

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

DECEMBER 7, 2009

I CALL TO ORDER

Mayor Jack Louws called to order the December 7, 2009 regular session of the Lynden City Council at 7:00 P.M. at the Lynden City Hall Annex.

OATH OF OFFICE

Mayor Louws congratulated Mr. Bent Lenssen on being elected, he spoke of the various ways Mr. Lenssen has served the City on various committees, and then Mayor Louws conducted the Oath of Office.

Councilor Lenssen introduced his mother Roxanne and he stated that unfortunately his wife Teresa was unable to attend the meeting.

ROLL CALL

Members present: Mayor Jack Louws; Councilors Gary Bode, Ron De Valois, Tobey Gelder, Jerry Kuiken, Nick Laninga, and Brent Lenssen.

Members absent: Councilor Dave Burns 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 City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor De Valois moved and Councilor Kuiken seconded that the minutes of the November 16, 2009 Regular Council Session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled

Lighted Christmas Parade – December 5, 2009

Lynden Chamber of Commerce Director Gary Vis appeared before Council and thanked the Fire Department, Public Works Department, Police Department, Council Members, and other City staff for their assistance this year with the Lighted Christmas Parade. He said the event went very, very well.

Mayor Louws thanked Chamber of Commerce Director Vis and his staff, as well as the participants of the Lighted Christmas Parade, for their work. He stated that this event is a community favorite.

II CONSENT AGENDA

Approval of Payroll

Direct Deposits, Draws and Warrants No. 14126 through 14179

\$ 445,985.00

Set Public Hearing Date – Zoning Text Amendment 09-01 – Airport Overlay Zone

Set Public Hearing Date – Annexation 09-01 – South Kok Road

Request to Cancel Claims Warrant C-51645

Councilor Kuiken moved and Councilor De Valois seconded that the Consent Agenda be approved. The motion carried.

III PUBLIC HEARING

Ordinance No. 1369 – Year 2010 Budget – Final Public Hearing

During the preparation for the final budget hearing, an adjustment to two funds was recommended by City Administrator Bill Verwolf and Finance Director Teresa Camfield. Fund 381, Kok Road Improvements (Project No. 2008-07) had listed \$831,000 as a transfer from Fund 302 Transportation Impact. The transfer should be for \$607,000, which is for engineering and land acquisition. Fund 302 Transportation Impact has been adjusted as well to show a transfer of the \$607,000 to Fund 381. Both of these adjustments have been reviewed and discussed with Public Works Director Duane Huskey.

These are the only adjustments since the November 9, 2009 budget workshop.

Per the approved year 2010 budget calendar, the preliminary budget hearing for year 2010 was held on November 2, 2009. A budget workshop was held on November 9, 2009. This is the final public hearing.

Ordinance No. 1369 represents the results of the year 2010 budget process.

Mayor Louws opened the public hearing at 7:07 PM.

Speaking in favor: None.

Speaking against: None.

General Comments:

Lynden Chamber of Commerce Director Gary Vis asked if the request from the Hotel/Motel Tax Advisory Committee to reallocate \$2,500 to the Bellingham/Whatcom County Chamber of Commerce had been included in the budget.

City Administrator Bill Verwolf and Finance Director Teresa Camfield reviewed the budget and noted that the requested adjustment, which Council had agreed to at a previous budget workshop, was not included in the budget. Finance Director Camfield stated that the requested adjustment will not change any of the numbers in the budget Ordinance.

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

The Public Hearing closed at 7:09 P.M.

Councilor Gelder moved and Councilor Kuiken seconded that Ordinance No. 1369, Adopting the Budget for the City of Lynden for the Year 2010, be approved; that adjustments be made to the budget to reflect the recommendation of the Hotel/Motel Tax Advisory Committee; and that the Mayor be authorized to sign Ordinance No. 1369. The motion carried.

Mayor Louws thanked staff and Council for their work on the 2010 budget.

IV NEW BUSINESS

Request to Surplus 1999 Road Rescue/Ambulance

Per Policy F-10, Disposal of Surplus Property other than Real Estate, when the estimated property value of the requested surplus property is greater than \$9,999.99, the request must be reviewed by the Finance Committee. Upon their recommendation, the request is then forwarded to Council, where the disposal must be approved by a majority.

There is one vehicle, a 1999 Road Rescue Ambulance that was brought forward per the Fire Department that qualifies for Council approval in order to dispose of the property. The Public Safety Committee has reviewed this request to surplus and recommends disposal of this vehicle with a minimum bid of \$40,000.

The Finance Committee reviewed this request and they recommend to Council that the vehicle be declared surplus. If approved by Council, the surplus vehicle will be advertised in the Lynden Tribune as well as other fire equipment related sites.

Councilor Gelder moved and Councilor Lenssen seconded that the 1999 Road Rescue Ambulance be declared surplus and that the Finance Director, or her designee, be authorized to dispose of said vehicle as per instructions. The motion carried.

Partial Relinquishment of Sewer Utility Easement – Lot 4 of K&D Short Plat

On November 18, 2009 the Public Works Committee reviewed a request and proposed agreement for a partial relinquishment of the existing sewer utility easement on Lot 4 of the K&D Short Plat at 8794 Vinup Road, owned by Sidney and Linda Mellema. The easement was placed on the plat because there was a potential that in the future the sewer line could be extended east toward Greenfield Village. As that will not happen, Sid Mellema has requested relinquishment of 516 square feet of the sewer utility easement on his property. The access easement from the road to the remaining sewer utility easement would still be reserved, as would access to the manhole on this parcel.

The Public Works Committee concurred to recommend approval to the full City Council.

Councilor Bode moved and Councilor De Valois seconded that the request to relinquish 516 square feet of the existing sewer easement on Lot 4 of the K&D Short Plat be approved and that the Mayor be authorized to sign said agreement. The motion carried.

Introduction of a 2009 Budget Amendment

As required by State regulations, a proposed an amendment to the 2009 Budget was introduced. The amendment will reflect Council's authorized transactions and will modify the following funds:

- Fund 001 – Current Expense
- Fund 110 – Hotel/Motel
- Fund 349 – Public Works Vehicle & Equipment Reserve

This agenda item was for information only.

Memorandum of Understanding – North Prairie LLC

When the City completed the East Lynden annexation in 2007, it was understood that development of utility infrastructure would take quite some time to reach the eastern boundary. Since then, the house at 8783 Northwood Road was demolished due to being something of a public safety hazard.

At this time, the owners of the property (also known as “Subject Property” in the agreements) would like to sell a portion of the parcel. However, the potential buyer would like to be

assured that there is an opportunity to build a new home on the property before City utilities are actually on-site.

This Agreement for dedication of right-of-way for both Northwood Road and for the future extension of Aaron Drive or some other east-west road assures the City will have the access connectivity required for the area. The memorandum of agreement lays out the timing and condition for a new home to connect to public water and sewer. Only one single family home may be constructed on the “subject parcel” and any subdivision or other development application would trigger improvement requirements.

Councilor Bode moved and Councilor De Valois seconded that the Memorandum of Agreement between the City of Lynden, Pacific Crest Partners, and North Prairie LLC be approved for Residential Development, that the dedication of right-of-way for Northwood Road and the east-west road be accepted, and that the Mayor be authorized to sign the required documents. The motion carried.

OTHER

Council Gelder congratulated the Lynden High School football team for their second consecutive win at the 2-A state championship. Go Lions!

V EXECUTIVE SESSION - Cancelled

VI ADJOURNMENT

The December 7, 2009 regular session of the Lynden City Council adjourned at 7:25 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor