

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

October 5, 2009

I CALL TO ORDER

Mayor Jack Louws called to order the October 5, 2009 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 Gary Bode, Dave Burns, Ron DeValois, Jerry Kuiken, Nick Laninga, and Larry Tremaine.

Members absent: Tobey Gelder

Staff present: Fire Chief Gary Baar, Finance Director Teresa Camfield, Planning Director Amy Harksell, Public Works Director Duane Huskey, Parks Director Vern Meenderinck, Assistant Fire Chief Joe Noonchester, Senior Administrative Assistant Heather Sytsma and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor Kuiken noted that "Rezone #09-02, Public Works Facility" needs to be changed to "Rezone #09-01, Public Works Facility."

Councilor DeValois moved and Councilor Bode seconded that the minutes of the September 21, 2009 Regular Council Sessions be approved as amended. The motion carried.

ITEMS FROM THE AUDIENCE

Presentation by the Commission Director of the Domestic Violence and Sexual Assault Services for Whatcom County

Mayor Louws introduced Andrea Cary-Grant, Commission Director of the Domestic Violence and Sexual Assault Services Center of Whatcom County. Cary-Grant presented a packet highlighting the key activities for 2009, emphasizing that a federal grant has been received which will pay for support staff to be available to domestic violence victims in court rooms in Whatcom County.

Mayor Louws thanked Cary-Grant for her work with domestic violence victims in Whatcom County.

Presentation by North Whatcom Fire and Rescue (NWFRS) and Lynden Fire Department

Mayor Louws introduced Lynden Fire Chief Gary Baar and NWFRS Fire Chief Tom Fields.

Chiefs Baar and Fields narrated a presentation detailing the merger of the City of Lynden Fire Department with North Whatcom Fire and Rescue, with a proposed merger date of January 1, 2010. With the City of Lynden in the middle of NWFRS response area, and with an NWFRS station within City Limits, mutual aid between departments already exists. This plan would allow agencies to combine volunteers and paid firefighters to better staff existing stations and improve response times to emergency calls.

Mayor Louws stated that having an agreement in place by January 1, 2010, is very ambitious, and directed the Public Safety Committee to explore this merger and discuss the creation of a committee to be reviewed by Council at a later date.

Councilor Burns moved and Councilor Kuiken seconded that the Public Safety Committee assemble a Committee to review the proposed merger between the Lynden Fire Department and North Whatcom Fire and Rescue. The motion carried.

Unscheduled

Brian Urban, 1003 East Grover Street, Lynden, WA 98264, appeared before Council and presented a petition signed by residents who are interested in having the hot tub at the YMCA re-opened. He stated that, with the new Virginia Graeme Baker legislation requiring that all suction outlets be equipped with specific anti-entrapment drain covers, he understands that the City was required to close the hot tub, but asked whether private donations would be accepted to cover the cost of a new hot tub at the YMCA.

Mayor Louws stated that he would be interested in speaking with Mr. Urban, and directed him to discuss the matter with Public Works Director Huskey and the Public Works Committee.

II CONSENT AGENDA

Approval of Payroll

Direct Deposits, Draws and Warrants No. 14005 through 14062 \$125,926.06

Bid Award for Fire Training Tower Construction

Mayor Louws noted that a revised bid proposal form has been distributed.

Bid Award for Grant Funded Police Computers

Councilor Bode moved and Councilor DeValois seconded that the consent agenda be approved. The motion carried.

III PUBLIC HEARING

Adoption of the Lynden Comprehensive Water System Plan

The Washington State Department of Health (DOH) requires that Lynden's Comprehensive Water System Plan be updated every six years. As the City's existing plan has been in effect since 1999, City Council awarded the contract to the update the plan to Gray & Osborne, Inc. in December, 2006. Key elements and requirements of the plan include availability of water sources, coordination of planning efforts for growth and development, identification of current and future system needs, information to help ensure high quality drinking water and reliable service, and a capital improvement plan for future water system facilities to meet current Urban Growth Area and redevelopment needs.

The draft plan is now complete and language has been submitted to the DOH for review and approval.

At their September 21, 2009 meeting, City Council set a public hearing date of October 5th to receive public comment on the plan.

Mayor Louws opened the public hearing at 7:59 PM.

Speaking in favor: None.

Speaking against: None.

Councilor Bode moved and Councilor Laninga motioned to that the Public Hearing be closed. The motion carried.

The Public Hearing closed at 8:00 PM.

Councilor DeValois noted that there are two “D-12” designations on the map. Public Works Director Huskey stated that the list of designators is correct, however, the map incorrectly notes “D-12” on Woodcreek Rd/Double Ditch Rd., which should be “D-14.” He stated that this will be corrected.

City Administrator Verwolf noted that the agreement in the Council packet states the year as “2008,” but will state the year as “2009” when it is signed.

Councilor Bode moved and Councilor DeValois seconded that City Council adopt the 2009 Comprehensive Water System Plan prepared by Gray & Osborne, Inc. through approval of Resolution No. 810, and authorize the Mayor’s signature on the resolution, as amended. The motion carried.

IV UNFINISHED BUSINESS

Briefing on Urban Growth Area (UGA) Process

At the conclusion of the County’s public hearing on September 17, deliberation on the issues was referred to the County’s Planning Commission and the Planning & Development Committee of the County Council. They are tasked with developing a final recommendation to the County Council to meet the state mandated deadline of December 1.

Attorney Carmichael and I (Planning Director Harksell) attended the Planning Commission work session on September 24. After two hours of rambling discussion on general growth theories and urban reserve areas, the Commission turned to Lynden’s proposal. Several of the Commissioners had questions regarding the Pepin Creek proposal, but did not seem to believe any answers provided. There were no comments or discussion by the Planning Commission about the materials the City of Lynden had submitted and no recognition of any local support or planning.

The comments that seemed to lead to their final action included the following:

1. The infrastructure costs to Lynden and the County for road improvements, and the Pepin Creek project would be too high.
2. If the drainage is bad, why would we want people to build houses there?
3. One acre of farmland lost is too high a cost for growth.
4. The Department of Ecology and the Lummi Business Council says Lynden doesn’t have sufficient water rights.
5. The population projections are unrealistic based on declining school enrollment.

The above comments are missing the editorializing of the Commissioners as they discussed this community’s future. The Commission approved a motion recommending the County Council NOT amend the City’s current UGA and to adjust the population allocation to fit the existing urban growth area. If this recommendation is approved by the County Council, Lynden’s 2029 population allocation would be approximately 15,216 people.

On Tuesday, October 6, the County Council Planning and Development Committee will discuss Lynden’s urban growth area and the issues surrounding that topic. I (Planning Director Harksell) will be present at that meeting and expect that either Mr. Carmichael or Ms. Jain will be present as well.

The Council discussed what could be done to further influence the County Council’s position. City Attorney Carmichael stated that the opinions of the communities being influenced by the County’s decision are not being heard. Mayor Louws reminded the Council that no adverse action has been taken at this time.

V NEW BUSINESS

Mayor’s Budget Update

The preliminary report provided Council with an update on the status of the current budget, along with the consideration for the 2010 Budget process. This was presented in accordance with Washington Budget requirements.

Agreement for Equipment Sale to Lakehaven Utility District

The Lynden Wastewater Treatment Plant has surplus equipment known as a septage receiving unit that Lakehaven Utility District in Federal Way, Washington would like to purchase for \$60,000.00.

On August 5th, 2009, the Public Works committee concurred to recommend that staff prepare an agreement with Lakehaven for the sale of this equipment.

Finance Director Camfield stated that, according to RCW, sales tax needs to be charged on this item. Public Works Director Huskey stated that the agreement between the City and Lakehaven Utility District does specify that Washington State Sales Tax is charged on the \$60,000.00.

Councilor Bode moved and Councilor DeValois seconded that City Council declare the City's septage receiving unit as surplus property, authorize the sale of the property to Lakehaven Utility District for \$60,000.00 plus Washington State Sales Tax, and authorize the Mayor's signature on the agreement. The motion carried.

IV EXECUTIVE SESSION – Potential Litigation

Council went into executive session at 8:27 PM to discuss potential litigation. It was anticipated that the executive session would last approximately 15 minutes and that action may or may not be taken. Council came out of Executive Session at 8:43 PM.

Councilor Bode motioned and Councilor Tremaine seconded that the City Attorney be authorized to bring collective action against Gene and Virginia Crabtree for money owing on street frontage improvements for the West Main Street Improvement Project No. 2005-11.

V ADJOURNMENT

The October 5, 2009 regular session of the Lynden City Council adjourned at 8:45 P.M.

Heather Sytsma, Senior Admin. Assistant

Jack Louws, Mayor