

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, December 16, 2019**  
**City Hall Annex – Council Chambers**  
**6 p.m. Regular Meeting**

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**STAFF:**

**City Administrator Jori Burnett**  
**City Clerk Susan Duncan**  
**Communications Officer Riley Sweeney**

**Chief of Police Kevin Turner**  
**Community Development Director Haylie Miller**  
**Public Works Director Kevin Renz**  
**Finance Director Sirke Salminen**

**Mayor Jon Mutchler Presiding**

**CALL TO ORDER: FLAG SALUTE/ROLL CALL**

**PRESENT BY ROLL CALL:**

**Councilmember Rebecca Xczar**  
**Councilmember Greg Hansen - via Skype**  
**Councilmember Keith Olson**  
**Councilmember Teresa Taylor**

**Councilmember Ryan O'Larey**  
**Councilmember Kate Bishop**  
**Councilmember Ramon Llanos**

**APPROVAL OF AGENDA**

***Councilmember Taylor moved, and Councilmember Bishop seconded, to approve the agenda as presented. Motion carried 7-0.***

**A. PUBLIC COMMENT**

No members of the public spoke.

**B. CONSENT AGENDA:**

- *Approval of December 2, 2019 Council Meeting Minutes*
- *Authorization of December 5, 2019 Payroll*
- *Approval of November 2019 Claims*
- *Ordinance: Fee Schedule Amendments*

***Councilmember Bishop moved, and Councilmember Taylor seconded, to approve the consent agenda. Motion carried 6-0.***

**C. CONSTRUCTION CONTRACT: Thornton Street Overpass Project**

Public Works Project Manager Katy Radder presented the contract and answered Councilmembers' questions.

***Councilmember Bishop moved, and Councilmember Llanos seconded, to approve the agenda bill. Motion carried 7-0.***

Public Works Director Kevin Renz presented Katy Radder with a certificate of recognition for her twenty years of employment with the City of Ferndale, and thanked her for her service.

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#### **D. ORDINANCES: Utility Rates**

City Administrator Jori Burnett presented the topic and explained the rate study conducted by the FCS Group.

***Councilmember Bishop moved, and Councilmember O'Larey seconded, to approve the agenda bill.***

***Ryan O'Larey moved, and Councilmember Taylor seconded, to amend the motion to use the option for across the board increases for the sewer rates instead of Option B as presented.***

**Gene Goldsmith, 5840 Church Road** – Said he cut his garden down since the elimination of the summer discount. He donates items from his garden to the food bank, and without the summer discount, he has had to scale back his garden and the donation to the food bank.

***On the amendment: Motion failed 3-4, Councilmembers Olson, O'Larey, and Llanos in favor.***

***On the main motion: Motion carried 5-2, Councilmembers Olson and O'Larey opposed.***

#### **E. ALDER PLAZA CATALYST PROJECT**

Community Development Director Haylie Miller presented the project and answered Councilmembers' questions.

***Councilmember Taylor moved, and Councilmember Xczar seconded, to approve the agenda bill. Motion carried 5-1, Councilmember Olson opposed and Councilmember Llanos recusing himself.***

#### **F. BOULOS TWINS ON MAIN STREET CATALYST PROJECT**

City Administrator Jori Burnett presented the project and answered Councilmembers' questions.

***Councilmember Taylor moved, and Councilmember O'Larey seconded, to approve the agenda bill. MOTION CARRIED 5-1, Councilmember Olson opposed and Councilmember Llanos recusing himself.***

#### **G. RECOGNITION OF MAYOR JON MUTCHLER**

City Administrator Jori Burnett presented Mayor Mutchler with a plaque and City centennial coin, and thanked him for his years of service.

**Eleanor King, Heights Drive** – Thanked Mayor Mutchler for being active in the community and congratulated the Mayor for his accomplishments, especially for the sidewalks in Pioneer Park and for recognizing Joe Moser and Dick Stone and naming a street after each of them.

**Linda Quinn, 2715 Douglas Road** – Thanked Mayor Mutchler on behalf of the school district and stated that the relationship between the City and School District has grown stronger under his leadership.

**Luanne VanWerven, Lynden** – Thanked Mayor Mutchler for his friendship and leadership.

**Bob Storms, Malloy Road** – Complimented Mayor Mutchler on how hard he worked to get the public involved.

**Dean Withrow, 2471 Clearview Drive** – Expressed his appreciation of the Mayor's availability to the citizens, his vision of what Ferndale can be, and his encouragement of citizens to get involved on boards and other activities.

## H. MAYOR REPORTS/COMMENTS:

Mayor Mutchler presented the Humble Hometown Hero award and read the following:

"On this date, December 16, 2019, the City recognizes Al Gitts for his contributions to the community. Al has been a long-time volunteer with the Whatcom Old Settlers, including serving as their president and runs a reliable Ferndale business that provides service to many of our law enforcement vehicles. We are proud to put his name in the record as a true Humble Hometown Hero."

Mayor Mutchler congratulated Councilmember Rebecca Xczar for earning her AWC Advanced Certificate of Municipal Leadership.

Mayor Mutchler thanked Councilmembers Olson and Taylor for their years of service on City Council and presented them with a plaque and City centennial coin.

Mayor Mutchler read the following statement:

"City Council members, staff, citizens of Ferndale. And my family. It has been an honor to work with you as Ferndale's mayor the last four years. We have witnessed remarkable achievements by people working together to make our community a better place. These improvements don't come easily. They result primarily from people who give selflessly of their time and talents, eschew petty politics, and work far beyond any compensation they may or may not receive. A few examples include:

- Over 2,000 volunteers and 300 organizations contributed time, money and sweat in 2016 to build Star Park, the most popular playground in the city.
- City Council and our staff worked together with community members to strongly and quickly reject messages of hate disseminated downtown.
- We spent a year working together on a statement and standard of respect and decorum for elected officials that has already raised the bar for public servants.
- And what I'm most proud of: the dozens of citizens who serve on various advisory boards and commissions—including teens--and a record number of outstanding people who ran for public office this year. Never have we had such an engaged community. Just look at our last townhall meeting.
- Because of an abundance of exceptional volunteers, we expanded membership on the Arts and Parks Boards and formed the Ferndale Civic Youth Council and the North Whatcom Poverty Task Force. And I'll make an extra comment here: Staff will tell you that I took each of these appointments seriously—whether decisions to add or, on rare occasion, to remove citizens from boards. I was always driven by excellence—never politics---to put Ferndale's best in places of influence, service, and vision. I did that, without regret, though it was costly and controversial at times. There's always pushback when you upset the status quo and disrupt political entrenchment.

Most of you know, I'm a pastor, but to the best of my knowledge, I don't think I've ever made an overt biblical reference from this seat. Today, however, I wish to reference 1 Corinthians 3 where St. Paul remarks that one might sow the seed. Another waters. Another harvests. And another enjoys the fruit. And though I desired to administrate the completion of some larger projects that we had planned and planted during my administration, I leave that pleasure to our next mayor—notably a new well, waste water treatment plant, Thornton Road, and a City Campus.

Let's face it: this mayor was handed a city growing and dynamic – And I have the privilege of passing it along to our next mayor in even better condition—healthy and thriving—with great opportunities ahead. You can sense it – we are on the cusp on some exciting stuff. Council approved some of those opportunities tonight.

Credit goes in large part to over 75 employees who faithfully do their jobs. But I work most closely with this executive team, sitting here, who, each of them, have contributed to making me a better leader, a better executive, a better servant, a better man.

Starting at my right hand: **City Clerk and Human Resources Director Susan Duncan:** There is a reason I reconfigured the seating of this stage four years ago: I knew that Susan would be my most valuable resource for these meetings and you've no doubt seen me whispering to her. Okay, sometimes I'm cracking jokes with her, but usually I need to know something to better serve council at that moment. She is smart, wise, dedicated, humble, and has become one of my most trusted confidants here. Mayor-elect Hansen: trust her. You will need her.

**Mr. Sweeney:** You have become the closest thing to an executive administrative assistant to me, though that was never in your formal title or job description. I think you know I value your diverse contributions to the whole city—especially our decision to set you loose on parks. But I especially value your counsel and assistance to me personally, helping me give voice to my vision and message. You've been good for the city, for the Council, our Staff, and for me.

**Jori Burnett** – one of the most difficult and gutsiest decisions I made (in part, because by necessity it was so private) was to promote you to your current position as City Administrator. You are not even a year into your new post, but you have shown composure, wisdom, grace, brilliance, and strength in what has been a uniquely challenging year for our administration. I took some political hits for this decision, but I don't regret it for one moment. You are charged with the care and administration of Ferndale's government. I am confident you will exceed our high expectations. You already have. I hope to see you serve at least four different Ferndale mayors.

**Public Works Director Keven Renz:** I continue to be amazed at how smart you are – the depth and breadth of knowledge on critical City concerns and issues. I would never bet against you in a game of "Stump the Public Works Director" – A question such as, "What's the diameter, distance from the surface, and composition of the water line at the intersection of X Avenue and Y Street?"--- you no doubt would readily know the answer. Remarkable. It shows dedication to your craft. I commend your passion for protecting the city's interests. You have also, I note, added a number of colorful phrases to the city lexicon. My personal favorite, and acronym S.S., for Snow Storm. Well done.

**Community Director Haylie Miller:** What a privilege it was to promote you to your current job. I give credit to Jori for that idea. He convinced me to give you a chance, and although you were on a nine-month probation, I knew within three weeks you were the right choice. Intelligent, poised, thoughtful, passionate, humble about your job. I hope you stay here a long time, and our City does all it can to keep you here: I know others will want to steal you away. I trust they don't succeed. Speaking of stealing:

**Finance Director Sirke Salminen:** I stole you from Lynden, and I know that some of the practices you encountered here, City-wide, were not as fine-tuned as you wanted, and you set a course to fixing that—making sure we followed all the rules and jealously guarding the public purse. I know it wasn't easy, but you learned how to navigate through a mayor, city staff, city council, and the public to bring the city the highest standard of financial integrity and efficiency. I note simply the difference in the budget process this year, over last year. We all felt it. Last year we went through the pains of needed change that you wisely initiated, and this year, things ran much more like a Swiss watch, though I realize you're Finnish. Sorry.

**Police Chief Kevin Turner:** I asked you and your family to relocate from Grantsville, Utah to replace Chief Knapp. And I think I can relate: it's tough to follow a near-legend. But you did it, and immediately found yourself embroiled in some of the most difficult situations and events a police chief could find himself in. It has been a rough year on several fronts at the P.D., but you consistently demonstrated strength and grace, wisdom and compassion, resolve and resilience. I hope you've found a home here—I know that the City and a great police department have found a home with you. I'm glad you're at the helm.

One more person, not here, but always on the agenda letterhead: **Our City Attorney Dannon Traxler:** indispensable to us, and if she didn't charge by the hour, I'd have her at every council meeting. We are lucky to have her.

**In wrapping things up** I look back on four Ferndale City elections where I ran on an established record of integrity, honesty, transparency, and keeping my promises. My darkest moments, by far, were having those core values questioned and challenged for the worst of reasons: the politics of hatred. The hurtful distress to my family and the waste of city resources and staff time cannot possibly be measured.

Based only on rumors, gossip, and twisted second-and-third hand accounts, the City had no choice but to hire an outside, independent investigator to confirm and establish what those of us at City Hall, the Police Department, and eye-witnesses already knew: *the mayor had done nothing wrong or unethical*. Or, rather artfully stated in just two words, used three separate times in the official ethics report to answer this question, "Did the mayor attempt to influence or interfere?" Detective Campos answered loud and clear for the whole department in saying, "Hell no." [Scott Snyder Report, 11/24/2019]

So, this mayor's term ends in two weeks, and though I will miss the comings and goings of being your mayor, the Mutchlers (Tommy, Hanna/Matt, Emma/Ryan, Maddie/Alex, Jack, Nicholas, Analise, grandchildren Rebecca and Daniel) – the Mutchlers live rich and fulfilled lives and have made a lasting difference here. And whether through music, dance, church, politics, or just being good neighbors and citizens, we will continue to touch lives. And who knows what doors could open in the future? I offer best wishes for success to incoming Mayor Greg Hansen and the 2020 City Council. They all have my respect and I offer any help that I can. You have a great team of city employees and plenty of residents willing to contribute. Thank you again for allowing me to be part of Ferndale's journey the last four years."

#### **I. COUNCIL REPORTS/COMMENTS**

Councilmember Olson read the following statement: "As I had previously stated, my rebuttal report of the admonishment is submitted to the City Clerk for inclusion in the official records. I will not read it aloud tonight as I want this meeting and this administration to end as quickly as possible. I welcome the new mayor and the new council to make a fresh start for this city; we need it badly."

Councilmember Xczar expressed her appreciation for working with everyone on the current Council and staff, and stated she hopes the new Council will continue to support parks and public art.

#### **J. DEPARTMENT REPORTS:**

Staff members also expressed their appreciation and thanks to the current Council for their hard work during their terms.

#### **K. COMMITTEE MINUTES – INFORMATIONAL**

##### **ADJOURNMENT**

*Council was adjourned at 7:23 p.m.*

Jon Mutchler, Mayor

##### **ATTEST:**

*Susan E. Duncan*  
Susan Duncan, CMC, City Clerk

**City of Ferndale Council Committees  
Held Wednesday, December 11, 2019  
City Hall Main Conference Room  
8:00 a.m. to 10:40 a.m.**

**ADMINISTRATION:** City Administrator Jori Burnett  
City Clerk Susan Duncan  
Community Development Director Haylie Miller  
Public Works Director Kevin Renz  
Finance Director Sirke Salminen  
Chief of Police Kevin Turner  
Communications Officer Riley Sweeney  
Deputy City Clerk Sherry DeJong  
Public Works Project Manager Katy Radder  
Public Works Supervisor Bo Westford  
Public Utilities Superintendent Mike Olinger

**Public Works & Utilities Committee**

**COMMITTEE:** Councilmember Teresa Taylor (Chair)  
Councilmember Rebecca Xczar (Vice Chair)  
Councilmember Ryan O'Larey

**CONSTRUCTION CONTRACT: Thornton Street Overpass Project** (Time on recording: .10)

*Councilmember Xczar moved, and Councilmember O'Larey seconded, to forward the item to the full Council for further discussion. Motion carried 3-0.*

The Committee was adjourned at 8:05 a.m.

**Planning & Land Use Committee**

**COMMITTEE:** Councilmember Rebecca Xczar (Chair)  
Councilmember Teresa Taylor (Vice Chair)  
Councilmember Ramon Llanos

**DISCUSSION: Alder Plaza Catalyst Project** (Time on recording: .10)

*Councilmember Taylor moved, and Councilmember Xczar seconded, to forward the item to the full Council for further discussion. Motion carried 2-0, with Councilmember Llanos recusing himself.*

**DISCUSSION: Twins on Main Street Catalyst Project** (Time on recording: 16:30)

*Councilmember Taylor moved, and Councilmember Xczar seconded, to forward the item to the full Council for further discussion. Motion carried 2-0, with Councilmember Llanos recusing himself.*

The Committee was adjourned at 9:40 a.m.

Finance & Administration Committee

**COMMITTEE:**                    **Councilmember Keith Olson (Chair)**  
                                  **Councilmember Greg Hansen (Vice Chair)**  
                                  **Councilmember Kate Bishop**

**CLAIMS: November 2019** (Time on recording: .10)

*Councilmember Bishop moved, and Councilmember Hansen seconded, to recommend approval and place the item on the regular meeting consent agenda. Motion carried 3-0.*

**ORDINANCES: Utility Rates** (Time on recording: 4:50)

*Councilmember Hansen moved, and Councilmember Bishop seconded, to forward the item to the full Council for further discussion. Motion carried 3-0.*

**ORDINANCE: Fee Schedule Amendments (Business License Fees, Annual CPI Adjustments** (Time on recording: 23:00)

*Councilmember Bishop moved, and Councilmember Hansen seconded, to recommend approval and place the item on the regular meeting consent agenda. Motion carried 3-0.*

The Committee was adjourned at 10:30 a.m.