

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

DECEMBER 21, 2009

I CALL TO ORDER

Mayor Jack Louws called to order the December 21, 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 De Valois, Tobey Gelder, Jerry Kuiken, and Brent Lenssen.

Members absent: Councilor Nick Laninga 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, Chief of Police Jack Foster, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor Kuiken moved and Councilor De Valois seconded that the minutes of the December 7, 2009 Regular Council Session be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled

Mr. Greg Ebe, P.E., Principal of Reichhardt & Ebe Engineering appeared before Council and discussed the current economic conditions, how infrastructure projects are a long lasting way to stimulate our economy, and stated that for the last 8 years they have been grateful to work with Mayor Louws, Council, and city staff. He stated that as a local company they were glad to play a role in making Lynden a stronger City and a showcase in Whatcom County.

Mr. Nathan Zylstra, P.E., Principal of Reichhardt & Ebe Engineering appeared before Council with Mr. Ebe and stated that Reichhardt and Ebe Engineering is donating \$1,500.00 to Project Hope on behalf of Mayor Louws. He stated that it has been a pleasure to work with Mayor Louws, Council, and staff to make our community better and he thanked Mayor Louws for his service to the City of Lynden.

Mayor Louws thanked them for the generous gift to Project Hope. He thanked the associates of Reichhardt & Ebe Engineering firm for working with the City to accomplish numerous projects together.

Mayor Louws thanked everyone for the opportunity to serve the City of Lynden.

II CONSENT AGENDA

Approval of Claims

Manual Warrants No. 51685 through 51703	\$ 222,703.28
Voucher Warrants No. 51704 through 51906	\$ 977,363.79
Direct Payment	\$ 15,423.92
Total	<u>\$ 1,215,490.99</u>

Award Contract for Publication of the City Newsletter – Project No. 2009-02

Award Contract for Publication of Legal Notices – Project No. 2009-03

Ordinance No. 1370 – A 2009 Budget Amendment

Planning Commission – Reappointment of Mr. Tim Faber

Planning Commission – Appointment of Mr. Gerald Veltkamp

Design Review Board – Appointment of Mr. Mark Ouellette

Design Review Board – Appointment of Mr. Denny Vender Velden

Design Review Board – Reappointment of Mr. Mark Bratt

Board of Adjustments – Reappointment of Mr. Aaron Apps

Lynden Airport Advisory Board – Reappointments of Mr. Roger Humphreys and Mr. Bill Stoelt

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

Councilor Gelder thanked Mr. Faber, Mr. Veltkamp, Mr. Ouellette, Mr. Vender Velden, Mr. Brat, Mr. Apps, Mr. Humphreys, and Mr. Stoelt for their service to the City of Lynden.

Mayor Louws thanked all the members of the Planning Commission, Design Review Board, Board of Adjustments, and the Lynden Airport Advisory Board for the work they do for the City of Lynden.

III PUBLIC HEARING

Zoning Text Amendment 09-01 – Airport Overlay Zone

Approximately one year ago, the Planning Commission recommended approval of the Lynden Municipal Airport Master Plan. Based on that plan and changes to building and zoning codes, it was necessary to update the overlay zone that permits the residential hangars and operations of the airport.

On November 12, 2009, the Planning Commission held a public hearing on Zoning Text Amendment No. 09-01, Lynden Municipal Airport Overlay Zone. The Commission recommended approval of the amendment through Resolution No. 09-05. The only question that arose during the Planning Commission's hearing was the lot coverage for the industrial uses within the Industrial Business Zone. Mr. Weeks approached the industrial land owner prior to the Council's hearing tonight and learned that the proposed lot coverage meets the future needs of that land owner.

The Planning Department and technical Review Committee specifically thanked Mr. Bob Weeks and Br. Bill Stoelt for their hard work on the project. These gentlemen took the time to carefully review the original text for necessary changes to make it compliant with the Airport Master Plan. They worked closely with staff to ensure the amendments did not change the overall policy.

Mayor Louws also thanked Mr. Weeks and Mr. Stoelt for their work and dedication.

Mayor Louws opened the public hearing at 7:08 PM.

Speaking in favor:

Mr. Bob Weeks, 1501 Lilac Court, Lynden, WA 98264, appeared before Council. He thanked the Mayor for his 8 years of service to the City of Lynden and thanked the Council for their work.

Mr. Weeks reviewed the materials provided to Council and explained the reasoning behind the changes.

Speaking against: None.

General Comments: None.

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

The Public Hearing closed at 7:15 P.M.

Councilor Kuiken moved and Councilor Lenssen seconded that the proposed changes to the City of Lynden Municipal Code, Chapter 19.55, Airport Overlay Zone, be approved as recommended by the Planning Commission and that staff be directed to prepare the final Ordinance for adoption. The motion carried.

Annexation 09-01 – South Kok Road

Philip and Coralie Ross together with Terry and Delores Nearing, have requested the annexation of approximately 27.84 acres into the City for the purpose of receiving urban services, specifically water.

Approximately 12 parcels including 14 residents are included in the proposed annexation area. Others in the area asked to be included in the annexation after the legal description was approved by the Whatcom County Assessor; however, these will have to be held for a future annexation.

The Planning Commission held a public hearing on November 12, 2009 and has recommended approval through Resolution No. 09-06. The next step in the approval process is for the City Council to hold a public hearing and adopt the resolution of intent to annex.

If Council approves of the annexation and then adopts of Resolution No. 813 stating the City's intent to annex the property, staff and the City Attorney will prepare the documents for submission to the Boundary Review Board.

Mayor Louws opened the public hearing at 7:20 PM.

Speaking in favor: None.

Speaking against: None.

General Comments: None.

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

The Public Hearing closed at 7:21 P.M.

Councilor Bode moved and Councilor Kuiken seconded that Resolution No. 813 stating the City of Lynden's intent to annex property to the City limits is approved and that the Mayor be authorized to sign said Resolution. The motion carried.

IV UNFINISHED BUSINESS

Resolution No. 798 – Stormwater Utility Rates and Billing Proposal for West Lynden Business Park and the KOA.

On March 16, 2009 the City Council set a public hearing date of April 20, 2009 to hear comments on Resolution No 798. After the April 20, 2009 public hearing, the City Council tabled this agenda item as an effective date for implementation still needed to be determined. At the May 4, 2009 Council Meeting staff recommended that this item remain tabled until the utility billing software upgrades can be completed and an implementation date can be chosen.

Staff is now able to implement the rates and at the December 9, 2009 Public Works Committee members concurred to recommend approval of the Resolution to the full City Council with an effective date of January 1, 2009.

Staff has been working with KOA Kampground located at 8717 Line Road, as they have not paid their stormwater utility bill for quite a long time due to issues relating to the operation and maintenance of the Greenfield Village weir. The weir has been restored to the original design and is now being properly maintained. The Public Works Committee has concurred to recommend to the City Council that if KOA is willing to agree to pay the new rate for the

stormwater utility charges beginning in 2010, which recognizes some detention and water quality, the City will waive all but the last 6 months (July 2009-December 2009) of their past due utility bill.

Additionally, staff has also been working with West Lynden Business Park owner Mr. Dick Vandenberg. He has been paying the current rate for stormwater since his development was built in September 2008. However, because he has on-site retention and the new rates would be less than the old rates, he has requested a credit for the difference. Upon review, the Public Works Committee concurred to recommend to the City Council that Mr. Dick Vandenberg be reimbursed the difference in the existing rate and the new rates from September 2008-December 2009; approximately \$750.00-\$850.00. Moving forward he will be billed the new rate implemented in January 2009.

Prior to the beginning of this meeting, Council was given an update Resolution No. 798. Section 3 was removed from the previous Resolution.

Councilor Bode moved and Councilor De Valois seconded that updated Resolution No. 798, setting stormwater utility rates, be approved and that the Mayor be authorized to sign said Resolution; that the request to waive all utility fees, except July 2009-December 2009, for KOA if they agree to start paying the new 2010 stormwater rate be approved; and that Dick Vandenberg's request to be reimbursed the difference in the existing rates and the new rates from September 2008-December 2009, a total of approximately \$750.00-\$850.00 be approved. The motion carried.

V NEW BUSINESS

Award Contract for Chemicals – Project No. 2010-01

Public Works staff advertised for bids in November for chemicals regularly used at the Water Treatment Plant. Bids were opened November 30, 2009.

The following bid tabulation details the 2010 rates and reflects the 2009 rates for comparison:

<u>Chemical</u>	<u>Bidder</u>	<u>Bid Amount</u>
Chemical Hydrated Lime Bids for 2010	<i>2009: Whatcom Farmer's Co-Op</i>	<i>2009: \$.1798/lb</i>
	Thatcher Company of MT	\$.1715/lb
	Whatcom Farmer's Co-Op	\$.1798/lb
	Univar USA	\$.393/lb
Gaseous Chlorine Bids for 2010	<i>2009: Jones Chemicals, Inc.</i>	<i>2009: \$200.00/150 lb cylinder (\$100 refundable deposit)</i>
	Jones Chemicals, Inc.	300.00/150 lb cylinder (\$100.00 refundable deposit)
Liquid Aluminum Sulfate Bids for 2010	<i>2009: General Chemical Corp.</i>	<i>2009: \$484.75/ton</i>
	General Chemical Corp.	\$367.90/ton
	Thatcher Company of MT	\$459.29/ton
	Rhodia	\$505.00/ton
Sodium Fluorosilicate Bids for 2010	<i>2009: Univar USA</i>	<i>2009: \$.7800/lb</i>
	Thatcher Company of MT	\$.7227/lb
	Univar USA	\$.7330/lb
Solar Extra-Course Salt Bids for 2010	<i>2009: Whatcom Farmer's Co-Op</i>	<i>2009: \$.1278/lbs</i>
	Whatcom Farmer's Co-Op	\$.1698/lb
	Univar USA	\$.2570/lb

Staff noted that the turn-around time between order and delivery for Lime is 2 to 3 days with Thatcher Company of Montana. Since the treatment plant does not have a place to store lime, it is needed within 24 hours of ordering. The Public Works Committee discussed this at their December 9, 2009 meeting and concurred to recommend that the contract for Chemical Hydrated Lime be awarded to the second lowest bidder, Whatcom Farmer's Co-Op.

Councilor Bode moved and Councilor Kuiken seconded that the contracts, each for a one year term ending December 31, 2010 with a mutually agreed option to extend or renegotiate

the contract three additional one year terms, be awarded as follows: Chemical Hydrated Lime and Solar Extra-Course Salt to Whatcom Farmer's Co-Op; Gaseous Chlorine to Jones Chemicals, Inc.; Liquid Aluminum Sulfate to General Chemical Corp.; and Sodium Fluorosilicate to Thatcher Company of Montana. The motion carried.

Oaths of Office

This agenda item was moved to take place after the Executive Session

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 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.

VI EXECUTIVE SESSION

Personnel

Council went into Executive Session at 7:31 P.M. to discuss personnel. It was anticipated that the Executive Session would last approximately 10 minutes and that action may or may not be taken following the session. Council came out of Executive Session at 7:44 P.M. No action was taken.

OTHER

Oaths of Office

Mayor Louws conducted the Oath of Office for Councilor Dave Burns (Position No. 7), Councilor Tobey Gelder (Position No. 6) and Mayor Elect Scott Korthuis. Mayor Elect Korthuis introduced his family members in attendance.

Appreciation for Former Councilmember Gary Vis

Mayor Louws presented a plaque of appreciation to Gary Vis for his years of service on the City Council. Mayor Louws noted that the plaque should have been presented to him when he retired from Council on November 16, 2006.

Appreciation for Mayor Jack Louws

Councilor Bode presented Mayor Louws with a plaque of appreciation. He stated that Mayor Louws has done a wonderful job for the City of Lynden and he wished Mayor Louws the best in his future endeavors.

Councilor Burns read a humorous poem written by Mr. Gary Vis titled Mayor Jack Louws and his Night Before Christmas. It was enjoyed by everyone in attendance.

Councilor Burns presented Mayor Louws and his wife Cindy with a jacket and vest with the City's logo on behalf of Council and City Administrator Bill Verwolf. Mayor Louws thanked them for the gifts.

Mayor Louws thanked his wife Cindy for being a wonderful partner to him during these past eight years as Mayor. He stated that they attended various events within the City and outside the City and she represented the City of Lynden with grace. Mayor Louws then introduced his son Nate who just earned his Civil Engineering Degree from Montana State University.

Mayor Louws thanked the Lynden community for being gracious to him and his wife. He thanked the Department Heads and staff for doing a great job and stated that they are wonderful at listening to concerns, researching possible options, and getting what was needed done. He said staff has been a pleasure to work with and he is pleased with what has been accomplished for the citizens of Lynden.

Mayor Louws thanked City Attorney Robert Carmichael for his assistance to the City. He said it had been a pleasure to work with City Attorney Carmichael and that he is an asset to the City with his ability to see a balance in every situation.

Mayor Louws stated that it was a pleasure to get to know Administrative Assistant Rachel Byers over the years, and he wished her the best. He also acknowledged retired Deputy City Clerk/Human Resource Manager Kathy Delgado, previous Administrative Assistant Anita Leigh, and current Deputy City Clerk/Human Resource Manager Linda Peterson, stating that the Administration staff has been great.

Mayor Louws stated that City Administrator Bill Verwolf has been his rock over the last eight years. He said they agreed that City Administrator Verwolf would manage the internal meetings and he would attend the meetings outside the City and it worked very well. It was understood that if Bill knew something, so did Mayor Louws. He stated that City Administrator Verwolf is a great organizer, he listens well, and his communications have meaning and clarity.

Mayor Louws said that the City Council and Administration have worked together very well. He said that during the few tough issues the Council has faced and have disagreed on, everyone was always able to shake each other's hands and appreciate each other's complexities and diversities that are brought to this governing body.

Mayor Louws hoped that moving forward the Council will continue to work the issues ethically. He said the City of Lynden has been very fortunate in that regard. He wished the Councilors success moving forward.

Mayor Louws apologized if he missed thanking anyone.

Mayor Louws wished God's blessings on the City of Lynden, its citizens and staff, and wished everyone a Merry Christmas.

Public Works Committee

Public Works Director Duane Huskey announced that the Public Works Committee meeting scheduled for December 23, 2009 had been cancelled.

VII ADJOURNMENT

The December 21, 2009 regular session of the Lynden City Council adjourned at 8:07 P.M.

Rachel Byers, Administrative Assistant

Jack Louws, Mayor