

# LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

MARCH 19, 2007

## I CALL TO ORDER

Mayor Jack Louws called to order the March 19, 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, Chief of Police Jack Foster, Planning Director Amy Harksell, Parks and Recreation Director Vern Meenderinck, Acting Public Works Director Mark Sandal and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

## APPROVAL OF MINUTES

*Councilor Gelder moved and Councilor De Valois seconded that the minutes of the March 5, 2007 regular session be approved. The motion carried.*

### Lynden High School Boy's Basketball Team

Mayor Louws congratulated the team on their outstanding showing at the State competition (winning the state championship). He stated that the team members represent our community well and that we are very proud of them.

### 17<sup>th</sup> Street Culvert Collapse

City Administrator Bill Verwolf updated Council on the culvert collapse under 17<sup>th</sup> Street, stating that water washed away about half the culvert, half the fill on the west side, and half the pavement. He said that the situation has been stabilized and he estimated that repairs will not begin until some time this summer when the water levels are lower.

Mayor Louws thanked City Administrator Bill Verwolf, Acting Public Works Director Mark Sandal, Stremler Gravel, and everyone else for their work to make the necessary repairs and to keep the area safe.

## ITEMS FROM THE AUDIENCE

Scheduled – None

Unscheduled – None

## II CONSENT AGENDA

### Approval of Claims

Manual Warrants No. 44770 through 44790	\$ 105,268.81
Voucher Warrant No. 44537	\$ 499,819.09
Total	<u>\$ 605,087.90</u>

### Consideration of Zervas Architect Service Agreement – City Hall Project No. 2007-05

### Request to Cancel Claims Warrant C-44679

**Appointment to the Whatcom County Law and Justice Committee – Mr. Doug Knudsen**

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

**III PUBLIC HEARING**

**Residential Zoning Code Revision**

After the Zoning Text Review Committee (ZTC) completed their work on the Planned Residential Development Ordinance, they began to work on updating the residential chapters of the zoning code. These recommended changes are for the Residential Single Family (RS) zones, Residential Mixed Density (RMD) zone, and the Mobile and Modular Home (MH) zone. The primary focus of the work was to reorganize the code to be more user friendly, to update the code to reflect changes in housing trends, and to correct problem areas in the code.

The following items are some of the changes being proposed:

- Setbacks continue to be measured to the “furthest projection” of the building although the ZTC recommended changing the method to measuring from the foundation. Apparently the International Building Code has changed how building setbacks are considered and now requires the setbacks to the furthest projection of the building rather than the foundation wall;
- Building heights have been increased by two feet as most two story designs submitted today have roof pitches that make the 30 foot limit hard to meet;
- Lot coverage is slightly increased;
- Residential design criteria were included to ensure that neighborhoods are protected against the placement of certain manufactured homes;
- The RM-5 zoning designation was eliminated; and
- Fence heights and setbacks were revised to meet more current needs.

Mayor Louws opened the Public Hearing at 7:09 P.M.

Speaking in favor: Mr. David Black, 1161 Edgewater, Lynden, informed Council that he looks forward to working with the Planning Department, the Planning Commission, and the Council regarding his mobile storage unit business.

Speaking against: None

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

The Public Hearing closed at 7:12 P.M.

*Councilor Kuiken moved and Councilor Adelstein seconded that the revised zoning text, as recommended by the Planning Commission, be approved and that staff be authorized to prepare the final ordinance for Council consideration. The motion carried.*

Councilor Gelder and Mayor Louws thanked Planning Director Harksell and the Zoning Text Review Committee for their work updating the residential zoning code.

**IV UNFINISHED BUSINESS**

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

This agreement with the 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; and (2) diversions from the Nooksack River at Lynden’s intake facility.

This agreement is one of the continuing efforts to identify water sources for the long term growth requirements of Lynden. It will be a regional evaluation which will include an investigation into the potential provisions of additional water to the Betrand Creek Watershed Improvement District.

Council discussed water right issues, the Memorandum of Understanding between the City of Lynden and the Department of Ecology, intake options, and the Betrand Creek Watershed Improvement District with City Attorney Bob Carmichael, General Manager of the PUD No. 1 Steve Jilk, and City Administrator Bill Verwolf.

***Councilor Gelder moved and Councilor Adelstein seconded that the Interlocal Agreement between Public Utility District No. 1 of Whatcom County and the City of Lynden be approved and that the Mayor be authorized to sign said Agreement. The motion carried 6-1 with Councilor Laninga against.***

Mayor Louws thanked Mr. Jilk and the PUD Commissioners for working with the City of Lynden. He stated that he looks forward to continuing this process in the hopes of a positive resolution down the road.

### **Update on Medical Services Zoning Overlay**

After the public hearing on the draft medical services overlay, the Administration drafted some revisions to the language for the restaurant use as requested by Council. Administration also met with representatives of Peace Health to further discuss the text as it relates to their potential project. During that discussion, a few other minor edits were discussed.

Based on that meeting and the comments received, the Planning Department and Administration requested that the Council reopen the public hearing during the April 2, 2007 Council meeting to consider these and other potential additions to the ordinance.

***Councilor Kuiken moved and Councilor De Valois seconded that the Public Hearing on Chapter 19.26, Medical Services Zoning Overlay, be reopened during the April 2, 2007 Council meeting in order to consider modifications to the zoning text. The motion carried.***

## **V NEW BUSINESS**

### **Nooksack Valley Disposal's 25<sup>th</sup> Annual Spring Clean Up**

Nooksack Valley Disposal announced that it is holding its 25<sup>th</sup> Annual Spring Clean Up in the City of Lynden on Saturday, April 21, 2007 from 8:00 AM until 12:00 PM.

Mayor Louws thanked Nooksack Valley Disposal for the work they do in our community and for taking care of our needs.

### **Resolution No. 761 – Amending Resolution No. 694 Regarding Fees to be Charged for Fire Department Services.**

In June of 2004 Council approved Resolution No. 694 establishing a schedule of charges for services regarding construction and inspections. Attached to Resolution No. 694 was the Council approved schedule of fees. Resolution No. 761 will amend Resolution No. 694 increasing some of those fees which are based on the fees being charged by the City of Bellingham less 25%.

Services which are being charged for include the inspections of fire sprinkler systems, fire pump, fire lines, fire hoods in restaurants and fire alarm systems. It also includes charges for plan review of commercial projects, for inspection of tank installations and removal, and for safety inspections of firework stands.

***Councilor Burns moved and Councilor Adelstein seconded that Resolution No. 761, Amending Resolution No. 694 Regarding Fees to be Paid for Fire Services, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.***

### **Final Plat Consideration – Bradley Estates Long Plat**

7<sup>th</sup> Heaven Development Group created a five lot subdivision on a parcel east of Bradley Meadows Lane within the Residential Mixed Density Zone. Two of the lots are designated for duplex units and the existing house and two other lots are reserved for single family units.

The applicants have completed all their platting requirements as listed within the Findings of Fact for the project and have submitted all information for their required maintenance bonds for the improvements.

The repair of Bradley Meadows Lane after the extension of the sanitary sewer line and the water line improvements meets the City's standards. The applicants are reserving the Bradley Meadows Lane easement as a separate tract for future conveyance to the City when other portions of the street are improved and dedicated. An acknowledgement of the responsibility of all property owners to participate in the maintenance of Bradley Meadows Lane is also included as a note on the plat.

*Councilor Burns moved and Councilor Bode seconded that final plat approval to the Bradley Estates Long Plat be granted and that the Mayor be authorized to sign the mylar once all other signature and approvals have been obtained. The motion carried.*

### **Consideration of Request to Circulate Annexation Petition – East Lynden**

Two developers with holdings within the East Lynden area have requested permission to circulate an annexation petition. This is the first step in a lengthy process for the annexation of such a large parcel. Some of the preliminary sewer planning for the annexation area has already taken place.

The Community Development Committee met and discussed this request at their meeting on March 14, 2007. They discussed the impacts of an annexation of this size and the potential for phasing the eventual annexation. Phasing would allow the City to work up to providing services for the area and time to work with other service providers such as water and fire districts for the eventual transfer of services.

During the meeting, it was discussed that the Committee would recommend to Council that the interested parties be permitted to circulate the annexation petition, but that the City would also accept the actual petitions in phases. This would allow the property immediately adjacent to Line Road to proceed more quickly if desired as the sewer and water utilities are either already installed in Line Road or are in the construction process.

*Councilor Kuiken moved and Councilor Gelder seconded that permission to the interested parties to circulate an annexation petition for all or part of the proposed 271 acre urban growth area east of Line Road be granted. The motion carried.*

Mayor Louws stated that he looks forward to working with the property owners and the developers as this project moves along.

### **OTHER**

Councilor De Valois thanked the Lynden Police Department for the coffee mug.

### **VI EXECUTIVE SESSION - Cancelled**

### **VII ADJOURNMENT**

The March 19, 2007 regular session of the Lynden City Council adjourned at 8:23 P.M.

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Rachel Byers, Administrative Assistant

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Jack Louws, Mayor