

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

MARCH 16, 2009

I CALL TO ORDER

Mayor Jack Louws called to order the March 16, 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, Gerald Kuiken, and Nick Laninga

Members absent: None.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Finance Director Teresa Camfield, Chief of Police Jack Foster, Public Works Director Duane Huskey, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was Attorney Simi Jain representing City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor Kuiken moved and Councilor Bode seconded that the minutes of the March 2, 2009 regular session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - Ms. Mary Michaelson - Judson Statue Update

Ms. Michaelson appeared before Council and updated everyone on the fundraising efforts for the Judson statue. Mayor Louws thanked Ms. Michaelson for all her efforts.

Unscheduled - None

Stormwater Question

Mr. George Werkema, 607 C Street, Lynden, WA 98264, appeared before Council and requested clarification regarding stormwater utility rates and stormwater facility capital improvement. City Administrator Bill Verwolf answered his question.

Spring Cleanup

Mayor Louws informed Council and the audience that Nooksack Valley Disposal will be holding the 27th Annual Spring Clean Up in the City of Lynden on Saturday, April 18, 2009 from 9:00 AM to 12:00 PM.

Lynden High School's Girls Basketball Team Victory

Mayor Louws congratulated the Lynden High School's Girls Basketball Team for winning the 2A State Championship. He stated that everyone in the community is very proud of their hard work, dedication, and achievements.

Lynden Police Department Update

Chief of Police Jack Foster informed Council that the Lynden Police Department was recognized by the Washington State Criminal Justice Training Commission for 2008 Compliance of the in-service training mandate.

Chief of Police Jack Foster also stated that the City of Lynden has been selected by Operation Stonegarden to receive funding from the Department of Homeland Security. Operation Stonegarden provides money for equipment, overtime, and training for police agencies in border counties to support the Department of Homeland Security/Customs and Border Protection mission.

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 49815 through 49831	\$ 123,349.12
Voucher Warrant No. 49832 through 50005	\$ <u>880,474.54</u>
Total	\$ <u>1,003,823.66</u>

Ordinance No. 1352 - A 2009 Budget Amendment

Set Public Hearing Date for Stormwater Utility Rates

Set Public Hearing Date for Stormwater Facility Capital Improvements

Set Public Hearing Date for Growth Management Objectives

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

III NEW BUSINESS

Proposed Contract Amendment for Probation Services for the Lynden Municipal Court

This item was removed from the agenda.

Proposed Contract for Public Defender Services for the Lynden Municipal Court

Attorney Daniel Parsons of Roy, Simmons & Parsons requested to increase his fees for Public Defender services which he provides to the Lynden Municipal Court.

Case Referral Fees	2005-2008	2009-2011 (proposed)
New criminal charges	\$175	\$200
Probation matters	\$100	\$115

Councilor Adelstein moved and Councilor Laninga seconded that the contract for public defender services for the Lynden Municipal Court be approved and that the Mayor be authorized to sign said contract. The motion carried.

Ordinance No. 1353 Adopting the International Existing Building Code

On March 4, 2009 the Public Works Committee reviewed a request from Mr. Jeff Johnson, co-owner of Delft Square at 444 Front Street, and Mr. Charles Waugh, of Geiger Engineers in Bellingham. They would like the Council to adopt the International Existing Building Code.

The International Existing Building Code regulates the repair, alteration, change of occupancy, and the addition and relocation of existing buildings, including historic buildings. Adopting these Codes will allow the owners to incorporate the existing building’s materials and construction when they retrofit the building. It will also be helpful for remodels such as the Lynden Middle School and the soon to be vacant City Hall building at 323 Front Street.

Correction to Ordinance No. 1353: Section 15.03.050, Item A, 4th line reads “...building located within four hundred feet...” and was corrected to read “...building located within three hundred feet...”

Councilor Bode moved and Councilor De Valois seconded that corrected Ordinance No. 1353, Adopting the International Existing Building Code, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.

Acceptance of American Recovery and Reinvestment Act Stimulus Funds for East Grover Improvement Project No. 2008-05

City staff is preparing to solicit construction bids for the East Grover Street Project 2008-05, and has been working with the Washington State Department of Transportation (WSDOT) to prepare

for this. Additionally, the City has received WSDOT economic stimulus funding through the American Recovery and Reinvestment Act (ARRA) for this project in the amount of \$1,309,000.

With the ARRA funding, the City will be utilizing water and sewer utility funds, and \$1.34 million dollars from the arterial street fund to complete the estimated \$3.7 - \$4.0 million dollar project.

Councilor Laninga read a statement into the record explaining his reasons for not supporting the use of stimulus money.

Correction to Resolution No. 799: Title reads "...Project No. 2008-08" and was corrected to read "...Project No. 2008-05; and Section 1, Line 2 reads "...Project No. 2008-08..." and was corrected to read "...Project No. 2008-05..."

Councilor Bode moved and Councilor Adelstein seconded that corrected Resolution No. 799, accepting the American Recovery and Reinvestment Act Stimulus Funds for East Grover Improvement Project No. 2008-05, be approved and that the Mayor be authorized to sign said Resolution. The motion carried with 6 in favor and 1, Councilor Laninga, against.

Memorandum of Understanding - Whatcom Water Alliance

On March 4, 2009 the Public Works Committee reviewed the proposed Memorandum of Understanding between the Whatcom Water Alliance and the City of Lynden. The Whatcom Water Alliance is a group consisting of local governments and includes the City of Blaine, City of Ferndale, and the Birch Bay Water and Sewer Districts.

The goals set forth in the Memorandum include the collaboration of the local government water purveyors in Whatcom County to achieve greater efficiency and effectiveness in delivering water supply services, and to develop and promote common water conservation programs. Signing this Memorandum of Understanding will also count towards the City's goals in complying with the Water Use Efficiency Rule.

Councilor Bode moved and Councilor De Valois seconded that the Memorandum of Understanding for the Whatcom Water Alliance: Coordination of Regional Water Resource Programs be approved and that the Mayor be authorized to sign said Memorandum. The motion carried.

IV EXECUTIVE SESSION

Council went into Executive Session at 7:40 P.M. to discuss a real estate issue. It was anticipated that the Executive Session would last approximately 15 minutes and that action would likely be taken following the session. Council came out of Executive Session at 8:15 P.M.

Councilor Adelstein moved and Councilor Burns seconded that that Ordinance No. 1354, Authorizing the Acquisition of Land and Property Right for the Laying out, Establishment, and Construction of Road, Sewer, Water, and Stormwater Infrastructure Improvements; Providing for Declaring as a Public Use and Necessity and Damaging of Land and Other Property Rights Necessary Therefore; and Providing for the Cost Thereof, be approved and that the Mayor be authorized to sign said Ordinance, and that City Attorney Bob Carmichael be authorized to send letter to the property owners of 401 Front Street regarding this Ordinance. The motion carried with 5 in favor, Councilor Laninga against, and Councilor Bode abstaining.

The Purchase and Sale Agreement for 401 Front Street will be added to the April 6, 2009 Council meeting agenda.

V ADJOURNMENT

The March 16, 2009 session of the Lynden City Council adjourned at 8:32 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor