

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

APRIL 20, 2009

I CALL TO ORDER

Mayor Jack Louws called to order the April 20, 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, 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 April 20, 2009 regular session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled - None

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 50006 through 50025	\$ 130,672.04
Voucher Warrant No. 50026 through 50236	<u>\$ 818,591.29</u>
Total	<u>\$ 949,263.33</u>

Request to Use Capital Reserve Funds for New Lawn Mower

Councilor Burns moved and Councilor Bode seconded that the Consent Agenda be approved. The motion carried.

III PUBLIC HEARING

Stormwater Utility Rates

Resolution No. 798, Stormwater Utility Rates, is a follow up to the recent City Council approval of the Stormwater Management System Ordinance No. 1350. Resolution No. 798 describes the various customer categories and associated fees. It should be noted that the last stormwater rate revision was in May of 2004.

At the February 18, 2009 Public Works Committee meeting, it was agreed to recommend that this Resolution be forwarded to the full Council for review. On March 16, 2009 Council set a public hearing date of April 20, 2009 to hear comments on this proposal.

Non-Single Family rates without provisions for water quality/detention or water quality/retention will increase approximately 20%. Single Family Residential rates are going from \$4.17 per month to \$6.00 per month.

Mayor Louws opened the public hearing at 7:09 PM.

Speaking in favor: None.

Speaking against:

Mrs. Lesa Starkenburg-Kroontje, P.O. Box 231, Lynden, WA 98264, appeared before Council to represent Mr. Dick Bedlington, owner of property located at 8497 Guide Meridian, Lynden, WA 98264. She stated that Mr. Bedlington understood that when his property was annexed into the City, he would only be charged the basic rate until he developed his property. Under this new rate structure, that would no longer be the case. Mrs. Stakenburg-Kroontje submitted a letter she had written on behalf of Mr. Bedlington for the record.

Mayor Louws read into the record a letter from Mr. Jim Hale, 830 Evergreen Street, Lynden, WA 98264, Mr. Hale stated in his letter that when they built the Evergreen Business Park they built their own enclosed stormwater system and understood that they would not be required to participate in the City's system.

General Comments: None.

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

The Public Hearing closed at 7:24 P.M.

Councilor Bode moved and Councilor De Valois seconded that this item be tabled until the May 4, 2009 Council Meeting to allow time for staff to do additional research and for the Public Works Committee to review further. The motion carried.

Stormwater Utility Facility Capital Improvement

Resolution No. 797, Storm Water General Facility Improvement Fees, is a follow up to Council's approval of the Stormwater Management System Ordinance No. 1350. The Resolution describes the various customer categories and the associated fees.

At the February 18, 2009 Public Works Committee meeting it was agreed to recommend that this Resolution be forwarded to the full Council for review. On March 16, 2009 Council set a public hearing date of April 20, 2009 to hear comments on this proposal

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

Speaking in favor: None.

Speaking against: None.

General Comments: None.

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

The Public Hearing closed at 7:28 P.M.

Councilor Bode moved and Councilor De Valois seconded that this item be tabled until the May 4, 2009 Council Meeting to allow time for staff to do additional research and for the Public Works Committee to review further. The motion carried.

IV UNFINISHED BUSINESS

Resolution No. 800 Amending Resolution No. 787 Regarding Sewer General Facility Charges

Resolution No. 800 was introduced to Council on April 6, 2009. This Resolution will increase the rates of the Sewer General Facilities Charges by 3.6% over the 2008 charges beginning May 1, 2009 if approved. The increase in the General Facilities Charges ("surcharge") for sewer that

are applicable to the East Lynden/Line Road Sub Basin as described in Ordinance No. 1247, will be 5% over the 2008 Charges.

Resolution No. 801 Amending Resolution No. 788 Regarding Sewer Rates

Resolution No. 801 was introduced to Council on April 6, 2009. This Resolution will increase the sewer rates by 3.6% over the 2008 rates beginning May 1, 2008 if approved.

Resolution No. 802 Amending Resolution No. 789 Regarding Water General Facility Charges

Resolution No. 802 was introduced to Council on April 6, 2009. This Resolution will increase the General Facilities Charges for water by 3.6% over the 2008 rates beginning May 1, 2009 if approved.

Resolution No. 803 Amending Resolution No. 790 Regarding Water Rates

Resolution No. 803 was introduced to Council on April 6, 2009. This Resolution will increase the water rates by 3.6% over the 2008 rates beginning May 1, 2009 if approved.

The municipal cost index for the last year was 8.3% and the Consumer Price Index for the last year was 3.6%.

Councilor Bode moved and Councilor Adelstein seconded that Resolution No. 800, amending sewer general facilities charges; Resolution No. 801, amending sewer rates; Resolution No. 802, amending water general facilities charges; and Resolution No. 803, amending water rates, be approved and that the Mayor be authorized to sign all four Resolutions. The motion carried.

V NEW BUSINESS

Introduction of a 2009 Budget Amendment

As required by State regulations, a proposed amendment to the 2009 Budget was introduced to Council. The amendment will reflect Council's authorized transactions and will create Fund 114, Employee Liability, and modify Fund 360, Water Treatment Plant Improvements.

This item will be on the May 4, 2009 Council agenda for consideration.

Introduction of Museum Donation Confirmation and Set a Public Comment Date

According to the records we can identify, in 1977 the City of Lynden donated the Berthusen Family's Collection of Native American artifacts to the Lynden Heritage Foundation. In 1982, then Mayor Jim Van Andel signed a deed of gift for the collection.

We have not been able to find an action of the City Council that confirmed this gift.

In order for the Museum, also known as the Lynden Heritage Foundation, to have the ability to utilize this collection and to dispose of it at their discretion, as the needs of the Museum develop, they need clarity of the legal status of this collection.

Our recommendation is that the City Council allow time to receive comments from the public during the Council Meeting on May 4, 2009.

Councilor Burns moved and Councilor De Valois seconded that a public comment time be set for the May 4, 2009 Council Meeting. The motion carried.

VI EXECUTIVE SESSION

Council went into Executive Session at 7:44 P.M. to discuss three labor agreements. It was anticipated that the Executive Session would last approximately 10 minutes and that action would likely be taken following the session. Council came out of Executive Session at 7:50 P.M.

Councilor Adelstein moved and Councilor Burns seconded that the labor agreements between the City of Lynden and the Teamsters Union Local 231 for the Public Works unit, Safety Support unit, and the Clerical unit be approved as presented. The motion carried.

VII ADJOURNMENT

The April 20, 2009 session of the Lynden City Council adjourned at 7:53 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor