

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

APRIL 6, 2009

I CALL TO ORDER

Mayor Jack Louws called to order the April 6, 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 Gary Bode, Dave Burns, Ron De Valois, Tobey Gelder, and Jerry Kuiken.

Members absent with notice: Councilor Doug Adelstein and Councilor Nick Laninga.

Staff present: Administrative Assistant Rachel Byers, Chief of Police Jack Foster, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor Kuiken moved and Councilor Bode seconded that the minutes of the March 12, 2009 Special Council Session and the March 16, 2009 Regular Council Session be approved with the following correction:

Minutes of the March 16, 2009 Regular Council Session, page 3, section Executive Session, first paragraph, second line reads "... approximately 15 seconds..." was corrected to read "...approximately 15 minutes..."

The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - Lynden Library Branch Manager Regan Robinson

Lynden Library Branch Manager Regan Robinson and Director of the Whatcom County Library System Joan Airoidi appeared before Council and provided an update on Lynden Library Branch and the Whatcom County Library system. Ms. Robinson stated that recently the Lynden Library Branch had hit the one million visitors mark. Ms. Airoidi stated that they would be having a county wide community meetings to discuss the financial state of the library system. The community meeting for Lynden will be held on April 28, 2009 at 7:00 PM.

Mayor Louws thanked Ms. Robinson and Ms. Airoidi for attending the meeting and congratulated them for reaching the one million customers accomplishment.

Unscheduled - None

II CONSENT AGENDA

Approval of Payroll

Direct Deposits, Draws and Warrants No. 13603 through 13658 \$ 429,651.09

Request to Cancel Claims Warrant C-49885

Introduction of Resolution No. 800 Amending Resolution No. 787 Regarding Sewer General Facility Charges; Resolution No. 801 Amending Resolution No. 788 Regarding Sewer Rates; Resolution No. 802 Amending Resolution No. 789 Regarding Water General

Facility Charges; and Resolution No. 803 Amending Resolution No. 790 Regarding Water Rates

Aquifer Storage and Recovery Project

Councilor Burns requested that the item titled “Aquifer Storage and Recovery Project” be removed from the Consent Agenda.

Councilor Bode moved and Councilor De Valois seconded that the Consent Agenda, excluding the item titled “Aquifer Storage and Recovery Project”, be approved. The motion carried.

Aquifer Storage and Recovery Project

On March 18, 2009 the Public Works Committee discussed the feasibility of utilizing an underground aquifer to store treated, non-chlorinated Nooksack River water, when the river is meeting in-stream flow requirements, and then recover/use the stored water during times of high demand when there is a potential for the river to either not meet minimum in-stream flows or additional water is needed by the City. This process is known as Aquifer Storage and Recovery (ASR).

In order to determine whether ASR is a feasible option for the City, testing needs to be done on the existence of an aquifer beneath the City by digging 400-foot to 500-foot wells. The Public Works Committee reviewed the scope of work and budget submitted by Associated Earth Sciences, Inc. to perform ASR work that will begin with initial assessment and follows through to assistance with obtaining funding for well drilling, construction, and associated costs, if the project is feasible.

Phase 1 of the ASR will cost approximately \$110,000.00 and includes geological and hydrological assessments and well drilling. Expenses for the project are budgeted in the Water Resources Fund (304).

Councilor Bode moved and Councilor De Valois seconded that the information regarding the aquifer storage and recovery feasibility project be acknowledged. The motion carried.

III PUBLIC HEARING

Resolution No. 804 - Population and Employment Growth

On March 12, 2009 the Council and Planning Commission held a joint work session to discuss projected population and employment growth. During that work session, historic and potential growth of both population and growth were reviewed, and the land capacity analysis completed by Whatcom County was discussed.

The Council and Planning Commission agreed to hold a public hearing on projections that were moderate and consistent with current capital facilities plans and the City’s financial ability to provide a full range of urban services.

Mayor Louws opened the public hearing at 7:27 PM.

Speaking in favor: None.

Speaking against: None.

General Comments:

Mr. Don Korthuis, 2151 Stickney Island Road, Everson, WA 98247, appeared before Council and stated that he felt that the population will grow faster than outlined in the Resolution; that the size of the Urban Growth Area should not be reduced; and to plan for the expansion of the airport to the west.

Mr. Bob Weeks, 1501 Lilac Court, Lynden, WA 98264, appeared before Council and stated that with the expansion of the airport to the west, that he would like the future developers and homeowners to be aware of the airport and the Lynden Airport Layout Plan.

Mr. Bill Stolt, 1500 Camelia Court, Lynden, WA 98264, appeared before Council and stated that he is in agreement with Mr. Korthuis and Mr. Weeks regarding the airport. He also stated that he was pleased to hear that no further development would take place prior to making improvements to resolve the flooding issues.

Mr. Roger Bajema, 792 E. Badger Road, Lynden, WA 98264, appeared before Council and discussed his interest in annexing his property into the City of Lynden.

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

The Public Hearing closed at 7:43 P.M.

Councilor Kuiken moved and Councilor Gelder seconded that Resolution No. 804, A Resolution to Adopt Growth Projections Necessary to Plan for the Next 20 Years, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

IV NEW BUSINESS

Consideration of Purchase and Sale Agreement for 401 Front Street

Administration has negotiated this Purchase and Sale Agreement for the acquisition of the 401 Front Street Property currently occupied by the Planning Department and the Information Technology operations.

The Public Works Department has scheduled asbestos and structural evaluations to determine the estimated costs of removing the building to allow the use as street right-of-way.

There is an existing 5 year lease between the current owners and Councilman Gary Bode for the basement space. This existing lease is not considered a conflict of interest unless it were to be changed.

Councilor Burns moved and Councilor Kuiken seconded that the Purchase and Sale Agreement for 401 Front Street be approved and that the City move forward with evaluations. The motion carried with Councilor Bode abstaining.

The Purchase and Sale Agreement has a 30 day contingency upon acceptance by the Council. This matter will be brought before Council again on May 4, 2009 for final approval after reviewing the evaluations.

Proposed Contract Amendment for Probation Services for the Lynden Municipal Court

The contract for Probation Services that the City of Lynden has with Whatcom County states in Section III, Item J that the County has the right to renegotiate the monthly rate per open case if the revenues generated by the contract do not cover the costs generated by the contract.

For 2009, probation costs per open active case will increase approximately 23%, from \$29.15 to \$36.00 per month. For 2010, the monthly rate per open active case will be determined by the County using a specific formula for estimating the costs of providing probation services.

Councilor Gelder moved and Councilor Burns seconded that the amendment to the contract for probation services for the Lynden Municipal Court be approved and that the Mayor be authorized to sign said amendment. The motion carried.

Consideration of Lease Agreement with the Lynden Shotgun Club

The City of Lynden has had lease agreements, amendments to the leases, and memorandums of agreement with the Lynden Shotgun Club since the early 1950's. Much of their equipment was purchased when the club first started and they are currently investigating ways to secure funds to update their equipment. The Club wishes to apply for a grant; however, they need to have a lease agreement in place for a minimum of 10 years.

The current leases and amendments all expire in 2015. Rather than add another amendment to the previous amendments, which went by numerous different names and descriptions, it was

decided to draft a new 10 year lease for the Club under their current name which is the Lynden Shotgun Club.

A new lease agreement has been drawn up by our City Attorney. Staff has met with the Club to discuss the lease and the Lynden Shotgun Club has agreed to the terms of the new agreement.

Councilor De Valois moved and Councilor Gelder seconded that this new lease agreement between the Lynden Shotgun Club and the City of Lynden be approved and that the Mayor be authorized to sign said lease. The motion carried.

Request to apply for Community Oriented Policing Services (COPS) Grant

As part of the stimulus package there are two billion dollars available to hire police officers and to rehire officers who have been laid off. There will be a lot of competition for the grant dollars and the criteria is very restrictive. This grant would cover 100% of the funding for three years. The City would be required to retain the officer for at least one year after the completion of the three year period.

Councilor Burns moved and Councilor Kuiken seconded that the Police Department be authorized to apply for the Community Oriented Policing Services (COPS) grant. The motion carried.

OTHER

City Administrator Bill Verwolf announced that a wage committee meeting would be held after this meeting is adjourned.

Mayor Louws provided an update on the 14th Street and 17th Street bridges.

V EXECUTIVE SESSION - Cancelled

VI ADJOURNMENT

The April 9, 2009 regular session of the Lynden City Council adjourned at 8:03 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor