

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

AUGUST 4, 2008

I CALL TO ORDER

Mayor Louws called to order the August 4, 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 with notice: None.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Finance Director Teresa Camfield, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor Adelstein moved and Councilor Gelder seconded that the minutes of the July 17, 2008 Special Council session and the July 21, 2008 Regular Council session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled

Mr. Douglas Broersma appeared before Council to discuss the City's ordinance that prohibits the sale of alcohol on Sundays. He asked Council if they would be willing to consider repealing the Ordinance that prohibits the sale of alcohol by licensed facilities on Sundays. Councilor Adelstein, Councilor Gelder, and Mayor Louws all thanked Mr. Broersma for coming before Council and they stated that they feel this subject should be discussed.

Councilor Bode moved and Councilor Kuiken seconded that the Community Development Committee and the Public Safety Committee discuss this matter during their August meetings and provide their findings to the full Council on September 2, 2008. The motion carried.

II CONSENT AGENDA

Approval of Payroll

Direct Deposits, Draws and Warrants No. 13129 through 13184 \$ 458,105.04

Ordinance No. 1328 - A 2008 Budget Amendment

Ordinance No. 1329 - Amending Ordinance No. 1067 Regarding Truck Routes

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

III PUBLIC HEARING

Request to Reschedule the Public Hearing on Ordinance No. 1330 - 6 Year Capital Facility Plan and Fire Facilities Impact Mitigation Fee

At the July 7, 2008 Council Meeting the Public Hearing on the 6 Year Capital Facility Plan and the Fire Facilities Impact Mitigation Fees was scheduled for August 4, 2008 in order to hear public comments.

Since the advertisement for this Public Hearing was not published prior to this meeting we are requesting that Council reschedule this Public Hearing to the September 2, 2008 Council Meeting.

Councilor De Valois moved and Councilor Burns seconded that the Public Hearing to receive comment on the 6 Year Capital Facility Plan and the Fire Facilities Impact Mitigation Fee be rescheduled for September 2, 2008 at 7:00 P.M. at the City Hall Annex. The motion carried.

IV UNFINISHED BUSINESS

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

On July 21, 2008 Ordinance No. 1327 was introduced to Council per Revised Code of Washington 35A.47.040. This Ordinance grants a non-exclusive 25-year franchise to 2nd Christian Reformed Church, located at 710 Front Street, to use a portion of the public right-of-way (sidewalk) for the construction, use, and maintenance of a concrete landing, the landscaping around the landing, and the stairs and hand railings.

Approval of this agreement does not waive any rights the City has now or will have in the future regarding this right-of-way, and all construction in the area will be built to comply with City construction standards. The franchise agreement also requires that 2nd Christian Reformed Church maintain insurance in full force for the life of the agreement per City risk management standards.

Councilor Bode moved and Councilor Gelder seconded that Ordinance No. 1327, which serves as a franchise agreement between 2nd Christian Reformed Church and the City of Lynden for the use of a portion of the public right-of-way (sidewalk) for the construction, use and maintenance of a concrete landing, the landscaping around the landing, the stairs and hand railings per Exhibit A of the franchise agreement, be approved and that the Mayor be authorized to sign said Ordinance with the following correction:

That the City of Lynden be named as additionally insured in Section 11 - Insurance.

The motion carried.

Ordinance No. 1325 - Final Assessment Roll for Local Improvement District No. 4 - West Lynden Stormwater Detention Facility

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.

A public hearing was held on July 21, 2008 to hear comments prior to confirmation of the final assessment roll. The Council can confirm the final assessment roll through approval of Ordinance No. 1325. At that time LID No. 4 will be converted to Utility Local Improvement District (ULID) 2008-1 for the purpose of financing the costs within LID No. 4 with revenue bonds of the City, payable from assessments as well as utility revenues.

Councilor Adelstein moved and Councilor Laninga seconded that Ordinance No. 1325, converting Local Improvement District No. 4 to utility local improvement district; approving and confirming the final assessment roll for Utility Local Improvement District No. 2008-1 (formally LID No. 4), which has been created and established for the purpose of paying the cost of certain improvements in the City of Lynden; and levying and assessing the amount thereof against the lots, tracts, parcels of land and other property shown on said roll, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.

Councilor Adelstein thanked Public Works Director Duane Huskey and his staff, Finance Director Teresa Camfield and her staff, City Administrator Bill Verwolf, City Attorney Bob Carmichael, the citizens involved in this project for all their work.

V NEW BUSINESS

Professional Finance Officer Awards

We have received notice that Finance Director Teresa Camfield, Accounting Operations Supervisor Linda Schriefels, and Senior Accounting Technician Stacy Oxford were awarded the Professional Finance Officer Award, recognizing their educational and professional excellence.

Finance Director Camfield and Accounting Operations Supervisor Schriefels have been recipients of this award for the past 11 years and Senior Accounting Technician Oxford has received this award for the past 6 years.

Mayor Louws thanked Finance Director Teresa Camfield and her staff for their continued professionalism and he said that he appreciates all the work that they do for the City.

Conditional Use Permit 08-01 - Front Street Auto Sales

Northshore Corporation, owned by Mr. David Force, has applied for a conditional use permit for auto sales at the corner of 18th Street and Front Street (the old Starvin' Sams location). Due to the zoning this use will require a conditional use permit. While the application lists the use as "classic" auto sales, this is not a term that is defined within the City's code in order to restrict the use.

The Planning Commission held a public hearing on June 12, 2008 and recommend approval with additional conditions such as: no temporary fencing be allowed on site; that the existing mini-mart and fuel signs be removed; that the existing 30 foot ingress/egress easement remain clear at all times; and that all lighting on site be located under existing canopy and appropriately scaled and shielded to avoid any negative impacts to the neighboring properties.

Councilor De Valois moved and Councilor Gelder seconded that Conditional Use Permit 08-01 for Front Street Classic Auto be approved and recommended by the Planning Commission and that the Mayor be authorized to sign the Findings of Fact. The motion carried.

OTHER

August 18, 2008 Council Meeting

Councilor De Valois reminded Council that the next Council meeting, August 18, 2008 will be held at Berthusen Park.

Lynden's Fire Rating Results

Chief Gary Baar informed Council that after a review by the Washington State Fire Rating and Surveying Bureau the City's rating was lowered from a 6 to a 5 which is good news. This lower rating may lower insurance costs for local businesses. Mayor Louws thanked Chief Baar, the Public Works Department, the Finance Department and City Administrator Bill Verwolf for their contributions to the City which led to this success.

Fire Department Sleeper Program

Chief Baar reported on the success of the Sleeper Program and stated that their response time has been reduced by one minute so far.

New City Hall

Mayor Louws provided an update on the construction of the new City Hall stating that the goal is to have the building completely enclosed by October 2008 so that work can continue inside during the winter.

14th Street and 17th Street Bridges

Mayor Louws provided an update on these projects stating that pile driving on 14th Street is complete and that sheet pile driving will begin on 17th Street during the week of August 11, 2008.

V EXECUTIVE SESSION - Cancelled

VI ADJOURNMENT

The August 4, 2008 regular session of the Lynden City Council adjourned at 7:30 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor