

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

SEPTEMBER 17, 2007

I CALL TO ORDER

Mayor Louws called to order the September 17, 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, Gerald Kuiken, and Nick Laninga.

Members absent: None.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, 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 Bode moved and Councilor Kuiken seconded that the minutes of the September 4, 2007 regular session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled - None

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 46012 through 46027	\$ 123,919.60
Voucher Warrant No. 46028 through 46200	<u>\$ 750,508.93</u>
Total	<u>\$ 874,428.53</u>

Ordinance No. 1301 – A 2007 Budget Amendment

Councilor Adelstein moved and Councilor Burns seconded that the items on the Consent Agenda be approved. The motion carried.

III PUBLIC HEARING

West Lynden Business Park Latecomers

Recently, Dick Vandenberg, Windward Consulting Group, the developers of West Lynden Business Park located south of West Main Street and east of Berthusen Road, submitted three Latecomer's applications to obtain fee reimbursements for those properties located adjacent to the following improvements:

- Off-site sanitary sewer line extension Segment A;
- Off-site sanitary sewer line extension Segment B; and
- Off-site water main extension.

The preliminary reimbursement area has been defined and proposed assessments of those properties adjacent to, and benefiting from, those improvements were formulated by a consultant and have been verified by City staff.

As the elements of these applications are different than the usual application, it was determined that a public hearing should be held.

Mayor Louws opened the Public Hearing at 7:04 P.M.

Speaking in favor: None.

Speaking against: None.

Councilor Burns moved and Councilor De Valois seconded that the Public Hearing be closed. The motion carried.

The Public Hearing closed at 7:05 P.M.

Councilor Bode moved and Councilor Adelstein seconded that the preliminary assessment reimbursement area and preliminary assessment for all property within the assessment reimbursements area be approved. The motion carried.

IV NEW BUSINESS

Consideration of Final Plat – Emerald Green

Homestead Northwest is requesting final plat approval for their development on Benson Road, south of Diamond Lane. This plat within the RS-100 zone meets the minimum lot requirements and extends Emerald Way into a cul-de-sac.

Homestead has completed the plat requirements listed in the Findings of Fact and paid their impact fees. Staff is prepared to recommend final plat approval subject to the completion of final punchlist items, receipt of as-builts, and approval of any performance and maintenance bonds.

Councilor Kuiken moved and Councilor De Valois seconded that final plat approval for the Emerald Green Plat be granted, subject to the completion of the punchlist items and approval of bonds and as-builts, and that the Mayor be authorized to sign the final mylars. The motion carried.

V OLD BUSINESS

Property Use Agreement with the Northwest Washington Fair

The Northwest Washington Fair and City of Lynden Park Proposal, which called for the development of an interlocal agreement for the mutual use of properties, was presented to Council on March 20, 2006. The Council referred it to committee.

The Parks Committee reviewed the proposal at its March 26, 2006 meeting, and it was brought back to Council on April 17, 2006, where a motion to develop and interlocal agreement was passed.

The agreement, titled Property Use Agreement between City of Lynden and Northwest Washington Fair Association, has been developed. Upon final review of the proposed interlocal, the Parks Committee recommended this agreement not be approved or pursued, and that the project be abandoned.

The Mayor and Council discussed several issues which included capital costs, safety, maintenance concerns, vehicle access/parking, flooding, restroom locations, and trail access.

Councilor De Valois moved and Councilor Bode seconded that the proposed mutual use project be abandoned. The motion carried.

VI EXECUTIVE SESSION

Council went into Executive Session at 7:35 P.M. to discuss potential litigation. It was anticipated that the Executive Session would last approximately 30 minutes and that no action would likely be taken following the session. Council came out of Executive Session at 8:22 P.M.

VII ADJOURNMENT

The September 17, 2007 regular session of the Lynden City Council adjourned at 8:23 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor