

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, April 16, 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 Gary Jensen</b>	<b>Councilmember Keith Olson</b>

**ABSENT:** Councilmember Ken Downey (Excused)

**STAFF:**

<b>City Administrator Greg Young</b>	<b>City Clerk Linda Knutson</b>
<b>City Treasurer Mark Peterson</b>	<b>Planning Director Tom Black</b>
<b>Public Works Director Bob Cecile</b>	<b>Police Chief Michael Knapp</b>
<b>EDC/Parks Consultant Paul Koch</b>	

**Mayor Jerry Landcastle Presiding**

**STUDY SESSION – 5PM TO 7PM**

**5:00 – 6:00: Sidewalk Repair and Construction Presentation:** Mayor Landcastle presented the Council with a Power Point slideshow that detailed several areas in the City with incomplete or non-existent sidewalks/pedestrian pathways. The Council and staff concurred on several areas that need immediate attention. Staff will develop a priority list with cost estimates.

**6:00 – 6:15: Storm Drainage Maintenance and Cleaning Project:** Public Works Director Cecile noted that the City's contractor had done a very good job of cleaning and maintaining the City's various storm drainage systems during the 2006 "pilot project" period, and that he would like to continue these services throughout 2007. The Council was also satisfied with the project and felt that these services in 2007 should continue to be contracted out, budget allowing.

**6:15 – 6:50: Library Update:** Joan Aroldi and Nina Cox from the Whatcom County Library System updated the Council on the ongoing quest for a new Ferndale Library. The \$1 million donor has now indicated that the money can be used for the purchase of land. Some Councilmembers were concerned that the present location is no longer being considered. Ms. Cox responded that several downtown association members have expressed their desire to have a new library that would "anchor" the downtown area.

There was a general discussion regarding the formation of a library district since many non-residents use the Ferndale location, and that residents should not have to bear the cost of a new building. It was also noted that site purchase cost will not be known until purchase discussions and negotiations begin in earnest.

Ultimately it was determined that a Site Selection Committee will be formed to look into locations and possible purchases. Councilmember Jensen volunteered to sit on the Committee, with Councilmembers Elliott and Reilly volunteering to be back-ups.

**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**

**Guy Occhiogrosso** stated that the Ferndale Chamber of Commerce will be holding an informational meeting on April 30 for the purpose of discussing the Council's recent enactment of a moratorium on large retail establishments in certain areas of the City. The Chamber intends to "stimulate discussion" regarding all sides of the issue.

**Lloyd Zimmerman** stated that he was inspired by a recent trip to a small Oregon community which is building an \$8 million swimming complex. He feels that the Dome Project financing question can benefit from the information that he gleaned from this visit.

**Pat Alese** stated his strong concerns regarding the Hong property's drainage issues.

**CONSENT AGENDA:**

**After Mayor Landcastle read the Proclamation concerning Safe Boating, the following consent agenda was moved for approval by Councilmember Reilly and seconded by Councilmember Hansen:**

- Approval of Minutes of Council meeting of April 2, 2007
- Approval of Payroll of 4/03/07 – Auto Deposit amount \$99,137.72; Federal Tax Auto Deposit Amount: \$35,733.84; Checks #50231 - #50246 amount: \$53,111.73; Total Payroll: \$187,983.29 (Regular Payroll)
- Approval of Claims Run of 4/16/07 – **Manual** Checks #61649 - #61661; amount: \$29,331.38; **Regular** Checks #61662- #61720 amount: \$88,952.18, Totaling \$118,283.56
- National Safe Boating Week Proclamation
- Ordinance #1425 – Electronic Signs

**Motion passed unanimously**

**SKYVIEW (SOUTH CHURCH) FINAL PLAT**

Planning Director Tom Black reviewed that the Preliminary Plat for South Church, consisting of 78 lots, was approved by the City Council on November 7, 2005. Construction of the infrastructure for the plat has been underway for several months. The improvements to Church Road, sewer, water, and storm sewer infrastructure, and the new public streets are now substantially complete. Outstanding issues: An off-site water line required to serve the plat has not been constructed, and wetland mitigation is partially complete.

After considering the materials provided, and the status of the improvements at the site, the Plat Administrator and the Public Works Director recommend a conditional approval of the Final Plat Application. The approval would defer recordation until such time as the outstanding infrastructure items are completed. Staff recommends that if the City Council approves the project, the approval be based on the Findings of Fact and Conclusions of Law contained herein, and subject to the Conditions of Final Plat Approval as follows:

1. Douglas Road and Church Road improvements related to the installation of underground utilities and reconfiguration of the Church Road and Douglas Road intersection shall be completed to a state that adequately supports through traffic prior to recordation of the Final Plat.
2. Items on the Public Works inspection punch list shall be completed consistent with the City of Ferndale Development Standards and to the satisfaction of the Public Works Department prior to recordation of the Final Plat, including bonding.
3. After completion of improvements, as-built drawings shall be submitted to and accepted by the Public Works department prior to approval and recording of a Final Plat.
4. Tracts of land not suitable as building lots, such as the landscaping buffer on the westerly portion of the property and the wetland and stormwater detention tract, together with any associated facilities or equipment shall be privately owned and maintained by the Homeowner's Association.
5. The final plat shall be tied to Monument 10 of the City of Ferndale "Survey Monument Network" established in June 2001 and one additional point approved by the City. The applicant's surveyor shall contact the city's GIS/Mapping Specialist to determine the additional monuments appropriate to be utilized based on the location of the project (the city-approved monumentation information shall be noted on the final).
6. Survey monumentation shall be installed prior to recordation of the Final Plat.
7. The following notes shall appear on the face of the plat under the heading "Development Notes"
  1. Traffic mitigation fees shall be paid, half at the time of Final Plat recording, and half at the time of Building Permit issuance for each lot.
  2. Park impact fees shall be paid, half at the time of Final Plat recording, and half at the time of Building Permit issuance for each lot
  3. Water and sewer connection fees shall be paid at the time of Building Permit issuance for each lot.

4. SW Sewer Bypass surcharge shall be paid at the time of Building Permit issuance for each lot.
5. School impact fees shall be paid, half at the time of Final Plat recording, and half at the time of Building Permit issuance for each lot.
8. Open space and other non-buildable parcels shall be labeled as "Tract A," "Tract B," etc. on the face of the plat. The square footage or acreage of tracts shall be included on the face of the plat.
9. Addresses shall be included within the area of each lot and tract on the face of the plat.
10. That portion of Tract A that impedes the extension of the stub road intersecting "Stratus Place" shall be dedicated to the City of Ferndale. This shall be reflected on the Final Plat.
11. The plat format shall be revised to include three pages to reduce clutter. Extraneous information shall be removed from the tract areas.
12. Storm sewer mitigation fees shall be paid prior to recording of the Final Plat.
13. Outstanding items in the wetland mitigation work shall be complete prior to recordation of the final plat, including bonding.
14. With the following exception, the draft Covenants, Conditions, and Restrictions (CC&R's) submitted to the City for review and approval are acceptable to the City.

A specific exception for wetland mitigation planting and native plant growth that occurs over time in the wetland mitigation open space tract shall be included in the "View Protection" section. The exception shall allow the impairment of views that may occur from that plant growth. The clause shall be reviewed and approved by the City prior to recordation of the CC&R's.

***It was moved by Councilmember Hansen and seconded by councilmember Reilly to approve the Skyview Final Plat as presented and subject to all conditions of approval as listed. Motion passed unanimously.***

#### **MALLOY ROUNDABOUT BID AWARD**

Public Works Director Cecile gave a brief overview of the history of the Malloy Roundabout Project, including its beginnings as a signalized intersection. The Ferndale School District had many concerns regarding the proposed signalization and ultimately the State of Washington Transportation Improvement Board suggested the installation of a Roundabout as a compromise to move the stalled project forward. To field any possible questions, engineers from Reichhardt and Ebe Engineering, and Herman Traffic Engineers were present, as well as Steve Gorcester from WashDOT.

Director Cecile stated that RAM Construction had submitted the lowest responsible bid for construction of the Malloy-Vista Roundabout at \$1,359,146.81 for schedules A and B, including tax. The Washington State Transportation Improvement Board has authorized an additional \$503,110 for this project. A historical financial spreadsheet of the project was discussed at length, with several on the Council disturbed over how costs have escalated over the past couple of years. It was also noted that with all the money that has been invested to date, it would be difficult to now halt the project.

***It was moved by Councilmember Hanson and seconded by Councilmember Elliott to accept the bid from RAM Construction in the amount of \$1,359,146.81 for the Malloy Roundabout Project.***

#### **Discussion**

Councilmember Olson said that he would not support the motion as he felt the Council had been misled by accident statistics attributed to the existing intersection.

Councilmember Reilly stated that he would reluctantly support the motion because of the large amount of money that has already been put into the project.

***Motion passed five-to-one, with Councilmember Olson voting no.***

#### **FIRST QUARTER FINANCIAL REVIEW UPDATE AND BUDGET REVISION ORDINANCE**

City Treasurer Mark Peterson reviewed with the Council all of the revenues and expenditures for all funds during the first quarter of 2007. He explained that the sales tax figures had been pushed out of the projected range due to a slower than expected last two months in 2006. Also reviewed were the first quarter numbers for the Passport Acceptance Program as authorized by Council in January.

Treasurer Peterson presented the first quarter budget amendments in detail. Councilmember Olson did not recall authorizing certain expenditures regarding the Centennial Riverwalk Project. Councilmember Oliver explained that certain transfers had been recommended at the Committee level regarding the funding of the Riverwalk. After some discussion it was agreed that certain recommended transfers could wait until the Riverwalk Project is bid.

***It was moved by Councilmember Oliver and seconded by Councilmember Reilly to approve Ordinance #1424 authorizing the First Quarter Budget Amendment as discussed and revised. Motion passed unanimously.***

#### **CITY HALL ANNEX – USE AGREEMENT**

Paul Koch reviewed that the City Hall Annex has been approved for use by several service agencies, and as such, needs to have in place an agreement that outlines responsibilities of the City and the agencies for use.

The Council had some questions regarding the Annex's availability and completion of some of the upgrades. Mr. Koch responded that the building is approximately thirty days from completion.

***It was moved by Councilmember Jensen and seconded by Councilmember Reilly to approve the City Annex Use Agreement as outlined. Motion passed unanimously.***

#### **REVISED PARK MASTER PLAN ADOPTION ORDINANCE – PUBLIC HEARING**

Paul Koch reviewed that the latest draft of the Parks Master Plan had incorporated all of the changes recommended by the Council during their last review of the document, including the paring down of the Capital Improvement Plan and certain park classifications.

Mayor Landcastle briefly reviewed Public Hearing protocol.

#### **Public Hearing Opened**

**Connie Faria, Chair of the Parks Recreation and Trails Advisory Board**, stated that the Board had worked very hard over the past several months to update the Plan as directed. She felt the current draft was well thought-out, and should be approved.

#### **Public Hearing Closed**

Councilmember Jensen expressed that he hoped the Board would be able to look in to the creation of a Parks/Recreation District in the near future.

***It was moved by Councilmember Hanson and seconded by Councilmember Jensen to approve the Parks Master Plan. Motion passed unanimously.***

#### **FIRST QUARTER DEPARTMENT HEAD 2007PROJECTS/GOALS UPDATE**

Department Managers City Treasurer Mark Peterson, Planning Director Tom Black, Public Works Director Bob Cecile, Police Chief Michael Knapp, and City Clerk Linda Knutson each updated the Council on the progress made on 2007 departmental goals and projects through the first quarter.

#### **MAYOR REPORTS/COMMENTS**

Mayor Landcastle reported that the citizen who was interested in starting a community garden had met with the Recreation and Finance Committee, the toured a plot of land near the Bergsma House. She reported back to Administration that she felt the land would work well for a garden.

Mayor Landcastle also reported on an upcoming public official's workshop that Councilmembers could attend if interested.

#### **COUNCIL REPORTS/COMMENTS**

Councilmember Elliott reported that because so few people have entered the Centennial Chili Contest, it may have to be cancelled.

#### **ADJOURNMENT**

There being no further scheduled City business the meeting was adjourned at 9:30 p.m..

#### **ATTEST:**

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Jerry Landcastle, Mayor

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Linda Knutson, City Clerk

#### ***ATTACHMENT A:***

### **MINUTES - Streets and Utilities Committee Meeting Held Wednesday, April 11, 2007, 2007**

#### **SIDEWALK MAINTENANCE PROGRAM**

Mayor Jerry Landcastle stated that a pictorial inventory of sidewalk issues will be presented at Monday's Council meeting. He said that the installation, extension, and maintenance issues are more complex than simply going into an area and laying sidewalks, because of issues such as height profiles, culverts, and homeowners encroaching on right-of-way.

The Committee felt that regardless of such impediments, it was important to begin working through these issues. Homeowners should be informed that encroachments will be correct and sidewalks installed where appropriate. Also, any areas where two existing sidewalks can be connected should be a high priority.

***This will be discussed at the next Council meeting's work session.***

#### **STORM DRAINAGE MAINTENANCE PROGRAM**

City Administrator Young stated that the Council-authorized Storm Drainage Maintenance Program has worked out well for the Public Works Department. The City's contractor had accomplished more than originally expected, and their work was of good quality and quantity. Staff will recommend to the full Council that this program continue to be contracted out.

***This item will be discussed at the next Council meeting's work session.***

#### **SKYVIEW FINAL PLAT**

The Skyview Final Plat, originally called South Church, is ready for final plat with only a few punch list items left to be completed. The larger issue is that there is not water service currently available. A neighboring development was suddenly halted due to the death of Ron Fisher, one of the owners. Service to Fisher's plat was to be the connection to extend service to the Skyview Plat.

Staff feels that approving final plat to Skyview, with the condition that it not be recorded until water is available, is an appropriate action for the Council.

***This item will moved forward for full Council consideration at the next meeting.***

#### **MALLOY ROUNDABOUT BID AWARD/RESULTS**

Administrator Young reviewed that the lowest bid for the Malloy Roundabout has been tabulated at \$1,359,146.81 for schedules A and B, including tax. The Washington State Transportation Improvement Board has authorized an additional \$503,110 for this project. A historical financial spreadsheet of the project was reviewed and discussed.

It was noted that Public Works Director Cecile and City Engineer Mark Stockton will be sharing the project management duties with the City's contracted engineers Reichhardt and Ebe. The Committee agreed that project management was the main reason the City Engineer position had been authorized by Council last year.

Public Works staff, Reichhardt and Ebe Engineering, and Herman Engineering will all be present at Monday's Council meeting to answer any questions on this project.

***This item will go forward to the full Council for consideration at the April 16<sup>th</sup> meeting.***

### **TRIGG ROAD SEWER**

The Committee discussed the timing and scope of the proposed Trigg Road Sewer Project. The Trigg Woods development was slated to contribute approximately \$50,000 to the project but is nearly ready to complete their infrastructure. They are now ready to install an eight-inch line in order to complete their project, since it appears the City is still some time away from beginning the larger project. Administration will keep the Committee updated.

### **WATER LEAK REFUND POLICY**

City Treasurer Mark Peterson updated the Committee that the City had refunded approximately \$30,000 in 2006 for reported leaks. This Committee had asked for recommendation on how to reduce those leak-related costs.

The current policy requires proof of leak repairs and charges the customer on their winter average usage plus fifteen percent of the used water. Customers are allowed one leak adjustment during any twelve month period. Other local cities vary in leak policies, from charging nothing, up to charging fifty-percent.

The Committee discussed different scenarios and options. The final consensus was for staff to develop a policy that allows leak adjustments on a three year cycle and charging fifty percent of the used water.

### **RATE ANALYSIS**

City Treasurer Peterson and Administrator Young are working on a rate analysis that will be ready for Committee review in the near future.

### **ATTACHMENT B:**

#### **MINUTES - Recreation and Finance Committee Meeting Held Wednesday, April 11, 2007**

### **FIRST QUARTER FINANCIAL REVIEW AND PASSPORT ACCEPTANCE UPDATE**

City Treasurer Peterson reviewed revenues, expenditures for the first quarter of 2007. Most funds are at, or nearly at, projected levels. Some specific funds were discussed, as well as earned interest from several sources.

Also reviewed were the passport numbers for the first quarter.

### **FIRST QUARTER BUDGET AMENDMENT ORDINANCE**

City Treasurer Peterson reviewed the First Quarter Budget Amendment Ordinance. Amendments were detailed over all of the funds, all of which have been authorized by the Council since the original budget was passed in December of 2006.

***This Ordinance will be reviewed by the Council at the next regular meeting.***

### **COMMUNITY GARDEN**

Andrea Traner from the Small Potatoes Gleaning Project was present as a follow up from the last Council meeting. She had asked Council to consider allocating some city-owned land for a community garden. The group is requesting one-half – to-one full acre of land, with water access and good sun exposure. The Gleaning group would do the rest of the needed upgrades. They are looking toward spring of 2008 to begin the garden project.

The Committee discussed several possible sites. The most promising area is located at the Bergsma House south of Pioneer Park. Ms. Traner will walk the site and let Administration know if it meets the preferred site requirements.

### **TOURNAMENT SCHEDULING**

The Committee reviewed the City's current policies concerning use of the Conoco-Phillips Sports Complex. Tournament scheduler Laura Rehberger handed out the policies adopted by Council last year and also handed out the current schedule to-date.

Mike Pennylegion was present and expressed his dissatisfaction that the Complex was not youth only. He felt that was its intended purpose. Steve Oliver and Jerry Landcastle reviewed the history of the project and how it became a mixed-use facility. Both explained it was never intended as a youth-only OR as an adult only facility.

After a lengthy discussion on field availability, it was suggested that scheduling be set up for youth teams to use between approximately 5 p.m. to 8 p.m., and adult teams from 8 p.m. to 11 p.m. It was pointed out that some set up time is needed between the youth and adult scheduled games.

A Pony League field is being readied for use near the soccer fields. Mr. Pennylegion said that he will arrange to help with the rock-picking as that field is being built.

**ATTACHMENT C:**

**MINUTES**

**Planning and Judicial Committee Meeting - Held Wednesday, April 11, 2007, 2007**

**SKYVIEW FINAL PLAT**

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Staff feels that approving final plat to Skyview, with the condition that it not be recorded until water is available, is an appropriate action for the Council.

***This item will moved forward for full Council consideration at the next meeting.***

**CITY ANNEX USE AGREEMENT**

City Administrator Young reviewed the Use Agreement for the different agencies that are or will be using the City Hall Annex Building. The agreement covers space allotments, days and hours of use, key responsibilities, and utility percentages, among other things.

***This item will go forward for full Council consideration.***

**MALLOY ROUNDABOUT BID AWARD/RESULTS**

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Public Works staff, Reichhardt and Ebe Engineering, and Herman Engineering will all be present at Monday's Council meeting to answer any questions on this project.

***This item will go forward to the full Council for consideration at the April 16<sup>th</sup> meeting.***