

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

MAY 18, 2009

I CALL TO ORDER

Mayor Jack Louws called to order the May 18, 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: Finance Director Teresa Camfield, Planning Director Amy Harksell, Public Works Director Duane Huskey, Parks Director Vern Meenderinck, Assistant Fire Chief Joe Noonchester, Senior Administrative Assistant Heather Sytsma, and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor Kuiken moved and Councilor De Valois seconded that the minutes of the May 4, 2009 regular session be approved with the following correction:

Page 4, last sentence states "...Front Street between 1st and 6th Street" and it should read "...Front Street between 2nd and 6th Streets."

The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled

Ms. Lisa Brock, 8439 Double Ditch Road, Lynden, WA, 98264 appeared before Council and asked for an update on the work taking place regarding the area's flooding issues. Mayor Louws informed Ms. Brock that the Public Works Committee is currently reviewing the long term options while some of the short term options are in progress.

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 50237 through 50251	\$ 109,524.89
Voucher Warrant No. 50252 through 50447	\$ <u>712,484.33</u>
Total	\$ <u>822,009.41</u>

Ordinance No. 1358 - A 2009 Budget Amendment

Request to Cancel Claims warrant C-49935

Request to set Public Hearing Date for Six Year Transportation Improvement Plan

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

III PUBLIC HEARING

Recommended Changes to the Urban Growth Area

It was noted during the Council and Planning Commission work session on March 12, 2009 that the City's urban growth area was undersized for the residential population that had been projected for the City of Lynden. After the Council adopted Resolution No. 804 that recommended the populations of 18,118 in 2029 and 19,027 in 2031, staff completed the work on the land capacity analysis to determine by how much the urban growth area is undersized.

A draft proposal was provided to Council which contains the information and background to make a recommendation to the County Council. The proposal is due to Whatcom County by June 1, 2009. Since we are moving into the new City Hall, staff is hoping to have it delivered by May 22, 2009.

The Planning Commission held a public hearing on May 7, 2009. A number of property owners asked questions regarding the addition to the urban growth area, but there was no one who was clearly speaking in favor or in opposition. The Commission's resolution recommending the urban growth area expansion was provided to Council

The recommendation includes the addition of 326 acres to Lynden's urban growth area. This consists of 314 acres west of the current urban growth area line plus the 12 acres proposed for inclusion by Galen Koetje some years ago. With the Comprehensive Plan Update due in 2011, more work will be done on the particulars of zoning and density. This addition is the first step in that process.

Mayor Louws opened the public hearing at 7:10 PM.

Speaking in favor: None.

Speaking against: None.

General Comments: None.

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

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

Councilor Bode moved and Councilor De Valois seconded that the draft proposal recommending the addition of 326 acres to Lynden's Urban Growth Area as set forth in the draft proposal be completed and that the Mayor and Planning Director be authorized to move this proposal forward to the Whatcom County Council. The motion carried.

Recommended Changes to Commercial Zoning - Chapter 19.23 of the Lynden Municipal Code

The Zoning Text Review Committee has completed their work on the City's zoning ordinance as it relates to commercial zoning. This has been a lengthy and detailed process with the Committee working through a number of issues related to the future commercial development within the City.

The Planning Commission held a public hearing on the proposed changes and has recommended approval. Due to the nature of several of the recommendations, the document has also been through a substantial legal review. Additional legal review will take place on the actual ordinance, to insure all necessary findings are included. It is anticipated that the ordinance will be on the Consent Agenda for June 1, 2009 Council Meeting.

Mayor Louws opened the public hearing at 7:28 PM.

Speaking in favor: None.

Speaking against:

Mayor Louws noted for the record that a letter was submitted by Ms. Patty Robbins in opposition to lifting the size restrictions on large stores.

Mr. John Steensma, 9295 Axling Road, Lynden, WA, 98264 appeared before Council and stated that large “box stores” do not fit within our community.

General Comments: None.

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

The Public Hearing closed at 7:31 P.M.

Councilor Adelstein moved and Councilor De Valois seconded that changes to Chapter 19.23 of the Lynden Municipal Code and zoning districts be approved, that section 19.23.09 letter E be stricken from the draft Ordinance, and that staff be authorized to prepare the final Ordinance for consideration during the June 1, 2009 Council Meeting. The motion carried.

IV NEW BUSINESS

Year 2010 Draft Budget Calendar

As required by the Revised Code of Washington, there are several budget preparation deadlines as the City moves forward in preparing its year 2010 budget. Council was provided a proposed draft 2010 budget calendar for review. Administration has reviewed this draft and the Finance Committee will review the final schedule at the June 1, 2009 meeting prior to presenting it to the full Council later that evening.

This item was for information only.

Establishment of Identity Theft Policy

The Federal Trade Commission’s new rules on identity theft, known as “Red Flags Rules” require financial institutions, utilities, and other creditors to set up programs aimed at preventing identity theft. Due to the definition of “creditor” in these rules, many municipalities are affected, including the City of Lynden.

In order to be compliant to these new requirements, policy F-11 is presented for Council review. This policy is required to include policies and procedures for detecting, preventing, and mitigating identity theft and enable a financial institution or creditor to:

- Identify “red flags”;
- Detect “red flags”;
- Respond appropriately to any “red flags” that are detected to prevent/mitigate identity theft; and
- Ensure the policy is updated periodically to reflect changes in risks from identity theft.

Councilor Adelstein moved and Councilor Burns seconded that Policy F-11, Identity Theft Prevention Program, be approved. The motion carried.

Refund Request for East Lynden Sewer FCI Surcharge Differences

On March 2, 2009, Council approved Consent Agenda II-D which authorized refunds of East Lynden Sewer FCI Surcharges. The surcharge was based on estimates, and when the project was completed there was reconciliation to actual. The refunds were based on that reconciliation.

During the course of processing the refunds, there were noted two errors. Per permit 6329 for 1625 Scenic Place, Mr. Marv VanMersbergen paid \$4,767.00 on March 30, 2008 per receipt No. 14649. The FCI charge should have been \$4,091.00. A refund of \$676.00 should be remitted for the overpayment.

Permit No. 5380 dated September 18, 2006 in the amount of \$4,540 was authorized for a refund in the amount of \$449 due to overpayment. However, there was an underpayment for this party on another permit, so the refund will be applied to the underpayment.

Councilor Adelstein moved and Councilor Gelder seconded that the refund of \$676.00 be approved. The motion carried.

Resignation of Councilmember Doug Adelstein

Councilmember Doug Adelstein read his letter of resignation into the record. Mayor Louws thanked Councilor Adelstein for his eight years of service and wished him well in his future endeavors.

Council discussed the different options available to filling Council Position No. 4.

Councilor Bode moved and Councilor De Valois seconded that the resignation of Doug Adelstein from Councilmember Position No. 4 of the Lynden City Council be accepted and that consideration of how to fill the now vacant position be placed on the June 1, 2009 Council Meeting agenda. The motion carried with Councilor Adelstein abstaining.

IV EXECUTIVE SESSION - Cancelled

V ADJOURNMENT

The May 18, 2009 session of the Lynden City Council adjourned at 8:15 P.M.

Heather Sytsma, Senior Administrative Assistant

Jack Louws, Mayor