

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

FEBRUARY 20, 2007

I CALL TO ORDER

Mayor Jack Louws called to order the February 20, 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, Public Works Director Duane Huskey, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was Attorney Greg Greenen for City Attorney Bob Carmichael.

Mayor Louws welcomed Attorney Greg Greenen to the meeting and thanked him for attending in City Attorney Bob Carmichael's place.

APPROVAL OF MINUTES

Councilor Kuiken moved and Councilor Bode seconded that the minutes of the February 5, 2007 regular session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - Presentation by the Phoebe Judson Heritage Committee

Mrs. Mary Michaelson, Assistant Curator for the Lynden Pioneer Museum, visited the Community Development Committee meeting on February 14, 2007 to request permission to include a proposed statue of Phoebe and Holden Judson in the streetscape plan for Judson Plaza, and to kick off the necessary fundraising campaign to finance the project. The Community Development Committee was very positive about the proposed project and recommended that Mrs. Michaelson give her presentation to the full Council at the next Council meeting.

Mrs. Michaelson appeared before Council and informed them that the statue would be on the corner of Front and 6th Streets, in front of the Lynden Chamber of Commerce, and that it would be facing the windmill. She also said that it will take approximately a year or more for the statue to be completed.

Councilor Laninga moved and Councilor De Valois seconded that the request to include the Judson Memorial Statue as part of the Judson Plaza streetscape improvement project be approved. The motion carried.

Mayor Louws thanked Mrs. Michaelson for attending the meeting and wished her well in her fundraising endeavors.

Unscheduled - None

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 44504 through 44536	\$ 108,496.12
Voucher Warrant No. 44537	<u>\$ 869,315.99</u>

Total \$ 977,812.11

Request to Set Public Hearing Date for March 5, 2007 – Residential Zoning Code Revisions

Interagency Agreement with the Department of Health for a Water Source Feasibility Study

Professional Services Agreement with Reichhardt and Ebe Engineering to Conduct a Water Source Feasibility Study

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

III NEW BUSINESS

2007 Chamber of Commerce Event Calendar

Several years ago, the City Council began approving the various community events at one time rather than each event separately. Mr. Gary Vis, Executive Director of the Chamber of Commerce, visited the Community Development Committee on January 21, 2007 requesting to continue this practice.

Mr. Vis informed the Community Development Committee that he was not changing the venue for any of the events this year, so all street closures and barricade maps will remain the same. The Committee discussed the needs of the business owners south of Judson Alley to maintain access to their business. In recent years, the City has provided signage to direct traffic to the appropriate locations and Mr. Vis indicated that the Chamber will continue their close work with the Public Works, Police, and Fire Departments to ensure that traffic circulation needs are met and that there is appropriate access for public safety needs.

In addition to the event approvals, most of these events include the hanging of street banners in the two approved locations: one downtown and one at Front and 19th Streets. There are three events included on the calendar that the City does normally approve street banners for in addition to those events sponsored by the City or Chamber of Commerce. These events are the Can-Am Car Show, The Threshing Bee, and the PRCA Rodeo. Approval of this calendar as noted provides approval for those specific banners.

Mr. Vis appeared before Council and assured them that he will continue to work with the Fire, Police, and Public Works Departments regarding access to businesses located on Judson Alley during events which require road closures.

Councilor Kuiken moved and Councilor Adelstein seconded that the 2007 Event Calendar and street banner requests be approved as recommended by the Community Development Committee. The motion carried.

Ordinance No. 1288 Readopting Ordinance No. 1269 Vacating Alley Right-of-Way

On July 3, 2006 Council adopted Ordinance No. 1269 vacating an alley right-of-way. Section 4 of Ordinance No. 1269 stated:

Section 4: That a certified copy of this ordinance be sent to the Auditor of Whatcom County, Washington, and recorded by said Whatcom County Auditor only after the City has closed and recorded all deeds set forth in the Purchase and Sale Agreement including the aforementioned “Van Werven conveyance.” If recording of the deeds set forth in the Purchase and Sale Agreement does not occur by October 16, 2006, this ordinance shall be null and void.

Due to a delay in obtaining the required signatures on the Purchase and Sale Agreement, the recording of the deeds did not occur by October 16, 2006. Ordinance No. 1288 readopts Ordinance No. 1269 and changes the date, by which the recording of the deeds must be accomplished, to April 30, 2007 (see Section 2 of Ordinance No. 1288.)

Councilor Bode moved and Councilor Laninga seconded that Ordinance No. 1288 Readopting Ordinance No. 1269, Vacating an Alley Right-of-way in the City of Lynden, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.

Request to use Funds for the Design and Construction of a New Restroom Facility at City Park

The Parks Department requested authorization to expend funds from Park Impact Fees (60%) and REET-Parks Capital Reserve (40%) for the design and construction of new restrooms to be located at City Park near the new playground. The existing restrooms were constructed in 1984 to serve a population of approximately 4000 citizens; they were not built to the ADA requirements that are in effect today.

The Parks Committee reviewed the request for expenditure of funds to build a new restroom. They agree that:

- The new restrooms are needed to meet the growing population;
- The restrooms should be located near the anticipated new playground; and
- The Impact Fees and Capital Reserve Funds should be used for the design and construction of the restrooms.

It was noted that the final site selection, design, and cost of the facility will be brought back to Council for approval.

Councilor De Valois moved and Councilor Bode seconded that the request to use Capital Reserve and Impact Fee Funds for the design and construction of a new restroom at City Park be approved. The motion carried.

Interlocal Agreement with Public Utilities District No. 1 of Whatcom County for Investigation of Feasibility and Costs of Water Service

This agreement with Public Utility District No. 1 of Whatcom County (PUD) is to investigate and evaluate the feasibility and costs of the PUD providing 3mgd of water to the City of Lynden through two options: 1) a pipeline from the PUD facility at Trigg Road; or 2) diversion from the Nooksack River at Lynden's intake facility.

This is a regional evaluation and includes investigation of the potential provision of additional water to the Bertrand Creek Watershed Improvement District.

This agreement was reviewed by Administration, the Community Development Committee, and the City Attorney. Council discussed whether this agreement should be approved at this meeting or if it should be referred to the Public Works and Finance Committees for further review.

Councilor Laninga moved and Councilor De Valois seconded that this agreement be referred to the Public Works and Finance Committees for further review. The motion carried 4-3 with Councilors Bode, De Valois, Kuiken, and Laninga in favor and Councilors Adelstein, Burns, and Gelder against.

OTHER

Councilor Adelstein informed Council and the audience that the Lynden School District had begun a new program that helps teach conversational English to parents whose primary language is not English. He said that tonight is the first night of 10 sessions over 5 weeks. He stated that many people with different backgrounds have volunteered to help with the program and he is very grateful for their willingness to do so. Councilor Adelstein stated that if anyone else would like to volunteer they would be appreciated.

IV EXECUTIVE SESSION

Council went into Executive Session at 7:45 P.M. to discuss real estate and legal matters. It was anticipated that the Executive Session would last approximately 20 minutes and that action may

be taken following the session. Council came out of Executive Session at 8:15 P.M. and the following action was taken.

Ordinance No. 1289 – Authorizing and Providing for the Acquisition and Easement for the Necessary Right-of-Way for the Laying Out, Establishment, and Construction of an Extension of 17th Street

Mayor Louws, City Administrator Bill Verwolf, and Attorney Greg Greenen provided information regarding this agenda item stating that the City requires the acquisition of this easement for the purpose of obtaining the right-of-way for the purpose of extending 17th Street north from its current terminus through East Main Street.

The extension of 17th Street has been part of the City's Comprehensive Plan since the City's adoption of its first Transportation Plan in 1995 and that the original 1986 short plat, over which is the planned extension of 17th Street, required that land be preserved for the purpose of the extension of 17th Street.

Councilor Bode moved and Councilor Gelder seconded that Ordinance No. 1289, Authorizing and Providing for the Acquisition an Easement for the Necessary Right-of-Way for the Laying Out, Establishment, and Construction of an Extension of 17th Street; Providing for condemnation, Appropriation, Taking and Damaging of Land and other Rights Necessary Therefore; Providing for the Cost Thereof; and Directing the Initiation of Appropriate Proceedings in the Manner Provided by Law for said Condemnation, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.

V ADJOURNMENT

The February 20, 2007 regular session of the Lynden City Council adjourned at 8:20 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor