

MINUTES
Ferndale City Council Meeting
Held Monday, October 20, 2003
City Hall Annex Building – 5694 Second Avenue
7:00 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver
Councilmember/Mayor Pro-Tem Mel Hansen
Councilmember Mike Reilly
Councilmember Marianne Elgart
Councilmember Susan Cole
Councilmember Jerry Landcastle
Councilmember Ron Wilson

ABSENT: Mayor Carolyn Jensen

STAFF: City Administrator Roland Signett City Clerk Linda Knutson
Public Works Director Loren Sperry Police Chief Dale Baker
City Engineer Jim Hobbs

Mayor Pro-Tem Mel Hansen Presiding

CALL TO ORDER

The meeting was called to order at 7 p.m. by Mayor Pro-Tem Hansen.

CONSENT AGENDA

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

1. Approval of Minutes of 10/06/2003 Council Meeting
2. Approval of Payroll of 10/17/03; Auto-Deposit Amount: \$95,527.06; Checks #21966 - #21975
Amount: \$31,425.84; Total Payroll:\$126,952.90
3. Approval of Claims Run for October, 2003; Checks #40321 - #40479; Total Claims: \$1,643,895.81
(Check #'s 37358,38273,37708 VOID - lost by payees)

Motion passed unanimously.

PUBLIC COMMENT

John Friberg asked the City to look at traffic flow issues at the north and southbound entrances and exits at Portal Way. With so many motorists using this route during construction, the single lanes of traffic are causing gridlock and safety issues. Mr. Friberg believes that some minor modifications and lane widening will alleviate some of these issues.

The Streets and Utilities Committee will look into this issue at the October 22 meeting.

PUBLIC HEARING: REVENUE SOURCES FOR 2004

Mayor Pro-Tem Hansen reviewed the protocol concerning the two public hearings scheduled for this meeting.

Staff Report

Administrator Signett reviewed that a one-percent property tax increase has been included in the first draft of the preliminary budget for 2004. This will yield \$1,181,439, or 2.2589 cents per thousand of

assessed valuation, or approximately \$11,000 more than was received last year in property taxes. The combined base levy and general obligation bond results in a total of 2.49039 for 2004, should the Council elect to take the one-percent increase. Administrator Signett further explained that the City still has slightly less than \$200,000 in banked capacity.

Public Hearing Opened

No one signed up to speak on this issue.

Public Hearing Closed

Discussion

Mayor Pro-tem Hansen asked if the GO bond had increased. Administrator Signett explained that it had, by approximately one cent per thousand.

The Council briefly discussed the comparisons with other Whatcom County cities which places Ferndale 6th among the seven jurisdictions in total combine levy rates.

PUBLIC HEARING: 2003 BUDGET AMENDMENT – ORDINANCE #1309

Mayor Pro-Tem Hansen asked Administrator Signett to review the 2003 Budget Amendment.

Staff Report

Administrator Signett reviewed that during budgeting sessions for 2003, the Council had indicated that salaries and benefits should be reflected in the budget at 2002 levels, subject to review in 2003. Three out of four union contracts were up for review, and there was limited information regarding how much medical premiums were to increase. It was recommended that expenditures and revenues be reviewed later in 2003. Ultimately, the most dramatic increases in 2003 were the cost of employee medical, salaries under union contracts, increased cost of fire protection, increased insurance costs, and increased jail costs.

Administrator Signett stated that in reviewing 2003 budget numbers, the estimated shortfall in the Current Expense Fund requires a budget amendment ordinance of approximately \$80,000. He further stated that projected revenues have been healthier than expected.

Public Hearing Opened

No one signed up to speak on this issue.

Public Hearing Closed

Discussion

Some members of the Council wondered if this budget amendment had been included in the 2004 preliminary budget. Administrator Signett said that it had. Councilmember Landcastle asked if the contracted items that had caused the shortfall had yearly or multiple terms. Administrator Signett stated that with the exception of labor contracts, all others had annual renewal dates.

Motion

It was moved by Councilmember Wilson and seconded by Councilmember Landcastle to approve Ordinance #1309 amending the 2003 budget.

Motion passed unanimously.

ORDINANCE #1307 – ADDITION TO ANIMAL CONTROL ORDINANCE DEFINITIONS

Planning and Judicial Committee Action Item

Councilmember Cole, Chair of the Committee, reviewed that citizens have been reporting roosters and chickens within the City limits. The roosters in particular are creating a nuisance. SSP, the City's contracted animal control provider, has been unable to address this issue due to an inadvertent omission in the definitions of "Livestock" in the ordinance. The proposed amendment would add "chickens, roosters, ducks, geese, and similar fowl" to livestock definitions.

It was moved by Councilmember Cole and seconded by Councilmember Wilson to approve Ordinance #1307 amending the Animal Control Ordinance.

Discussion

Councilmember Elgart asked if those cited under the amended ordinance would be given a certain amount of time to comply. Clerk Knutson stated that those contacted would be given time. Councilmember Elgart added that she urged SSP to treat these residents with compassion and sensitivity.

Theresa Looker, 6470 Portal Way, said that her family has been dealing with crowing roosters day and night for over three months. She was very much in favor of the amendment to the ordinance.

Vote

Motion passed unanimously.

ORDINANCE #1308 – ESSENTIAL PUBLIC FACILITIES SITING MORATORIUM EXTENSION

Planning and Judicial Committee Action Item

Planning Director Black stated that the six-month moratorium on the siting of essential public facilities is nearing expiration and that planning staff still has several months of work to complete the required research and data pertaining to the placing of such facilities. Director Black further explained that a public hearing must be scheduled within 60 days of the passage of the extension. The Council was in agreement that an extension was necessary for the safety and welfare of Ferndale residents.

It was moved by Councilmember Wilson and seconded by Councilmember Elgart to approve Ordinance #1308 extending the moratorium on the siting of essential public facilities and additional six months. Motion passed unanimously.

It was moved by Councilmember Reilly and seconded by Councilmember Elgart to hold the required public hearing on the moratorium extension at the regular Council Meeting of December 15th.

RATIFICATION OF UNIFORMED POLICE OFFICERS BARGAINING AGREEMENT

Administrator Signett stated that the contract for the Uniformed Police Bargaining Unit has been in negotiations for over a year, and was in the primary stages of binding arbitration. The City made a final offer to the Unit which was accepted last week. The changes to the prior contract include a two-percent cost of living increase in 2003, 2004, and 2005; an increase to the clothing allowance of \$50 per year; and a change from medical plan from Teamsters Plus to AWC PPO.

Motion

It was moved by Councilmember Landcastle and seconded by Councilmember Oliver to ratify the Uniformed Police Contract.

Discussion

Councilmember Landcastle said that this was a fair and equitable settlement that is in the best interests of both the officers and the City.

Mayor Pro-Tem Hansen asked when the officers would be switched to the new medical plan. Administrator Signett replied the new medical is effective November 1.

Vote

Motion passed unanimously.

SET COMMITTEE MEETINGS

Streets and Utilities	Wednesday, October 22	7:30 a.m.
Planning and Judicial	Wednesday, October 22	1:00 p.m.

DEPARTMENT REPORTS

Public Works

Director Sperry updated the assembled on the day's flooding and road closures. Several Councilmembers praised the hard work of the Public Works staff in handling the flood event.

ADJOURNMENT

There being no further city business, the meeting was adjourned at 7:45 p.m.

ATTEST:

Mel Hansen, Mayor Pro-Tem

Linda Knutson, City Clerk

ATTACHMENT "A":

MINUTES
Planning and Judicial Committee Meeting
Wednesday, October 15, 2003
City Hall Conference Room
1:45 p.m.

COMMITTEE: Councilmembers Cole, Elgart, and Reilly
STAFF: Linda Knutson, Tom Black

ORDINANCE #1307 – ADDITION TO DEFINITIONS: FMC TITLE SIX – ANIMAL CONTROL REGULATIONS

City Clerk Knutson reviewed for the Committee that the City has received complaints regarding residents within the City who are keeping chickens and roosters. The City's Animal Control contractor noted that the current Animal Control Ordinance has no provision for addressing chickens, roosters, or similar fowl. The previous animal regulations did contain language prohibiting domestic fowl in the City, but in formulating the new ordinance, this language was inadvertently omitted. The proposed addition to the definitions listed in the Animal Control Ordinance would read as follows:

" (10) "Livestock" includes horses, cattle, sheep, donkeys, emus, ostriches, bison, buffaloes, llamas, goats, and swine, chickens, roosters, ducks, geese, and similar fowl."

It was moved by Councilmember Reilly and seconded by Councilmember to recommend approval of Ordinance #1307, amending the definitions of "Livestock" under the Animal Control Ordinance to include chickens, roosters, ducks, geese, and similar fowl.

Motion passed unanimously.

ORDINANCE #1308 – ESSENTIAL FACILITIES SITING MORATORIUM EXTENSION

Planning Director Black stated that the six-month moratorium on the siting of essential public facilities is nearing expiration and that planning staff still has several months of work to complete the required research and data pertaining to the placing of such facilities. The Committee was in agreement that an extension was necessary for the safety and welfare of Ferndale residents.

It was moved by Councilmember Reilly and seconded by Councilmember to recommend approval of Ordinance #1308, extending the moratorium on the siting of essential public facilities an additional six months. Motion passed unanimously.

MOTORIZED SCOOTERS AND SEGWAYS

Councilmember Cole mentioned that she had received a complaint regarding the use of motorized scooters in the City. She had checked with the Police Department and learned that due to the newness of these "vehicles", there are no local ordinances governing their use. She expects that more of these and similar vehicles will be in use in the City and would like to begin work on an ordinance that will address safety rules and any other issues that may arise.

ATTACHMENT "B":

**MINUTES
Streets and Utilities Committee Meeting
Wednesday, October 8, 2003
City Hall Conference Room
7:30 a.m.**

COMMITTEE: Councilmembers Reilly, Hansen, and Landcastle
STAFF: Roland Signett, Linda Knutson
ENGINEERS: Greg Ebe, Dale Buys
HAGGEN GUESTS: David Rice, Becky Skaggs, David Markley, Joel Gordon

DISCUSSION ON DEVIATION TO PROJECT PLANS – HAGGEN MAIN STREET ACCESS

City Engineers reviewed drawings of the south stretch of Main Street occupied by the Ferndale Haggen Store, the adjacent Barr property, and the Walgreens site. The City is strongly encouraging Haggen officials to allow an easement on their westerly access to Main Street in order to consolidate an eventual intertie through the Barr property and Walgreens site. Haggen, in turn, is strongly encouraging the City to retain it's current all-access entrance/exit at Main Street. A traffic signal is scheduled to be installed at Walgreen's Main Street entrance across from Samuel's and Glacierview.

City Engineer Greg Ebe stated that because of the federal funds being utilized, a deviation from the project plans must be requested though state and federal agencies for the Haggen Main Street access to remain as is. Haggen representatives explained that after the first meeting with the Committee it was their impression that they and the City had reached an basic understanding that both entities were working towards a mutually satisfactory agreement in these matters. However, they said that a subsequent meeting was less than productive and they were now back to square one.

Councilmember Landcastle said that he favored keeping the access to Main Street as is, and that the proposed intertie would bring the best possible access to Haggen and the neighboring businesses. He felt that the City's proposal is the logical manner in which to move retail customers through the area.

Haggen representatives noted that if the deviation process takes up to two months or more, would their Main Street entrance remain as is, or would it be configured according to project plans. Councilmember Reilly stated that while the deviation is under consideration, the entrance would be painted or coned/barricaded for all-access as it is currently configured. Haggen representatives assured the City that they will bear the costs for the final raised islands if the issues are not resolved before the end of construction.

Conclusion

Both sides agreed that they will work on concluding easement and access issues with the following concerns to be addressed, in writing, before the next meeting:

- Engineer Greg Ebe will check with WashDOT officials regarding jurisdiction issues (does City have final say) before submitting deviation request.
- A connecting easement will be a requirement of development on the Barr property between the Haggen site and Walgreens site.
- A reciprocal agreement will be obtained from Walgreens officials regarding easement.
- Haggen officials will submit all concerns, including alignments, modifications, etc. in writing, to the City for review.
- Easement maintenance needs to be addressed.