

MINUTES
Ferndale City Council Meeting
Held Monday, July 15, 2002
City Hall Annex Building - 5694 Second Avenue
7:00 p.m.

PRESENT: Councilmember Mel Hansen
Councilmember Marianne Elgart
Councilmember Susan Cole
Councilmember Jerry Landcastle
Councilmember Ron Wilson

ABSENT: Councilmember Albert Lavine (Excused)
Councilmember Mike Reilly (Excused)

Mayor Carolyn Jensen presiding

STAFF PRESENT : City Administrator Roland Signett
City Clerk Linda Knutson
Planning Director Tom Black
Assistant Planner Corey Smith
Public Works Director Loren Sperry
Police Chief Dale Baker
Interim Parks Director Pat Milliken
City Attorney Richard Langabeer

CALL TO ORDER

Mayor Jensen called the meeting of the Council to order at 7:02 p.m.

CONSENT AGENDA

Councilmembers Cole and Elgart noted some typographical errors in the meeting minutes of July 1st, 2002. Clerk Knutson will correct the final copy of the minutes, as noted. Councilmember Hansen moved to approve the following consent agenda, with corrections as noted, with Councilmember Elgart seconding:

1. Approval of Minutes of 07/01/2002 Council Meeting
2. Approval of Payroll of 06/28/02; Check #21051; Total Amount: \$280.51 (Qrtly L&I)
3. Approval of Payroll of 07/03/02; Auto-Deposit Amount: \$97,748.98; Checks #21052 - #21068 Amount: \$29,768.29; Total Payroll: \$127,517.27
4. Approval of Claims Run for July, 2002; Checks #38125 - #38263; Total Claims: \$355,017.91 (Check #37754 VOID-Lost in mail)

Motion passed unanimously.

PRESENTATION - TONY BIRDSALL

Mayor Jensen presented a plaque from the Council, staff and citizens of Ferndale to Tony Birdsall, who resigned from the Planning Commission after fifteen years of service. Mr. Birdsall joined the Planning Commission in 1987, and for several years held the position of Chair.

A plaque was also presented to Steve Wilkinson, who was not able to attend. Mr. Wilkinson served on the Ferndale Department of Economic Development and was instrumental in helping to get the fledgling department up and running.

PUBLIC COMMENT

Barry Haddock stated that he routinely observes motorists greatly exceeding the 25 mph speed limit on

Vista. He estimated that they are often going between 45 and 55 mph, and he asked that the police patrol the area more often.

Dave Schwigert asked about the executive session that was listed at the bottom of the agenda sheet. He inquired as to the subject of the meeting, "real estate issues", and whether the public was invited to attend. Councilmember Hansen explained that executive sessions are closed meetings that deal with sensitive issues that could be compromised if made public. In this particular instance, the City is looking at viable properties for the police public safety facility, and will not make the properties public until or if an offer to purchase is confirmed.

PUBLIC HEARING - PLANNED UNIT DEVELOPMENT ORDINANCE MORATORIUM

Mayor Jensen read the rules of protocol concerning public hearings. Also reviewed was the Appearance of Fairness Doctrine. All Councilmembers stated that they would be fair and impartial regarding this item.

Staff Report

Planning Director Black gave a brief background regarding the reasons that the moratorium was imposed. Statute requires that a public hearing within 60 days after imposing a moratorium to gather public input. Staff is in the process of re-working the suspended ordinance, addressing criteria that staff feels, in many respects, is ambiguous and difficult to uniformly apply.

Public Hearing Opened

No one signed up to speak.

Public Hearing Closed

Discussion

Councilmember Cole asked how long the moratorium should be in place. Director Black answered that the moratorium is valid for six months, and may be extended if the Council holds another public hearing on the matter.

Councilmember Landcastle wondered if the full six months was necessary. Director Black stated that revamping the ordinance would take at least six months and maybe longer. Once the revisions are complete the draft would need to go the Planning Commission for review and recommendation, then to various state agencies for review and comment, then to a Committee of the Council for review and recommendation, and finally to the City Council for review and possible approval.

Councilmember Hansen asked what should be done if more time is need to complete review. Director Black said that another public hearing would need to be held at the end of the six months.

Motion

Councilmember Hansen moved to continue the moratorium on planned unit developments in place for up to six months, or less if staff completes changes before. This was seconded by Councilmember Cole.

Discussion

Councilmember Elgart felt that this was a good opportunity to improve upon a somewhat obsolete ordinance and accentuate the good resources of the community.

Motion passed unanimously.

TOSCO BOND ISSUE - ORDINANCE #1286

Recreation and Finance Committee Action Item

Councilmember Hansen, who sits on the Committee, reviewed that the Council had concurred at earlier meetings and workshops that they would proceed with the Tosco Bond issue using the same level of monies asked for during last year's close, but unsuccessful, ballot. Administrator Signett added that the ballot is asking for \$1,555,000 for the acquisition, construction, and equipping of a sports complex, as

well as providing funds to upgrade the electrical system at Pioneer Park. He added that any funds not used by the end of the project could be used for other capital improvements or could be turned back for bond redemption.

Councilmember Hansen moved to approve ordinance #1286 to place the bond issue for the Tosco Sports Complex on the November, 2002 ballot, reading "An ordinance providing for the submission to the qualified electors of the City of Ferndale at an election to be held on November 5, 2002, of a proposition authorizing the City to issue its general obligation bonds in the aggregate principal amount of not to exceed \$1,555,000 for the purpose of providing funds for the acquisition, construction and equipping of a sports complex." This was seconded by Councilmember Elgart.

Motion passed unanimously.

TOSCO GRANTS

Administrator Signett related that he, Public Works Director Loren Sperry, and Interim Parks Director Milliken had traveled to Olympia earlier in the day to meet with IAC grant officials regarding two grants related to the Tosco Complex. The \$130,000 and the \$275,000 grants were discussed, with deadlines and ballot outcomes the focus. The \$275,000 grant will be contingent upon the bond issue passing, and if so, an extension will be granted. IAC further agreed to remove the lighting requirement from the \$130,000 grant for now.

PUD AMENDMENT - CORRELL PARK PARKING/STORAGE

Planning and Judicial Committee Action Item

Councilmember Cole, Chair of the Committee asked Assistant Planner Corey Smith to give the staff report. Assistant Planner Smith reviewed that Homestead proposes to build an 11,500 sq ft fenced, screened, lighted, gravel RV parking/storage area on property located south of Main Street and east of Correll Drive in the Residential Office zone. The Planning Commission reviewed the proposal at an open public hearing and has forwarded its recommendation to the City Council for a final decision. No new public testimony may be presented. The Planning and Judicial Committee discussed the seventeen Conditions of Approval at some length. The following conditions were requested to be added:

Condition #18: Homestead will adhere to the original number of lots proposed in the original PUD application; i.e. a 30 unit apartment complex and a 110 unit congregate care facility along with the largely completed single-family residential development.

Condition #19: The proposed parking/storage pad be paved and striped.

Condition #20: A pedestrian walkway be added that connects the parking/storage pad to the existing pedestrian path/walkway.

Condition #21: A stop sign be installed at the end of the access road for entrance onto Correll Drive.

Assistant Planner Smith said that staff agreed with these added conditions, with the exception of #18. The City Attorney concurred that this condition was probably inappropriate and superfluous.

Councilmember Cole moved to approve the proposed PUD amendment with all seventeen staff conditions plus the Committee recommended conditions #19, 20, and 21 to be re-numbered #18, 19, and 20. This was seconded by Councilmember Elgart.

Motion passed unanimously.

RATIFICATION OF POLICE SUPERVISORY UNIT CONTRACT - 2002

Planning and Judicial Committee Action Item

Administrator Signett stated that the contract, for which negotiations have been ongoing for several months, included a 3.2% COLA which was similar to what the other bargaining units settled on earlier in the year. What was not addressed was the establishment of a range for the Police Chief and Lieutenant.

This will be looked at during the 2003 negotiations.

Councilmember Cole moved to approve the 2002 Police Supervisory Unit Contract, with Councilmember Hansen seconding.

Motion passed unanimously.

ESTABLISHMENT OF MEMBERS TO EQUIPMENT AND FACILITIES COMMITTEE

At the last regular Council meeting, the formation of a new standing committee, the Equipment and Facilities Committee, was approved by the Council. At the same time, the Vehicle Ad-Hoc Committee was disbanded. Councilmember Hansen will move to the new Committee, leaving two vacancies to be filled. Four Councilmembers (Elgart, Wilson, Landcastle and Lavine) expressed interest in serving on the new committee. In the case of more Councilmembers wishing to serve than there are vacancies, the Council Rules of Procedure state that the vacancies shall be filled by the drawing of lots. The interested Councilmembers' names were written down and dropped into the official "lot can". City Attorney Dick Langabeer drew two of the four slips and gave them to Mayor Jensen, who announced that Councilmembers Elgart and Lavine had been drawn.

The new Committee shall consist of Councilmembers Hansen, Elgart and Lavine.

SET COMMITTEE MEETINGS

No Committee meetings were set for this week. Committees will be notified if regular meetings will resume next week.

DEPARTMENT REPORTS

Police

Chief Baker introduced Leigh Ramsey and Kim Martin, new office support employees at the Police Department.

Parks and Recreation

The Interim Director, Pat Milliken stated that Kids Day was a big success, with thanks going to Jaime Corbitt, Forrest Pederson, and former Parks and Recreation Director Dave Erickson.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 8:20 p.m.

ATTEST:

Carolyn Jensen, Mayor

Linda Knutson, City Clerk

Attachment "A":

**MINUTES
Planning and Judicial Committee
Held Wednesday, July 3, 2002
City Hall Conference Room
1:00 p.m.**

COMMITTEE: Councilmembers Susan Cole and Mike Reilly

STAFF: Roland Signett and Linda Knutson

REVIEW OF SSP PREFERRED ANIMAL CARE CONTRACT INCREASE

Staff reviewed for the Committee that they had met with representatives of SSP Preferred Animal Care the previous week to recap the changes in the new animal control ordinance. SSP stated that the costs of added patrols and care of felines would result in increased costs for the city. They added that they needed to build at least two additional "kitty kennels" because it appears that cats being brought in from Ferndale have shown a higher than normal incidence of leukemia and therefor have been quarantined from the rest of the cats being held. SSP is asking that the contract be raised from approximately \$10,000 - \$12,000 per year to \$25,200 per year.

The Committee asked that administration come up with a counter proposal, and that the actual cost of the two kitty kennels be ascertained. Staff will also review submitted statistics to see what the current six hours of patrol have generated. Also, the possibility of "piggy-backing" on the County's contract will be explored.

Attachment "B":

MINUTES
Planning and Judicial Committee
Held Wednesday, July 10, 2002
City Hall Conference Room
1:00 p.m.

COMMITTEE: Councilmembers Susan Cole, Marianne Elgart and Mike Reilly

STAFF: Roland Signett, Linda Knutson, Corey Smith, Tom Black, Carolyn Jensen

CORRELL PARK PUD AMENDMENT - RV STORAGE

Assistant Planner Smith reviewed for the Committee that Homestead proposes to build an 11,500 sq ft fenced, screened, lighted, gravel RV parking/storage area on property located south of Main Street and east of Correll Drive in the Residential Office zone. Due to the original PUD proposal not containing any references to an RV parking/storage area, the proposal must be presented as an amendment to the PUD and go through the public review process as required by City code. The Planning Commission reviewed the proposal at an open public hearing and has forwarded its recommendation to the City Council for a final decision. No new public testimony may be presented.

The Planning Commission voted unanimously to recommend approval of the application, subject to the staff recommended Conditions of Approval, and based on the Findings of Fact contained in the staff report. Staff believes that the PUD amendment, as proposed, can be approved if the project is modified to include certain design changes that would minimize impacts to adjacent land uses and the community.

The Committee discussed the seventeen Conditions of Approval at some length. The following conditions were considered:

Councilmember Reilly moved to add condition #18: Homestead will adhere to the original number of lots proposed in the original PUD application; i.e. a 30 unit apartment complex and a 110 unit congregate care facility along with the largely completed single-family residential development. This was seconded by Councilmember Cole. Motion passed unanimously.

Councilmember Cole moved to add condition #19: The proposed parking/storage pad be paved and striped. This was seconded by Councilmember Elgart. Motion passed unanimously.

Councilmember Cole moved to add condition #20: A pedestrian walkway be added that connects the parking/storage pad to the existing pedestrian path/walkway. This was seconded by Councilmember Reilly. Motion passed unanimously.

Councilmember Cole moved to add condition #21: A stop sign be installed at the end of the access road for entrance onto Correll Drive. This was seconded by Councilmember Elgart. Motion passed unanimously.

Councilmember Cole moved that the Council approve the proposed PUD amendment, with all seventeen staff conditions, and including the additional conditions #18 through #21. This was seconded by Councilmember Reilly. Motion passed unanimously,

POLICE SUPERVISORY CONTRACT

Administrator Signett reviewed for the Committee the latest round of negotiations based on Council direction on the Police Supervisory Contract. This includes a 3.2% COLA for 2002, and new negotiations will soon begin for 2003.

Councilmember Reilly moved to recommend approval of the Police Supervisory Contract, which was seconded by Councilmember Elgart. Motion passed unanimously.

Attachment "C":

STREETS AND UTILITIES COMMITTEE MEETING

7/2/02

**COMMITTEE MEMBERS PRESENT: JERRY LANDCASTLE, MEL HANSEN, MIKE REILLY
STAFF: ROLAND SIGNETT, LOREN SPERRY, GREG EBE, ENGINEER**

DISCUSSION OF TRAFFIC COUNTS

In response to a question raised by a citizen at a recent Council meeting regarding obtaining of traffic counts, Public Works Director Loren Sperry presented the Committee with examples of traffic counts and the schedule for conducting counts. Traffic is not counted at all intersections as the City has no need for this information. The information is generated primarily for the purpose of grant applications. Furthermore, not all streets are counted on an annual basis. Counts are also done just during certain times of the year in order to obtain the highest level of traffic volume. For example, Vista Dr. has much more traffic during the school year than during the summer months. The Committee was of the opinion that there should be no change to the frequency or location of traffic counts at this time.

DOUGLAS ROAD RIGHT OF WAY ISSUES

The City has finally obtained the preliminary appraisals for the needed right of way for the Douglas Rd. project. With the appraisals in hand the City Attorney can proceed to send out fair offer letters and begin negotiations. Upon reviewing the appraisers valuations, however, the committee thought much of the land was being extremely over valued given the zoning. Staff is to request new information from the appraiser based upon values more compatible with the zone. The appraiser should be directed to provide this information within 10 days.

MAIN STREET PROJECT STATUS UPDATE

The City now has all permits to begin work on the Main Street project. The first order of business will be to begin the right of way acquisition.

PSE now has a new schedule in place regarding the amounts to be shared for the undergrounding of the power. The split is now 60 PSE and 40 City for areas where the street is being widened. The split is reversed in areas where there is no actual pavement widening such as the area from the bridge to Third Ave. This will lower somewhat the estimate of the City total cost for placing the power underground.

Attachment "D":

MINUTES

**Recreation and Finance Committee
Held Wednesday, July 3, 2002
City Hall Conference Room
9:00 a.m.**

COMMITTEE: Councilmember Mel Hansen

STAFF: Roland Signett, Loren Sperry and Linda Knutson

REVIEW OF PROPOSED AGREEMENT WITH HERITAGE SOCIETY

Staff reviewed for the Committee a draft agreement with the Heritage Society for Pioneer Park Tours and General Store Concessions. The City allocated \$3,500 in the 2002 budget for tour providers. Prior to the tour season beginning, the Society notified the City that they were not set up to be "employers" of the tour guides, and it was ultimately decided that the City would take over as the employer of the tour guides. This situation has created some logistical challenges concerning supervision, signage at the park itself, and so on. The City has composed a draft agreement between the Society and the City concerning tours, and concessions sold from the general store located in the park. The purpose of the agreement is to set forth in writing the rights and responsibilities of both parties concerning these activities, thereby reducing or eliminating any "grey areas" or misunderstandings that could occur without such an agreement.

The Committee asked that the City meet with officers from the Society to review the agreement, including issues regarding liability insurance and tax identification. When both parties are satisfied, staff will bring back to the full Council for ratification.

Attachment "E":

**RECREATION FINANCE COMMITTEE MEETING
7/10/02**

COMMITTEE MEMBERS PRESENT: MEL HANSEN, AL LAVINE

STAFF: ROLAND SIGNETT, CAROLYN JENSEN, MAYOR

TOSCO PROJECT

The Council has accepted the bid from Henifin for the work which needs to be undertaken prior to the end of this month on the Tosco Sports Complex. Funding for this portion of the project was anticipated to be from the Bergsma Fund, Park Mitigation, and a grant from IAC in the amount of \$130,000. In discussions with IAC, there is some confusion as to what work is actually to be undertaken with the \$130,000 grant. There is some overlap between the tasks called for in this grant and those called for in an additional grant for \$275,000. For example the lighting appears to be part of the work to be done with both the \$130,000 grant and the \$275,000 grant. Staff will be meeting with IAC next Monday to try to iron out the differences and determine exactly what is to be accomplished with the \$130,000. It will also be necessary to discuss with them the possibility of an extension of the time frame for completing the work required by acceptance of both grants. They are both due to expire on the 19th of November.

In order to expedite the work currently under bid award, I would recommend that we try to tie the funds from both of these grants to the bond issue. To make up for not using the \$130,000 grant for the immediate work staff suggests that we contribute the \$100,000 from Alcoa-Intalco that has been earmarked for Tosco to this portion of the project. Because this money is not immediately available, real estate excise money in the form of an inter fund loan could be used and then to be repaid when the Alcoa-Intalco money is distributed.

The Committee was of the opinion that if there is any way to use the \$130,000 grant for the work currently bid this be worked out with IAC. Staff will use this approach at next Monday's meeting. ***It was moved by Councilmember Lavine and seconded by Councilmember Hansen to proceed with the work using the Alcoa-Intalco money if necessary. Motion passed.***

TOSCO BOND ISSUE

Greg Ebe is currently preparing numbers for the proposed Tosco bond issue. An ordinance will be prepared for Monday's Council meeting. At this point it is anticipated that the issue will be in the same amount as was submitted to the voters last fall.