

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

JANUARY 16, 2007

I CALL TO ORDER

Mayor Louws called to order the January 16, 2007 regular session of the Lynden City Council at 7:00 P.M. at the Lynden City Hall Annex.

ROLL CALL

Members present: Mayor Jack Louws; Councilors Doug Adelstein, Gary Bode, Dave Burns, Ron De Valois, Tobey Gelder, Gerald Kuiken, and Nick Laninga.

Members absent: None.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Planning Director Amy Harksell, Public Works Director Duane Huskey, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor Kuiken moved and Councilor De Valois seconded that the minutes of the January 2, 2007 regular session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled – Lynden Library Manager Regan Robinson – Update on the Library

Lynden Library Manager Regan Robinson provided Council with Whatcom County Library magnets, library cards, and calendars for the month of January that highlighted the various events taking place at the Library.

Ms. Robinson informed Council that on November 30, 2006 some pipes burst at the library; however, there was no damage to equipment or books. She thanked City Administrator Bill Verwolf, Public Works Director Duane Huskey, and Fire Chief Gary Baar for their help and support during this event and for taking good care of the library building.

Ms. Robinson updated Council on the various programs being offered at the library, and she stated that the library is open for 60 hours a week and that they receive approximately 600 visitors per day. Ms. Robinson also informed Council that the levy rate dropped from \$0.50 to \$0.37 per \$1,000 assessed valuation.

Mayor Louws thanked Ms. Robinson for coming to the meeting and for her complements to City staff. He asked Ms. Robinson if she had heard any concerns regarding the new levels of restricted access for children accessing the internet on library computers. She stated that the new filters in place are working and that the computers continue to be very popular. Mayor Louws thanked Ms. Robinson and the members of the Whatcom County Library System for developing a system that offers different levels of access to the internet.

Unscheduled - None

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 44349 through 44357	\$ 82,790.97
Voucher Warrants No. 44358 through 44503	\$ <u>461,195.96</u>
Total	\$ <u>543,986.93</u>

Request to Cancel Claims Warrant C-44135

Lynden Municipal Airport Advisory Board Appointments

Request to Surplus Equipment – City Park – Parks Department

Councilor De Valois moved and Councilor Bode seconded that the items on the Consent Agenda be approved. The motion carried.

III PUBLIC HEARING

Resolution No. 757 – Fire Hydrant Agreement with Barber Development for Starbucks

Council was provided with the proposed Development Agreement between the City of Lynden and Barber Development Lynden LLC, who plans to build a Starbucks in the Lynden Center at 8082 Guide Meridian. This Agreement was prepared in response to Fire Chief Gary Baar's request for the future installation of a fire hydrant that would serve this property as well as other adjacent properties that may be annexed into the City sometime in the next 10 to 15 years.

According to Revised Code of Washington 36.70B.200, a public hearing is required for consideration of development agreements, which must be presented through an ordinance or resolution. If approved, the actual agreement will then be recorded against the property. Additionally, the Issuance of Permit No. 5470 to build the Starbucks building is contingent upon approval of this agreement.

Mayor Louws opened the Public Hearing at 7:09 P.M.

Speaking in favor: Mr. Andy Barber, P.O. Box 473, Edmonds, WA 98073, informed Council that he has been impressed by the City of Lynden and its staff, and that he looks forward to breaking ground.

Speaking against: None.

Councilor Adelstein moved and Councilor Burns seconded that the Public Hearing be closed. The motion carried.

The Public Hearing closed at 7:11 P.M.

Councilor Bode moved and Councilor Kuiken seconded that Resolution No. 757, representing the proposed Development Agreement between the City of Lynden and Barber Development Lynden LLC (for Starbucks) for the future installation of water line improvements and fire hydrant to service 8082 Guide Meridian, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

Mayor Louws thanked Mr. Barber for attending the meeting and he wished him the best with his developments in Lynden.

IV NEW BUSINESS

Preliminary Plat Consideration – Trail's End Long Plat

Councilor Gelder informed Council that he had served on the Planning Commission when this request was heard by the Commission. He stated that he was advised by counsel that he could participate in tonight's consideration of this agenda item.

After the final plat approval of Bradley Fields Phase II, the owner of the original house and three additional lots determined that he wished to re-subdivide the property to gain two additional lots. Because the subdivision was being completed within five years of final plat approval, the application is considered a long plat, rather than a short plat, even though only two new lots are being created.

The Planning Commission held a public hearing on November 9, 2006. At that time the Commission continued the public hearing until December 14, 2006 and requested that the

applicant revise the proposed design to create a better lot design for B. At the December 14, 2006 meeting, the Planning Commission recommended approval of the redesigned long plat on the condition that the joint trail and access/utility easement be a total of thirty feet wide and that the applicant is responsible for striping a portion of that easement for trail purposes.

Councilor Gelder moved and Councilor De Valois seconded that preliminary plat approval to Trail's End Long Plat, as recommended by the Planning Commission, be granted and that the Mayor be authorized to sign the Findings of Fact. The motion carried.

Preliminary Planned Residential Development Consideration – Bryce Park

Councilor Gelder informed Council that he had also heard this request while serving on the Planning Commission. He stated that he was advised by counsel that he could participate in tonight's consideration of this agenda item.

Councilor Kuiken informed Council that he would abstain from this agenda item.

Mr. Jeff Fransen and partners submitted the first application for a planned residential development under the new code developed by the Zoning Text Review Committee and approved by the City Council. This application is for ten acres just east of Greenfield Village Planned Residential Development (PRD) and will extend Aaron Drive to the east to connect to the Strawberry Meadows Plat developed by Mr. Troy Strong.

The Planning Commission held Public Hearings during their November 8, 2006 and December 14, 2006 meetings. If preliminary approval is granted, staff will work with the applicant to complete the development contract based on the preliminary approval. This contract will include more details and will be presented to Council for review and final approval. The contract will be the document that is recorded against the property for future use and will ensure that the property is developed according to the concepts approved during the preliminary approval.

Councilor De Valois moved and Councilor Gelder seconded that preliminary approval of Bryce Park Planned Residential Development, as recommended by the Planning Commission, be granted; that the Mayor be authorized to sign the Findings of Fact; and that staff be directed to prepare the final contract for Council consideration. The motion carried 6-0, with Councilor Kuiken abstaining.

Whatcom County Fire Agencies Radio System Interlocal Agreement

The Whatcom County Fire Agencies Radio System (FARS) Agreement is an agreement among Whatcom County cities and Whatcom County Fire Protection Districts to provide for the cooperative improvement, maintenance, and operation of the Whatcom County Fire Agencies Radio Systems. This system provides centralized communication for fire protection and emergency medical services in Whatcom County.

An agreement for this service has been in effect since May 1984. This Agreement consolidates modifications made to the agreement since 1984 into one document. Chief Baar currently serves on the FARS Board.

Councilor Burns moved and Councilor Adelstein seconded that the Whatcom County Fire Agencies Radio System Agreement be approved and that the Mayor be authorized to sign said Agreement. The motion carried.

VI ADJOURNMENT

The January 16, 2007 regular session of the Lynden City Council adjourned at 7:31 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor