

# LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

NOVEMBER 3, 2008

## I CALL TO ORDER

Mayor Pro Tem Gary Bode called to order the November 3, 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 Doug Adelstein, Dave Burns, Ron De Valois, Tobey Gelder, Jerry Kuiken, and Nick Laninga.

Members absent: Mayor Jack Louws with Notice.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Finance Director Teresa Camfield, Planning Director Amy Harksell, 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 Burns moved and Councilor De Valois seconded that the minutes of the October 20, 2008 Regular Council session be approved. The motion carried.*

## APPROVAL OF THE PAYROLL

Direct Deposits, Draws and Warrants No. 13310 through 13368 \$ 411,580.63

*Councilor Adelstein moved and Councilor Gelder seconded that the payroll be approved. The motion carried.*

## ITEMS FROM THE AUDIENCE

**Scheduled** - None

**Unscheduled** - None

## III PUBLIC HEARING

### **Comprehensive Plan Amendment and Rezone - 08-01 - Main Street**

On June 2, 2008 Mr. Rick Alexander submitted an application for a Comprehensive Plan Amendment and Rezone which stated his request to change the comprehensive plan designation from Industrial to Commercial and to rezone the property from I-1 (Industrial) to CS-1 (Commercial Shopping) at 100, 104, 110, and 114 Main Street.

The Planning Commission held a public hearing on the request on September 18, 2008 and has recommended approval of both the comprehensive plan amendment and rezone. Being that this is a legislative matter the Council has the opportunity to hold another public hearing on the application.

If Council approves the amendment and rezone, staff will prepare a final ordinance and notice to the Washington State Department of Community, Trade, and Economic Development to be brought back before Council for consideration of final approval in December.

Mayor Pro Tem Bode opened the Public Hearing at 7:03 P.M.

Speaking in favor:

Mr. Rick Alexander, 308 Kwanza Drive, Lynden, WA 98264 appeared before Council and read a statement supporting the rezone.

Mr. Merle Herrett, 104 Main Street, Lynden, WA 98264 appeared before Council and stated that he is in favor of the rezone.

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 7:08 P.M.

***Councilor Burns moved and Councilor Adelstein seconded that Comprehensive Plan Amendment and Rezone #08-01 be approved as recommended by the Planning Commission and that staff be authorized to complete the required ordinance and notice to the Department of Community, Trade, and Economic Development to be considered by Council in December. The motion carried.***

### **Size Restrictions for Big Box Stores**

The City entered into a contract with Pitney Bowes MapInfo in March of this year to analyze the retail market area for Lynden. The firm has identified the City's local and regional trade areas, completed a field analysis, and compiled the demographic, lifestyle, and retail expenditure data for the trade area. The study also provided the City with a list of potential retailers whose demographic and psychographic preferences matched the community.

The Zoning Review Committee discussed the results of the study and how to best approach increasing the availability of goods and services within our city. The question of whether the size limitation for general retail sales should be removed has been the subject of debate and discussion. The zoning Review Committee prepared a recommendation that was sent forward to the Planning Commission for a public hearing.

The Planning Commission held their public hearing on October 9, 2008 and heard from property owners and Lynden Chamber of Commerce Executive Director Gary Vis. The Commission's minutes and resolution were provided to Council.

The staff and the Zoning Review Committee are seeking answers or direction from the Council on the following questions:

1. Should the City lift the size limit of 65,000 square feet on general retail stores?
2. If the answer is yes, should there be any size limit on general retail stores?
3. If that answer is yes, the Zoning Review Committee is discussing a limit between 180,000 and 250,000 square feet. Does the Council have further input on the size limit?

Mayor Pro Tem Bode opened the Public Hearing at 7:13 P.M.

*Speaking in favor:*

Mr. Don Korthuis, 2151 Stickney Island Road, Everson, WA 98247, appeared before Council and stated that he is in favor of lifting the size limit.

Mrs. Sally Korthuis, 2151 Stickney Island Road, Everson, WA 98247, appeared before Council and said why she would like the restrictions lifted.

*Speaking against:*

None

*Other:*

Executive Director of the Lynden Chamber of Commerce Gary Vis, 518 Front Street, Lynden, WA 98264, appeared before Council and stated that the Lynden Chamber of Commerce has not

taken a position on this issue but is available for question since they were involved in the recent retail market study.

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

The Public Hearing closed at 7:18 P.M.

Council discussed the issue and agreed that the 65,000 square foot size restriction should be lifted. They recommend that the Zoning Text Committee move forward with the process and that they would like the focus to be on either no limit to the size of a retail establishment or that if a limit is imposed that the limit be set above 200,000 square feet..

### **Real Estate Property Tax - Ordinance No. 1339**

The City of Lynden is required by State regulations to adopt the proposed 2009 property tax levy. The proposed Ordinance was submitted to Council and reflects no increase in the mil rate (per thousand dollars of property value) in the City of Lynden when comparing the 2009 levy rates to 2008 levy rates.

The final figures for the assessed valuation of the City's tax base are not yet available. Once those are provided by the County Assessor, an ordinance setting the final, exact levy will be provided for Consideration.

Mayor Pro Tem Bode opened the Public Hearing at 7:40 P.M.

Speaking in favor:

Speaking against:

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

The Public Hearing closed at 7:41 P.M.

***Councilor Adelstein moved and Councilor Laninga seconded that Ordinance No. 1339 be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.***

## **IV NEW BUSINESS**

### **Set Time and Location for the November 10, 2008 and November 24, 2008 Special Budget Work Sessions**

The Lynden City Council will be holding Budget Workshops during Special Council Meetings on November 10, 2008 and November 24, 2008. The purpose of this agenda item is to determine the time and location of the workshops.

***Councilor De Valois moved and Councilor Burns seconded that the Special Council Meetings scheduled for November 10, 2008 and November 24, 2008 be held at 7:00 PM at the City Hall Annex, located at 205 4<sup>th</sup> Street, Lynden, WA 98264. The motion carried.***

### **Puget Sound Energy Distribution Substation - Conditional Use Permit (CUP) # 08-03**

Puget Sound Energy requested a conditional use permit for the construction of an energy distribution substation at 2052 Main Street. This use requires a conditional use permit. The Planning Commission held a public hearing on October 9, 2008 to consider the application. No one spoke in opposition to the application and the Planning Commission recommended approval.

Complete building and engineering plans will be submitted prior to construction on the site, and Puget Sound Energy will be paying the Main Street Costs for their frontage. The Technical Review Committee's report and the Planning Commission's resolution have been provided to Council.

***Councilor Adelstein moved and Councilor Kuiken seconded that Conditional Use Permit #08-03 for Puget Sound Energy be approved as recommended by the Planning Commission and that the Mayor be authorized to sign the Findings of Fact. The motion carried with 6 in favor and Councilor Burns against.***

**Other**

Councilor De Valois thanked the Lynden Police Department, Fire Department and Public Works Department for their response to a car accident that he had been in.

Councilor Adelstein updated everyone on the numerous achievements made by students and Lynden Christian and Lynden High Schools during the National Future Farmers Association.

Councilor Adelstein shared his concerns regarding the condemnation by some of others who participated in public debate and provided feedback, specifically noting comments directed at the Lynden Tribune. He stated that he feels that even though we may not agree on everything we can appreciate our neighbors for having opinions and we should all support open dialog within our community.

Parks and Recreation Director Vern Meenderinck informed Council that the Park and Trails Advisory Committee has an opening and that the Berthusen Park Advisory Committee has two openings. A notice has been placed in the Lynden Tribune in a effort to fill those positions.

**V EXECUTIVE SESSION**

Council went into Executive Session at 8:00 P.M. to discuss real estate. It was anticipated that the Executive Session would last approximately 10 minutes and that action would not likely be taken following the session. Council came out of Executive Session at 8:11 P.M.

**VI ADJOURNMENT**

The November 3, 2008 regular session of the Lynden City Council adjourned at 8:12 P.M.

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Rachel Byers, Administrative Assistant

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Gary Bode, Mayor Pro Tem