

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

APRIL 2, 2007

I CALL TO ORDER

Mayor Jack Louws called to order the April 2, 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, Ron De Valois, Tobey Gelder, Gerald Kuiken, and Nick Laninga.

Members absent: Councilor Dave Burns with notice.

Staff present: 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 City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor De Valois moved and Councilor Kuiken seconded that the minutes of the March 19, 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. 12241 through 12291 \$ 359,887.82

Ordinance No. 1291 – Judson Village Rezone

Ordinance No. 1292 – Residential Zoning Text Amendments

Ordinance No. 1294 – Amendment to Chapter 17.01 – New Definitions

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

III PUBLIC HEARING

Ordinance No. 1293 – Medical Services Zoning Overlay

After the Public Hearing on the draft medical services overlay on March 5, 2007, the Administration drafted some revisions to the language for the restaurant use as requested by Council. Administration and Planning 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 included in the draft. Based on that meeting and the comments received, the Planning Department and Administration requested that Council reopen the hearing during this meeting to consider potential additions to the ordinance.

Mayor Louws opened the Public Hearing at 7:03 P.M.

Speaking in favor: None.

Speaking against: None.

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

The Public Hearing closed at 7:04 P.M.

Councilor Adelstein moved and Councilor Laninga seconded that Ordinance No. 1293, Adding Chapter 19.26 – Medical Services Zoning Overlay, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.

IV UNFINISHED BUSINESS

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

This ordinance is necessary for the condemnation of the right-of-way easement necessary for the long contemplated completion of 17th Street. Ordinance No. 1289 was previously considered and approved by Council, but was not clearly set forth on the agenda for the meeting at which it was adopted. Recent case law suggests that this may be required for condemnation ordinances.

To correct the oversight, the ordinance is again before Council for consideration of adoption and is included in the agenda for this City Council meeting. This will cure any potential procedural defects pertaining to notice. In addition, certain minor changes have been made to the ordinance, consisting of corrections to the tax parcel numbers referenced in Exhibits A and B, and revisions of the language in the 7th recital (which beings “WHEREAS the City has contacted”) to more accurately state the substance of that recital.

Councilor Bode moved and Councilor De Valois seconded that Ordinance No. 1289, Authorizing and Providing for the Acquisition of an Easement by Condemnation for the Necessary Right-of-Way for the Laying Out, Establishment, and Construction of an Extension of 17th Street, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.

V NEW BUSINESS

Resolution No. 762 – Amending Resolution No. 548 and Incorporating Resolution No. 711 Fees to be Charged for Police Department Services

Resolution No. 762 amends the fee schedule in Resolution No. 548 and incorporates Resolution No. 711 so that the majority of the Police Department fees are represented in one resolution. The recommended amendments are:

- Accident Reports –
 - No charge for the first copy provided to each driver or other person directly involved in the accident.
 - \$8.00 for any subsequent copies provided to drivers or other persons directly involved in the accident.
 - \$8.00 for any copy provided to parties not directly involved in the accident.

- Police Reports –
 - \$0.15 per page for requests totaling 7 pages or more.
 - Fee is waived for single request of 6 pages or less.
 - For multiple request from the same individual or organization, after the first fee has been waived, the charge of \$0.15 per page will apply to subsequent requests.

Councilor Adelstein moved and Councilor Kuiken seconded that Resolution No. 762, Amending Resolution No. 548 and Incorporating Resolution No. 711 Fees to be Charged for Police Department Services, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

Resolution No. 763 – Development Application Fees

The Planning Department reviewed their service charges and associated fees and updated the Cost of Services study for all development applications. This resulted in adding three new fees:

- Binding site plans,
- Site plan approval, and
- Recuperation of costs for sending critical area studies for independent review.

The fees and the underlying policy regarding the recovery of the cost to review applications were reviewed by the Community Development Committee and they recommend approval.

Councilor Kuiken moved and Councilor Gelder seconded that Resolution No. 763, Development Application Fees, be approved as recommended by the Community Development Committee and that the Mayor be authorized to sign said Resolution. The motion carried.

Councilor Adelstein thanked Mayor Louws for directing staff to review their fee schedules. Mayor Louws thanked the Department Heads for updating the resolutions with the new fees which are comprehensive and easily understood.

Final Plat Consideration – Turnberry Long Plat

Mr. John Schoneveld is requesting final plat approval for Turnberry Long Plat. This plat includes 11 single family lots located east of Vinup Road. The applicants have met the requirements listed in the approved findings of fact for the preliminary plat approval and are now ready for final plat. The following are the items remaining to be completed:

- Submission of maintenance bond,
- Completion of street striping,
- Installation of or proof of contract for installation of street lights, and
- Submittal of final as-builts.

Staff recommends final approval of the subdivision on the condition that all items above are completed prior to signatures.

Council De Valois moved and Councilor Adelstein seconded that final plat approval for Turnberry Long Plat, subject to the submission of a maintenance bond, completion of street striping, installation of or proof of contract for installation of street lights, and submittal of final as-builts, be granted and that the Mayor be authorized to sign the mylars once all conditions have been met. The motion carried.

Item Added – Resolution No. 764 Declaring An Emergency and Ratifying the Mayor’s Immediate Action

On March 19, 2007 the 17th Street culvert, located south of Village Drive in the City of Lynden, collapsed into Double Ditch Creek. Due to this emergency situation, there was no time to follow the usual process of obtaining competitive bids prior to selecting a contractor to stabilize and secure the area.

Due to this situation, the Council is being asked to approve Resolution No. 764 which declares this culvert failure as an emergency and declares that Mayor Louws was authorized to appropriately respond to this situation as was necessary.

Councilor Bode moved and Councilor Kuiken seconded that Resolution No. 764, Declaring an Emergency and Ratifying the Mayor’s Immediate Action, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

V EXECUTIVE SESSION

Council went into Executive Session at 7:15 P.M. to discuss real estate matters. It was anticipated that the Executive Session would last approximately 15 minutes and that action would not be taken following the session. Council came out of Executive Session at 7:45 P.M.

Other Business

Councilor Adelstein recognized Mr. Chris Bolt, a senior at Lynden High School, for being named the 2A Basketball Player of the Year. Councilor Adelstein also praised the Lynden Destination Imagination teams stating that seven teams competed in the State Competition, that each team placed 1st, 2nd, or 3rd in their various competitions, and that three teams will be competing in the World Championship. He said that he really appreciates the continued pursuit of excellence demonstrated by all the students.

Mayor Louws stated that there are great teachers, students, and parents involved throughout the numerous school programs and that all of their achievements are exciting.

VI ADJOURNMENT

The April 2, 2007 regular session of the Lynden City Council adjourned at 7:45 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor