

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

MAY 3, 2010

I CALL TO ORDER

Mayor Scott Korthuis called to order the May 3, 2010 regular session of the Lynden City Council at 7:00 P.M. at the Lynden City Hall Annex.

ROLL CALL

Members present: Mayor Scott Korthuis; Councilors Gary Bode, Dave Burns, Ron De Valois, Tobey Gelder, Jerry Kuiken, Nick Laninga, and Brent Lenssen.

Members absent: None.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Finance Director Teresa Camfield, 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 Bode moved and Councilor De Valois seconded that the minutes of the April 19, 2010 Regular Council Session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled

Washington State Representative Doug Ericksen

Representative Ericksen appeared before Council and provided a handout showing state spending and budget history. He then updated the Council and audience on his efforts to block the tax increase on refineries; extend tax credits for Alcoa Inc.; an amendment that will come before the voters allowing for the denial of bail for some individuals awaiting trial; and increasing the percentage of the gas tax collected in Whatcom County and returned to Whatcom County from 65% per dollar to 97% per dollar; among other work he is conducting on various committees.

Mayor Korthuis thanked Representative Doug Ericksen for the work he is doing in Olympia, and for attending the Council meeting and providing an update.

Representatives from the Lynden Fire Department

Lynden Firefighter Michael Whittle, 1604 Larrabee Avenue, Bellingham, WA 98224, appeared before Council to discuss the contract discussions taking place between the City of Lynden and North Whatcom Fire and Rescue. He stated that he was in favor of contracting with North Whatcom Fire and Rescue because of his concerns with adequate staffing at the Lynden Fire Department, the cost of staffing vs. contracting with North Whatcom Fire and Rescue, and he proposed the possibility of creating a Regional Fire Authority. He asked Council to fully investigate this issue and to do what is in the best interest of the citizens.

Mayor Korthuis stated that all the issues surrounding this discussion are being reviewed and carefully looked at.

Unscheduled

Mr. Steve Whalen, 1545 Main Street, Lynden, WA 98264, appeared before Council and stated his reasons for not supporting a contract with North Whatcom Fire and Rescue.

Mr. Russ Briskin, 1169 Ash Street, Lynden, WA 98264, appeared before Council and stated his reasons for supporting a contract with North Whatcom Fire and Rescue.

Ms. Kelly LaBounty, 406 6th Street, Lynden, WA 98264, appeared before Council and stated her reasons for supporting a contract with North Whatcom Fire and Rescue.

Mr. Micah McConkey, 112 Springview Drive, Lynden, WA 98264, appeared before Council and stated his reasons for supporting a contract with North Whatcom Fire and Rescue.

Mr. Mark Wohlrab, 1530 Westview Place, Lynden, WA 98264, appeared before Council and read a letter he had written supporting a contract with North Whatcom Fire and Rescue to Council which he then submitted for the record.

Mr. Eric Postma, 880 Captain Bay Court, Lynden, WA 98264, appeared before Council and stated his reasons for supporting a contract with North Whatcom Fire and Rescue.

Mr. Henry Baar, 1106 Front Street, Lynden, WA 98264, appeared before Council and stated his reasons for not supporting a contract with North Whatcom Fire and Rescue.

Mr. Chris Hollander, 2125 Eastwood Way, Lynden, WA 98264, appeared before Council and stated his reasons for supporting a contract with North Whatcom Fire and Rescue.

Mr. John McDonald, 8507 Depot Road, Lynden, WA 98264, appeared before Council and stated his reasons for supporting a contract with North Whatcom Fire and Rescue.

Mr. Shaun Ward, 2212 Oak Street, Lynden, WA 98264, appeared before Council and stated his reasons for supporting a contract with North Whatcom Fire and Rescue.

Mr. Dennis Partlow, 1011 Benson Lane, Lynden, WA 98264, appeared before Council and stated his reasons for supporting a contract with North Whatcom Fire and Rescue.

Mayor Korthuis thanked everyone for coming to the meeting and sharing their thoughts and concerns. He stated that they are looking at everything very carefully and that it is the Council's and his goal to service the citizens of Lynden in the best way possible.

II CONSENT AGENDA

Approval of Payroll

Direct Deposits, Draws and Warrants No. 14643 through 14687

\$ 427,401.99

Appointment to the Lynden Municipal Airport Advisory Board – Mr. Mark Evans

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

III UNFINISHED BUSINESS

Discussion Regarding Rate Increases for Sewer General Facility Charges, Sewer Rates, Water General Facility Charges, and Water Rates

On April 19, 2010 Council was presented with draft Resolutions that reflected proposed increases for Sewer Facility Charges, Sewer Rates, Water General Facility Charges, and Water Rates. At that time the Council set May 3, 2010 as a date to hear comments and discuss the proposed increases.

Mr. Shaun Ward, 2212 Oak Street, Lynden, WA 98264, asked Council if any federal grants or funding had been looked into to offset the debt. Public Works Director Duane Huskey said that the debt is a result of projects funded through low interest loans and other sources several years ago. He said that connection charges go to the bond payments; however, due to the decline in building we are not receiving enough in connection charges so we need to increase these rates.

Resolution No. 817 Amending Resolution No. 800 Regarding Sewer General Facility Charges

Resolution No. 817 was introduced to Council on April 19, 2010. This Resolution will increase the rates of the sewer general facilities charges by 14.89% over the 2009 charges beginning June 1, 2010 if approved. The increase in the general facilities charges (“surcharge”) for sewer connections in the East Lynden/Line Road Sub Basin are in keeping with rates for bond repayment.

Councilor Bode moved and Councilor Gelder seconded that Resolution No. 817, Amending Resolution No. 800 – Sewer General Facilities Charges, be approved and that the Mayor be authorized to sign said Resolution. The motion carried 6-1 with Councilor Lenssen opposing.

Resolution No. 818 Amending Resolution No. 801 Regarding Sewer Rates

Resolution No. 818 was introduced to Council on April 19, 2010. This Resolution will increase sewer rates by 14.89% over the 2009 charges beginning June 1, 2010 if approved.

Councilor Bode moved and Councilor De Valois seconded that Resolution No. 818, Amending Resolution No. 801 – Sewer Rates, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

Resolution No. 819 Amending Resolution No. 802 Regarding Water General Facility Charges

Resolution No. 819 was introduced to Council on April 19, 2010. This Resolution will increase the water general facilities charges by 10% over the 2009 charges beginning June 1, 2010 if approved.

Councilor Bode moved and Councilor Gelder seconded that Resolution No. 819, Amending Resolution No. 802 – Water General Facilities Charges, be approved and that the Mayor be authorized to sign said Resolution.

Resolution No. 820 Amending Resolution No. 803 Regarding Water Rates

Resolution No. 820 was introduced to Council on April 19, 2010. The Resolution will increase the water rates by 10% over the 2009 charges beginning June 1, 2010 if approved.

Councilor Bode moved and Councilor Kuiken seconded that Resolution No. 820, Amending Resolution No. 803 – Water Rates, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

IV NEW BUSINESS

Resolution No. 822 – Authorizing the Acceptance of a Washington State Department of Transportation Aviation Division Grant for the Lynden Municipal Airport

The Washington State Department of Transportation (WSDOT), Aviation Division, is in receipt of a grant from the City in the amount of \$37,959.72 for safety improvements at the Lynden Municipal Airport. The grant is for runway and taxiway striping and the repair of a sag in the east end of the runway; acquisition of flashing lights for Benson Road; and the purchase of a Super Unicom Automated Pilot Information System.

As with all grants of this type, a 5% local match is required, and the Lynden Airport Advisory Board Members have confirmed their commitment to fund the cash portion of the local match (for the flashing lights) in the amount of \$545.00. The remainder of the match for re-striping and for the acquisition of the Super Unicom will come through volunteer labor and materials.

In accordance with WSDOT requirements, the Council must confirm that they are in support of these projects and that local funds are secure for the match. Documentation of Council support was proposed through Resolution.

The Public Works Committee has reviewed these proposed improvements, and has concurred to recommend acceptance of the grant to the full Council.

Councilor Bode moved and Councilor De Valois seconded that Resolution No. 822, accepting the Washington State Department of Transportation grant, if awarded, for runway and taxiway striping and the repair of a sag in the east end of the runway; acquisition of flashing lights for Benson Road; and the purchase of a Super Unicom Automated Pilot Information System at the Lynden Municipal Airport, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

Ordinance No. 1376 – Amending Ordinance No. 1231 Extension of Line of Credit Maturity Per Skagit State Bank Proposal

Before Councilor Gelder introduced this item of business, he informed Council that the interfund loan established by Resolution No. 816 on April 5, 2010 to transfer funds from the Water FCI fund to the Current Expense Fund was not used.

Ordinance No. 1231 was approved by Council on May 2, 2005. It allowed the City to have a revolving line of credit. The notes have in the past provided interim financing for capital projects such as the Water Reservoir project (for DWSRF reimbursement), Arterial Street Capital improvements, Police Station Acquisition/Remodel (prior to issuance of permanent financing), East Lynden Sewer Sub-Basin improvements (prior to permanent financing) and 14th Street Bridge and 17th Street Reconstruction projects. Presently it is providing interim financing for East Grover Street, 14th Street reconstruction, Lynden Police Department Stonegarden grant reimbursements, and will be used for Main Street Fishtrap Creek Culvert FEMA reimbursement. These projects have been either secured by grant and/or other intergovernmental funding on a reimbursement basis or were funded by the City.

Since 2005, Ordinance No. 1231 has been amended by Ordinance Nos. 1261, 1295, 1319, and 1355, each authorizing an extension of the maturity date of the notes. On April 28, 2010, the City received an offer from Skagit State Bank to extend the maturity date of the notes from May 13, 2010 to a new maturity date of June 30, 2011 (which will align with their receipt of the City's year end financials and budget for analysis) at a rate of 2.75%, reflecting no change in the existing rate.

Bond counsel, City Administrator Bill Verwolf, and Finance Director Teresa Camfield have reviewed this proposal prior to final review by the Finance Committee. The Finance Committee reviewed the final form of the Ordinance today during their meeting and they recommend approval.

Councilor Gelder moved and Councilor Lenssen seconded that Ordinance No. 1376, Amending Ordinance No. 1231 Extension of Line of Credit Maturity per Skagit State Bank Proposal, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.

Whatcom County Housing Authority Interlocal Agreement

Due to recent Washington State litigation, Whatcom County staff and Whatcom County Housing Advisory Committee members reviewed the Interlocal Agreement between Whatcom County and the Cities of Whatcom County for the purpose of compliancy.

Most recommendations are minor and do not add any financial burden upon the City of Lynden; however, Section C was adjusted to reflect language directly from the legislation.

Finance Committee will be reviewing this interlocal at their meeting on Monday, May 3, 2010. They will be presenting their recommendation to council meeting for council's review and possible approval.

Councilor Gelder moved and Councilor De Valois seconded that the updated Interlocal Agreement between Whatcom County and the Cities of Whatcom County (re: Whatcom County Housing Advisory Committee) be approved and that the Mayor be authorized to sign said Agreement. The motion carried.

City Hall Art Committee

With the City Hall Facility being occupied for almost a year, there has been increasing interest shown in the potential for displaying artwork and other items within the building. Several requests have been made by members of the public to place art or other interests (i.e. aquariums, sculptures) in the lobby and staff members have also shown an interest in artwork.

The Community Development Committee discussed this concept at a meeting earlier this year and is recommending that a City Hall Art Committee be formed. This Committee would include Council Member Jerry Kuiken, Mayor Scott Korthuis, City Administrator Bill Verwolf, up to three additional staff members, a member of the original City Hall Design Committee, and one or two other members of the public.

The Committee will draft a protocol for approval by the City Council for display of public art. This will include issues of insurance coverage, timing and selection, and placement of artwork.

Council Kuiken moved and Councilor Burns seconded that the formation of a City Hall Art Committee for the development and implementation of a protocol for the display of various types of artwork in City Hall be approved. The motion carried.

V EXECUTIVE SESSION

Council went into Executive Session at 8:07 P.M. to discuss negotiations. It was anticipated that the Executive Session would last approximately 15 minutes and that action would be taken following the session. Council came out of Executive Session at 8:14 P.M.

Councilor Gelder moved and Councilor Kuiken seconded that the Labor Agreements between the City of Lynden and the Teamsters Union Local 231 for the Public works unit and the Clerical unit be approved and that the Mayor be authorized to sign said Agreements. The motion carried.

VI ADJOURNMENT

The May 3, 2010 regular session of the Lynden City Council adjourned at 8:16 P.M.

Rachel Byers, Administrative Assistant

Scott Korthuis, Mayor