

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

AUGUST 6, 2007

I CALL TO ORDER

Mayor Jack Louws called to order the August 6, 2007 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, and Nick Laninga.

Members absent: Councilor Gerald Kuiken with notice.

Staff present: Fire Chief Gary Baar, 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 Attorney Simi Jain for City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor De Valois moved and Councilor Bode seconded that the minutes of the July 16, 2007 regular session and the July 19, 2007 special session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled

Status Report and Discussion – City Hall Design

Ms. Sharon Robinson and Mr. Andy Krzysiek with Zervas Group Architects appeared before Council. They presented the layouts for the basement, first floor, and second floor; and they showed the designs for the building and parking areas.

Mayor Louws thanked Ms. Robinson and Mr. Krzysiek for their work and their presentation. Mayor Louws also thanked the City Hall Design Committee members for their integral roll in this process; and he acknowledged the members of the Design Review Board who were in attendance stating that he looks forward to working with them on this project.

Unscheduled - None

II CONSENT AGENDA

Approval of Payroll

Direct Deposits, Draws and Warrants No. 12469 through 12520 \$ 379,755.14

Resolution No. 771 – Transportation Impact Fees

Resolution No. 772 – Intent to Annex – South of Front Street – and Set Public Hearing Date

Resolution No. 773 – Intent to Annex East Lynden

Appointment to the Board of Adjustment – Mr. Mark Ouellette

Request to Cancel Claims Warrant C-45363

Resolution No. 774 – South Historic Business District Master Plan

Councilor Adelstein requested that Resolution No. 771 – Transportation Impact Fees be removed from the Consent Agenda.

Councilor Laninga requested that Resolution No. 772 – Intent to Annex – South Front Street – and Set Public Hearing Date be removed from the Consent Agenda.

Councilor De Valois moved and Councilor Bode seconded that the items on the Consent Agenda, excluding Resolution No. 771 – Transportation Impact Fees and Resolution No. 772 – Intent to Annex – South Front Street – and Set Public Hearing Date, be approved. The motion carried.

Resolution No. 771 – Transportation Impact Fees

Councilor Adelstein asked if the 2% increase was accurate as construction costs have increased more than 2%. Mayor Louws stated that the 2% increase does not seem to match the rising construction costs and that staff is continuing to research this issue. Mayor Louws recommended passing Resolution No. 771 at this time and that once staff concludes its inquiry another Resolution will be brought before Council for consideration if necessary.

Councilor Adelstein moved and Councilor De Valois seconded that Resolution No. 771, Amending Resolution No. 752 Updating Transportation Impact Fees, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.

Resolution No. 772 – Intent to Annex – South of Front Street – and Set Public Hearing Date

Councilor Laninga asked if the phrase “intent to annex” was too strong. He said the language implies that the property will be annexed if this Resolution is approved. City Administrator Bill Verwolf stated that this Resolution only states the intent to annex and sets a public hearing date; it does not annex the property. He said this is the process that must be followed in order for Council to consider this annexation.

Councilor Laninga moved and Councilor De Valois seconded that Resolution No. 772, a resolution of intent to annex property south of Front Street, be approved; that the Mayor be authorized to sign said Resolution; and that the Public Hearing be set for the September 4, 2007 Council meeting. The motion carried.

III PUBLIC HEARING

Bradley Meadows Estate Latecomers

Seventh Heaven LLC, the developers of the Bradley Meadows Estate plat, recently submitted an application for a Latecomer’s Assessment for sanitary sewer and water main extensions already constructed along Bradley Meadows Lane.

On June 18, 2007, Council reviewed a letter from Mr. Kurt Langstraat, owner of the property at 1384 Bradley Meadows Lane – Lot B of the Foothills Short Plat, requesting a public hearing regarding the proposed latecomer’s assessment against his property. Council then acknowledged the introduction of the Bradley Estates Latecomer’s Application and set a Public Hearing date of August 6, 2007 to hear comments on the same.

In accordance with Lynden City Ordinance No. 1172, Council has the option to 1) continue tonight’s public hearing in order to hear further comments or to have additional time for review; 2) approve, reject, or modify the preliminary assessment reimbursement area and preliminary assessment for any or all property within the assessment reimbursement area; or 3) remand the matter back to the Public Works Director for further review, after which a new public hearing would be scheduled.

Should Council approve the assessment reimbursement area and the assessment for each property within the area, staff can then be directed to prepare a Latecomer’s Agreement for presentation at a future meeting.

Mayor Louws opened the Public Hearing at 7:38 P.M.

Mr. Chad Schulhauser of Millennium Engineering Group, agent acting for the applicant, informed Council that they filled out the application and he is available if there are any questions.

Speaking in favor: None.

Speaking against: None.

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

The Public Hearing closed at 7:40 P.M.

Councilor Laninga moved and Councilor Gelder seconded that staff be authorized to file the documents (the preliminary assessment reimbursement area and preliminary assessment) as presented. The motion carried.

IV NEW BUSINESS

Ordinance No. 1298 – Dangerous Dog

Currently there is no ordinance regarding dangerous dogs in the City of Lynden. Any enforcement action taken by the Lynden Police Department must be under the authority of state law which requires adjudication in the District Court in Bellingham.

There are presently 23 potentially dangerous dogs residing within the City limits. Current growth, and an increased number of incidents involving these animals, would indicate the potential for enforcement in the near future.

The adoption of this Ordinance, which closely resembles state law, would allow local control over violations committed by owners of dangerous dogs, and adjudication within the Lynden Municipal Court.

Councilor Burns moved and Councilor Bode seconded that Ordinance No. 1298, Regarding Dangerous Dogs, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.

Councilor Bode moved and Councilor Burns seconded that the summary of Ordinance No. 1298 be approved for publication. The motion carried.

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 10 years and Senior Accounting technician Oxford has received this award for the past 5 years.

Mayor Louws congratulated the recipients and complemented the Finance Department. Finance Director Teresa Camfield stated that she is very proud of her department.

Status Report and Discussion – 17th Street Culvert – Set Public Hearing Date

On March 19, 2007, the 17th Street culvert located south of Village Drive collapsed into Double Ditch Creek. At that time Mayor Louws declared the culvert failure an emergency repair project and authorized stabilization work at the site. Subsequently, Council confirmed the Mayor's declaration. Since that time, the ditch area has remained fenced in and this particular section of 17th Street has remained closed.

Mayor Louws stated that it was never his intention for this portion of 17th Street to remain closed, if the neighborhood agreed that it needed to be open. He said that he felt the idea of not

replacing the bridge should be discussed due to comments he received from a few of the neighbors stating that since the closure of 17th street their neighborhood is much quieter, which they enjoyed. He apologized for the confusion created by the articles written by the Bellingham Herald. Mayor Louws acknowledged the receipt of a petition from local residents asking ofr prompt action to replace the culvert.

The following individuals appeared separately before Council and stated that the collapsed section of 17th Street should be replaced: Mr. Lynn Larson of 1703 Village Drive, Lynden; Mr. Tony Kortus of 504 Village Circle, Lynden; and Mr. Brad Robart of 505 Village Court. Mayor Louws thanked Mr. Larson, Mr. Kortus, and Mr. Robart for coming to the meeting and participating in the discussion.

Mayor Louws and Council were in agreement that the collapsed section of 17th Street must be replaced. Staff was directed to continue with the replacement process.

OTHER

Fire Chief Gary Baar informed Council that retired Lynden Volunteer Firefighter F. Vernon “Shorty” Olin has passed away and that his funeral will be held on August 8, 2007.

V EXECUTIVE SESSION - None

VI ADJOURNMENT

The August 6, 2007 regular session of the Lynden City Council adjourned at 8:19 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor