

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

NOVEMBER 16, 2009

I CALL TO ORDER

Mayor Jack Louws called to order the November 16, 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, Tobey Gelder, Jerry Kuiken, Nick Laninga, and Larry Tremaine.

Members absent: None.

Staff present: Fire Chief Gary Baar, Public Works Director Duane Huskey, Parks Director Vern Meenderinck, Senior Administrative Assistant Heather Sytsma and City Administrator Bill Verwolf. Also present was City Attorney Simi Jain.

APPROVAL OF MINUTES

Councilor Gelder moved and Councilor DeValois seconded that the minutes of the November 2, 2009 Regular Council Session and November 9, 2009 Special Council Session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled – None

Unscheduled - None

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 51477 through 51493	\$ 125,732.06
Voucher Warrants No. 51494 through 51684	1,169,215.60
Direct Payment	<u>18,899.09</u>
Total	<u>\$1,313,846.75</u>

Cancellation of November 23, 2009 Special Meeting – Budget Workshop

Ordinance No. 1368 – A 2009 Budget Amendment

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

III UNFINISHED BUSINESS

Referendum 47 – Resolution 811 - Increase of Real Property Tax Levy

All taxing jurisdictions were required, due to the passage of Referendum 47 in 1997, to pass a resolution specifically indicating the increase in tax levy if any, from the previous year, excluding the increase due to new construction, improvements to property or any increase in the value of state assessed property.

Resolution No. 811 reflects a 1% increase in real estate property taxes combined with the percent increase required to use all of the City's banked levy capacity for year 2010.

The Finance Committee discussed the need for this resolution at its November 2, 2009 meeting. Since the city is over 10,000 in population and has been notified of a negative IPD (Implicit Price Deflator), Resolution No. 811 is the first of two resolutions to be reviewed and approved by council as part of this year's levy limit setting.

Councilor Gelder moved and Councilor Tremaine seconded that the Council approve Resolution NO. 811 – Increase of Real Property Tax as presented and authorizes the mayor's signature.

Resolution No. 812 – A Declaration of Substantial Need for Purposes of Setting the Limit Factor for the Property Tax Levy for 2010

As City Administrator Verwolf indicated at the council meeting on November 2, 2009, a substantial need resolution is required to be adopted by council in order to authorize a total 1% increase in year 2010's property tax levy. This is required due to the IPD (Implicit Price Deflator) being a negative number (-.848).

Without this required resolution, council would be limited to 99.152% of last year's levy. With this substantial needs resolution, the council has the latitude to authorize a levy greater than 99.152% but not greater than 101% of last year's levy (1% increase in the total property tax levy for 2010).

The Finance Committee discussed the need for this resolution at its November 2, 2009 meeting. Since the city is over 10,000 in population and has been notified of a negative IPD, Resolution No. 812 is the second of two resolutions to be reviewed and approved by council as part of this year's levy process.

Councilor Gelder moved and Councilor Laninga seconded that the Council approve Resolution No. 812 – A Declaration of Substantial Need for Purposes of Setting the Limit Factor for the Property Tax Levy for 2010 as presented and authorizes the Mayor's signature.

IV NEW BUSINESS

Approval to Install Two Adjacent Handicapped Parking Spaces in City Right-of-Way

At their October 21, 2009 meeting, the Public Works Committee reviewed a letter from Greg Bode, of Third Christian Reformed Church, 514 Liberty Street requesting permission to obtain a street excavation permit to perform a curb cut and install two adjacent handicapped parking spaces on Liberty Street. He explained that this would allow for wheelchair access to their newly permitted ramp that will provide access to the lower level of their facility. Upon review, the Committee denied the request, saying that the church could utilize the parking lot in the rear of the building for handicap-accessible parking spaces close to the ramp that accesses the basement. Also, the way the ramp was previously designed, going up over the curb, it could have posed a trip hazard to those walking along the Liberty Street sidewalk.

At their November 4, 2009 meeting, the Public Works Committee reviewed Greg Bode's appeal to reconsider his former request because: 1) in the past, the City had already permitted Hope Lutheran Church on East Grover Street to do this, and there would be minimal liability exposure (the new design with a curb cut is more pedestrian-friendly), and 2) to their knowledge, there is no other specified unloading location in the immediate area that is complete with access to the public sidewalks (other than at street corners). All work would be compliant with American Disabilities Act (ADA) code.

Upon consideration of the updated design, the Public Works Committee concurred to recommend approval to City Council.

Councilor Tremaine suggested that a required amount of wheelchair-accessible parking be required in angled parking areas in the future. Mayor Louws referred this item to the Technical Review Committee (TRC) to review City regulations on this sort of situation in the future.

Councilor Bode moved and Councilor DeValois seconded that the Council approve Third Christian Reformed Church's request to obtain an excavation permit to perform a curb cut and install two adjacent handicapped parking spaces at 514 Liberty Street. The motion carried with 6 in favor and Councilor Burns, abstaining.

IV OTHER

Lynden Fire Department and North Whatcom Fire and Rescue Merger Review Committee

Mayor Louws stated that he will be making a recommendation at the next City Council meeting regarding who should be on the Committee to review the merger of City of Lynden and North Whatcom Fire and Rescue (NWFRS) fire departments. Current recommendations are: City of Lynden Mayor, City Administrator, Public Safety Committee Chairperson, Chief Gary Baar, Bill Bode (citizen member), NWFRS Chief and NWFRS Commissioner. Mayor Louws suggested that Fire Chief Baar schedule meetings beginning mid-December and running through early 2010 to work towards a mutual agreement.

Councilor Tremaine's Final Meeting

Mayor Louws thanked Councilor Tremaine for stepping into the City Council vacant position and also thanked him for his services as Building Official and Project Manager over the past years.

V ADJOURNMENT

The November 16, 2009 regular session of the Lynden City Council adjourned at 7:15 P.M.

Heather Sytsma, Senior Admin. Assistant

Jack Louws, Mayor