

MINUTES
Ferndale City Council Meeting
Held Tuesday, January 21, 2003
City Hall Annex Building - 5694 Second Avenue
7:00 p.m.

PRESENT: Councilmember Mel Hansen
Councilmember Marianne Elgart
Councilmember Ron Wilson

Councilmember Mike Reilly
Councilmember Susan Cole

ABSENT: Councilmember Jerry Landcastle (Excused)

Mayor Carolyn Jensen presiding

STAFF: City Administrator Roland Signett
Planning Director Tom Black
Police Chief Dale Baker

City Clerk Linda Knutson
Public Works Director Loren Sperry

EXECUTIVE SESSION

The Council met in Executive Session from 6:30 p.m. to 7:00 p.m. to discussion collective bargaining issues.

CALL TO ORDER

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

CONSENT AGENDA

A typo was noted by Councilmember Elgart. The following consent agenda the was moved for approval, with correction, by Councilmember Hansen and seconded by Councilmember Wilson:

1. Approval of Minutes of 01/06/2003 Council Meeting
2. Approval of Payroll of 12/30/02; Auto-Deposit Amount: \$2,716.76; Checks #21658 - #21664 Amount: \$9,538.20; Total Payroll:\$12,254.96 - Checks #21665 & 21667 VOID due to printer error.
3. Approval of Payroll of 01/17/03; Auto-Deposit Amount: \$93,090.50 Checks #21668 - #21677 Amount: \$32,394.27; Total Payroll:\$125,484.77
4. Approval of Claims Run for January, 2003; Checks #38895 - #39105; Total Claims: \$789,655.67 - Check #38908 VOID due to incorrect amount.
5. Resolution #03-01-21 - Segregation of Assessments - Otto Bouma, As Passed by the City Council on November 18, 2002
6. Resolution #03-01-21A - Myers Estates Final Plat, As Passed by the City Council on January 6, 2003

Motion passed unanimously.

PUBLIC COMMENT

Jim Elliott provided the Council with a hand-out regarding the future of the Tillicum House at Pioneer Park. The Ferndale Heritage Society frequently uses that building for many of its activities. Councilmember Hansen noted that one of the items noted in the hand-out was the scheduling of the building for demolition. He stated that action would only be as a last resort, but that safety to any occupants of the building was the City's first concern. This item will be reviewed at the next Recreation and Finance Committee to be held Wednesday, January 29th at 9 a.m.

REVISION TO PORTAL WAY IMPROVEMENTS - WILDER CONSTRUCTION

Streets and Utilities Committee Action Item

Councilmember Reilly stated that Public Works Director Sperry reviewed for the Committee a proposal to

slightly reconfigure the road improvements adjacent to the Ferry Brothers/Ferndale Foods location on Portal Way. The original design shows a higher degree of transition along a 250 foot strip than is desirable. The City proposes that the contractor relocate the grind to the center line bringing the slope to 1.9 degrees across the entire roadway.

The Committee discussed how the proposed revision to the improvements would affect traffic safety in the area. The current design is within standards, but could pose future problems. Although no funds were budgeted, the Committee feels that it is money well-spent for citizen and vehicular safety. Staff will find the needed funds within the Street Fund.

Motion

Councilmember Reilly motioned to accept the proposed revisions by Wilder Construction in the amount of \$6,275.60 which was seconded by Councilmember Elgart.

Discussion

Councilmember Wilson questioned why the original drawings had not been corrected sooner. Director Sperry answered that previous staff and engineers had worked on the originals and the current Public Works Inspector had found the deficiencies and recommended improvements.

Councilmember Hansen noted that he, too, was concerned that it had not been caught earlier, but this item needed approval for the safety of citizens. Councilmembers Cole and Elgart agreed.

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

VEHICLE REPLACEMENT - WWTP PICKUP

Equipment and Facilities Committee Action Item

Councilmember Hansen, Chair of the Committee said that the 1987 Chevrolet pick-up (T-6) assigned to the WWTP crew is in poor condition and in need of replacement. Staff has solicited quotes from four area dealerships for a new standard fleet small sized pick-up with V-6, automatic transmission, and regular cab. The low quote was submitted by Diehl Ford in the amount of \$13,845 plus tax and licensing. Director Sperry noted that this item was budget for 2002, but held off until 2003.

Motion

Councilmember Hansen moved to accept the low quote of \$13,845 plus tax and licensing from Diehl Ford, which was seconded by Councilmember Elgart.

Discussion

Councilmember Wilson thought it was irresponsible to be buying a new vehicle in a budget crunch, after considering laying off staff. He further questioned the need for a vehicle at the Treatment Plant. Administrator Signett answered that the WWTP personnel frequently take water samples throughout the City, deliver and pick up various equipment, and so on. Councilmember Elgart explained how the different funds work, and how nothing from the Equipment Replacement Fund affected staff salaries. Councilmember Cole added that the vehicle being replaced was nearly twenty years old and staff should be commended for keeping it in service this long. Councilmember Hansen further stated that vehicle rotation and replacement, such as the police cars purchased in 2002, are well thought out by staff and committees to get maximum use of the in-service fleet.

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

EQUIPMENT TRAILER REPLACEMENT

Equipment and Facilities Committee Action Item

Councilmember Hansen said that the City crew is currently using a 1959 equipment trailer that is in need of replacement due to its age and deteriorating condition. Some equipment can no longer be loaded onto the deck, and is being driven to job sites which is causing more wear and tear on the smaller equipment itself.

Councilmember Hansen moved to approve the purchase of a new equipment trailer from North Washington Implement for \$13,900 plus tax. This was seconded by Councilmember Reilly.

Motion passed unanimously.

MICHAEL MOORE TOT LOT

Recreation and Finance Committee Action Item

Councilmember Wilson stated that the Committee had earlier recommended that Park Mitigation Funds from Myers Estates in the amount of \$16,000 be used to make some of the improvements to Michael Moore Park located in Shields Estates. This was not adopted during the budget process.

The immediate interest of the residents in Shields Estates is to develop the tot lot. The City has a few items of playground equipment which were purchased with the intent of installing them in the tot lot. The biggest expense would be the underlayment which is needed for playground equipment to meet risk management criteria.

Motion

Councilmember Wilson moved to approve the expenditure of \$8,000 from the Park Mitigation Fund for preparation and underlayment for Michael Moore Park. This was seconded by Councilmember Reilly.

Discussion

Director Sperry noted that the North Bellingham Kiwanis are volunteering time and labor for this project.

Councilmember Cole asked how much maintenance will be required for the tot lot. Sperry said a minimum of mowing and general clean up.

Motion passed unanimously.

ADDENDUMS TO 2002 CONTRACTS - CITY PROSECUTOR AND INDIGENT DEFENSE

Planning and Judicial Committee Action Item

Councilmember Cole stated that both the City Prosecutor and the Indigent Defense attorney would like to extend their 2002 contracts through 2003, with all contract provisions, including compensation, remaining at 2002 levels.

Motion on City Prosecutor Addendum

Councilmember Cole moved to approve the 2003 Addendum for City Prosecutor Services with David Nelson, which was seconded by Councilmember Reilly.

Motion passed unanimously.

Motion for Indigent Defense Services

Councilmember Cole moved to approve the 2003 Addendum for Indigent Defense Services with Lester & Associates, which was seconded by Councilmember Wilson.

Motion passed unanimously.

INTERGOVERNMENTAL ASSIGNMENTS - COUNCIL OF GOVERNMENTS

Planning and Judicial Committee Action Item

Councilmember Cole stated that her committee has been working on criteria for the various interagency and intergovernmental assignments for staff and elected officials. They are asking for specific standards and information in order to fit the best qualified persons with each assignment.

The Whatcom County Council of Governments has contacted the City twice regarding its 2003 appointment. According to conversations with COG personnel, the appointee must be an elected official

with intimate knowledge of local and regional transportation issues. The appointment must be filled yearly and confirmed by Council vote.

Councilmember Cole opened for nominations to the Council of Governments

Councilmember Hansen nominated Councilmember Reilly

Councilmember Wilson nominated Mayor Jensen

Nominations Closed

Vote

Councilmember Reilly received three votes

Mayor Jensen received one vote

Councilmember Reilly is appointed to the Whatcom County Council of Governments for 2003.

FIVE MINUTE RECESS - 7:55 TO 8:00 PM

LOCATION SITE FOR PUBLIC SAFETY BUILDING

Police Facility Ad-Hoc Committee Action Item

Councilmember Elgart stated that the main holding point on pursuing a new police facility has been the location. An ongoing question has been: should the City buy property in the Central Business Core or build on property that the City already owns? Recent negotiations on a nearby property were discontinued when the owners stated that they were not interested in negotiating further. Administrator Signett added that staff is at a stand still until direction is given by Council on how and where to proceed.

Councilmember Elgart said the Committee reconsidered building at the current City Hall site. City staff pointed out flood and FEMA regulations that must be satisfied for a "critical" structure, the main requirement being that the structure would need to be built 10 - 12 feet above the flood base. This led the Committee to begin discussing the possibility of under-building parking, which would alleviate some of the parking requirement problems. Most, if not all of the police fleet could be secured in the underground lot, with a sally port included for safety (no underground parking for the public). For long-range planning, the building could be added onto (either up or out) in phases. There would also be the possibility of vacating Alder Street for additional parking.

Councilmembers Cole and Elgart argued heavily in favor of building on the City Hall site. They both felt that it made a strong statement of commitment to downtown businesses for revitalization, and that saving several hundred thousand dollars on a property purchase would enable the City to build a bigger and better facility much sooner with those unexpended funds. Ingress and egress is good for police response at this location as well.

Motion

Councilmember Elgart moved to support the investigation of the current City Hall site for the purpose of locating a public safety building. Councilmember Hansen seconded.

Discussion

Councilmember Hansen asked if modular structures could be built with ground floor parking. Administrator Signett replied that he understood that was the case. Councilmember Hansen added that of all the viable properties the City has reviewed over the past two years, none have panned out. He likes the City Hall site but has no interest in vacating Alder Street.

Administrator Signett felt that if the Council ultimately decides to build at City Hall, future adjacent land purchase for expansion should be considered.

Councilmember Reilly felt the site was too limited and would not allow for expansion.

Councilmember Wilson was certain that excavation of the site was cost prohibitive.

Councilmember Cole supports the site as it enables the City to spend more on structure and less on land purchases.

Vote

Motion passed three to two, with Councilmembers Reilly and Wilson voting no. The Council would like to have consultants and engineers review this site for feasibility.

COUNCIL VACANCY QUESTIONNAIRE

The Council discussed the seven questions submitted for inclusion with the Council vacancy packet. It was decided to include all questions, and to limit responses to half a page per answer.

ADMINISTRATOR - MAYOR REPORTS AND COMMENTS

Mayor Jensen wished to go on record as stating that she does not wish to see Councilmembers berating staff members in public. She felt it was irresponsible and unprofessional. As for Councilmembers feeling uninformed, she asked that they regularly review all committee minutes and council minutes, especially those from meetings they may have missed. She asked that Councilmembers come directly to her if they have questions or concerns regarding staff matters.

SET COMMITTEE MEETINGS

No Committee meetings this week. Committees meet as usual the following week.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 8:35 p.m.

ATTEST:

Carolyn Jensen, Mayor

Linda Knutson, City Clerk

ATTACHMENT "A":

**MINUTES
POLICE FACILITY AD-HOC COMMITTEE
Monday, January 6, 2003
City Hall Conference Room
10 a.m.**

**COMMITTEE MEMBERS PRESENT: Councilmembers Elgart, Cole and Landcastle
STAFF: Roland Signett, Dale Baker, Linda Knutson, Loren Sperry, Tom Black, Kim Martin
PRESENTATION OF MODULAR POLICE FACILITY CONCEPT**

The Committee was presented with a modular facility concept by Breten Betz of the Williams Scotsman Company. This company has recently completed buildings for the County Public Safety Building in Walla Walla and the Legislative facility in Olympia. Administrator Signett had toured the Walla Walla Public Safety Building and related to the Committee his positive observations.

Mr. Betz stated that the buildings are designed and built in-factory, with engineers, architects, plumbers, electricians, and so on. This allows their staff to site prep and construct concurrently, which takes much less time than traditional stick-builts. Also, William Scotsman holds the State of Washington Modular Building Contract, which allows purchasers to procure modular buildings directly form the company without requiring additional public bids.

The Committee felt that the concept was worth exploring, but still need to settle on a building site.

The Committee will meet Thursday, January 9th, to consider location options.

ATTACHMENT "B":

**MINUTES
POLICE FACILITY AD-HOC COMMITTEE
Thursday, January 9, 2003
City Hall Conference Room
1 p.m.**

COMMITTEE MEMBERS PRESENT: Councilmembers Elgart and Cole

STAFF: Roland Signett, Dale Baker, Linda Knutson, Loren Sperry, Tom Black, Kim Martin, Leigh Ramsey

DISCUSSION ON LOCATION SITE FOR POLICE-PUBLIC SAFETY BUILDING

Administrator Signett reviewed that the main holding point on pursuing a new police facility has been the location. An ongoing question has been: should the City buy property in the Central Business Core or build on property that the City already owns? The Committee asked about recent negotiations on a nearby property. Administrator Signett stated that the owners had responded, in writing, that they were not interested in negotiating further.

The discussion turned to building at the current City Hall site. City staff pointed out flood and FEMA regulations that must be satisfied for a "critical" structure, the main requirement being that the structure would need to be built 10 - 12 feet above the flood base. This lead the Committee to begin discussing the possibility of under-building parking, which would alleviate some of the parking requirement problems. Most, if not all of the police fleet could be secured in the underground lot, with a sallie port included for safety (no underground parking for the public). There would also be the possibility of vacating Alder Street for additional parking.

Whether to proceed with traditional or modular building(s) will be considered only after the Council can reach an agreement on a location.

Councilmembers Cole and Elgart argued heavily in favor of building on the City Hall site. They both felt that it made a strong statement of commitment to downtown businesses for revitalization, and that saving several hundred thousand dollars on a property purchase would enable the City to build a bigger and better facility much sooner with those unexpended funds. Ingress and egress is good for police response at this location as well.

Councilmember Cole moved to forward this recommendation to the full City Council for consideration at the next regular meeting. This was seconded by Councilmember Elgart. Motion passed.

ATTACHMENT "C":

**Equipment and Facilities Committee
Wednesday, January 15, 2003
City Hall Conference Room
9 a.m.**

Committee: Mel Hansen - Chair, Susan Cole, Marianne Elgart

Staff: Roland Signett, Loren Sperry, Linda Knutson

VEHICLE REPLACEMENT

Director Sperry reviewed that the 1984 Chevrolet pick-up (T-6) assigned to the WWTP crew is in poor condition and in need of replacement. Staff has solicited quotes from four area dealerships for a new standard fleet small sized pick-up with V-6, automatic transmission, and regular cab. The low quote was submitted by Diehl Ford in the amount of \$13,845 plus tax and licensing. Sperry noted that this item was budget for 2002, but held off until 2003.

It was moved by Councilmember Hansen and seconded by Councilmember Elgart to recommend the purchase of a new small pick-up to replace T-6 from Diehl Ford in the amount of \$13,845 plus tax and licensing. Motion passed unanimously.

EQUIPMENT TRAILER REPLACEMENT

Director Sperry stated that the 1959 equipment trailer is in need of replacement due to its age and deteriorating condition. The deck is worn, and the crew is unable to load smaller equipment. Three quotes were obtained by staff for a new trailer. Of the three, staff is recommending North Washington Implement, whose bid was \$13,900 plus tax. Case submitted a lower bid, but did not meet the criteria for brakes.

Councilmember Elgart moved to recommend the purchase of a new equipment trailer from North Washington Implement for \$13,900 plus tax. This was seconded by Councilmember Hansen. Motion passed unanimously.

BERGSMA HOUSE ALARM SYSTEM

The status of the Bergsma House was discussed. It had been used by the City as the Parks and Recreation Department Offices through 2001, and by the Parks Maintenance crew through 2002. D-Tech systems, who currently monitors the alarm system for Pioneer Park, has submitted a quote of \$1,779. Using the existing phone lines at that location will save additional money.

The Committee was in agreement that at this time the facility should be classified as dormant, with minimal heating, cleaning, and no-rent status. They further felt that it was important to install the alarm system because of the somewhat isolated location, and because of the fiducial responsibility of the Council and staff to protect City assets.

The funds for this system are already in the Public Works building line-item. No Council action is needed.

ATTACHMENT "D":

**MINUTES
Planning and Judicial Committee
Held Wednesday, January 8, 2003
City Hall Conference Room
1:00 p.m.**

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

STAFF: Roland Signett, Linda Knutson, Loren Sperry

INTER-GOVERNMENTAL AND INTER-AGENCY APPOINTMENTS

The Committee reviewed the history of inter-agency assignments and appointments. Staff responded that such positions had been filled in the past based upon 1.) the elected official's knowledge of the subject matter; and 2.) the elected official's interest in the position. The Committee discussed several of the positions and came to the conclusion that the best way to formulate criteria should be committee-based. Members of a Committee dealing with transportation, infrastructure, and construction should be

assigned to a related inter-governmental board, and so on.

It was moved by Councilmember Reilly and seconded by Councilmember Cole to direct staff to develop criteria for inter-agency and inter-governmental assignments. Motion passed unanimously.

ATTACHMENT "E":

**MINUTES
Planning and Judicial Committee
Held Wednesday, January 15, 2003
City Hall Conference Room
1:00 p.m.**

**COMMITTEE: Councilmembers Susan Cole (Chair), Marianne Elgart, Mike Reilly
STAFF: Roland Signett, Linda Knutson, Loren Sperry, Tom Black**

ADDENDUMS TO CONTRACTS - CITY PROSECUTOR AND INDIGENT DEFENSE

City Clerk Knutson provided to the Committee addendums to the 2002 contracts with David Nelson, for City Prosecutor services, and Lester and Associates for Indigent Defense services. Both have requested one-year extensions to their previous contracts. The 2003 addendums provide for the same services and compensation as 2002. Administrator Signett noted that both firms have provided excellent services to the City over the past several years.

It was moved by Councilmember Reilly and seconded by Councilmember Elgart to recommend approval of the 2003 addendum to the City Prosecutor contract with David Nelson. Motion passed unanimously.

It was moved by Councilmember Reilly and seconded by Councilmember Elgart to recommend approval of the 2003 addendum to the City Indigent Defense Attorney contract with Lester and Associates. Motion passed unanimously.

INTER-GOVERNMENTAL AND INTER-AGENCY APPOINTMENTS

City Clerk Knutson updated the Committee on her progress of assessing criteria for intergovernmental and inter-agency appointments. She has completed approximately 80% of the agency contacts and will be prepared to bring the full research packet to the next scheduled Committee meeting.

It was noted that the Council of Governments (COG) has contacted the City twice regarding its 2003 appointment, and is in need of an answer shortly due to upcoming meetings on critical transportation issues. Due to this deadline, the Committee determined to discuss the criteria for this Board immediately.

City Clerk Knutson stated that in conversations with COG personnel, the appointed elected official can be either the Mayor or a Councilmember; should have intimate knowledge of local and regional transportation issues and be committed to attending at least eight meetings a year; more if appointed to the small cities board. An alternate should also be appointed to fill in when absolutely necessary. COG rules also state that the appointment is filled yearly by Council vote, and is to be reflected in the official record of the local body.

It was the consensus of the Committee that Chair Cole introduce this as an action item at the meeting of January 21st

ATTACHMENT "F":

STREETS AND UTILITIES COMMITTEE MEETING

JANUARY 8, 2003

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

STORM WATER UTILITY AND FEES

The Committee was previously given a draft ordinance creating a storm water utility and imposing fees for storm water maintenance and capital improvements. A number of fee alternatives have been discussed. With state and federal regulations, the cost of storm water related activities has increased. Currently these activities are paid for with a portion of the sales tax. The City is in need of a city wide storm water capital plan. Councilmember Landcastle stated that the issued needs to be brought to a conclusion within the next three months. Staff will be preparing more information on costs, projects which need to be done, various fee alternatives, and state and federal regulations. **It was moved by Councilmember Landcastle and seconded by Councilmember Hansen to present the draft ordinances to the full Council for consideration when all of the information is available. Motion passed.**

ATTACHMENT "G":

**Streets and Utilities Committee
Wednesday, January 15, 2003
City Hall Conference Room
10 a.m.**

COMMITTEE: Mike Reilly - Chair, Mel Hansen, Jerry Landcastle (arrived 10:10 a.m.)
STAFF: Roland Signett, Loren Sperry, Linda Knutson

REVISION TO ROAD IMPROVEMENTS ADJACENT TO FERRY BROTHERS/FERNDALE FOODS

Director Sperry reviewed a proposal to slightly reconfigure the road improvements adjacent to the Ferry Brothers/Ferndale Foods location on Portal Way. The original design shows a higher degree of transition along a 250 foot strip than is desirable. The City proposes that the contractor relocate the grind to the center line bringing the slope to 1.9 degrees across the entire roadway.

The Committee discussed how the proposed revision to the improvements would affect traffic safety in the area. The current design is within standards, but could pose future problems. Although no funds were budgeted, the Committee feels that it is money well-spent for citizen and vehicular safety. Staff will find the needed funds within the Street Fund.

It was moved by Councilmember Hansen and seconded by Councilmember Reilly to recommend approval of the proposal for revisions to the roadway by Wilder Construction in the amount of \$6,275.60. Motion passed.