

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

FEBRUARY 5, 2007

I CALL TO ORDER

Mayor Jack Louws called to order the February 5, 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, Chief of Police Jack Foster, 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 De Valois moved and Councilor Gelder seconded that the minutes of the January 16, 2007 regular session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled - None

II CONSENT AGENDA

Approval of Payroll

Direct Deposits, Draws and Warrants No. 12137 through 12188 \$ 379,461.13

Request to Cancel Claims Warrants C-44296 and C-44428

Re-appointments to the Board of Adjustment – Mr. Lynn Templeton and Mr. Larry Tremaine

Appointment to the Planning Commission – Mr. Tim Faber

Appointment to the Design Review Board – Mr. Aaron Apps

Request to Surplus Equipment – Public Works Department

Birch Bay-Lynden Road (Gap Project) Streetlight Takeover – Bill of Sale

Gray and Osborne – Proposal For Engineering Services for Water System Plan Update

Ordinance No. 1287A – Amending Ordinance No. 1287 Levying 2007 Property Taxes

Councilor De Valois moved and Councilor Kuiken seconded that the items on the Consent Agenda be approved with the following correction:

The recommended action on the executive summary for the item titled Appointment to the Design Review Board – Mr. Aaron Apps reads “A motion to confirm the appointment of Aaron Apps to a four year term on the

Board of Adjustments” should read “A motion to confirm the appointment of Aaron Apps to a four year term on the Design Review Board”.

The motion carried.

Mr. Lynn Templeton, 602 Fairview Drive, Lynden, thanked the Mayor and Council for his re-appointment to the Board of Adjustment. Mayor Louws thanked Mr. Templeton for serving on the Board and that he also appreciates Mr. Templeton’s work on the City Hall Design Committee.

Mayor Louws introduced to Council Mr. Tim Faber, newly appointment member of the Planning Commission, and he thanked Mr. Faber for his willingness to serve.

III NEW BUSINESS

City of Lynden Employee Handbook

The City of Lynden has never had an “employee handbook” per se. In the 1980’s a “Compensation Plan for Non-Represented Personnel” was written and used by the City to designate holidays, leave, and insurance programs.

Due to an increase in City staff over the years, staff has written both a handbook and the related policies which will be managed by Human Resources in the Administration Department. The handbook will be provided to every employee, and a copy of the handbook and corresponding policies will be given to each department.

Councilor Adelstein moved and Councilor Laninga seconded that the Employee Handbook and Policies AD-07 through AD-08, AD-10 through AD-11, AD-13 through AD-15, AD-17 through AD-29, F-07 through F-09, HR-01 through HR-02, and HR-04 through HR-18 be approved. The motion carried.

Councilor Adelstein recognized Deputy City Clerk Kathleen Delgado for being the workforce behind the development of this handbook for the last several years. Mayor Louws also recognized the hard work of Deputy City Clerk Delgado and thanked her for the many hours she has dedicated to the handbook. He informed Council that for about a year she would work on a Saturday, taking a day off during the regular work week, in order to work on the handbook with no interruptions.

Consideration of Request for Proposals for Architectural Services for Downtown Restrooms

One of the implementation measures for the Downtown Economic Enhancement Strategies is the construction of public restrooms to serve the community during events as well as tour buses and visitors. The original concept placed the facilities in Judson Plaza, next to the Chamber of Commerce office. However, after further review of that site, its limitations, and the cost for a stand alone structure, it was determined that the facilities should be added to the existing community center, closer to potential tour bus parking and the larger event space of the 4th Street Commons.

To further explore the opportunities for this addition, the next step is to have a design and cost estimates completed. Because this will be an addition to a public facility, the Community Development Committee and Chamber of Commerce determined it would be best for the City to act as the lead agency to hire an architect to work on the design and cost estimates.

Councilor Kuiken moved and Councilor Adelstein seconded that the Request for Proposals for Architectural Services for the Downtown Restrooms, and modifications to the Lynden Community Center, be approved. The motion carried.

Architectural Consultant – New City Hall – Project 2007-05

Last week, after interviewing five architectural consulting teams (short-listed from a total of eleven firms), the Lynden City Hall Design Committee discussed their findings from the interviews as well as from the consultant submittals. At the conclusion of the meeting, the

design Committee concurred to recommend to Council that the Zervas Group Architect team, located in Bellingham, be chosen to serve as the City's architectural consultant for designing Lynden's new City Hall.

Mayor Louws acknowledged Mr. Michael Aune, Ms. Cherilyn Jackson, Mr. Lynn Templeton, Mr. Gary Vis, and Mr. George Werkema, members of the City Hall Design Committee that were present at the meeting. He said that he appreciates the Committee's work during this selection process.

Councilor De Valois moved and Councilor Burns seconded that the selection of Zervas Group Architect team to provide design consulting services for the new Lynden City Hall, Project No. 2007-05, be approved and that staff be authorized to begin contract negotiations with this team. The motion carried.

Mayor Louws introduced to Council Mr. Andrew Krzyshek, an associate with Zervas Group Architect. Mayor Louws thanked Mr. Krzyshek for attending the meeting. Mr. Krzyshek stated that they look forward to helping the City of Lynden reach its goals for the new City Hall.

Mr. George Werkema, 1607 C Street, Lynden, informed Council that it has been a pleasure being a part of the City Hall Design Committee. He stated that there is a wonderful sense of cooperation and good spirit on the Committee. He also said that he had been impressed with Zervas Group Architect from the beginning.

Ms. Cherilyn Jackson, 538 Wildrose Circle, Lynden, stated that she agreed with the previous statement made by Mr. Werkema. She said that the City Hall Design Committee is a very well run and compatible group and that she looks forward to working with Zervas on the final design plans.

Mayor Louws said to Mr. Krzyshek that he looks forward to the development of the contract. He then thanked the City Hall Design Committee for coming to the meeting.

Safety Award Issued to Lynden Water/Wastewater Plants

The City of Lynden Water and Wastewater plants were awarded the Pacific Northwest Clean Water Association (PNCWA) Safety Award for zero lost-time accidents over a five year period. The award was announced at the annual PNCWA conference that was held in Coeur d'Alene, Idaho in October 2006. A notice regarding the award was published in the fourth quarter issue of the PNCWA newsletter.

This award was established in 1982 in honor of George W. Burke Jr. for his many years of service to both the water environment field and the Water Environment Federation (WEF) as staff manager of technical services. Mr. Burke was instrumental in developing WEF's annual safety survey and assisting in the production of several safety training aids and promotional packets.

The purpose of this award is to encourage an active and effective safety program in municipal and industrial wastewater facilities. Award eligibility criteria requires the facility to have an effective safety program, as demonstrated by its injury/fatality rates and to be a member of the Water Environment Federation.

Public Works Director Duane Huskey presented the plaque to Mayor Louws who thanked the Public Works staff for their good work.

Resolution No. 758 – Election to Operate the Non-Exempt Firefighters Schedule Under the Fair Labor Standards Act 207(K) Exception

The conversion to an alternate work schedule for the non-exempt, full-time firefighters has increased the potential for overtime. In an effort to reduce that potential, the City has elected to put into effect the Fair Labor Standards Act 207(k) Exemption. This Exemption provides a partial exemption from the overtime provisions for certain fire protection employees by creating alternative work periods to accommodate long tours of duty. The work periods can vary from 7 days to 28 days.

Resolution No. 758 resolves to operate the schedule of the non-exempt firefighters under 207(k) and provides for the length of the alternative work week to be determined by the City Administrator.

Councilor Adelstein moved and Councilor Burns seconded that Resolution No. 758, Election to Operate the Non-Exempt Firefighter's Schedule under the Fair Labor Standards Act 207(k) Exemptions, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

IV EXECUTIVE SESSION

Council went into Executive Session at 7:32 P.M. to discuss property issues and potential litigation. It was anticipated that the Executive Session would last approximately 15-20 minutes and that action may be taken following the session. Council came out of Executive Session at 7:45 P.M. and the following action was taken:

Drayton Street Right-of-Way Acquisition – Project No. 2005-13

Councilor Bode introduced this item stating that the Drayton Street Project will rebuild Drayton Street, between Bender Road and 2nd Street, to City arterial standards.

Councilor Bode moved and Councilor Gelder seconded that the following be authorized: payment of \$15.00 per square foot for acquisition of right-of way properties from Lawrence and Winifred Vander Giessen, Christopher and Becky Candini, Steven and Candice Kalin, and the Society for Christian Instruction of Lynden; payment of \$500.00 for legal review for each property; and that the City pay the excises taxes, and that the Mayor be authorized to sign the dedications of rights-of-way. The motion carried.

Settle Agreement – City of Lynden and Vellema Family – West Front Street Project

City Attorney Bob Carmichael introduced this item stating that this agreement is for work the City performed along Front Street, formally known as Tromp Road, and reflects the Vellema's payment of their share for those improvements leaving a remaining obligation for the Vellema family.

Councilor Bode moved and Councilor De Valois seconded that the agreement be approved and that the Mayor's be authorized to sign the seven page agreement between the City of Lynden and Wilmina Vellema, individually and as personal representative of the estate of Dick Vellema, concerning payments for improvements on Front Street, formally known as Tromp Road. The motion carried.

Mayor Louws thanked staff for working their work on this and he thanked the Vellema family for their willingness to resolve this situation in a very nice, professional way.

V ADJOURNMENT

The February 5, 2007 regular session of the Lynden City Council adjourned at 7:50 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor