

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

JULY 21, 2008

I CALL TO ORDER

Mayor Pro-Tem Gary Bode called to order the July 21, 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, Dave Burns, Ron De Valois, Tobey Gelder, Gerald Kuiken and Nick Laninga.

Members absent with notice: Mayor Jack Louws and Councilor Doug Adelstein.

Staff present: Administrative Assistant Rachel Byers, Finance Director Teresa Camfield, Chief of Police Jack Foster, 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 Kuiken moved and Councilor Burns seconded that the minutes of the July 7, 2008 regular session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled

Bellingham/Whatcom County Commission Against Domestic Violence - Director Andrea Cary-Grant.

The representatives of the Bellingham/Whatcom County Commission Against Domestic Violence were not available to make their presentation at this time.

Unscheduled

Ms. Mary Michaelson - Aunt Phoebe's Corner

Ms. Michaelson appeared before Council and informed them that she has been working with Mr. Calvin Bratt at the Lynden Tribune on the Phoebe Judson statue project and she updated Council on their plans. She asked Council if there was any room around the location of where the statue is to be placed in order to establish a park. It was recommended to Ms. Michaelson that she schedule a meeting to discuss park space with Public Works Director Duane Huskey, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf.

Raspberry Festival

Lynden Chamber of Commerce Executive Director Gary Vis appeared before Council and thanked the City departments for their help. He stated that there were over 100 volunteers and an estimated 12,000 to 15,000 attendees. Mr. Vis also thanked the various sponsors, Lynden Chamber of Commerce Event Coordinator Heather Pehl, and Raspberry Festival Chairman Jerry Kuiken for all their work.

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 48119 through 48135	\$ 131,017.99
Voucher Warrant No. 48136 through 48336	<u>\$984,408.06</u>
Total	<u>\$1,115,426.05</u>

Ordinance No. 1326 - A 2008 Budget Amendment

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

III PUBLIC HEARING

Local Improvement District No. 4 Assessment Roll

On March 6, 2006, Council approved Ordinance No. 1256 to create a Local Improvement District (LID) to provide for the payment of costs for the City to acquire the West Lynden Stormwater Detention Facility for operation and maintenance purposes, including stormwater quantity and quality.

The costs of the land acquisition, facility improvements, and other related expenses are to be paid by special assessments levied against the properties within the LID and that specifically benefit from the facility.

Now, a public hearing must be held to hear comments before the final assessment roll is confirmed, at which time the Council may correct, revise, raise, lower, change or modify the roll or any part thereof.

Mayor Pro-Tem Bode opened the Public Hearing at 7:25 P.M.

Speaking in favor: - None.

Speaking against: Mr. Chris Rehm, 2094 Front Street, Lynden, appeared before Council with the assistance of Ms. Teresa Reed-Jennings, P.O. Box 137, Lynden. Ms. Reed-Jennings stated that the boundary calculation for Duffner Ditch was 50 feet from the centerline and they feel that it should be measured to the banks of Duffner Ditch, thereby reducing the amount of property being assessed.

Comments or questions: Mr. Juan Balduvino, 2181 Front Street, Lynden, appeared before Council on behalf of his father Mr. Amador Balduvino. He stated that his family is currently discussing the issue of paying the assessment, as it adds value to their property, or if they should try to sell their rights.

Mr. Jayson Bovenkamp, 8887 Benson Road, Lynden, appeared before Council and discussed the difference between the zoning of his property and the zones created to determine the assessments, and if there were any deferment options for unused land or for elderly individuals. City Administrator Bill Verwolf clarified the difference between the two types of zones and he stated that the City is not able to provide a deferment for unused land or for elderly individuals.

Mr. Dave Meyers, 9154 Axling Road, Lynden, appeared before Council and asked if the assessments would be evenly distributed over the 15 years. Finance Director Teresa Camfield said that they would be evenly distributed.

Ms. Britt Hiatt, P.O. Box 516, Monroe, WA appeared before Council on behalf of Gillies Heated Self Storage and asked that the City clarify its position regarding its intent to pay Gillies Heated Self Storage's assessment and acquire their rights.

Councilor Kuiken moved and Councilor Gelder seconded that the public hearing be closed. The motion carried.

The Public Hearing closed at 7:48 P.M.

Councilor Laninga moved and Councilor De Valois seconded that consideration of Ordinance No. 1325 be deferred to the August 4, 2008 Council Meeting in order to give staff time to research options regarding the assessments for properties that have Duffner Ditch run through them. The motion carried.

Councilor De Valois moved and Councilor Kuiken seconded that the City purchase the rights belonging to Gillies Heated Self Storage and AM/PM by paying their assessment for the detention facility (as both properties contain on site detention facilities that meet the

requirements of the Department of Ecology) and that staff be authorized to investigate the option of purchasing the detention facility rights of those who do not want to pay their assessment. The motion carried.

IV NEW BUSINESS

Introduction to a 2008 Budget Amendment

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

- Modifies Fund 102 - Arterial Streets
- Modifies Fund 114 - Employee Liability
- Modifies Fund 356 - Parks Capital Reserve
- Creates Fund 380 - Kok Road Improvements

This agenda item was for information only.

Introduction of Draft Ordinance No. 1327 - 2nd Christian Reformed Church Right-of-Way Franchise

At their July 9, 2008 meeting, the Public Works Committee discussed the 2nd Christian Reformed Church which is currently being remodeled at 710 Front Street. During a recent revision of the building plans, entryway doors were relocated to the west side of the building along 8th Street. Sizing the required pedestrian access concrete landing, steps and handrails outside the entry doors according to code will cause the landing to protrude into City right-of-way by approximately 6 feet.

Upon review, the Public Works Committee concurred and directed staff to prepare an agreement that would allow the landing sidewalk and handrails to encroach upon City right-of-way; ensure that it will be at the church's expense to remove and replace the landing if the City ever needs to access this area; and provide landscaping to direct foot traffic around the protruding landing.

No action was required for this agenda item.

OTHER

Lynden School District Impact Fees

Councilor Gelder informed Council that after the last Community Development Committee meeting, at which the Committee discussed school impact fees, that he would like to bring the matter back before Council for consideration.

Councilor Gelder moved and Councilor Bode seconded that the tabling of the Lynden School District Impact Fees issue be rescinded and that the matter be scheduled for the next Council meeting. The motion failed with Councilor Gelder in favor; Councilors Bode, Burns, De Valois, and Kuiken against; and Councilor Laninga abstaining.

V EXECUTIVE SESSION - Cancelled

VI ADJOURNMENT

The July 21, 2008 regular session of the Lynden City Council adjourned at 8:26 P.M.

Rachel Byers, Administrative Assistant

Gary Bode, Mayor Pro-Tem