



use designation as shown on the new SMP map. Since no wetlands at all had ever been mapped on the original SMP map, it was felt that this approach was reasonable. There was little doubt that a wetland in these circumstances, lying between two developed commercial properties, would be designated as anything but “urban” for shoreline purposes.<sup>1</sup>

However, during the public comment period for the Nicholson shoreline permit, a letter was received from Ken Downey objecting to the city’s processing of the shoreline permit, stating that the wetland area could not be considered “urban” until the city’s new SMP was approved by DOE. Mr. Downey argued that since there were no wetlands shown on the original SMP map, and since the new SMP map has not yet been approved by DOE, the only land use designation that could be applied to the Nicholson wetland is “conservancy”, which would permit no commercial activity. The city then placed the Nicholson shoreline permit application on hold until the situation could be resolved.

In January, the Mayor initiated discussion with the DOE regarding the completion of the city’s new SMP. The Nicholson permit situation was also discussed.

The city proposed that a highly focused amendment to the existing SMP map be made that would add only this single wetland to the original SMP map and designate it “Urban”. This would satisfy the letter of the law, and allow the Nicholson shoreline permit to move forward with a minimum of delay. The DOE agreed to support this approach and will approve the amendment when it is submitted to them.

To preclude additional shoreline applications of this type from being submitted before the comprehensive revisions to the SMP are approved by DOE, a moratorium on the submittal of such applications was put in place by the Council in February.

The maps attached to this staff report show the area where the wetland would be added to the SMP map. The larger map is a copy of the current SMP map with a note showing the general location of the wetland. One of the smaller maps shows the property involved in the Nicholson Shoreline Permit Application. The other smaller map is a wetland delineation survey showing the specific shape and location of the wetland on the subject parcel. The wetland is approximately 0.48 acres in size.

No text amendment to the SMP is proposed.

It must be understood that this proposed amendment is an INTERIM MEASURE specifically designed to overcome a technical legal issue. The amendment will allow a previously submitted shoreline permit application to be processed to a decision.

In fact, the City Council already approved the inclusion of this wetland on the SMP map when they approved and adopted the comprehensive revision to the SMP text and map in 2001 based on the recommendation of the Planning Commission. That comprehensive revision was never approved by DOE, however. In essence, this proposed amendment is a small piece of that comprehensive revision that is being presented as a separate amendment at this time.

### **Public Hearing Opened**

No one signed up to speak, either for or against this amendment.

### **Public Hearing Closed**

### **Motion**

***It was moved by Councilmember Cole and seconded by Councilmember Brumet to approve Ordinance Number 1320, amending the City’s Shoreline Master Program.***

### **Council Discussion**

Councilmember Elgart asked if this designation would change any requirements for the developer. Director Black answered that this amendment would only affect shoreline issues.

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<sup>1</sup> City and DOE staff all agree that the appropriate shoreline land use designation for this particular wetland is “urban”. The “conservancy” designation is a default designation. It is used when an area that is under shoreline jurisdiction has not been given a shoreline designation for some reason. This wetland was not given a shoreline designation on the original SMP map because none of the wetlands were mapped at that time.

Councilmember Cole inquired whether the City had a written agreement with Ecology that they would support this amendment. Director Black stated that the agreement to support is verbal.

Councilmember Oliver asked if there would be further discussions with DOE about resolving the larger issues regarding the City's Shoreline Master Program. Director Black responded that progress in this area has been steady and that this amendment is helpful in furthering the process of approval.

Councilmember Reilly wondered if there were fairness issues to other potential developers. He said he would support the amendment but hoped that the DOE will continue the effort to work with the City in resolving SMP issues.

Councilmember Oliver agreed with Councilmember Reilly, and would also support the amendment.

Councilmember Cole added that it was important to remember that if an area is designated "conservancy" no one can be allowed to build or fill.

**Vote**

***Motion passed unanimously.***

**CHANGE ORDERS (TWO) – RURAL AND SUNSET PROJECT**

**Streets and Utilities Committee Action Item**

Mayor Landcastle outlined that two Change orders have been submitted for the Rural and Sunset Project.

The first change order (officially change order #3), in the amount of \$57,488.17, includes the addition of a watermain and appurtenances along Rural Avenue to Slater Road, as shown in the revised plans dated 9/22/2003. All shall be installed in accordance with the Special Provisions and other documentation made a part of the project contract.

***It was moved by Councilmember Hansen and seconded by Councilmember Wilson to approve Change Order #3 in the amount of \$57,488.17.***

**Discussion**

Councilmember Elgart said it was her understanding that Mr. Callen would be paying the City to reimburse this change order, since his property was included in the project after the project was approved. Councilmember Hansen responded that Callen's reimbursement would cover most of the improvements, with matching funds covering the balance.

***Councilmember Reilly stated that he would abstain from voting on this agenda item. His cousin is the project contractor.***

**Vote**

***Motion passed unanimously, with Councilmember Reilly abstaining.***

The second change order (officially change order #2) in the amount of \$1,005 includes the substitution of materials and specifications to the traffic signal system, electrical and illumination. The traffic signal will be installed at the Slater and Rural intersection.

***It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve Changer Order #2 in the amount of \$1,005.00. Motion passed unanimously with Councilmember Reilly abstaining.***

**CHANGE ORDERS (TWO) – MAIN STREET PROJECT**

**Streets and Utilities Committee Action Item**

Mayor Landcastle stated that two change orders have been submitted for the Main Street Project. Councilmember Reilly stated that it would be helpful to know the total number and change orders submitted on this project to date, before approving more. Several Councilmembers agreed that they would appreciate a comprehensive listing of all change orders associated with this major project available for review at the next scheduled meeting.

***It was moved by Councilmember Cole to table both change orders. Motion passed unanimously.***

**AGREEMENT FOR BIOSOLIDS LAND APPLICATION – ANVIL CORPORATION**

**Streets and Utilities Committee Action Item**

Mayor Landcastle reviewed that Public Works Director Cecile has ensured that all permits have been approved regarding the biosolids project. The City will now begin the land application process and crop planting elements of the plan. Anvil

Corporation has been the contractor for this project since inception, and has submitted a proposal for the application and crop phase.

***It was moved by Councilmember Oliver and seconded by Councilmember Wilson to approve the agreement with Anvil Corporation for biosolids land application in an amount not to exceed \$15,000.***

#### **Discussion**

The Council had noted in the agenda bill that Director Cecile had mentioned that \$15,000 was higher than expected as a cost for this application. Director Cecile noted that it was slightly higher, but that the \$15,000 was for listed tasks, some of which the City crew could accomplish, such as building burms. It was further noted that environmental rules are very specific as to what kind of crops may be planted.

#### **Vote**

Motion passed unanimously.

### **AGREEMENT FOR RISK VULNERABILITY SERVICES – RH2**

#### **Streets and Utilities Committee Action Item**

Mayor Landcastle and Public Works Director Cecile reviewed that the City is mandated to have a plan in place by mid-year which outlines the official course of action for civil emergencies, contaminates, or sabotage of the City's water supply. This plan will be filed directly to the Federal Environmental Protection Agency.

***It was moved by Councilmember Oliver and seconded by Councilmember Elgart to approve the agreement for services to produce a Risk Vulnerability Assessment by the firm of RH2. Motion passed unanimously.***

### **MAIN STREET FLOWER BASKET PROJECT**

#### **Planning and Judicial Committee Action Item**

Mayor Landcastle said that the Committee had discussed the Main Street Flower Basket Project, which will be handled by the Chamber of Commerce this year. Baskets will be placed on approximately sixteen of the new streetlights from the bridge to Third Avenue on Main Street.

The City has, in the past, matched flower basket costs up to \$1,000. The funds would come from the Transient Lodging Tax Fund.

***It was moved by Councilmember Cole and seconded by Councilmember Hansen to approve a matching contribution of \$1,000 for the Main Street Flower Basket Project. Motion passed unanimously.***

### **ORDINANCE #1319 – ENGINEERING TECHNICIAN ORDINANCE**

#### **Planning and Judicial Committee Action Item**

Mayor Landcastle reviewed that staff had created an ordinance and job description for an Engineering Technician as directed by the Planning and Judicial Committee. The proposed ordinance outlined the responsibilities, duties, and qualifications of the position.

***It was moved by Councilmember Brumet and seconded by Councilmember Elgart to approve Ordinance #1319.***

#### **Discussion**

Councilmember Wilson stated that he did not understand the need for an ordinance for this position.

Councilmember Oliver wondered why the position had been changed from an engineer to an engineering technician.

Mayor Landcastle maintained that the level of engineering expertise needed for this position was lessened by the fact that the Public Works Director is also an engineer, and that the City also regularly sends out plans to its contracted engineers. He felt that hiring a professional engineer was not necessary or cost-effective.

Councilmember Reilly had asked for the ordinance and said he would support it, but he really felt that the position should be a licensed engineer.

#### **Vote**

***Motion failed three-to-four, with Councilmembers Oliver, Hansen, Cole, and Wilson voting no.***

### **INTERLOCAL AGREEMENT – ALL WHATCOM COUNTY CITIES AND WHATCOM COUNTY**

#### **Planning and Judicial Committee Action Item**

Mayor Landcastle presented an Interlocal agreement that encompasses Whatcom County and all of the cities therein. The purpose of the agreement is for cooperative governmental purchasing and the disposition of property to the mutual advantage of each jurisdiction.

***It was moved by Councilmember Brumet and seconded by Councilmember Wilson to approve the Interlocal agreement. Motion passed unanimously.***

**MAYOR REPORTS**

Due to health issues, Patty Elliott has resigned from the Parks Board. Mayor Landcastle proposed appointing Connie Faria to that vacancy, beginning immediately. Ms. Faria is actively involved in many related activities, including the Whatcom Parks and Recreation Foundation and the Friends of Tennant Lake. This appointment is effective through January 2005.

***It was moved by Councilmember Wilson and seconded by Councilmember Elgart to confirm the appointment of Connie Faria to the Parks and Recreation Advisory Board. Motion passed unanimously.***

Mark Perry has also resigned from the Parks Board due to a conflicting work schedule. Mayor Landcastle proposed appointing Jason Britain to this vacancy. Mr. Britain applied for the recent Council vacancy and is keenly interested in becoming involved in City government and community affairs. This term also expires in January of 2005.

***It was moved by Councilmember Hansen and seconded by Councilmember Wilson to confirm the appointment of Jason Britain to the Parks and Recreation Advisory Board. Motion passed unanimously.***

**SET COMMITTEE MEETINGS**

Streets and Utilities	Wednesday, April 7	7:30 a.m.
Planning and Judicial	Wednesday, April 7	11 a.m.

**ADJOURNMENT**

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

**ATTEST:**

\_\_\_\_\_  
Jerry Landcastle, Mayor

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

**ATTACHMENT A:**

**MINUTES  
Streets and Utility Committee  
Held Wednesday, March 17, 2004  
City Hall Conference Room  
7:30 a.m.**

**COMMITTEE:** Councilmembers Reilly, Hansen, and Oliver  
**ADMINISTRATION:** Jerry Landcastle, Bob Cecile, Sylvia Stiles

**DOUGLAS ROAD WELL:**

Public Works Director Cecile informed the committee that the Department Of Ecology has issued 2 draft decisions relating to this well. One would approve the City's request to transfer the point of withdrawal of the decommissioned well at the Library site to the Douglas Road site. This extends the project completion to 2014. The other is to transfer point of withdrawal to an approved well site at the City Shop. This well has never been drilled. The Douglas Rd. site would need to be treated for magnesium. We need to think about how and what degree the well would be used.

**WATER SYSTEM COMPREHENSIVE PLAN:**

Director Cecile reports that the plan has expired and needs to be updated. The City needs to get the plan done and get green approval so water lines can be extended without State Department of Health approval. City is currently working with a yellow approval. The City needs to have a consultant complete the comprehensive plan update. Mr. Cecile has spoken with Carl Reichhardt of R&E Engineering and Richard Rodriguez to obtain information on the timetable for plan update. He will report information when available.

**WATER TREATMENT PLANT UPGRADE:**

Director Cecile informed the committee that the water treatment plant falls under the recently adopted State drinking water rules to improve public health. To comply, the City will need to install additional plumbing, upgrade or replace filters and add additional instrumentation and controls. Each filter needs to be monitored separately. Director Cecile suggested a discussion with PUD about obtaining a dedicated raw stream from them. PUD has a concrete basin that could be modified to be part of the solution. The City needs to comply with this by mid January 2005. Current estimate of costs for this upgrade is \$100,000 - 150,000.

**RISK VULNERABILITY ASSESSMENT:**

This study is required by USEPA with a June 2004 deadline. Director Cecile is talking with two engineering firms to assist the City with the report. Estimated costs are \$5,000 - \$6,000.

**RATE STUDY:**

The Lynden City Administrator has developed a spreadsheet to calculate utility rates. Director Cecile will meet with him to go over the spreadsheet then, with staff assistance, enter Ferndale numbers and present results. The results would then be analyzed by a professional. The cost would be about \$5,000.

**UPDATES:**

**Main Street Project:**

Mayor Landcastle informed the committee that Mr. Wayne Larsen has some issues regarding right-of-way and drainage going into his property on Main Street. Director Cecile stated that to avoid a change order and delay we need to put the island in as it is in the plan. Councilmember Reilly felt that the island should be put in the way it was. Councilmember Oliver agreed and said that the City had lost leverage. The Mayor will try to obtain written approval with Haggen.

**Change order for Rural Sunset:**

Director Cecile presented the committee with two change orders for this project. One is for addition of a water main along Rural to Slater. The second is for a change in signalization. The watermain change order will be paid for by Callen.

**Motion:**

*It was moved for acceptance of these change orders by Councilmember Hansen and seconded by Councilmember Reilly.*

**Vote:**

*Motion passed unanimously.*

**Other**

Councilmember Reilly expressed concern that water rates were subsidizing the sewer fund.

**ATTACHMENT B:**

**MINUTES  
Streets and Utilities Committee  
Held Wednesday, March 24, 2004  
City Hall Conference Room  
7:30 a.m.**

**COMMITTEE:** Councilmembers Reilly, Hansen, and Oliver  
**ADMINISTRATION:** Jerry Landcastle, Linda Knutson, Bob Cecile, Tom Black  
**ENGINEERS:** Greg Ebe, Luis Ponce

**HAGGEN INGRESS/EGRESS ISLAND ON MAIN STREET**

It was briefly discussed that due to construction time constraints, the island that directs traffic in and out of Haggen at Main Street will be installed as soon as possible, with the ingress and egress allowing for left in and out, and right in and out.

**MALLOY PROJECT**

Engineers Ebe and Ponce reviewed progress on the Malloy Road Improvement Project and design. Out of fifteen right-of-way purchases, ten have been acquired. The remaining strips have some minor questions, but have not objected to the project. The project's design is nearly 85% complete, with an estimated construction date of June 2004.

Funding for the project, as designed, is currently approximately \$300,000 short. The assembled discussed the possibility of delaying the installation of the traffic signal, but ultimately felt that it would cost more to install at a later date, and would defeat the purpose of the safety aspect of the project. The Committee agreed that the project should go to bid as soon as possible. Once the bids are in, the actual amount of additional funding can be determined and sought.

An additional issue regarding bus queuing was reviewed. Once the project is complete, busses will be able to circle around Diane Court, near the bus barn, when there is a stretch of private road. The City will need to negotiate with the School District regarding which entity will improve and maintain a portion of this route, which is not a public street. It was generally felt that public funds should not be used to improve a non-public road, and that the School District would derive the sole benefit. The City will continue discussions with the District on this issue.

### **MAIN STREET PROJECT CHANGE ORDERS**

#### **□ Action Item**

Wilder has submitted two change orders for the bridge portion of the Main Street Project.

The painting subcontractor being paid for "time and materials" necessitates the first change order. Several items have had to be re-painted, and the engineers feel that it will be more cost-effective to set a lump sum total for all items left to be painted.

***It was moved by Councilmember Hansen and seconded by Councilmember Reilly to approve the change order in the amount of \$11,450.60 for the remainder of items needing paint on the bridge. Motion passed unanimously.***

The second change order, in the amount of \$19,440.00, will cover the cost of drilling additional holes in the steel girders to accommodate sidewalk supports and guardrails on the south side of the bridge. These girders were not pre-drilled because of problems encountered on the north side of the bridge when the girders were pre-drilled but were not in alignment for the rivets.

***It was moved by Councilmember Oliver and seconded by Councilmember Hansen to approve the change order in the amount of \$19,440.00 for drilling of the steel girders. Motion passed unanimously.***

An additional item was discussed regarding the contractor charging for opening the bridge to two lanes. It is the position of the City that the full closure of the bridge during resurfacing will be saving the contractor time and money, and that any change order for allowing two-way traffic is unacceptable. Mayor Landcastle and the engineers will discuss this with the contractor.

### **EXTENSION OF CITY UTILITIES OUTSIDE OF NORTHERN CITY LIMITS**

Andy Ficksdal and Al Jansen were present to request that the City consider run utilities to their industrial project north of the City limits near Grandview. They are currently arranging for service from the PUD, but wish to explore the option of City utilities as well. Mayor Landcastle pointed out that the City supported the PUD option by writing a letter to the health department concerning this extension. Another concern is the Comprehensive Plan Amendment defining the City's Urban Growth Boundaries in this area, which is most likely one-to-two years away from completion. Mr. Ficksdal and Mr. Jansen understood the concerns.

### **COMPREHENSIVE PLAN AMENDMENT WORKSHOP**

The Committee held a lengthy discussion regarding where the City is on Comprehensive Plan Amendments as they currently stand, and how they might be modified. The City has a deadline of May 1<sup>st</sup> for submission at the City level of this process. It was ultimately decided that the full Council would hold a workshop on Monday, April 12<sup>th</sup>, to discuss this item in depth. The workshop will be from 5 p.m. to 7 p.m. in the City Hall Conference Room.

### **STENCIL PROJECT – NSEA**

Public Works Director Cecile stated that he had met with Rachel Deryckx of the Nooksack Salmon Enhancement Association. NSEA is offering to mark storm water catch basins to indicate that they drain to salmon streams. The project would initially involve the Schell Creek drainage basin, and would be done this summer by student volunteers from the NW Indian College and Ferndale High School. These stencils are visually attractive and raise awareness of the NSEA's goals for the environment.

The project will be at no cost to the City, other than providing maps and some minor coordination regarding public notifications. The Committee agreed that the stencil project should proceed.

### **PROPOSED STORMWATER LATECOMER AGREEMENT**

Public Works Director Cecile informed the Committee that paperwork is currently being processed for proposed latecomer agreements for the storm sewer system installed by Sam-Cher Holdings, Inc. along Hovander Road. They have provided schedules that illustrate the proposed cost recovery from the parcels that are in the watershed, a map of the drainage basin, and the cost of the project.

The Committee agreed that the agreement should be forwarded to the Council once it is complete.

**ATTACHMENT C:**

**MINUTES  
Streets and Utilities Committee  
Held Wednesday, March 31, 2004  
City Hall Conference Room  
7:30 a.m.**

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

**BIOSOLIDS LAND APPLICATION - ANVIL CORPORATION**

Public Works Director Cecile updated the Committee that all permits have now been secured for the biosolids land application. At this point the City will need to begin the actual land application and crop planting phases. Anvil has submitted a proposal to accomplish this at a cost of \$15,000. Director Cecile stated that it would make sense for Anvil to continue with this process, since they have the most expertise in this area, and have done all of the work thus far. He further stated that the proposed cost is higher than expected, and he will discuss with Anvil the possibility of lowering the cost by having the City do some of the work.

*It was moved by Councilmember Oliver and seconded by Councilmember Reilly to recommend to the full Council approval of the contract with for biosolids land application with Anvil Corporation. Motion passed unanimously.*

**ENGINEERING SERVICES FOR RISK VULNERABILITY SERVICES – RH2**

Public Works Director Cecile stated that the City must have a plan in place by mid-year which delineates a plan to keep the City's water supply safe from contaminants and sabotage. The Engineering firm of RH2 has submitted a proposal for this service at a cost of \$5,000. Director Cecile further state that staff is able to do some of the required work. Councilmember Oliver asked if funds might be available from Homeland Security. Mayor Landcastle responded that any funds from HS are generally dedicated to law enforcement.

*It was moved by Councilmember Reilly and seconded by Councilmember Oliver to recommend approval of the agreement with RH2 for risk vulnerability assessment services. Motion passed unanimously.*

**LETTER FROM DEPARTMENT OF HEALTH – WATER SYSTEM PLAN**

Director Cecile reviewed that the City's water system plan expired last year. The Department of Health has indicated that the City needs to update this plan, or face the real possibility of losing authority of connection issues. Director Cecile estimates that it will take 9-12 months to complete the plan and go through the approval process. Estimated costs are still being formulated.

The Committee asked that a plan with associated costs be brought back to the Committee as soon as possible.

**REQUEST FROM FERNDALE MEATS**

Mayor Landcastle reported that a request had been received from Ferndale Meats asking that the City temporarily suspend their sewer connection fee payments. Peggy Kent, owner, indicated that business was slow due to the recent mad cow scare. The Committee felt that the City had already "bent over backwards" for this business by allowing time payments on these connection fees, and that granting a suspension in payments was inappropriate and would set a bad precedent. The Committee unanimously directed administration to deny the request.

**SPEED CONCERNS AT ARTIST AND AUGUSTINE DRIVES**

Mayor Landcastle said that residents living near the intersection of Artist Drive and Augustine Drive are reporting a drastic increase in speeding at his uncontrolled intersection. The Committee felt this was probably the case since division two of Gardiner Terrace has opened up.

Public Works will look into this issue and return to the Committee with an evaluation and recommendation.

**OTHER**

**Project Updates:**

**Paving on Main Street** is scheduled for the next several days. A Time Line of paving and grinding phases was distributed.

**Haggen's David Rice** wrote to thank the City for allowing the Main Street entrance to their store to remain as it had previous to the project. Mr. Rice further stated that if the DOT dis-allows the configuration, Haggen would absorb the cost of re-configuration.

**The Rural and Sunset Project** is moving along quickly. The waterline, culverts and undergrounding are well underway.

**The IMS composting operation at Recomp** has discontinued business as of several weeks ago.

**Wayne Larsen** was present, and expressed his strong disappointment with how the Walgreens and Haggen projects are proceeding without what he termed "any consideration for the Barr property." Director Cecile informed Mr. Larsen that he would review with him the completed site plans, in regard to utility positioning.

**The Tosco Complex field house** has gone to bid via the small works roster.

**City Clerk Knutson** will meet with the Heritage Society next week in relation to the duties of the summer park tour guides.

**ATTACHMENT D:**

**MINUTES  
Planning and Judicial Committee  
Held Wednesday, March 24, 2004  
City Hall Conference Room  
11 a.m.**

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**COMMITTEE:** Councilmembers Cole, Elgart and Hansen (for Brumet)  
**ADMINISTRATION:** Jerry Landcastle, Linda Knutson, Tom Black  
**GUEST:** Ann Cline, Chamber of Commerce President

**CHAMBER OF COMMERCE CONTRACT – POSSIBLE REVISIONS**

Ann Cline, President of the Chamber of Commerce in 2004, stated that the Chamber Board had recently held a retreat. The Board discussed the Chamber contract, which has been in the review process for the past several months, as well as many other proposed goals for the entity. The Board agrees that revisions are needed to the contract, but are unclear as to what modifications the City wishes in regard to economic development.

Some of the items that the Board will be focusing on in 2004 include:

- Exit interviews for businesses that leave the area or discontinue Chamber membership
- Categorizing phone logs – types of inquiries
- Re-vamping business and residential relocation packets to include more comprehensive information and area resources
- Developing a comprehensive yearly work plan

Other ongoing items include a membership drive, involvement with community business events and promotions, events calendars and eatery guides, and Main Street flower baskets. Also the Chamber will put on the Main Street Festival this year. Ann pointed out that the Board members all have full-time jobs but the membership is energized in their goal setting for this year. She further stated that 2004 would present some good challenges and forward movement for the Chamber.

Councilmember Brumet, who was unable to attend this meeting, had several comments at previous meetings in regard to defining goals for economic development. Ann asked if Councilmember Brumet, who has extensive economic development experience, could clarify what she would like to see in this area, and the Board will consider these and other Committee member's comments.

Councilmember Cole reiterated that the funds monies used to fund the Chamber each year come from the Lodging Tax, which can only be used in the promotion of tourism.

The Committee invited Ms. Cline to attend next Wednesday's meeting. All parties will use that meeting to put together a final draft of the agreement.

**MAIN STREET FLOWER BASKETS**

▪ **Action Item**

The Chamber of Commerce will be taking on the task of the Main Street Flower Basket Project this year. They will hang baskets on approximately sixteen of the new light poles, from the Bridge to Third Avenue on Main Street. Forrest Pederson, who has watered and maintained the hanging baskets the past several years, will do so again this year for the Chamber. Tenaska Corp. has tentatively agreed to pay Forrest for this service. Councilmember Cole stated that the City has, in the past, matched flower basket costs up to \$1,000, to the group handling the project. City Clerk Knutson stated that she and her department would like to "sponsor" a hanging basket, and felt that other individuals and businesses would too. The Chamber will look into a "sponsor program".

***It was moved by Councilmember Elgart and seconded by Councilmember Hansen to recommend the approval to provide up to \$1,000 to the Chamber of Commerce for the Main Street Flower Basket Project. Motion passed unanimously.***

**LODGING TAX ADVISORY BOARD VACANCY**

Councilmember Cole advised the Committee that she would be talking to the new general manager of the Super 8 Motel later next week about filling the vacancy on the Lodging Tax Advisory Board. The Board will be meeting in late April to review a grant application. City Clerk Knutson will prepare a statement with funds collected to date.

**COMPREHENSIVE PLAN AMENDMENT WORKSHOP**

The Committee was updated that the City Council will hold a workshop on Monday, April 12<sup>th</sup> to review Comprehensive Plan Amendments to the City's Urban Growth Boundaries.

**REQUEST FROM COUNCILMEMBER REILLY**

Councilmember Reilly submitted a letter to the Planning and Judicial Committee requesting consideration of two items.

1. *"An Ordinance for an engineer to be hired that reflects the 2004 budget."*

The Committee asked Planning Director Black about requirements and level of expertise needed for the engineering position. Director Black responded that an engineering technician would probably be sufficient. As in any case, he stated, ability and expertise can be dependent upon personality. The Committee asked that a job description be prepared to reflect the needs of the Planning and Public Works departments in this area.

***It was moved by Councilmember Hansen and seconded by Councilmember Elgart to direct staff to prepare a job description and/or ordinance; whichever is appropriate, in preparation for the April 19<sup>th</sup> Council meeting. Motion passed unanimously.***

2. *"An Ordinance for a 90 day time-frame on hiring, if there is not a time-frame in state statutes, for positions that have been approved by Ordinance."*

The Committee and staff were unclear to this second request. No recommendation was made.

**BEER GARDEN – OLD SETTLERS PICNIC**

Councilmember Hansen, who is a Trustee with the Old Settlers group, said that preliminary discussions had taken place regarding the possibility of setting up a "beer garden" during the Old Settlers picnic this summer. The City allows for alcohol sales and consumption at Special Events, providing that proper permits are obtained from the Liquor Board. It was pointed out that the Police Chief should be contacted regarding extra security and safety concerns.

**ATTACHMENT E:**

**MINUTES  
Planning and Judicial Committee  
Held Wednesday, March 31, 2004  
City Hall Conference Room  
11 a.m.**

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**COMMITTEE:** Councilmembers Cole, Elgart, and Brumet  
**ADMINISTRATION:** Jerry Landcastle, Linda Knutson, Dale Baker, Tom Black

### **CHAMBER OF COMMERCE CONTRACT**

The ongoing review of the Chamber of Commerce contract continued with Chamber President Ann Cline. She presented the Committee with several brochures that are mailed to people planning to visit Ferndale, and further explained several upgrades that the Chamber is planning in its operations.

After a lengthy discussion, it was decided to add to the Chamber contract language a provision that the Chamber Manager or Chamber President will do a verbal report to the City Council on a quarterly basis, and also provide a written listing of expenses and revenues regarding tourism and Chamber activities.

### **BLOOMQUIST TRUST PRESENTATION ON PROPOSED ANNEXATION**

Larry and Dave Bloomquist, who have presented the Council with a Letter of Intent to Annex, were present to provide information on the proposed development of their property. Larry Bloomquist stated that he felt opposition would be less intense once the surrounding neighbors had a better understanding of the type of development that is proposed.

Donald Leavitt stated that he is a land developer and not a builder. He did a presentation on very preliminary plans for the Bloomquist property, which encompasses approximately seventy acres. Councilmember Cole asked where the entrance would be to the development. Mr. Leavitt said it was proposed to be just west of Horizon Middle School on Thornton Road. He also stated that the developer would bear the cost of infrastructure to City standards, including any needed pump stations. At this point Councilmember Cole pointed out that the Council is looking only at the annexation proposal, and not at any future development that might occur. Councilmember Brumet added that the public can provide input on the actual development when and if the annexation is approved and development begins the planning process.

### **ORDINANCE – ENGINEER TECHNICIAN POSITION**

At the previous Planning and Judicial Committee meeting staff had been directed to develop an ordinance creating the position of Engineering Technician. A draft ordinance was presented and reviewed by the Committee. The ordinance outlines the responsibilities, duties, and qualifications of the position, along with standard language concerning City authority for personnel requirements. Councilmember Cole had some questions regarding the funding of the position.

It was moved by Councilmember Brumet and seconded by Councilmember Elgart to recommend approval of the Ordinance creating the position of Engineering Technician as presented. Motion passed two-to one, with Councilmember Cole voting no.

### **INTERLOCAL AGREEMENT WITH SMALL CITIES AND WHATCOM COUNTY**

Mayor Landcastle presented an Interlocal Agreement Between the Cities of Blaine, Everson, Ferndale, Lynden, Sumas, Nooksack and Whatcom County. The purpose of the Agreement is for “cooperative governmental purchasing and the disposition of property to the mutual advantage of each jurisdiction.

It was moved by Councilmember Brumet and seconded by Councilmember Elgart to recommend approval of the Interlocal Agreement with the Small Cities and Whatcom County for cooperative purchasing and disposition of property. Motion passed unanimously.

### **OTHER**

Police Chief Baker updated the Committee that the WEEP program, which apprehends persons with outstanding warrants after newspaper notification, continues to be successful.