

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

JANUARY 20, 2009

I CALL TO ORDER

Mayor Jack Louws called to order the January 20, 2009 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 with notice: None.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Finance Director Teresa Camfield, Chief of Police Jack Foster, Planning Director Amy Harksell, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor De Valois moved and Councilor Kuiken seconded that the minutes of the January 5, 2009 regular session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled - None

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 49362 through 49390	\$ 792,623.51
Voucher Warrant No. 49931 through 49561	\$ <u>483,373.72</u>
Total	<u>\$1,275,997.23</u>

Ordinance No. 1346 - Adoption of Revised Code of Washington 69.50.309 - Possession of Controlled Substances Outside Original Container

Ordinance No. 1347 - Adoption of Revised Code of Washington 10.14.170 - Violation of an Anti-harassment Order

Councilor Bode requested that Ordinance No. 1346 be removed from the Consent Agenda

Councilor Gelder moved and Councilor De Valois seconded that the Consent Agenda, excluding Ordinance No. 1346 regarding possession of controlled substances outside original container, be approved. The motion carried.

Ordinance No. 1346 - Adoption of Revised Code of Washington 69.50.309 - Possession of Controlled Substances Outside Original Container

Councilor Bode asked if individuals who don't want to carry their prescription bottles with them and put a couple of their prescribed pills in their purse, wallet, etc. will be cited under this law. Chief of Police Foster explained that the purpose of this law is to give the City jurisdiction to prosecute offenders in Lynden's Municipal Court. If this Ordinance isn't adopted then offenders must be transferred and prosecuted in Whatcom County's District Court. He also said that the officers will have discretion to make exceptions for the situations that Councilor Bode noted.

Councilor Burns moved and Councilor Adelstein seconded that Ordinance No. 1346, Adoption of Revised Code of Washington 69.50.309 Possession of Controlled Substances Outside

Original Container, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.

III PUBLIC HEARING

Ordinance No. 1349 - Amendment to Section 19.23.030 of the Lynden Municipal Code - CS-1 Zoning

The Zoning Text Committee agreed to make changes to allow existing residential uses within commercial zones as a clearly permitted use. This change improves financing opportunities for buyers, and keeps the housing stock in good condition while the market increases for commercial land.

The Planning Commission held a public hearing on January 8, 2009 and the Commissioners have recommended approval of this Ordinance.

Mayor Louws opened the Public Hearing at 7:10 P.M.

Speaking in favor: None.

Speaking against: None.

Councilor Kuiken moved and Councilor Gelder seconded that the Public Hearing be closed. The motion carried.

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

Councilor Laninga stated that he owns a home within the CS-1 zone and therefore would recuse himself from the discussion and vote.

Councilor Kuiken moved and Councilor Bode seconded that Ordinance No. 1349, Amendment to Section 19.23.030 of the Lynden Municipal Code, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried with Councilor Laninga abstaining.

III NEW BUSINESS

Staffing for Adequate Fire and Emergency Response (SAFER) Grant

At the July 7, 2008 Council meeting, approval was given to the Lynden Fire Department to pursue Staffing for Adequate Fire and Emergency Response (SAFER) grant money. The Fire Department has been awarded the grant by the U.S. Department of Homeland Security. If Council agrees to accept this grant, the City will be able to hire two new firefighters that will be partially funded by the grant.

The grant requires a 5 year commitment during which the grant money pays a percentage of the salaries of newly hired firefighters and the City commits to funding the remaining percentage of the cost of these new positions. These contributions will diminish over the course of the 5 year period.

Per Position	Federal Grant Money	City Funds
Year 1	\$39,015	\$17,145
Year 2	\$34,675	\$23,170
Year 3	\$21,670	\$37,910
Year 4	\$13,020	\$48,348
Year 5	0	Full Salary

The hiring of the two firefighters with the SAFER grant and City funding will bring the Lynden Fire Department closer to compliance with the industry's minimum staffing standards as defined in NFPA 1710 and 1720.

Councilor Burns moved and Councilor Adelstein seconded that authorization to accept the SAFER grant be approved; that the Mayor be authorized to sign the agreement; and that staff be directed to prepare a budget amendment for 2009 to recognize the revenue and expenditure requirements. The motion carried with 6 in favor and 1, Councilor Bode, against.

Ordinance No. 1348 - Adopting Lynden Municipal Code 9.14.01 - Domestic Violence Assessment

Ordinance No. 1348 allows Lynden Municipal Court to assess domestic violence offenders a \$100 penalty which would go into a fund for domestic violence prevention, advocacy, prosecution programs and/or contracting with local community based domestic violence program providers.

Councilor Burns moved and Councilor Kuiken seconded that Ordinance No. 1348, Adopting Lynden Municipal Code 9.14.01 Domestic Violence Assessment, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.

Recommendation for City Hall Furnishings Consultants

City Administrator Bill Verwolf, Public Works Director Duane Huskey, Finance Director Teresa Camfield, and Public Works Administrative Office Manager Laura Burford have interviewed a number of consultants that offer furnishings to governmental entities using state contracts. A number of sites have been visited as a follow-up and at this time a recommendation is being brought forward due to interviews, site visits, and references.

The recommendation for the consultant to coordinate the design, purchase, and installation of the furniture for the new city hall is KCDA, located in Kent, WA. KCDA is a purchasing cooperative allowing purchases under state contract.

Councilor Kuiken moved and Councilor Burns seconded that the selection of KCDA as the new city hall furnishings consultant be approved. The motion carried.

IV EXECUTIVE SESSION - Cancelled

Other

Council briefly discussed the recent flooding and the related problems; and they discussed the response from the Washington State Department of Transportation to the City's request to lower the speed limit on East Badger Road.

V ADJOURNMENT

The January 20, 2009 session of the Lynden City Council adjourned at 7:58 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor