

# LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

FEBRUARY 16, 2010

## I CALL TO ORDER

Mayor Scott Korthuis called to order the February 16, 2010 regular session of the Lynden City Council at 7:00 P.M. at the Lynden City Hall Annex.

## ROLL CALL

Members present: Mayor Scott Korthuis; Councilors Gary Bode, Dave Burns, Ron De Valois, Tobey Gelder, Jerry Kuiken, Nick Laninga, and Brent Lenssen.

Members absent: None.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Planning Director Amy Harksell, Public Works Director Duane Huskey, Chief of Police Jack Foster, 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 Bode seconded that the minutes of the February 1, 2010 Regular Council Session be approved. The motion carried.*

## ITEMS FROM THE AUDIENCE

### Scheduled

Mr. Lynn Templeton, 602 Fairview Drive, Lynden, WA 98264, appeared before Council representing the Whatcom County Boys and Girls Clubs. He thanked the members of Council who participated in the recent silent auction. He then updated Council on their fundraising efforts, the status of the new facility being built in Ferndale, and the possibility of needing to expand the Lynden Boys and Girls Club. He asked that Council keep their organization's future needs in mind when looking at the City's zoning and that he looks forward to partnering with the City when the time comes to expand in Lynden.

Mr. Templeton also stated that he appreciates any work being done to improve Kok Road.

Mayor Korthuis thanked Mr. Templeton for updating the Council on the Boys and Girls Club activities and for the important work they do within our community.

Mr. Glen Tromp, 7682 Terrace Street, Lynden, WA 98264, appeared before Council to ask what type of water detention system will be used by the cold storage unit going in by West Main Street, and he wanted to know what is being done to address the flooding issues regarding the area around West Main Street.

Public Works Director Duane Huskey stated that he understood that the cold storage facility would have a water infiltration system; however, he has not yet received any plans. He said that any system would have to meet the Department of Ecology's guidelines established in 2005.

Mayor Korthuis invited Mr. Tromp to attend a Public Works Committee to discuss the potential for flooding surrounding West Main Street.

Councilor Nick Laninga also expressed his concerns regarding the flooding potential in this area.

Unscheduled - None

## II CONSENT AGENDA

### Approval of Claims

Manual Warrants No. 52075 through 52108	\$ 270,021.95
Voucher Warrants No. 52109 through 52280	\$ 425,323.21
Direct Payment	\$ 15,744.19
Total	<u>\$ 711,089.35</u>

### Ordinance No. 1374 – Airport Overlay Zone

#### Award Contract for Lease of City Property – 1892 Kok Road – Vehicle Parking During the 2010 Northwest Washington Fair

#### Award Contract for Cedar Shakes – Berthusen Barn

#### Award Contract for Aluminum Bleachers

### Ordinance No. 1373 – A 2010 Budget Amendment

Councilor Burns requested that the agenda item titled Award Contract for Lease of City Property – 1892 Kok Road – Vehicle Parking During the 2010 Northwest Washington Fair be removed from the Consent Agenda.

Councilor Lenssen requested that the agenda item title Award Contract for Cedar Shakes – Berthusen Barn be removed from the Consent Agenda.

*Councilor De Valois moved and Councilor Kuiken seconded that the Consent Agenda, excluding Award Contract for Lease of City Property – 1892 Kok Road – Vehicle Parking During the 2010 Northwest Washington Fair and Award Contract for Cedar Shakes – Berthusen Barn, be approved. The motion carried.*

#### Award Contract for Lease of City Property – 1892 Kok Road – Vehicle Parking During the 2010 Northwest Washington Fair

Councilor Burns asked if there was a policy in place on how to proceed when the bid process results in a tie. City Administrator Verwolf explained what has been done in the past which was consistent with the handling of this tie situation.

*Councilor Burns moved and Councilor Lenssen seconded that the contract for lease of City property at 1892 Kok Road, for the lease of parking spaces during the Northwest Washington Fair in August 2010, be awarded to the Northwest Washington Fair Association in the amount of \$650.00, and that the Mayor be authorized to sign the agreement. The motion carried.*

Council agreed that the Public Works Committee will begin the process of developing a policy for bids that result in a tie.

#### Award Contract for Cedar Shakes – Berthusen Barn

Councilor Lenssen stated that he needed to recuse himself from the discussion and vote on this agenda item.

*Councilor De Valois moved and Councilor Burns seconded that the contract for #1 Heavy shakes for the Berthusen Barn be awarded to Vander Griend Lumber, as stated in the bid specifications, in the amount of \$24,148.00 which includes shipping, delivery, and sales tax. The motion carried 6-0 with Councilor Lenssen abstaining.*

## III NEW BUSINESS

### Agreement for Professional Services – Lynden Municipal Court Judge

The Agreement for Professional Services between the City of Lynden and Terrance G. Lewis, Attorney at Law is for the purpose of providing the services of Municipal Court Judge for the Lynden Municipal Court.

This Agreement is for a four year term that matches the term of the appointment of Judge Lewis, which was confirmed at the January 19, 2010 meeting of the Lynden City Council.

***Councilor Kuiken moved and Councilor Burns seconded that the Agreement for Professional Services Lynden Municipal Court Judge be approved and that the Mayor be authorized to sign said Agreement. The motion carried.***

#### **Resolution No. 814 – Rescinding Resolution No. 759 and Setting Volunteer Firefighter Pay**

The City of Lynden Fire Department has paid volunteer firefighters \$9.00 per hour for the time spent in Emergency Medical Technician (EMT) and Fire Academy classes. Chief Baar requests Council's approval to discontinue paying this class time as training time. There are no other fire departments within Whatcom County that currently pay their volunteers for the time they spend in class.

Resolution No. 814 will rescind Resolution No. 759 that held the provisions for paying for class and training time for the EMT and Fire Academy classes. Resolution No. 759 also had provisions for Saturday stand-by duty pay and Sunday and Holiday station pay which have been removed from Resolution No. 814 as they are no longer relevant.

***Councilor Burns moved and Councilor Lenssen seconded that Resolution No. 814, Rescinding Resolution No. 759 and Setting the Volunteer Firefighter Pay, be approved and that the Mayor be authorized to sign said Resolution. The motion carried 6-1 with Councilor Gelder voting against.***

#### **Request from the Lynden Shotgun Club to Construct a Building at Berthusen Park**

Mr. Don LePlant, representing the Lynden Shotgun Club, made a presentation to the Parks Committee requesting permission for the Club to construct a new clubhouse building on the property currently being used as a shotgun range. According to the lease agreement between the Club and the City, the Club must receive permission from the City prior to making any additions, alterations, or building on the site.

The existing clubhouse is a converted chicken house that was moved onto the property over 50 years ago. The structure has outlived its usefulness as a clubhouse due to its age, condition, and lack of handicap access. There will be no cost to the City, as the club will raise the needed funds for materials, and their members (4 of whom are contractors) will do the construction.

The Club has requested permission to construct the building and permits will be applied for through the County. Final plans, including elevations, will be forwarded to the City Building Inspector and the Parks Council Committee before final approval will be granted.

***Councilor De Valois moved and Councilor Bode seconded that the Lynden Shotgun Club be granted permission to construct a clubhouse on the property they are currently leasing provided that all required permits are acquired, final plans including elevations are provided to the Lynden Building Inspector and the Parks Committee for review, and final approval is given by the Parks Director. The motion carried.***

#### **Request for Authority to Sell Fire Truck "Reserve 75" by Alternate Method**

There is an opportunity to attempt to sell Fire Truck "Rescue 75" through the use of EBay. Before we consign the sale to a dealer, it is recommended that we place the truck on EBay for a month to see if there is any interest.

***Councilor Burns moved and Councilor Lenssen seconded that approval be granted for Chief Baar to place Rescue 75 on EBay with a minimum bid requirement of \$41,000. The motion carried.***

#### **Resolution No. 815 – Opposing Whatcom Transportation Authority Sales Tax Increase**

On April 27, 2010 the Whatcom Transportation Authority (WTA) will have a ballot measure before the voters to increase sales tax rates by 0.2% to "maintain and improve" service.

Given the reductions in service by many taxing authorities in Whatcom County, it seems prudent that WTA also look for additional cost saving measures before increasing the sales tax rate for all the residents of Whatcom County.

***Councilor Kuiken moved and Councilor Bode seconded that Resolution No. 815, A Resolution in Opposition to the Request of Whatcom Transportation Authority to Increase the Sales Tax by 0.2%, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.***

#### **IV EXECUTIVE SESSION**

Council went into Executive Session at 7:31 P.M. to discuss potential litigation. It was anticipated that the Executive Session would last approximately 15 to 20 minutes and that action would not likely be taken following the session. Council came out of Executive Session at 8:00 P.M. No action was taken.

#### **V ADJOURNMENT**

The February 16, 2010 regular session of the Lynden City Council adjourned at 8:01 P.M.

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Rachel Byers, Administrative Assistant

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Scott Korthuis, Mayor