

# LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

JUNE 2, 2008

## I CALL TO ORDER

Mayor Jack Louws called to order the June 2, 2008 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, Finance Director Teresa Camfield, Chief of Police Jack Foster, Planning Director Amy Harksell, 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 Bode seconded that the minutes of the May 19, 2008 regular session be approved. The motion carried.*

## ITEMS FROM THE AUDIENCE

**Scheduled** - None

### **Unscheduled**

#### **Mr. Jay Schoening - Retaining Wall Concerns**

Mr. Jay Schoening, 411 17<sup>th</sup> Street, Lynden, appeared before Council to share his concerns regarding the integrity of his retaining wall and how it will hold up with the pile driving required to build the bridge at 17<sup>th</sup> Street.

Mayor Louws stated that if the retaining wall was built to code then it was built to withstand disturbances within a certain expectation level for construction. He said the City is still moving forward with the project. City Administrator Bill Verwolf stated that vibration monitors will be used during the project.

#### **Recreational Facility Update**

Mr. Rick Waldemar, 1191 Garden Drive, Lynden appeared before Council on behalf of the Lynden Park and Recreation District and gave them an update on the progress they have made on a new recreational facility. He stated that they plan to have the bond issue on the November 2008 ballot.

Mayor Louws said that the existing facility is getting old and that he looks forward to working with members of the Parks and Recreation District and the YMCA on this project.

## II CONSENT AGENDA

### **Approval of Payroll**

Direct Deposits, Draws and Warrants No. 13013 through 13068

\$ 412,907.46

### **Year 2008 Budget Calendar**

**Ordinance No. 1322 - Amending Chapter 13.04.300 - Irrigation - Use of City Water - When Allowed**

**Resolution No. 785 - Instituting Irrigation Schedule**

**Set Public Hearing Date - Ordinance No. 1320 - Revisions to Industrial Zoning Text**

Councilor Bode removed Resolution No. 785 - Instituting Irrigation Schedule from the Consent Agenda.

*Councilor De Valois moved and Councilor Gelder seconded that the Consent Agenda, excluding Resolution No. 785, be approved. The motion carried.*

**Resolution No. 785 - Instituting Irrigation Schedule**

Councilor Bode stated that a change needed to be made to the schedule. The Resolution states that Monday is an “odd” watering day and that Sunday is a “no watering” day and it should state that Monday is a “no watering” day and Sunday is an “odd” watering day.

*Councilor Bode moved and Councilor De Valois seconded that corrected Resolution No. 785, Instituting an Irrigation Watering Schedule, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.*

**III UNFINISHED BUSINESS**

**Consideration of Request to Postpone Public Hearing on School Impact Fees**

At the May 19, 2008 Council Meeting a Public Hearing date was set to allow Council to receive public comments on the issue of School Impact Fees. The date for this Public Hearing is June 16, 2008

Councilor Bode is requesting that the Public Hearing be rescheduled as he will be out of town during the June 16, 2008 Council Meeting.

*Councilor Kuiken moved and Councilor Gelder seconded that the Public Hearing be rescheduled to take place on July 7, 2008. The motion carried with 5 in favor, 0 against, and with Councilors Adelstein and Laninga abstaining.*

**IV NEW BUSINESS**

**Consideration of Preliminary Plat Approval - Scenic Estates II**

The Scenic Estates LLC partners have applied for a ten lot subdivision immediately east of Eastwood Way. They purchased a residence on Eastwood Way for access to the property west of the wetland/drainage swale area, rather than try to access from the east.

The Planning Commission held a public hearing on May 8, 2008 to consider the request and received public comment from two adjacent property owners. Those property owners expressed concern with drainage, rodent infestation, and privacy. The proposed solutions to those concerns are listed in the Planning Commission’s resolution recommending approval.

Councilor Bode recused himself from discussing and voting on this agenda item.

*Councilor De Valois moved and Councilor Gelder seconded that the request for preliminary plat approval for Scenic Estates II subdivision be granted as recommended by the Planning Commission and that the Mayor be authorized to sign the Findings of Fact. The motion carried 6 in favor and 0 against with Councilor Bode abstaining.*

**Consideration of Preliminary Plat Denial - Burlwood Estates**

Mr. David Weidkamp applied for a subdivision of 3.5 - 5.0 acres (the application was amended several times during the process) of property for single family residential purposes. Concerns

with the plat design and lot sizes were identified as issues during the pre-application hearing and all subsequent meetings with the Technical Review Committee.

On April 17, 2008 and May 8, 2008, the Planning Commission held the public hearing on Mr. Weidkamp's application. The Planning Commission has recommended denial due to non-compliance with the City's Comprehensive Plan and the Transportation Plan. They indicated that lots that were almost twice as large as the zoning permitted was not a good use of the property and would make it very difficult to pursue future expansions of the Urban Growth Area.

Councilor Gelder recused himself from discussing and voting on this agenda item.

***Councilor Adelstein moved and Councilor Bode seconded that the request for preliminary plat approval for Burlwood Estates be denied as recommended by the Planning Commission. The motion carried with Councilors Adelstein, Bode, Burns, De Valois, and Kuiken voting in favor, Councilor Laninga voting against, and Councilor Gelder abstaining.***

### **Consideration of Conditional Use Permit Extension - American Reformed Church**

The City of Lynden agreed to accept all valid conditional use permits issued by Whatcom County as part of the East Lynden Annexation. Whatcom County issued a conditional use permit for American Reformed Church in 2006 and it is due to expire.

The applicant's memo describes the changes that have taken place and they have met with the City's Technical Review Committee to discuss the revised plans and the conditions that would be placed on the building permit. The Technical Review Committee and the Planning Commission recommended that the Council grant the extension and revisions to Whatcom County's Conditional Use Permit for American Reformed Church for twenty four months, subject to the conditions of the original conditional use permit as revised and interpreted by the City of Lynden.

***Councilor Burns moved and Councilor De Valois seconded that the request for a two year extension for the American Reformed Church Conditional Use Permit be approved subject to the conditions of the original conditional use permit and as revised and interpreted by the City of Lynden. The motion carried.***

### **Introduction of a 2008 Budget Amendment**

As required by State regulations, a proposed amendment to the 2008 Budget was introduced to Council. The amendment reflects Council's authorized transactions and modifies the following funds:

- Fund 219 - Special Revenue Bond, 2001;
- Fund 342 - Police Station Remodel; and
- Fund 236 - 2007 UTGO Bond Redemption.

### **Consideration of Police Awards Programs**

The Lynden Police Department has drafted an awards program based on existing programs from other agencies and tailored it to fit the Police Department and the City. This policy is designed to recognize acts of heroism, performance, and service by city personnel and citizens.

***Councilor Burns moved and Councilor Adelstein seconded that the Lynden Police Department Awards Program be approved. The motion carried.***

### **Other**

#### **Fellowship of Christian Athletes**

Councilor Adelstein informed Council that Bradey Bomber, a senior at Lynden High School, was selected by the Fellowship of Christian Athletes as Washington State's Student/Athlete of the Year.

### **Airport Advisory Committee**

Public Works Director Duane Huskey stated that the Airport Advisory Committee meeting has been moved from June 4, 2008 to June 11, 2008

### **Public Works Committee**

Public Works Director Duane Huskey stated that the June 4, 2008 Public Works Committee Meeting has been cancelled.

### **V EXECUTIVE SESSION**

Council went into Executive Session at 7:50 P.M. to discuss real estate issues. 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 8:08 P.M.

### **VI ADJOURNMENT**

The June 2, 2008 regular session of the Lynden City Council adjourned at 8:09 P.M.

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Rachel Byers, Administrative Assistant

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Jack Louws, Mayor