

MINUTES
Ferndale City Council Meeting
Held Monday, March 1, 2004
City Hall Annex Building – 5694 Second Avenue
7:00 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver
Councilmember Mike Reilly
Councilmember Susan Cole
Councilmember Ron Wilson

Councilmember Mel Hansen
Councilmember Marianne Elgart
Councilmember Carol Brumet

STAFF:

City Clerk Linda Knutson
Police Chief Dale Baker
Assistant Planner Corey Smith

Planning Director Tom Black
Utility/Payroll/HR Clerk Sylvia Stiles
City Attorney Dick Langabeer

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 Wilson:

1. Approval of Minutes of 2/17/04 Council Meeting
2. Approval of Payroll of 02/18/04; Auto-Deposit Amount: \$92,182.27; Checks #22120 - #22131 Amount: \$34,274.32; Total Payroll: \$126,456.59 (Checks #22132 & 22133 VOID due to printer error)
3. Approval of Payroll of 2/19/04; Auto-Deposit Amount \$2,915.83; Checks #22134 - #22138 Amount: \$702.51; Total Payroll: \$3,618.34 (Final Pay – D. Mather)
3. Approval of Hand Checks from Claims Run of February 2004; Checks #40885 - #41018 Amount: \$88,921.42; (Check #40888 VOID – Cancelled Training Class)

There were some questions regarding Hand-checks in the Claims run, which City Clerk Knutson will respond to this week.

Motion passed unanimously.

PRESENTATION

On behalf of staff and Council, Mayor Landcastle presented the 2003 Thomas L. George Award recipients Serena Leibrant and Pete Harksell Jr. engraved pen sets. He thanked them for their many contributions of time and effort to make Ferndale a better place to live and work.

PUBLIC HEARING - PARK MEADOW PLAT AMENDMENT

Mayor Landcastle outlined the protocol for public hearings, including appearance of fairness.

Assistant Planner Corey Smith reviewed the staff report regarding this amendment.

Boyd Gilbert, residing at 6234 Parkland Way within the Park Meadow subdivision is coordinating a neighborhood-level proposal by the residents of the Park Meadow subdivision to amend the Plat of Park Meadow. Specifically, the applicant is requesting to remove language on the face of the plat that

designates a 5' public walkway easement lying equally across both Lot 10 (6216 Parkland Ct.) and Lot 11 (6214 Parkland Ct.) of the plat. The easement provides access between Parkland Court and the northerly terminus of Aquarius Avenue, across the two mentioned properties. The applicant proposes instead to replace the language on the face of the plat with a Public Works & Utility easement (to service the existing stormwater line between Lots 10 and 11, thus removing the legal right for the general public to use the corridor for access.

The applicant contends that this public easement/walkway has been the source of many problems for the Park Meadow residents, including crime, vandalism, and other negative incidents. The applicant further feels that the owners of Lots 10 and 11 should not have to be responsible for the liability and maintenance issues that stem from the public easement over their private property. Fence lines erected on either side of the path when the plat was constructed are now deteriorating, and the owners of Lots 10 and 11 have expressed dissatisfaction that they have had to be responsible for the maintenance of the fences and gravel walkway over the years, as well as the potential for liability for persons using the easement.

The Plat of Park Meadows was recorded in 1990. The City Council conditioned the original plat approval so as to require the developer to construct an all-weather pathway between Lots 10 and 11, as well as provide a legal easement for the general public. As a result, the plat was recorded as it was. The City Council requirement to provide the pedestrian walkway was primarily due to concerns to allow school-aged children safe passage to nearby neighborhoods and schools. Comments in the minutes indicate that the City Council at that time did not feel that pedestrian travel from the plat to adjacent neighborhoods and schools along Vista Drive was adequate.

In 2003, Park Meadow residents contacted the City to inquire about removal/closing of the public easement and pathway, due to problems perceived to be resulting from the pathway. The City informed the residents that a Plat Amendment application would need to be filed in order to legally remove the access easement. Application materials and a summary of the process were provided to the residents in response to their intent to proceed with a formal application.

In early October of 2003 the walkway was blocked, apparently by the residents of Park Meadow. A new 6' privacy fence, tied into existing privacy fences on Lots 10 and 11 was constructed across both ends of the walkway, blocking access to the corridor. Discussions at the December, 2003 Streets and Utilities Committee meetings resulted in the City providing the Park Meadow residents 90 days to file a formal Plat Amendment application before the City would remove the fence sections. The applicants responded by submitting a formal Plat Amendment request within the specified time period.

Vandalism, theft, illegal drug use and alcohol consumption, loitering, littering, trespassing, and truancy of school-aged children are among the many issues identified in the comments received to date. Additionally, residents of Lots 10 and 11 have expressed concerns over being responsible for privately maintaining the trail and fences on either side. There are no CC&R provisions for the Park Meadow subdivision to delegate maintenance or liability responsibilities to a homeowners association.

In review of the applicant's written comments, Chief Dale Baker, of the Ferndale Police Department stated that he has not seen any unusual pattern of criminal activity that he feels correlates to the location or existence of the trail corridor. The types of complaints and reports on file for the Park Meadow neighborhood are similar to that found in most other neighborhoods in Ferndale. Chief Baker indicated that removal of the public easement would not affect the police department. Private open-space areas and trail corridors have historically been problem areas for the Police Department to take enforcement action within.

Existing pedestrian access to and from the Park Meadow subdivision to surrounding neighborhoods is provided by one of two ways; either via the existing pedestrian access easement in question, or along Vista Drive. The improved sidewalks along Vista Drive exist only on the east side of the street, adjacent

to portions of the Vista Ridge subdivision (see attached aerial photo exhibits). A gravel shoulder is the only provision for pedestrian access from the intersection of Parkland Way and Vista Drive, south to Thornton Road.

The Ferndale School District has indicated that there are approximately 10-12 elementary school-aged children residing in the Park Meadow subdivision that attend Skyline Elementary School, just south of Thornton Road. There is no public bus service for these children. Older children in this neighborhood would be in the Vista Middle School and Ferndale High School service areas.

If the alteration is approved, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property. Staff agrees that this should be made a condition of approval if any level of plat amendment is approved.

Public Hearing Opened

Proponent **Boyd Gilbert, 6234 Parkland Drive**, stated that he represented those in favor of the Plat Amendment. He and his neighbors have consistently had problems with trespassing by those using the easement, who often jump the yard fences and cut through private property. Most area residents felt unsafe and angered by this activity. Since the fences have been erected at each end, the problems have nearly disappeared, he said. He further stated that every property owner on Parkland Drive favors this amendment, and that they have followed all suggestions and requirements relayed by City staff.

Proponent **Doug McLean, 6211 Parkland Drive**, stated that he has been a resident of Parkland since it was developed thirteen years ago. Problems began to escalate approximately two years ago, which prompted the residents to work towards a resolution. He drives his children to school each day and feels that the elimination of the easement affects mainly the Parkland Drive children, whose parents are more than willing to walk or drive their children to school.

Opponent **Sharon DeGrave** stated she was “very much opposed” to closing the pathway. She believes that the decision to install the pathway for connectivity between developments was a sound one. Without this connector, she said, pedestrians are forced to walk portions of Vista that have little shoulder and gravel walking surface. She felt this pathway should be for the benefit of all area residents. Proponent **Sandra Denton**, countered that the easement would have been fine if it had been used legally, but that has not been the case.

Proponent **Carl Fosland**, stated that he walks his children to school, and is happy to do so. He agreed that the problems have been all but eliminated since the fence was erected.

Proponent **Darrell Dang** stated that his family had been the victims of theft and vandalism, which he felt were attributable to the open pathway. He was supportive of the amendment, as problems have greatly diminished since the closure.

Opponent **Kevin DeGrave** asked for the definition of “trespass”. He said that an easement allows for public access, and the blocking of that access was wrong.

Public Hearing Closed

It was moved by Councilmember Brumet and seconded by Councilmember Reilly to approve the Park Meadow Plat Amendment removing the pathway easement and maintaining the City’s utility easement.

Motion passed six-to-one, with Councilmember Oliver voting no.

CITY TREASURER POSITION

Planning and Judicial Committee Action Item

Councilmember Cole, Chair of the Committee, reviewed proposed job description and salary range for a City Treasurer position. This position would be responsible for financial statements, budget creation and implementation, budget monitoring, annual reports, debt service, investments, and other financial duties. This is a new position, due to the duties of Treasurer being incorporated into the City Administrator position from 1999 to current. Councilmember Cole indicated that according to her research, this position would require a salary of approximately \$57,000 per year.

It was moved by Councilmember Brumet and seconded by Councilmember Wilson to recommend funding and approval of the position of City Treasurer.

Councilmember Cole stated that she would not support this position because she did not see any money in the budget to fund it.

Councilmember Hansen expected that the appropriations for the Engineering position would be returned to their original funds.

Councilmember Oliver stated that this was probably the most important position to fill, and that the City needs a good finance person now.

Mayor Landcastle emphasized that the City Administrator position, as originally structured, was too much of a burden for one employee, and that the Treasurer position was needed to solidify City finances, investments, construction funding, grants, loans, and lines-of-credit.

Councilmember Elgart felt she couldn't support the position because funding was uncertain.

There was a lengthy discussion among Council regarding the necessity of the position, funding of the position and other positions, and interim support.

Councilmember Reilly called for the Question.

Vote

Motion failed three-to –four, with Councilmembers Oliver, Brumet and Wilson voting yes.

PLANNING COMMISSION - APPOINTMENTS TO VACANCIES

Mayor Landcastle recommended to the Council that Brian Wilson and Brad Oxford be appointed to the Planning Commission to fill the two current vacancies. Carol Brumet's position on the Commission was vacated when she was appointed to fill the Council vacancy, and expires December, 2005. John Heiser's position has been vacated due to residency requirements, and expires December of 2007.

***It was moved by Councilmember Cole and seconded by Councilmember Brumet to appoint Brian Wilson to the position ending in 2005, and Brad Oxford to the position ending in 2007.
Motion passed unanimously.***

COUNCIL REPORTS

Salary Commission

Councilmember Reilly requested that Council take the time at this meeting to consider the Salary Commission issue. The Council and Mayor agreed.

***Councilmember Brumet moved to approve the appointment of a salary commission.
Councilmember Wilson seconded.***

Councilmember Reilly said that his biggest concern in establishing such a commission was having no say in the final outcome.

Councilmember Hansen agreed, saying he was originally in favor of the commission, but now feels it is a Council responsibility.

Councilmember Cole said she does not feel that a non-elected body should have budget decision-making authority.

Councilmember Elgart agreed with Councilmember Cole.

Motion failed two-to-five, with Councilmembers Brumet and Wilson voting yes.

Surplus Vehicles and Equipment

City Clerk Knutson reported that bids had been opened in response to the surplus vehicles and equipment publication and Call for Bids. Three items requiring minimum bids of \$500 had received lower bids. Knutson was asking for Council approval to award these items to those bidders.

It was moved by Councilmember Wilson and seconded by Councilmember Reilly to allow the bid awards to the three items noted that were below minimum bids. Motion passed unanimously.

DEPARTMENT REPORTS

Chief Baker reported that the recently instituted W.E.E.P. program, aimed at cleaning up outstanding warrants, has been very successful to date.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 8:30 p.m.

ATTEST

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

Attachment A:

**MINUTES
Planning and Judicial Committee
Held Wednesday, February 25, 2004
City Hall Conference Room
11 a.m.**

COMMITTEE: Councilmembers Cole, Elgart, and Reilly

ADMINISTRATION: Jerry Landcastle, Linda Knutson, Tom Black, and Dale Baker

CITY TREASURER POSITION

The Committee reviewed the proposed job description and salary range for a City Treasurer position. This position would be responsible for financial statements, budget creation and implementation, budget monitoring, annual reports, debt service, investments, and other financial duties. This is a new position, due to the duties of Treasurer being incorporated into the City Administrator position from 1999 to current.

It was moved by Councilmember Brumet and seconded by Councilmember Elgart to recommend funding and approval of the position of City Treasurer.

Councilmember Cole stated that she would not support this position unless she had a clear understanding of budget impacts. Mayor Landcastle responded that he would include information on funding this position at the next Council meeting.

Motion passed two-to-one, with Councilmember Cole voting no.

AGREEMENT FOR SERVICES – CONSULTANT

The Committee reviewed a draft agreement with Roland Signett – Small Cities Consultant, for financial transition services for a block of forty hours. The Finance Division desires to gain an understanding of the more complex budget funds, debt service administration, and other financial duties of the finance administration. Dr. Signett, former Ferndale City Administrator and Finance Officer, has agreed to provide these services for a maximum of forty hours.

It was moved by Councilmember Elgart and seconded by Councilmember Brumet to recommend to the full Council approval of the Agreement for Services with Roland Signett – Small Cities Consultant. Motion passed unanimously.

OTHER

Chamber Contract

The Committee considered some modifications to the Chamber of Commerce Contract, with the intention of putting more emphasis on economic development. The Committee noted that the Chamber's funding from the City of Ferndale comes from the Lodging Tax, which is to be used to promote tourism.

Also, Councilmember Cole updated the Committee that the Chamber is taking on the task of putting on the Music on Main Street Festival this year.

Attachment B:

**MINUTES
Streets and Utilities Committee
Held Wednesday, February 25, 2004
City Hall Conference Room
10 a.m.**

**COMMITTEE: Councilmembers Reilly, Hansen, and Oliver
ADMINISTRATION: Jerry Landcastle, Linda Knutson, Bob Cecile**

NORTH COUNTRY HOME PERFORMANCE BOND

Public Works Director Cecile reviewed that the Committee had discussed this item several times during the past several months. He was requesting direction as to how to proceed. Councilmember Hansen responded that the improvements should be made to the property that will best suit the area in question. Councilmembers Oliver and Hansen agreed and felt that improvements should proceed and include sidewalks and re-alignment as planned. The improvements should not exceed the bond amount and can be processed through the small works roster.

WHATCOM COUNTY CHIP-SEAL AND CRACK SEALING - CITY ROADS

Director Cecile stated that Whatcom County Public Works has offered to do chip-seal and crack sealing for the City. The cost is approximately \$13,500 per mile for a twenty-foot wide road. This is an effective means to preserve road surfaces that have a generally adequate base.

The Committee asked Director Cecile to prepare a list of roads that would most benefit from this resurfacing, looking first at major arterials. This will be discussed at the next meeting in order to meet Whatcom County's deadline of March 15th.

DRIVEWAY REQUEST

The former restaurant on Douglas and Main is being converted in to a deli market. The owner is in the process of developing a site plan that includes new parking and traffic layouts. He has asked about obtaining a drive entrance onto Main Street.

The Committee asked that the owner submit the site-plan show for review by staff and the Committee. They would like to include discussion regarding how this plan would impact planned improvements to Douglas.

UPDATES

Biosolids

Anvil has sent the City a list of items to be accomplished before June.

Malloy Project

The bid specifications for the Malloy Project are complete, with one or two issues pending. The project is expected to proceed in time for this year's construction season.

Burlington Northern

Mayor Landcastle is working with Reichhardt and Ebe and will update the Committee in the next few weeks.

Budget Analysis

The Committee will begin review of water operation and sewer operation budgets in order to acquire an in-depth understanding of how they are constructed, distributed, and split-out. It is felt that learning what drives the costs of these funds will enable the Committee to make sound decisions and recommendations during the budget cycle. Director Cecile noted that an independent rate review is inexpensive and beneficial.

Attachment C:

MINUTES
Recreation and Finance Committee
Held Wednesday, February 25, 2004
City Hall Conference Room
9:30 a.m.

COMMITTEE: Councilmembers Oliver, Elgart, and Wilson
ADMINISTRATION: Jerry Landcastle, Linda Knutson, Bob Cecile

PROPOSALS FOR I.T. SERVICES AND NETWORK UPGRADES

The Committee reviewed two proposals for upgrading the City's computer network and for the provision of Information Management and Technology services.

The proposal from 3D Computer extensively covered services and support but did not contain price quotes. Based on discussions with 3D, City Clerk Knutson related that the initial costs to the City could run as high as \$5,000 per month for the first few months, and would drop to approximately \$3,000 per month thereafter.

The proposal from Oasys consists of a five-year lease, which would replace most of City Hall's computers and upgrade the rest. The proposal includes operating software, a new server, improved security, high-speed Internet, print-to-copier capability, and network support.

The Committee agreed that the proposal from 3D was not financially feasible. The discussion regarding leasing equipment from Oasys centered on some possible options, such as compressing the lease from five years to three years; buy-outs and opt-outs; and breakdowns of actual costs of hardware and software.

Staff will follow up.

OTHER

Parks Board

The Parks Board members have been contacted and will begin to hold regular meeting again soon. Several issues are slated for discussion.

Budget Process

Councilmember Oliver requested that the Committee take a comprehensive look at the budget and budget process as a main goal in (early) 2004.

Food Bank

Councilmember Wilson would like the City to find a way to help fund the food bank.