

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

JULY 7, 2008

I CALL TO ORDER

Mayor Pro-Tem Gary Bode called to order the July 7, 2008 regular session of the Lynden City Council at 7:00 P.M. at the Lynden City Hall Annex.

ROLL CALL

Members present: Mayor Pro-Tem Gary Bode; Councilors Doug Adelstein, Dave Burns, Tobey Gelder, Gerald Kuiken, and Nick Laninga.

Members absent with notice: Mayor Jack Louws and Councilor Ron De Valois.

Staff present: Fire Chief Gary Baar, Finance Director Teresa Camfield, Deputy City Clerk Kathleen Delgado, Planning Director Amy Harksell, Public Works Director Duane Huskey, and Parks and Recreation Director Vern Meenderinck. Also present was City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor Kuiken moved and Councilor Gelder seconded that the minutes of the June 16, 2008 regular Council session and the June 23, 2008 special Council session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled

Fireworks Concern:

Mr. Jack Whitman, 710 Judson Street, Lynden WA informed Council that the fireworks being shot off near his home were dangerous and "out of hand" on July 4, 2008. He requested that Council review the matter and determine a process for eliminating the problem next year.

Fire Chief Gary Baar addressed the Council regarding the fire situation over the 4th of July, stating that the Fire Department had inspected all of the fireworks stands in Lynden and found all were selling only safe and sane fireworks. Firefighters were out on patrol from about 8:30 to midnight on July 4th and though most of the fireworks were of the safe and sane variety, some of those safe and sane fireworks do shoot a long way up into the air. About 50 firecrackers and bottle rockets were confiscated. No fire calls were received, as has been the case over the last 5 years. Baar suggested that perhaps the next step to take would be to eliminate the use of all types of fireworks in the City.

II CONSENT AGENDA

Approval of Payroll

Direct Deposits, Draws and Warrants No. 13069 through 13128

\$ 416,749.52

Ordinance No. 1320 - Amendment to the Industrial Zoning Text

Ordinance No. 1324 - Amendment to the Industrial Zoning Definitions

Set Time and Location for the July 17, 2008 Budget Workshop

Staffing for Adequate Fire and Emergency Response Grant

Set Public Hearing Date for Fire Facilities Impact Mitigation Fees

Council Burns requested that Consent Agenda Item entitled *Set Public Hearing Date for Fire Facilities Impact Mitigation Fees* be pulled from the Consent Agenda.

Councilor Adelstein moved and Councilor Kuiken seconded that the Consent Agenda be approved, excluding the item entitled “Set Public Hearing Date for Fire Facilities Impact Mitigation Fees”. The motion carried.

Councilor Burns stated that he had requested that the item titled *Set Public Hearing Date for Fire Facilities Impact Mitigation Fees* be pulled from the Consent Agenda as he wished to update the recommended action.

Councilor Burns moved and Councilor Laninga seconded that the public hearing to receive comments on the 6-year Capital Facility Plan and new fire impact fees be set for August 4, 2008 at 7:00 P.M. at the City Hall Annex. The motion carried.

Councilor Gelder stated that the 4th paragraph of the Executive Summary setting the above hearing should be corrected as follows:

The proposed ~~increase in~~ fees are:

noting that the amounts listed are the “total” fees, not just the “increase.” The Ordinance (No. 960) is correct.

III PUBLIC HEARING

Collection of Lynden School District Impact Fees

Harksell addressed the Council, providing them with the history of the request by the School District to have the City and the County adopt the impact fees to support school development. Previously the City approved the Capital Facilities Plan but delayed any action on funding of impact fees until the County moved forward. The County Council did agree to adopt the impact fees and is currently working on the adoption process of the capital facilities plans and interlocal agreements. The latest information is that Whatcom County will not be taking action on the matter until sometime later this fall.

Lynden’s Community Development Committee has met with Superintendent Dennis Carlson several times to review the proposed ordinance and to discuss the progress made with the County. The Committee recommended holding a public hearing on this issue at this time to accept public comment, recognizing that an additional public hearing may be necessary after Whatcom County has taken action. The Committee proposes to delay action on this matter until the fall, and that no action be taken at this time.

Mayor Pro-Tem Bode opened the Public Hearing at 7:11 P.M.

Speaking in favor: Mr. Dennis Carlson, Lynden School District Superintendent, 203 Springview Drive, Lynden, WA 98264, appeared before Council and reviewed the history of this issue of collecting school impact fees, the needs of the district (including the current overcapacity of the high school and middle school), the impact on the public, and the need for both the County and the City’s participation.

Speaking against: None.

Bode asked if there were any questions for Superintendent Carlson. Upon hearing none, ***Councilor Kuiken moved and Councilor Gelder seconded that the public hearing on the Collection of School Impact Fees be closed. The motion carried with Councilors Adelstein and Laninga abstaining.***

The Public Hearing closed at 7:21 P.M.

Councilor Gelder thanked Superintendent Carlson for his presentation. He then distributed to Council statistics from the school district and the City, and requested that they be entered into the

record. He further stated that the action to be taken by the City in this matter will be further discussed in committee

No further action was taken at this time.

IV NEW BUSINESS

Donation of Land and Park Impact Fee Credit - Scenic Estates Developers

The Scenic Estates LLC partners have completed the work on the segment of trail that extends through their property within the wetland/drainage swale area. The total cost for this trail construction exceeded \$37,800. The final plat approval for Phase I of the subdivision indicated that the Council would grant a credit for the cost of the trail against the park impact fees. The total fees (Developer + Builder) for Phase I would equal \$29,552. Parks and Planning staff recommends giving full credit for the park fees for Phase I and the developer credit for the first half of the fees for Phase II.

In addition to the construction of the trail through the natural area, the developers have offered to donate that land to the City. The tract includes 5.94 acres of land that cannot be developed in the future and is considered to have an open space value of approximately \$300,000, much reduced from the value of developable property. The developers are not receiving any impact fee credit for this donation.

Councilor Laninga stated that the Parks Committee had considered the offer, walked the property and trail area, and recommends that the City accept the donation as offered.

Councilor Laninga moved and Councilor Gelder seconded that the Scenic Estates LLC Park Impact Fee credits in the amount of \$34,412 be granted for Phases I and II for the construction and dedication of the trail section within the subdivision; that the donation of 5.94 acres of open space area with an approximate value of \$300,000 be accepted; and that staff be authorized to draft conveyance agreements for final approval. The motion carried.

Item Added to the Agenda - Introduction of a 2008 Budget Amendment

Councilor Adelstein introduced a 2008 Budget Amendment stating the following funds needed to be modified:

- Fund 230 - 2006 LID No. 4 Redemption
- Fund 231 - 2006 LID No. 4 Guaranty
- Fund 378 - 2006 LID No. 4

The Finance Committee has reviewed this amendment and at this time is presenting it for informational purposes only. Request for approval of this amendment will be brought before Council at the July 21, 2008 meeting

OTHER

Laniga informed Council that the *Environment and Water* section of the most recent Association of Washington Cities (AWC) Legislative Bulletin (Vol. 31, Interim No. 2 – June 27, 2008) provided information on the challenge being brought against the 2003 municipal water law. More information regarding this matter is scheduled to be published in the next bulletin. Public Works Director Huskey acknowledged that he had read the article.

V EXECUTIVE SESSION - Cancelled

VI ADJOURNMENT

The July 7, 2008 regular session of the Lynden City Council adjourned at 7:31 P.M.

Kathleen Delgado, Deputy City Clerk

Gary Bode, Mayor Pro-Tem