

# LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

MARCH 2, 2009

## I CALL TO ORDER

Mayor Jack Louws called to order the March 2, 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, Jerry 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, Assistant Fire Chief Joe Noonchester, 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 February 17, 2009 Regular Council Session be approved. The motion carried.*

## OATH OF OFFICE

Mayor Louws conducted the oath of office for Firefighter Travis Krueger, Firefighter Ryan Winkler, and Firefighter Christopher Byer. Before each oath, the Firefighters introduced their family and friends in the audience. The firefighters received their badges from Assistant Fire Chief Noonchester.

## ITEMS FROM THE AUDIENCE

**Scheduled** - None

**Unscheduled** - None

## II CONSENT AGENDA

### **Approval of Payroll**

Direct Deposits, Draws and Warrants No. 13547 through 13602

\$ 410,625.28

### **Berthusen Park Annual Report -2008**

### **Request to Cancel Claims Warrant C-49773**

### **East Lynden Sewer Surcharge - Refund Request**

### **Award Contract for Mowing City Properties**

### **Award Contract for use of City Parking Lot**

### **Appointment to the Board of Adjustments - Mr. Denny Vandervelden**

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

### III PUBLIC HEARING

#### **Ordinance No. 1350 Regarding Stormwater**

On February 17, 2009 Council set a Public Hearing date of March 2, 2009 to hear comments on the revisions to Chapter 13.24 of the Lynden Municipal Code relating to Stormwater.

The language revisions will assist the City to meet the increased demands of stormwater management due to Lynden's growing population. Additionally, the Ordinance sets forth the reasoning behind the General Facility Charges and the utility rates for stormwater.

Other changes outlined in this proposed Ordinance include: new definitions and better clarification of existing definitions; the establishment of rate exemptions and reductions for the provision of water quality facilities detention or retention of stormwater; and the identification of discharges that are not allowed in the stormwater system.

Mayor Louws opened the public hearing at 7:13 PM.

*Speaking in favor:* None.

*Speaking against:* None.

***Councilor Bode moved and Councilor De Valois seconded that the Public Hearing be closed. The motion carried.***

The Public Hearing closed at 7:15 P.M.

***Councilor Gelder moved and Councilor De Valois seconded that Ordinance No. 1350, amending chapter 13.24 of the Lynden Municipal Code relating to stormwater management systems, stormwater utility rates, and stormwater general facility improvement charges, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.***

### IV NEW BUSINESS

#### **Introduction of a 2009 Budget Amendment**

As required by State regulations, the proposed amendment to the 2009 Budget was introduced and reflects the following changes:

- Create Fund 106 - Federal Seizures/Forfeitures
- Create Fund 238 - Public Works Trust Loan - 17<sup>th</sup> Street
- Create Fund 239 - Public Works Trust Loan - Kok Road
- Create Fund 001 - Current Expense Fund

This item was for information only.

#### **Ordinance No. 1351 - Adopting a Penalty for Failure to Connect to City Sewer System**

On February 18, 2009 the Public Works Committee reviewed the issue of Mr. Wayne Kroon, 1570 Bradley Meadows Lane, whose septic drain field is partially located on the adjacent neighbor's property. Mr. Kroon has agreed to hookup to City sewer; however, he requested that a lien be placed on the property so that the Facility Capital Improvement fees would be deferred. The hookup fees have been discussed between City staff and Mr. Kroon, and at Public Works Committee meetings for several months.

City Attorney Carmichael determined that although the Lynden Municipal Code (LMC) requires hookup to City sewer when sewer is within 300 feet of a building (or when the existing septic system fails) the LMC has no direct enforcement mechanism to require connection. In order to remedy this situation, the attached ordinance was presented for approval. If approved, Mr. Kroon will have 90 days to pay the Facility Capital Improvement fees from the date the ordinance is adopted.

*Councilor Bode moved and Councilor De Valois seconded that Ordinance No. 1351, adopting a penalty for failure to connect to the City's sanitary sewer system, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.*

**Request to Surplus Existing City Hall - 323 Front Street**

When city offices move into the new city hall, the City will no longer have a need for the vacated city hall at 323 Front Street. In order to proceed with possible options for this property, it was requested that Council declare the city hall property located at 323 Front Street as surplus.

*Councilor Adelstein moved and Councilor Kuiken seconded that the city owned real estate located at 323 Front Street, Lynden, WA, 98264 (parcel number 400320 331313 000) be declared surplus and that the Finance Director, or her designee, be authorized to proceed with advertisement to solicit bids for the property. The motion carried.*

**OTHER**

**New City Hall Open House**

Mayor Louws announced that staff will be working with the Lynden Chamber of Commerce staff in order to coordinate an open house for the new City Hall during the June 6, 2009 Farmers Day Parade and Lynden Heritage Celebration.

**V EXECUTIVE SESSION - Cancelled**

**VI ADJOURNMENT**

The March 2, 2009 regular session of the Lynden City Council adjourned at 7:35 P.M.

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Rachel Byers, Administrative Assistant

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Jack Louws, Mayor