

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, September 18, 2006**  
**City Hall Annex – Council Chambers**  
**7 p.m.**

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**PRESENT BY ROLL CALL:**

**Councilmember Steve Oliver**  
**Councilmember Ken Downey**  
**Councilmember Keith Olson**

**Councilmember Mike Reilly**  
**Councilmember Gary Jensen**

**ABSENT: Councilmember Mel Hansen (Excused)**

**STAFF:**

**City Administrator Greg Young**  
**Planning Director Tom Black**  
**Police Chief Michael Knapp**  
**City Attorney Richard Langabeer**

**City Clerk Linda Knutson**  
**Public Works Director Bob Cecile**  
**Deputy City Clerk Sylvia Stiles**

**Mayor Jerry Landcastle Presiding**

**CALL TO ORDER**

**Mayor Landcastle called the meeting to order at 7 p.m.**

**CONSENT AGENDA**

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

- *Approval of Council meeting minutes of 9/05/06*
- *Approval of Claims Run of September 18, 2006; **MANUAL** Check Run: #60315 - #60319 Totaling: \$4,259.39; **REGULAR** Check Run: #60320 - #60366 Totaling: \$63,754.04 **TOTAL CLAIMS: \$68,013.43***

***Motion passed unanimously.***

**PUBLIC COMMENT**

**George Fujimoto of the Ferndale Jet Oldsters** who thanked the Council for their continued support of the Ferndale Senior Center and its activities. He said they would appreciate funding in 2006, and hoped that consideration would be given to increasing the amount to help defray rising costs.

**Lloyd Zimmerman, Ferndale**, stated that he had emailed all of the Councilmembers to ask their consideration of placing an advisory ballot for the November general election related to the possible purchase of some a large tract of land north of the railroad tracks. He felt that his land would be ideal for a new community center.

**Walter Haugen, Whatcom County**, stated that he supports Mr. Zimmerman's idea. He is an organic farmer and felt that this proposed land would be make a great setting for a local farmers market.

**Manual Reta, Ferndale**, said that the Hispanic community celebration held the previous weekend had been a good success and was well attended. He hoped that the City Council would help make this celebration bigger and better in the coming years.

**PRESENTATION: COMPREHENSIVE PLAN UPDATE – TRANSPORTATION ELEMENT**

Planning Director Tom Black introduced Senior Planner Robb Millspaw who reviewed for the Council and assembled the Transportation element of the Comprehensive Plan update. Planner Millspaw reviewed that under the Growth Management Act, cities and counties are required to adopt Level of Service (LOS) standards to determine when growth has consumed available capacity for public services. LOS is the basis for analyzing the operating efficiency of transportation facilities and for determining whether there is sufficient capacity for development.

In Ferndale, an "area wide averaging" form of Level of Service standard for road adequacy was adopted in 1995 to evaluate the entire citywide road system as a unit. Since 1996, population has increased by 42.7%. However traffic volumes have increased by 51% overall, or by about 5% per year. Citywide road capacity-miles have

increased by an overall amount of 56% in the same period. However, most of this capacity has been on major and minor arterials. Neighborhood collectors remain overloaded, and they have become 40% more overloaded during the past decade.

During the preparation of the Transportation Element for the Comp Plan Update project, staff and the City's transportation consultant identified several deficiencies that have occurred since 1996 that should have been addressed by funding via development impact fees, namely the Transportation Impact Mitigation Policy (TIMP). The cost range of these deficiencies is somewhere between \$800,000 and 3 million. The short answer is, by reassigning the functional classification of some streets, such as Portal Way, the capacity of those streets is increased, which has the effect of reducing or perhaps even eliminating the deficiency. The Comp Plan is using the conservative figure of \$800,000.

The TIMP was adopted in 1998, based on conditions that existed in the City in 1993. The TIMP has never been updated, nor have the financial assumptions of the ordinance's model been adjusted to account for increased costs of labor and material, or for inflation. The cost of labor and materials needed to construct roadway improvements has doubled since 1995. Since the TIMP has never been adjusted to account for these increased costs, the taxpayers are effectively subsidizing new development. The burden of fixing deficiencies that have occurred over the last 10 years also falls on the public.

The GMA contains a provision known as "concurrency." In a nutshell, concurrency requires that the infrastructure shall be ready and available to accommodate all new development. One thing concurrency is designed to do is to hold up those developments that will overload the City's infrastructure. If the development renders the LOS deficient, GMA states that the City has a duty to deny the development until the problem is fixed. The City has been lenient with developments to the extent that it has allowed more development to occur than the LOS standards would have permitted. And every deficiency that has occurred since 1995 is the result of new development.

Staff believes that the TIMP should be re-evaluated on an annual basis, and that its financial model be adjusted annually to reflect the true cost of doing business. Since the TIMP has not been adjusted since it was enacted in 1998, if it were adjusted today to reflect actual costs, developers would be faced with a huge increase in this impact fee. This need not be the case if the City adjusts this fee on an annual basis.

In order to efficiently update the TIMP, the City should strongly consider the purchase of TModel2 software. This software was used by Michael Birdsall, the City's traffic consultant during the preparation of the 1992 transportation study and during the preparation of the Transportation Element for the current Comp Plan update project. The assumptions that went into the development of the TIMP were based on TMODEL2 software. Acquisition of this software module will enable the City staff to be more responsive to updating the TIMP and to keep it current.

Planner Millspaw was asked how much would be needed to purchase the modeling software. Millspaw estimated around \$9,500.

#### **PRESENTATION AND UPDATE: MALLOY/VISTA ROUNDABOUT**

Luis Ponce from the City's contracted engineering firm of Reichhardt and Ebe, presented the Council with an update regarding the Malloy/Vista Roundabout Project. There are still two right-of-way matters being worked out. The City is estimating that it can begin construction in June of 2007, and will have a good approximation of the full costs by the end of next month.

#### **ORDINANCE #1403: LIBRARY BOND**

Administrator Young stated that this ordinance was prepared, with the help of bond counsel, in response to the Council direction at their last regular meeting. Passage at this meeting would allow a one-million dollar bond to go to the voters in the November general election, with the purpose of matching the one-millions dollars given by an anonymous donor for the purpose of building a new Ferndale Library. Administrator Young also presented a financial outline of what this bond would cost average property owners each year of the life of the bond.

Several Councilmembers expressed concern regarding rushing this bond proposal forward, saying this issue had not yet been studied enough. At issue were the eventual costs of a new facility, location, and disposition of the current facility. Some Councilmembers felt that the current facility could be remodeled or reconfigured to accommodate the growing population. It was pointed out that the anonymous donor specified that the donation was for a new library, not a remodeled one.

***It was moved by Councilmember Jensen and seconded by Councilmember Oliver to approve Ordinance #1403, putting a one-million dollar bond proposal to the voters in November for the purpose of building a new Ferndale Library.***

**Discussion**

Councilmember Oliver stated that he would not support this proposal because he did not want to ask the voters for money when there is no plan in place. He said that the proponents need to take the time to define their needs and put a viable plan together so that the voters know what is being asked. He added that once a plan is complete, he would feel comfortable in supporting a better-defined ordinance.

***Motion failed four-to-one, with Councilmember Jensen voting yes.***

**ORDINANCE #1403 (re-numbered): ADDING POLICE DEPARTMENT TO THE CODE**

Police Chief Michael Knapp explained that as part of the recent LEMAP review and audit, it has been recommended that the Ferndale Police department be officially and formally “recognized” through inclusion in the Ferndale Municipal Code. The Ordinance contains language that creates and organizes the department.

***It was moved by Councilmember Downey and seconded by Councilmember Reilly to approve ordinance #1403 defining the duties and organization of the Ferndale Police Department and adding a new section to the FMC. Motion passed unanimously.***

**JOB DESCRIPTIONS FOR NEW COMMITTEES**

The Council reviewed job descriptions prepared by Paul Koch for the recently approved city advisory boards: The Economic Development Commission, the Community Coordinating Association, and the Parks, Recreations and Trails Advisory Board.

It was noted by a member of one of the Committees that a final draft of the CCA had some minor language changes that were not reflected in the description contained in the packet.

Councilmember Jensen stated that he was bothered by recent comments that the Committees should only be open to Ferndale residents. He noted that there are many people who are stakeholders in the City, even though they may reside outside of it limits. He felt that anyone who wished to serve on Committees while donating their time and efforts should be allowed to do so.

The Council discussed the pros and cons of limiting membership, and it was pointed out that all of the descriptions state only that a majority of each Committee’s make-up “shall” be citizens of Ferndale, leaving room for several non-resident members on each.

***It was moved by Councilmember Oliver and seconded by Councilmember Reilly to approve the job descriptions for the Economic Development Commission, the Community Coordinating Association, and the Parks, Recreations and Trails Advisory Board, with the noted correction to the CCA. Motion passed unanimously.***

**REQUEST FOR PROPOSALS FOR PUBLIC DEFENDER SERVICES**

Mayor Landcastle stated that the City is requesting authorization to publish a Request for Proposals for Public Defender Services. Such RFP’s are done every few years in order to make certain that the City is staying competitive in its legal services expenditures.

***It was moved by Councilmember Downey and seconded by Councilmember Reilly to authorize the Request for Proposal for Public Defender Services to be published. Motion passed unanimously.***

**DECLARATION OF SURPLUS**

It was reviewed that the City has several vehicles that are at the end of their useful life for City purposes. The Councilmembers Olson, Reilly, and Oliver had viewed the vehicles the prior Wednesday. The following are the vehicles proposed for surplus by written bid:

1984	Ford Ranger 2wd, Auto trans,	102981	1FTBR10A4EVB34765.
1986	Ford Ranger 2wd, Manual trans,	113724	1FTCR10TRGUC12163.
1975	International Flatbed. Auto trans,	18109	226710CA16068.
1992	Ford Explorer 4wd, Manual trans,	170269	1FMDU34XONU434594.
1998	Chevy Lumina, Auto trans,	53000	261W152K6W9236690.

***It was moved by Councilmember Jensen and seconded by Councilmember Oliver to declare the reviewed vehicles as surplus. Motion passed unanimously.***

**UPCOMING RETREAT OVERVIEW**

Administrator Young reviewed that the Council will be holding two upcoming retreats in order to aid in 2007 budget project prioritization. The retreats will be held Monday, September 25<sup>th</sup> from 5 p.m. to 9 p.m., and Saturday, September 30<sup>th</sup> from 9 a.m. to 2 p.m.

**MAYOR REPORTS**

Mayor Landcastle noted that the state auditors are on site at City Hall and will be holding their entrance conference on Tuesday at 10 p.m. He also informed the Council that Representative Doug Erickson has had to postpone a planned meeting with elected officials, and will re-schedule as soon as possible.

**COUNCIL REPORTS**

Councilmember Olson asked for an update on the connection upgrade agreement for the Third Avenue Sewer Improvement Project. Public Works will bring those agreements forward for review at an upcoming Committee meeting.

**DEPARTMENT REPORTS**

Public Works Director Cecile announced that the City Engineer position has been filled by Mark Stockton, who will begin work on October 2<sup>nd</sup>.

**ADJOURNMENT**

There being no further scheduled City business, the meeting was adjourned at 8:50 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, September 13, 2006**

**BOYS AND GIRLS CLUB LEASE**

City Administrator Young reviewed that this item was still under legal review, but should be ready for the full Council on Monday.

**ORDINANCE: FORMATION OF POLICE DEPARTMENT**

Administrator Young explained that while the proposed ordinance regarding the formation of the Ferndale Police Department might seem to be unnecessary, the recent LEMAP audit indicated that to become accredited, the department must be established/memorialized through local codes/ordinances. This ordinance will take that formal step in establishing the department.

***It was moved by Councilmember Oliver and seconded by Councilmember Downey to move this item forward to the full Council. Motion passed.***

**AUTHORIZATION TO PUBLISH REQUESTS FOR PROPOSALS**

City Administrator Young reviewed that the City periodically requests RFP's from its ongoing contracts in order to make certain we are making the best use of available resources. The City Clerk's Office is asking that they be able to publish the RFP in September, close in October, and have a contract in place by January. The current provider, Lester and Associates have been doing a good job for the City for a number of years and will be invited to submit a new proposal.

***It was moved by Councilmember Oliver and seconded by Councilmember Downey to move this item forward to the full Council. Motion passed.***

**ATTACHMENT B:**

**MINUTES - Recreation and Finance Committee Meeting**

Held Wednesday, September 13, 2006

**PROPOSED LIBRARY BOND**

Administrator Young distributed the proposed wording for the Library bond, as discussed at the previous Council meeting. He noted that the Whatcom County Auditor requires that two committees be appointed and charged with forming yes and no language for the voters' pamphlet. The City is facing a short time period in which to accomplish this, but can possibly appoint such committees at the next meeting.

*It was moved by Councilmember Jensen and seconded by Councilmember Oliver to move the proposed library bond ordinance to the full Council for consideration. Motion passed.*

**BUDGET RETREATS OVERVIEW**

City Administrator Young review that the upcoming budget retreats, scheduled for September 25<sup>th</sup> and 30<sup>th</sup>, will be held at the Bergsma House behind Pioneer Park. The Committee discussed some parameters of topics to be discussed in order to keep the Council focused realistic goals and outcomes.

**CABIN ROOFS AT PIONEER PARK**

Howard Vroman of the Old Settlers Association informed the Committee that the OSA had raised funds that they wished to use for replacing roofs on the historic cabins at Pioneer Park. He said that at least three, and possibly four, cabins are in need of roof replacements. The OSA was also looking at replacing one porch and a possible installation of a stamped cement pathway.

The Committee discussed possible city contributions through Lodging Tax (or other) funds, volunteer labor, prevailing wages, etc. Mayor Landcastle indicated that this issue should first go to the Parks Board for review and comment. Administrator Young said that he will look into the regulations and restrictions of using private resources for public improvements.

**JOB DESCRIPTIONS FOR NEW COMMITTEES**

The Committee reviewed job descriptions prepared by Paul Koch for the recently approved city advisory boards: The Economic Development Commission, the Community Coordinating Association, and the Parks, Recreations and Trails Advisory Board. The Committee reviewed the responsibilities of the different boards, as well as the proposed make up of the members.

*It was moved by Councilmember Jensen and seconded by Councilmember Downey to move the committee job description to the full Council for consideration. Motion passed.*

**ATTACHMENT C:**

**MINUTES - Streets and Utilities Committee Meeting  
Held Wednesday, September 13, 2006**

**REQUEST FOR DECLARATION OF SURPLUS VEHICLES**

The Committee viewed the City's vehicles that are currently slated for surplus. Under consideration are the following vehicles:

<b>Year</b>	<b>Make/Model</b>	<b>Miles</b>	<b>VIN</b>
1984	Ford Ranger 2wd, Auto trans,	102981	1FTBR10A4EVB34765.
1986	Ford Ranger 2wd, Manual trans,	113724	1FTCR10TRGUC12163.
1975	International Flatbed. Auto trans,	18109	226710CA16068.
1992	Ford Explorer 4wd, Manual trans,	70269	1FMDU34XONU434594.
1998	Chevy Lumina, Auto trans,	53000	261W152K6W9236690.
1998	Chevy Lumina, Auto trans,	50550	261WL52K1W9237598.

The Committee asked if either of the two Luminas should or could be incorporated into the City's "fleet pool" to use for conference and work-related travel. Staff felt that the current vehicle being used for those purposes are probably adequate. The Committee also asked staff to research the amount of funds that have been used to pay employee travel reimbursements when said employee's use their own vehicles. It was explained that the City designates that employees use a fleet car when available. Staff will research the amount of funds being expended for mileage reimbursement.

*It was moved by Councilmember Reilly and seconded by Councilmember Oliver to recommend that the listed vehicles be declared surplus. Motion passed unanimously.*