Councilmember Reilly does not want to spend any more money on the roundabout. This item will be on a decision card of the Budget Work Session on November 5th.

BAKerview PUMP STATION

Administrator Young pointed out the City is seeking two funding options for the Booster Pump Station. Two resolutions were presented one for state LOCAL program and the other is for the county EDI (Economic Development Investments) Grant. Treasurer Peterson briefly explained the payment obligations with each type of funding. Payment for this project will be out of the Water Fund.

It was moved by Councilmember Hansen and seconded by Councilmember Reilly to bring forward to the full Council the resolutions for funding of the Bakerview Pump Station. Motion passed.

Director Cecile advised the committee of two letters received from property owners on Ferndale Terrace asking that the powers that be remove the sidewalk. Two more letters are expected to be received today.

Councilmember Hansen stated that it was never the intention of the council to place concrete sidewalks on Ferndale Terrace. It is a pathway and residents are using it. It is currently safer than it was before. LID's have been discussed but not enough people were interested in doing so. Councilmember Reilly reiterated that this is temporary sidewalk until the roadway project is done.

Councilmember Hansen has had a request for the City to remove some tennis shoes which are on overhead wires on Legoe Lane. Director Cecile explained that we do not have the equipment to remove the shoes. He will contact the appropriate utility of the need to remove them.

MINUTES
Recreation and Finance Committee Meeting
Held Wednesday, October 31, 2007
City Hall Conference Room
9 a.m.

PRESENT: Councilmembers Oliver, Jensen, and Downey
ADMINISTRATION: Greg Young, Jerry Landcastle, Sylvia Stiles, Mark Peterson, Dennis Rhodes

BOYS AND GIRLS CLUB FOOTPRINT

Councilmember Oliver introduced Chet Lackey, Lynn Templeton from the Boys and Girls Clubs of Whatcom County, and Doug and Susie Landsem project architects for the New Club. Mr. Templeton informed the committee they are moving forward with capital campaign totaling 4.5 million dollars, 3 million of that amount will go to this project. Mr. Lackey illustrated a site plan showing the new structure located on the west side of the existing parking to Pioneer Park. The site of the old building would be 30 to 35 new parking spots. The site plan description needs to be added ground leasing and a possible bridge loan. They are seeking a commitment from the City to the plan and location. Mr. Landsem displayed the structure plan to the committee. The building is designed as a farm agriculture design to look like it belongs in the park. There would also be a separate shared restroom facility as part of the project. It was suggested the club would construct with mostly volunteer labor the restroom facility and give it to the City. Committee felt there could be some minor adjustments to the design for better access during community functions. This would be taken to the Parks Board on November 15th, Old Settlers, Heritage Society then back to the council.

BAKerview PUMP STATION

Administrator Young pointed out the City is seeking two funding options for the Booster Pump Station. Two resolutions were presented one for state LOCAL program and the other is for the county EDI (Economic Development Investments) Grant.

ROUNDAbout LANDSCAPING

Administrator Young submitted an architectural drawing of proposed landscaping for the Malloy Roundabout. Landscaping is designed to be low maintenance. Estimated cost would be \$15,000.00. This item will be on a decision card of the Budget Work Session on November 5th.

MINUTES
Planning and Judicial Committee Meeting
Held Wednesday, October 31, 2007
City Hall Conference Room
10 a.m.

PRESENT: Councilmembers Jensen, Elliott and Downey
ADMINISTRATION: Greg Young, Jerry Landcastle, Sylvia Stiles, Dennis Rhodes

CONTRACT FOR SERVICES – JUVENILE DETENTION

Administrator Young pointed out the city is currently using these facilities even though we do not have a contract. This does not change anything operationally. The County is asking to have a contract for these services. Councilmember Jensen questioned the cost of these facilities compared to the jail facility.

Councilmember Downey explained the requirements for housing youth and females are much more costly.

It was moved by Councilmember Downey and seconded by Councilmember Jensen to move the contract for Detention Services agreement forward to the full council. Motion Passed

AGREEMENT – WINDWARD HIGH SCHOOL AND NSEA

Administrator Young distributed a Letter of Understanding for service and volunteer work including: storm water quality monitoring and education/outreach service for the 2007-2008 school year between Windward High School, NSEA and the City. The pilot program will be for two years with project goals as defined in the Comprehensive Stormwater Plan which will be used as a guide throughout the project. This project provides a way to get real world projects into the classroom and will provide a way to get citizens attention. Windward High School has a grant to pay for monitoring equipment and will start with five monitoring points then expand to other areas once the program is operating. The High School will also setup a website for field/lab results and provide education and outreach activities. NSEA will train and oversee the students and help with community outreach. Councilmember Jensen felt the city needed to appoint a stormwater compliance officer. Administrator Young indicated this could be the Public Works Director of the Code Enforcement Officer.

LIBRARY REQUEST FOR PROPOSAL

Joan Aroldi from the Library District and Sue Sharp for the community foundation were present to discuss with the committee the need to appoint a project manager to work with the City, Library and Community Foundation on this project. The budget for this service on a full time contract is \$50,000 per year at no cost to the City as the donor has agreed that fund monies can be used to support the position.

Administrator Young asked how long this position would last. Ms. Aroldi replied that the intention is to have a one year contract. The donor is interested in doing anything that will move the project along.

LARSEN/HAGGEN LAND SWAP

HAGGEN-LARSON-WALGREENS CONNECTOR

Administration reviewed that representatives of Haggen and the Larson family have come to an agreement for a connector to all of their properties fronting Main Street. The City has been asked to participate in a land exchange to make the future connector possible. This agreement has taken several years to come together, and the Committee felt that the land exchange made sense.

It was moved by Councilmember Downey and seconded by Councilmember Jensen to move the Larsen/Haggen Land Swap forward to the full council. Motion Passed