

**MINUTES**  
**Ferndale City Council Meeting**  
**Held Monday, September 16, 2002**  
**City Hall Annex Building - 5694 Second Avenue**  
**7:00 p.m.**

**PRESENT:**    **Councilmember Albert Lavine**  
                  **Councilmember Mike Reilly**  
                  **Councilmember Mel Hansen**  
                  **Councilmember Susan Cole**  
                  **Councilmember Jerry Landcastle**  
                  **Councilmember Ron Wilson**

**ABSENT:**     **Councilmember Marianne Elgart (Excused)**

**Mayor Carolyn Jensen presiding**

**STAFF PRESENT :**   **City Administrator Roland Signett**  
                          **City Clerk Linda Knutson**  
                          **Planning Director Tom Black**  
                          **Public Works Director Loren Sperry**

**WCFD #7 PRESENTATION - AERIAL PLATFORM APPARATUS - 6 p.m.**

Fire Chief Gary Russell and Training Officer Rob Lovelace presented information regarding the new aerial platform apparatus which will be delivered in April of 2003 and operational by August of 2003. The new truck will be located at station one.

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Mayor Carolyn Jensen.

**CONSENT AGENDA**

The following consent agenda was moved for approval by Councilmember Landcastle, and seconded by Councilmember Wilson:

1. Approval of Minutes of 9/03/2002 Council Meeting
2. Approval of Claims Run for September 2002; Checks #38422 - #38556; Total Claims: \$313,518.03

Motion passed unanimously.

**PUBLIC COMMENT**

There was no public comment.

**ANIMAL CONTROL CONTRACT ADDENDUM**

**Planning and Judicial Committee Action Item**

Councilmember Cole, Chair of the Committee, stated that this item had been remanded back to the Committee by the Council at their meeting of August 5<sup>th</sup> to fine tune trapping language. At issue was whether to make traps available at City Hall for no charge, as long as the person borrowing the trap transported the trapped animal to SSP, which is located on Irongate Road in Bellingham. It was ultimately recommended that citizens wishing to set traps will need to go to SSP, pay the deposit and rental fee for the trap, and bring the trapped animal to SSP at no charge other than the trap rental. SSP can raise the rate of the daily rental to perhaps \$15.00 per day to help defray costs. This can be re-evaluated in a year to see if it is working.

The other issue looked at was splitting the costs of two new cat cages, or kennels, that would house the

large number of cats being brought in from Ferndale. Since many of the incoming cats are feral and abandoned, they need to be quarantined from the other animals at the facility until they are evaluated. The City will purchase one of the cages and SSP will purchase the other, with each entity having the option of buying the other out at the end of the contract.

### **Motion**

Councilmember Cole moved to accept the Animal Control Contract Addendum as outlined in the staff memo of July 22<sup>nd</sup>, with the exception of traps being available at City Hall, which was seconded by Councilmember Hansen.

### **Discussion**

Councilmember Landcastle asked for the cost of the cages. Administrator Signett stated that the cost of the cages are \$1,100 each.

Motion passed five to one, with Councilmember Wilson voting no.

### **PACIFIC HIGHLANDS PUD AND PRELIMINARY PLAT - FINDINGS AND CONCLUSIONS**

Councilmember Lavine recused himself from the discussion of this item, citing missed meetings on this subject due to illness.

Planning Director Black reviewed the findings and conclusions regarding the Pacific Highlands PUD and Preliminary Plat which was approved by Council upon reconsideration at their meeting of September 3<sup>rd</sup>. The findings and conclusions were based on the Council's findings that the PUD and Preliminary Plat satisfactorily met all of the criteria of the Ferndale Municipal Code relating to such developments. Director Black stated that if approved, the decision would become effective as of this date.

The outlined Findings, Conclusions of Law, and Conditions for Pacific Highlands PUD, included sixteen Findings of Fact, one Conclusion of Law, and thirty-three Conditions of Approval as modified by the Council at their meeting of September 3<sup>rd</sup>.

### **Motion**

Councilmember Hansen moved to accept the Planning Director's written Findings, Conclusions of Law, and Conditions for Pacific Highlands PUD, as directed by Council and as outlined in the staff memorandum of September 16th, which was seconded by Councilmember Cole.

### **Discussion**

Councilmember Landcastle had concerns regarding the property owner (dairy farm) to the north of the development, whom he felt should be regularly notified regarding clearing, and earth moving. He also felt that the required fencing that will separate the development from the farm should be built all at once rather than in phases.

### **Proposed Amendment**

Councilmember Landcastle moved to amend the main motion with a requirement/condition that the entire fence bordering the north of the development be built with phase one. This was seconded by Councilmember Wilson.

### **Discussion on Amendment**

Councilmember Hansen called for a point of order in that it was improper to be adding a condition at this time. The Council had directed that Director Black provide written findings based on the Council's prior decision. Councilmember Landcastle offered to withdraw his amendment, which was also called on point of order since the motion now belonged to the body. The Council agreed to vote on the amendment.

Amendment failed unanimously.

### **Further Discussion on Main Motion**

Councilmember Reilly thanked Planning Director Black for all of the work he put into the proposed document.

Main motion passed unanimously.

**SET COMMITTEE MEETINGS**

The following Committee meetings were set for the week of September 16<sup>th</sup>:

Streets and Utilities                      Wednesday, Sept 18<sup>th</sup> 10 a.m.  
Planning and Judicial                      Wednesday, Sept 18<sup>th</sup> 1 p.m.  
No Recreation and Finance needed

A Calendar noting Budget Workshops scheduled for September and October was provided to Council and briefly discussed.

**DEPARTMENT REPORTS**

**Public Works**

Director Sperry stated that the Thornton Road Gap Elimination Project inspections are nearly complete. He reminded Council of the lighting workshop to be held the following Wednesday evening at 6 p.m. Sperry and Administrator Signett had another meeting with officials from BNSF earlier in the day, and issues are progressing positively.

There was some discussion regarding the recent inspection conducted by the Association of Washington Cities Risk Management Service Agency. The City was assessed an "A+" for the Police Department and an "A" overall for the City. AWC RMSA stated in their assessment that Ferndale is the only City inspected thus far to receive a 100 percent compliant rating. Councilmember Landcastle wondered when the City would begin enforcement of the ordinance requirement that property owners maintain sidewalks adjacent to their property. This item will be discussed at the next Streets and Utilities Committee meeting.

**Planning and Building**

Planning Director Black asked for clarification regarding the Council's decision to approve the Kestral variance at their last meeting of September 3<sup>rd</sup>, specifically when the conditions imposed would be required. It was the consensus of the Council that the conditions be implemented upon development of the property.

**ADJOURNMENT**

There being no further scheduled City business, the meeting was adjourned at 7:40 p.m.

**ATTEST:**

\_\_\_\_\_  
Carolyn Jensen, Mayor

\_\_\_\_\_  
Linda Knutson, City Clerk

***ATTACHMENT "A":***

**MINUTES**

**Planning and Judicial Committee, Wednesday, September 4, 2002 - 1:00 p.m.**

**COMMITTEE: Councilmembers Susan Cole (Chair), Marianne Elgart, Mike Reilly**

**STAFF: Roland Signett, Linda Knutson**

**FURTHER REVIEW OF ANIMAL CONTROL CONTRACT**

This item had been remanded back to the Committee by the Council at their meeting of August 5<sup>th</sup> to fine tune trapping language. At issue was whether to make traps available at City Hall for no charge, as long as the person borrowing the trap transported the trapped animal to SSP, which is located on Irongate Road in Bellingham. It was finally decided that citizens wishing to set traps will need to go to SSP, pay the deposit and rental fee for the trap, and bring the trapped animal to SSP at no charge other than the trap rental. SSP can raise the rate of the daily rental to perhaps \$15.00 per day to help defray costs. This can be re-evaluated in a year to see if it is working.

Committee members also related that they had been receiving irate calls from citizens since the inception of the cat licensing provision in the revised Animal Control Ordinance. Councilmember Cole pointed out that the purpose of the ordinance was to promote responsible pet ownership, and it comes down to a matter of re-educating people to new regulations.

***It was the consensus of the Committee to recommend amending the Animal Control Contract outlined in the staff memo of July 22, 2002, with the exception of traps being available at City Hall.***

**ATTACHMENT "B":**

**STREETS AND UTILITIES COMMITTEE  
SEPTEMBER 4, 2002**

**COMMITTEE MEMBERS PRESENT: RON WILSON, JERRY LANDCASTLE, MEL HANSEN  
STAFF: ROLAND SIGNETT, LOREN SPERRY, DAVE BREN**

**NORTH COUNTRY HOMES PERFORMANCE BOND**

As a condition of approval to open their business at 5335 Barrett Rd., North Country Homes was to make certain frontage improvements. The site has been used for quite some time without the required improvements being completed. The owner now indicates he has no intent to do the improvements and will be closing his business. It was the recommendation of staff that the performance bond be called and that the work be completed. It was moved by Councilmember Wilson and seconded by Councilmember Hansen to concur with the staff recommendation. Motion passed.

**PROPERTY OWNER CONCERN REGARDING PATH BETWEEN ALEXANDER & PARK MEADOW PLATS**

At the time the plat of Park Meadow was approved, it was required that a walking path be provided connecting that plat to the street in Alexander Estates. The purpose was to provide access to Cedar Creek Park and an alternative route to the school which would not require school children to walk on Vista, which at the time had no sidewalks. A wooden fence separates the path from the adjacent lots on each side of the path. The property owners have expressed concern over repeated vandalism to the fence and trash being thrown into their yards. The Committee felt this was actually an enforcement issue and that the property owners should be contacting the police.

**FOLLIS BILL FOR DOUGLAS RD. RIGHT OF WAY APPRAISAL**

The Council previously placed a hold on payment of the bill from Follis for appraisals of the Douglas Rd. right of way, expressing concern with the methodology of the appraisal. Review by the state indicates that the appraisal followed basic standards. However, the City has not received copies of the full appraisal at this time and it was the decision of the Committee that no payment should be made until all of the information has been turned over to the City.