

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

MARCH 5, 2007

I CALL TO ORDER

Mayor Jack Louws called to order the March 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, and Nick Laninga.

Members absent: Councilor Gerald Kuiken with notice.

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 Adelstein moved and Councilor De Valois seconded that the minutes of the February 20, 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. 12190 through 12240 \$ 349,549.03

Award Bid for Surplus Generator – Public Works Department

Award Bids for Surplus Equipment – Parks Department

Ordinance No. 1290 – Amending Chapter 10.08.100 – Related to Parking Prohibited on Certain Streets

Select Consultant for Lynden Airport Master Plan Update

Speed Limits for the Streets of Lynden

Berthusen Park Annual Report – 2005 and 2006

Councilor Bode requested that the item titled Speed Limits for the Streets of Lynden be removed from the Consent Agenda.

Councilor De Valois moved and Councilor Gelder seconded that the items on the Consent Agenda, excluding the item titled Speed Limits for the Streets of Lynden, be approved. The motion carried.

Speed Limits for the Streets of Lynden

Council debated the proposed speed limit changes to sections of Benson Road, Depot Road, Line Road, Kamm Road, Main Street, Judson Alley and South 6th Street. They discussed the possibility of conducting an engineering study for some of the streets and alley and that cost estimates for conducting the studies should be obtained.

Councilor Bode moved and Councilor Burns seconded that this request to change the speed limits on certain city streets be referred to the Public Safety and Public Works Committees for further review. The motion carried.

III PUBLIC HEARING

Medical Services Overlay

Council approved Resolution No. 756, outlining the 2007 Economic Development Work Program, at their January 2, 2007 meeting. In response to Council's request, the Planning Department staff used ordinances and resolutions from several other jurisdictions as models during the drafting of this chapter, and worked with potential users of the text as well as the Technical Review Committee, to create an ordinance that is specific to Lynden's needs.

The Planning Commission held a Public Hearing on the addition of a Medical Service Overlay District on February 22, 2007.

Mayor Louws opened the Public Hearing at 7:20 P.M.

Speaking in favor: Mr. Gary Vis, 8844 Bender Road, Lynden, stated that as the Executive Director of the Lynden Chamber of Commerce he supports the approval of the Medical Service Overlay District. He said that he encourages these types of business to locate in Lynden, which will result in the creation of new job opportunities.

Speaking against: None.

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

The Public Hearing closed at 7:22 P.M.

Council discussed concerns regarding the type of restaurants that could be located in the medical service overlay district and what types of limitation they could set.

Councilor Bode moved and Councilor Adelstein seconded that Chapter 19.26, Medical Services Zoning Overlay be approved as recommended by the Planning Commission and that staff be authorized to prepare the final ordinance with all the necessary findings of fact.

Councilors Bode made a friendly amendment to the motion requesting that staff work with Administration to develop language for the ordinance that will further define section 19.26.040 – Permitted Uses, No. 7 – Restaurants without drive thru.

To reiterate, the motion with the amendment are as follows:

That Chapter 19.26, Medical Services Zoning Overlay be approved as recommended by the Planning Commission; that staff be authorized to prepare the final ordinance with all the necessary findings of fact; and that staff work with Administration to develop language for the ordinance that will further define section 19.26.040 – Permitted Uses, No. 7 – Restaurants without drive thru. The motion carried.

Councilor Burns commended Planning Director Amy Harksell for the tremendous job she did on this item in such a short amount of time. Mayor Louws thanked Planning Director Harksell, the Planning Commission, staff, and members of the community who worked hard to put this together in a very short period of time.

IV NEW BUSINESS

Consideration of Preliminary Planned Residential Development Amendment – Woodfield Village

Duke Development Corp. has purchased Division 5 of the Woodfield Village Planned Residential Development (PRD), the John Harkoff property. As part of the original contract, final development plans for this division would require a public hearing through the PRD Amendment process. The original contract allowed multi-family development and provided both a minimum (10) and maximum (22) number of units to be developed on this site. The application and development were considered under the “old” PRD requirements – consistent with the contract on the property. The applicant has included several provisions of the new PRD ordinance, such as the requirements for the street section and minimum open space allocation.

The Planning Commission held a public hearing on February 8, 2007 to consider the request. Several of the neighbors expressed some concern with the inclusion of duplex units in the project, but were satisfied with the requirement that those units be located on the outer perimeter of the project. After discussion of the testimony and the uses permitted under the existing contract, the Planning Commission recommended approval of the request.

Councilor De Valois moved and Councilor Bode seconded that preliminary approval of Planned Residential Development Amendment 06-02 be granted as recommended by the Planning Commission; that the Mayor be authorized to sign the Findings of Fact; and that staff be authorized to prepare the final contract for Council consideration. The motion carried.

Consideration of Rezone 07-01 – Judson Village

Seventh Heaven LLC submitted a preliminary plat application for property at the southern termini of south 7th Street approximately one year ago. Due to the amount of peat extraction and changes to the local real estate market, the property owners have now determined that they would prefer to develop fewer building with more units per building. Due to the limitations of the RM-2 zone, this requires a site specific rezone.

The Planning Commission held a public hearing on February 8, 2007 to consider the request. No one spoke in opposition to the request, and the City did receive one letter in support of the rezone. The Planning Commission held a detailed discussion of the project’s consistency with the South HBD Sub-Area Plan and the criteria for granting a site specific rezone. At the conclusion for the hearing and discussion, the Planning Commission recommended approval of the request.

If the rezone is approved, the adoption of a rezone ordinance will be required. If Council approves Rezone Request 07-01, the enacting ordinance will be on the next Council agenda.

Councilor De Valois moved and Councilor Burns seconded that Rezone Request 07-01 be approved as recommended by the Planning Commission; that the Mayor be authorized to sign the Findings of Fact; and that staff be authorized to prepare the final ordinance for Council consideration. The motion carried.

Resolution No. 759 – Amending Resolution No. 751 Setting Volunteer Firefighter Pay

Resolution No. 751, regarding volunteer firefighter pay, was approved by Council on December 18, 2006. This new Resolution reads exactly like Resolution No. 751 except for the phrase in Section 9 (Section 8 of Resolution No. 759) regarding Duty Officers. Resolution No. 751 stated “The Duty Officer (DO) shall be paid at the rate of \$55.00 per day for weekend or holiday duty”. This new Resolution amends this section to read “The Duty Officer (DO) shall be paid at the rate of \$55.00 per day as assigned by the Fire Chief.

There must be a Duty Officer on duty 24 hours a day, 7 days a week. Currently, Chief Baar is the Duty Officer Monday through Friday, requiring him to be available 24 hours a day, and a Volunteer Firefighter is assigned the Duty Officer position on weekends and holidays. In the event Chief Baar is out of town or otherwise unavailable during the work week, he is required to

assign a Duty Officer to replace himself. The change in Resolution No. 759 provides for the payment of \$55.00 per day for that Duty Officer

Councilor Burns moved and Councilor Adelstein seconded that Resolution No. 759, Amending Resolution No. 751 Setting Volunteer Firefighter Pay, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

V EXECUTIVE SESSION - Cancelled

VI ADJOURNMENT

The March 5, 2007 regular session of the Lynden City Council adjourned at 7:53 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor