



Mayor  
Scott Korthuis

Council Members  
Gary Bode  
Ron De Valois  
Gerald Kuiken  
Nick H. Laninga  
Brent Lenssen  
Kyle Strengholt  
Mark Wohlrab

City Council Agenda - Regular Meeting  
City Hall Annex, 205 4<sup>th</sup> Street  
January 07, 2019

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Oath of Office**

**Approval of Minutes**

1. Draft minutes -December 17, 2018

**Items from the Audience**  
***Scheduled***

***Unscheduled (20 Minutes)***

*Audience members may address the Council on any issue other than those scheduled for a public hearing or those on which the public hearing has been closed. Prior to commenting please state your name, address, and topic. Please keep comments under 4 minutes.*

**Consent Agenda**

2. Appoint Mayor Korthuis to the 2019 Board of the Whatcom Council of Governments and appoint Councilor Gary Bode to act as alternate.
3. Appoint Mayor Korthuis to the 2019 Whatcom Transportation Authority (WTA) Board of Directors.
4. Reappointment of Berthusen Advisory Committee members
5. Reappointment of Park & Trail Advisory Committee member

**Public Hearing**

**Unfinished Business**

**New Business**

6. Select Mayor Pro Tem for 2019
7. Nooksack Valley Disposal Rates Increase

**Other Business**

[8.](#) Community Development Committee Minutes 12-19-2018

**Executive Session**

**Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	1/7/2018	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Administrative	
<b>Contact Name/Phone:</b>	Pam Brown – 360-255-7085	
<b>Council Committee Review:</b>		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: N/A	
<b>Attachments:</b>		
Draft minutes - December 17, 2018		
<b>Name of Agenda Item:</b>		
Draft minutes -December 17, 2018		
<b>Recommended Action:</b>		
Motion to approved minutes as presented.		
<b>Summary Statement:</b>		
EnterSummary		

# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

December 17, 2018

### 1. CALL TO ORDER

Mayor Korthuis called to order the December 17, 2018 regular session of the Lynden City Council at 7:00 p.m. at the Lynden City Hall Annex.

### ROLL CALL

Members present: Mayor Scott Korthuis and Councilors Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lensen, Nick Laninga, Kyle Strengholt and Mark Wohlrab.

Members absent: None.

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, HR Manager Vanessa Bronsema, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Police Chief John Billester, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin and City Attorney Bob Carmichael.

OATH OF OFFICE - None

### APPROVAL OF MINUTES

***Councilor De Valois moved and Councilor Wohlrab seconded that the minutes of December 3, 2018 regular meeting be approved as presented. Motion approved on a 7-0 vote.***

***Mayor Korthuis noted that the 2019 Budget was on the night's agenda and he provided the following information regarding the breakdown in costs for the 16<sup>th</sup> police officer position which had been included in the Budget:***

- ***Salary \$70,000***
- ***Benefits \$28,000***
- ***Travel \$500***
- ***Training and Misc. \$5,000***

***Funding for this position will come from property tax that was banked from last year ; property tax for this year (approximately \$80,000); and \$25,000 expected from a reduction in police department overtime. Mayor Korthuis also noted that the city's budgets are posted to the city's website***

### ITEMS FROM THE AUDIENCE

Scheduled: None

Nonscheduled:



## CITY COUNCIL MINUTES OF REGULAR MEETING

Cynthia S. Ripke-Kutsagoitz, 7062 Guide Meridian #30, Lynden

Ms. Ripke-Kutsagoitz stated her appreciation to council for making sound fiscal decisions concerning the additional police officer. She also stated her pro-life beliefs and her approval that the city does not have a Planned Parenthood clinic.

Gary Vis, 8844 Bender Road, Lynden

Mr. Vis thanked council for the funds allocated in the 2019 Budget for the Chamber of Commerce. He also thanked City Administrator Mike Martin for his assistance in working through the matters related to the Lodging Tax funds.

Paul Harris, 811 Glenning Street, Lynden

Mr. Harris thanked the council for doing the right thing by recognizing that funding another police officer position was necessary. He also stated that council needs to care about their citizens, especially the police officers.

Tessa Garcia, 408 17<sup>th</sup> Street

Extended her thank you to council in their support of the police and the citizens of Lynden.

Frank Albano, 106 Springview Drive, Lynden

Mr. Albano, as president of the Woodfield Village HOA, thanked council for their support of the Lynden police officers. He stated that the officers on the police force is exceptional.

Heather Phillips, 1437 Colony Court, Lynden

Ms. Phillips thanked council for the hard decisions that they made concerning the additional police officer position. She also stated her appreciation that council listens to citizen's concerns and making decisions that are sometimes in opposition of their personal feelings.

## 2. CONSENT AGENDA

### Approval of Payroll Disbursed – December 1-15, 2018

Paychex EFT .....	\$263,965.43
City of Lynden EFT .....	\$57,618.85
Warrant Liability .....	\$55,628.58
	<b>\$377,212.86</b>

### Approval of Claims – December 20, 2018

Manual Warrants No. <u>72061</u> through <u>72063</u>	\$680,358.39
EFT Payment Pre-Pays	\$290,085.26
	<b>Sub Total Pre-Pays</b>
	<b>\$970,443.65</b>
Voucher Warrants No. <u>72064</u> through <u>72217</u>	\$1,034,153.83
EFT Payments	30,511.79
	<b>Sub Total</b>
	<b>\$1,064,665.62</b>
	<b>Total Accts. Payable</b>
	<b>\$2,035,109.27</b>

Temporary Easement for Whatcom County at Berthusen Park



## CITY COUNCIL MINUTES OF REGULAR MEETING

Whatcom County will be replacing the bridge on Badger Road adjacent to Berthusen Park and need temporary construction and slope easements in order to accomplish this work. The project is slated for 2019/2020. The city attorney has reviewed the documents. Also, the Parks Committee, Berthusen Advisory Committee and Public Works staff have reviewed the documents and agreed to forward to full council for consideration.

### Resolution No. 993-Banked Capacity for Real Estate Property Tax Levy for 2019- Rescinding Resolution No. 992

All taxing jurisdictions are required 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.

The limit factor for a taxing jurisdiction with a population of 10,000 or over is the lesser of 1% or the rate of inflation. Give the current rate of inflation (2.169%) the City is allowed by statute RCW 84.55.005 to increase the Levy the full 1% or to bank this capacity for future use.

On November 19, 2018, Council approved Resolution No. 992 to “bank” the full 1% in 2019 for the City’s future use and benefit. Since the passage of Resolution No. 992 Council has deemed in necessary , due to emergent needs, to rescind Resolution No. 992.

Resolution No. 993 reflects Council’s requirement to **not** “bank” any real property taxes in 2019 by rescinding Resolution No. 992 and approve the legally allowed 1% increase in the 2019 real property taxes.

### Ordinance No. 1570- 2019 Real Estate Property Tax, Amends Ordinance No. 1566

The City of Lynden is required by state regulations to adopt the proposed 2019 property tax levy. The mil rate has been calculated on preliminary information received to date from the Whatcom County Assessor’s Office. When comparing preliminary 2017 levy rates to 2018 levy rates, the decrease is estimated at 0.139 cents per mil. The final figures for the assessed valuation of the city’s tax base are not yet available. Once those are proved an ordinance setting the final, exact levy will be provided for consideration.

On November 19, 2018 Council did pass Ordinance No. 1566, setting the real property taxes for 2019. Since that date, due to emergent needs of the City, and given that the 2019 real property taxes have not yet been certified by the County, Council has chosen to modify the 2019 real property taxes. Ordinance No. 1570 amends previously approved Ordinance No. 1566 and reflect those changes required and approved by Council.

### Amendment to Berthusen Park Caretaker House Lease Agreement

This amendment changes one thing in the Lease Agreement; it would reduce the monthly rent from \$700 to \$300 on the Caretaker’s House beginning January 1, 2019. This reduction is intended to acknowledge the work the current occupant performs that is outside the scope of the terms of the lease. The remainder of the Lease is identical to the one that has been in place for many years.

The current occupant of the Caretaker House in Berthusen Park routinely and voluntarily takes on duties that go far beyond those contemplated in the lease agreement. The current agreement requires the occupant to open and close the park gate each day, generally monitor the park grounds and take care of the house itself.



## CITY COUNCIL MINUTES OF REGULAR MEETING

The additional duties include being the default point of contact for the many park visitors who need assistance or want to point something out to city staff. These events usually occur outside normal work hours, including both days of the weekend. Examples of this work are, a flooding toilet, a tree limb down on the playground, a park user lost on the trails, a vehicle broken down, a mentally disturbed person causing concern etc. The amount of money the City saves by having this work done voluntarily far exceeds the \$400 monthly savings accrued from reducing the rent.

It should be noted that the current occupant did not ask for this reduction, nor express unhappiness with the lease terms. Rather, it is being proposed now because the occupant provides great value to the City in performing these additional duties. And because it behooves the City to encourage the current occupant to remain if possible, as it is highly unlikely the City could find another occupant with a similar personal commitment to the Park.

### Ordinance No. 1564- Amending LMC Chapter 5 and Ordinance No. 725- Modifying Business License Issuance and Exemptions

The Washington State Legislature recently enacted a new law (EHB 2005) codified in RCW 35.90 changing business license requirements for cities. The new law states that cities with a general business license must adopt mandatory provisions of the model business license ordinance set forth by January 1, 2019.

Ordinance No. 1564 amends Lynden Municipal Code Chapter 5.02 regarding business license issuance and exemptions with the modified language required by EHB 2005.

### Renewal of Subscriber Agreement with Public Safety Testing

The Police Department currently contracts with Public Safety Testing (PST) to provide pre-employment testing services for entry-level recruits. This agreement expires at the end of 2018. PST is offering a reduced fee if a 3-year agreement is approved.

### Ordinance No. 1569-Amending the city of Lynden Comprehensive Plan and Zoning Map

Council considered three amendment to the City's Comprehensive Plan at their December 3 meeting. Washington State Department of Commerce has also reviewed the requested Comprehensive Plan Amendments and has made no comments concerning these changes. Staff requests Council review and approval of Ordinance No. 1569 which amends the Lynden Comprehensive Plan and the City of Lynden Zoning Map.

***Councilor Bode moved and Councilor Wohlrab seconded to approve the Consent Agenda. Motion approved on 6-0 vote with Councilor Laninga abstaining.***

### **3. PUBLIC HEARING - None**

### **4. UNFINISHED BUSINESS**

#### Ordinance No. 1567- Adoption of the 2019 Budget

The Preliminary 2019 Budget was presented to the City Council by Mayor Korthuis at the September 17, 2018 council meeting. Per the approved budget calendar, the public hearings for the 2019 Budget were held



## CITY COUNCIL MINUTES OF REGULAR MEETING

on November 5, 2018 and November 19, 2018. The final RCW required budget hearing and the proposed budget adoption was held on December 3, 2018.

Ordinance No. 1657 represents the results of the budget process including all revisions required by the Council stemming from the December 3, 2018 public hearing. Passage of this ordinance will finalize and adopt the 2019 Budget and follows RCW deadlines.

***Councilor Kuiken moved and Councilor Strengtholt seconded that Council approve Ordinance No. 1567 and authorize the Mayor's signature. Motion approved on 7-0 vote.***

### 5. NEW BUSINESS

#### Award Janitorial Contract to MSNW Group LLC

November 16, 2018 Public Works staff opened proposals in response to the Request for Proposal (RFP) for janitorial services for 2019. The RFP identified specific evaluation criteria, in addition to price, that the city would use in selecting the best qualified service provider. Two proposals were received from MSNW Group LLC (\$5,210/month) and 5 Star Services Inc. (\$3,900/month).

An evaluation team of five staff members from different city departments reviewed the two proposals. The team unanimously selected MSNW Group LLC, who met all selection criteria, had excellent references, and rated highest in being able to perform the work. The contract is in effect for one year and has an option of three additional 1-year extensions.

***Councilor Bode moved and Councilor De Valois seconded to award the 2019 contract for janitorial services to MSNW Group LLC in the amount of \$5,211 per month and for the mayor to sign the contract. Motion approved on a 7-0 vote.***

#### Preliminary Plat Amendment for North Prairie Phase 7 Long Plat

In September of 2017 Council granted preliminary plat approval for the long plat known as North Prairie Phase 7, a proposal by Bob Libolt of North Prairie LLC. The long plat is located east of Northwood Road at the intersection of Brome Street. The 93-lot proposed plat is approximately 23 acres and has a single-family zoning of RS-72. Since preliminary plat approval on September 5, 2017, construction of improvement, including significant off-site sewer infrastructure have been underway.

Recently the developer has submitted a request for an amendment to the preliminary plat approval of North Prairie Phase 7 into two divisions. This phasing is requested due to his current financial circumstances and extensive off-site sewer improvements. The proposed Division 1 includes 60 lots, utility improvements and some street improvements required with the original preliminary plat approval. The proposed Division 2 includes completion of street improvements, the remaining 33 lots and any remaining items left incomplete with Division 1.

***Councilor Lenssen moved and Councilor Bode seconded to adopt amended Findings of Fact, Conclusions of Law and Decision on Subdivision Application #17-04 for the North Prairie Phase 7 preliminary plat approval allow the final plat to be submitted in phases. Motion approved on a 7-0 vote.***





### Final Plat Approval for North Prairie Phase 7 Division 1 Long Plat

In September of 2017 Council granted preliminary plat approval for the long plat known as North Prairie Phase 7, a proposal by Bob Libolt of North Prairie LLC. The long plat is located east of Northwood Road at the intersection of Brome Street. The 93-lot proposed plat is approximately 23 acres and has a single-family zoning of RS-72. Since preliminary plat approval on September 5, 2017, construction of improvement, including significant off-site sewer infrastructure have been underway.

Simultaneous to this request for final plat is the request to amend the preliminary plat approval to allow for the phasing of the plat. As such, the request for final plat includes only the first 60 lots of North Prairie Phase 7 long plat. Final development fees were paid on December 12, 2018.

Staff recommends granting final plat approval based on the following conditions:

1. Dedication of all rights-of-way for Phase 1 and 2.
2. Completion of all punch list items.
3. Submittal and acceptance of required maintenance bonds and any necessary performance bonds.
4. Payment of final inspection fees for plat construction.
5. Submittal of final as-built drawings.
6. Submittal of final plat mylars.
7. Provisions for emergency access within the future Snowbush ROW until Phase 2 is complete.
8. Fire hydrant location revisions as needed to ensure coverage of Phase 1.

***Councilor Lenssen moved and Councilor Strengholt seconded grant final plat approval of phase one of the North Prairie Phase 7 Division 1 Long Plat subject to the conditions noted above. Motion approved on a 7-0 vote.***

### Purchase of Dickinson Property

The City of Lynden wishes to buy the so-called "Dickinson" property. It is roughly 8.8 acres in size, heavily forested and includes the confluence of Pepin and Fishtrap creeks. It is owned by Roland and Caroline Dickinson. Their single-family residence is on the site and included in the purchase. The entire property is generally south of Double Ditch Road and North of Front Street, and a block west of 17th Street.

The City has several uses for the property:

- 1) It is likely some infrastructure attendant to the Pepin Creek project will be located there. Staff believes it is possible to pipe flood waters from the Pepin Creek project directly into Fishtrap creek at this location, reducing the likelihood of erosion on an upstream stretch of Pepin Creek.
- 2) The property would also be used to extend the City Trail system from a recently completed section around Fisher Elementary School.
- 3) It would also become a City Park. The property, one of the last heavily timbered properties in City limits, is a natural park. As mentioned above, both Fishtrap and Pepin creeks meander through the property. The City does not intend to develop the park immediately but will sometime in the future.

The Dickinson have agreed to sell the property for \$1.2 million, which will be paid in installments that conclude on or before October 2020. Although the Council is being asked to approve the purchase tonight, the sale will not be consummated until sometime after January 1, 2019.



## CITY COUNCIL MINUTES OF REGULAR MEETING

Among the other terms of this transaction, the City would agree to name the property "Dickinson Park". It also would agree to let the Dickinsons remain in their residence until they wish to leave.

***Councilor De Valois moved and Councilor Laninga seconded to purchase the Dickinson property located at 8200 Double Ditch Road in Lynden, Washington, tax number 400319-34222-000, on the terms described in the Purchase and Sale Agreement and other documents. Motion approved on a 7-0 vote.***

***Mayor Korthuis thanked the members of the Lynden Regional Park and Recreation District for their efforts in this process.***

Ron Van Soest, 8658 Vinup Road, Lynden

Mr. Van Soest read a letter which formalized the commitment of the Lynden Regional Park and Recreation District's intent to financially support two major park projects. The Lynden Regional Park and Recreation District will be advancing a \$3 million bond in 2019. Mr. Van Soest also introduced each of the board members and thank Terry DeValois for his 20 + years of service.

Conditional Use Permit #18-01- Engels

Mary and Craig Engels are seeking to establish a short-term (vacation) rental at their home located at 400 E. Front Street. Commonly marketed through websites such as Air BNB and VRBO, the City of Lynden regulates these transient accommodations consistent with LMC 19.49- Conditional Use Permits and Bed and Breakfast. As transient accommodations located within a neighborhood zoned for single-family residences could potentially have negative impacts on surrounding property owners, applicants must seek a Conditional Use Permit (CUP). This process includes notifying the surrounding property owners.

On December 6, 2018, the Planning Commission held a public hearing to accept public testimony on the request. In addition to the applicant, one resident spoke in favor of the request. No written comments were submitted to the Planning Department in response to the notification. After considering the criteria outlined in LMC 19.49 the Planning Commission recommended approval of the CUP with the condition that the use regarding short-term rentals be limited to two weeks or less.

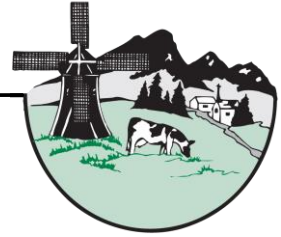
***Councilor Lenssen moved and Councilor Kuiken seconded to approve Conditional Use Permit #18-01 for Mary Engels and to authorize the mayor's signature on the Findings of Fact. Motion approved on a 7-0 vote.***

## OTHER

### Council Committee Updates

Councilor Lenssen reporting for the Public Safety Committee which involved discussion of:

- Funding for the police officer position (#16).
- Redevelopment of community block watch program for deterring crime.
- Usage of impact fees to pay for an ambulance.
- Change in budget to allow for an assistant chief position at the fire department.
- Hiring process for police officer position #15.
- Police department case of the month.



Councilor Kuiken reporting for the Finance Committee which involved discussion of:

- Adoption of the 2019 Budget.
- Rescinding of Resolution No. 992.
- Amending Ordinance No. 1566.
- LMC regarding business licenses.
- Overtime: Fire & Police.
- Sales tax revenue continues to come in strong.
- Monthly financial statement review.

Councilor Laninga commented that the city is losing the mitigation funds which is money we received from the state commonly referred to destination tax. The program has been phased out.

## 7. EXECUTIVE SESSION

Council did hold an executive session.

## 8. ADJOURNMENT

The December 17, 2018 regular session of the Lynden City Council adjourned at 7:38 p.m.

\_\_\_\_\_  
Pamela D. Brown, City Clerk

\_\_\_\_\_  
Scott Korthuis, Mayor

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	1/7/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Administration	
<b>Contact Name/Phone:</b>	Pam Brown 360.255.7085	
<b>Council Committee Review:</b>		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Other: None	
<b>Attachments:</b>		
None		
<b>Name of Agenda Item:</b>		
Appoint Mayor Korthuis to the 2019 Board of the Whatcom Council of Governments and appoint Councilor Gary Bode to act as alternate.		
<b>Recommended Action:</b>		
Re-appoint Mayor Scott Korthuis to the 2019 Board of the Whatcom Council of Governments and Councilor Gary Bode to act as alternate.		
<b>Summary Statement:</b>		
Mayor Korthuis acted as the city's representative to the Board of the WCOG and Councilor Bode acted as the alternate. Each are willing to continue in this capacity for 2019.		

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	1/7/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Administration	
<b>Contact Name/Phone:</b>	Pam Brown 360.255.7085	
<b>Council Committee Review:</b>		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Other: None	
<b>Attachments:</b>		
None		
<b>Name of Agenda Item:</b>		
Appoint Mayor Korthuis to the 2019 Whatcom Transportation Authority (WTA) Board of Directors.		
<b>Recommended Action:</b>		
Re-appoint Mayor Scott Korthuis to serve as Lynden's representative on the WTA Board of Directors.		
<b>Summary Statement:</b>		
Each year council appoints someone to represent the city's interests on the Whatcom Transportation Authority (WTA) Board of Directors. Currently Mayor Korthuis is the WTA representative.		

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	1/7/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Parks	
<b>Contact Name/Phone:</b>	Vern Meenderinck 354-6717	
<b>Council Committee Review:</b>		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input checked="" type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	
<b>Attachments:</b>		
None		
<b>Name of Agenda Item:</b>		
Reappointment of Berthusen Advisory Committee members		
<b>Recommended Action:</b>		
Motion to approve the Mayor's reappointment of Larry McPhail, Terry De Valois, and Karen Steensma to additional 3 year terms on the Berthusen Advisory Committee. Terms expire December 31, 2021		
<b>Summary Statement:</b>		
<p>Three members of the Berthusen Park advisory committee have completed their terms with the committee at the end of 2018.</p> <p>Larry McPhail, Terry De Valois, and Karen Steensma have all agreed to serve an additional term on the committee</p> <p>Both the advisory committee and Parks Committee desire to have these three members reappointed to the committee for additional 3 year terms. Terms will be from Jan. 1, 2019 – December 31, 2021.</p>		

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	1/7/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Parks	
<b>Contact Name/Phone:</b>	Vern Meenderinck 354-6717	
<b>Council Committee Review:</b>		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input checked="" type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	
<b>Attachments:</b>		
None		
<b>Name of Agenda Item:</b>		
Reappointment of Park & Trail Advisory Committee member		
<b>Recommended Action:</b>		
Motion to approve the Mayor's reappointment of Jeff Roberts to an additional 3 year term on the City of Lynden Park and Trail Advisory Committee. Terms expire December 31, 2021		
<b>Summary Statement:</b>		
<p>One member of the Park &amp; Trail advisory committee has completed his term with the committee at the end of 2018.</p> <p>Jeff Roberts has agreed to serve an additional term on the committee</p> <p>Both the advisory committee and Parks Committee desire to have Jeff Roberts reappointed to the committee for an additional 3 year term. Term will be from Jan. 1, 2019 – December 31, 2021.</p>		

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	1/7/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Administration	
<b>Contact Name/Phone:</b>	Pam Brown 360.255.7085	
<b>Council Committee Review:</b>		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Other: None	
<b>Attachments:</b>		
None		
<b>Name of Agenda Item:</b>		
Select Mayor Pro Tem for 2019		
<b>Recommended Action:</b>		
Make a motion to select Mayor Pro Tem for 2019		
<b>Summary Statement:</b>		
Each year council selects a Mayor Pro Tem to conduct the business of presiding over council matters in the Mayor's absence. Currently that position is held by Councilor Gary Bode.		



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	1/7/2019	<b>Legal Review:</b> <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
<b>Department:</b>	Public Works	
<b>Contact Name/Phone:</b>	Steve Banham 255-5512	
<b>Council Committee Review:</b>		
<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: _____		
<b>Attachments:</b>		
Nooksack Valley Disposal Request for 2019 Rates Increase and Franchise Agreement Rate Adjustment Addendum		
<b>Name of Agenda Item:</b>		
Nooksack Valley Disposal Rates Increase		
<b>Recommended Action:</b>		
That City Council approve the Franchise Agreement Rates Adjustment and authorize the Mayor's signature		
<b>Summary Statement:</b>		
<p>Calvin DenHartog, General Manager for Nooksack Valley Disposal (NVD), presented a letter to the Public Works Committee on November 7, 2018 requesting 2019 rate increases for their services due to the increasing disposal fees and recycling services they pay to Recycling and Disposal Services (RDS) and Green Earth Technology for garbage and yard waste tip fees.</p> <p>NVD currently has a 20-year term franchise agreement in place with the City (through 2036) for curbside garbage pickup services and recycling program services.</p> <p>A public hearing is not required, however, on November 21<sup>st</sup> and November 28<sup>th</sup> the public was invited to comment on the proposed rate increases. To date, no comments have been received by staff.</p> <p>After reviewing the proposed rate adjustment, the Public Works Committee concurred to recommend approval to the full City Council, upon hearing any comments from the public. If approved, these updated rates will become part of the existing Franchise Agreement.</p>		

RATE ADJUSTMENT PURSUANT TO  
FRANCHISE AGREEMENT  
BETWEEN NOOKSACK VALLEY DISPOSAL  
AND CITY OF LYNDEN

Pursuant to Section 7 of that certain Franchise Agreement granted to Nooksack Valley Disposal in 2016, Nooksack Valley Disposal proposes a rate adjustment (see below). The City Council of the City of Lynden approved the proposed rate adjustment at their January 7, 2019 meeting.

**2019 RATES**

**Residential**

Base Fee	\$ 6.00 per month
Per Cart	\$ 6.40 per dump
Optional Yard Waste	\$10.50 per month

**Commercial**

Can	\$ 3.95 per dump
Cart	\$ 7.40 per dump
1 Yard	\$20.80 per dump
1.5 Yards	\$26.90 per dump
2 Yards	\$34.95 per dump

**Schools and Rest Homes**

1 Yard	\$18.80 per dump
1.5 Yards	\$24.90 per dump
2 Yards	\$32.95 per dump

**Dumpster Rental Fees**

1 Yard	\$10.00 per month
1.5 Yards	\$11.00 per month
2 Yards	\$12.00 per month

The 2019 Rates replace the rates set forth in Section 6 of the Franchise Agreement. Any rates not replaced shall remain in full force and effect. This rate adjustment will be effective January 7, 2019.

City of Lynden

Nooksack Valley Disposal

\_\_\_\_\_  
By: Scott Korhuis  
Mayor

\_\_\_\_\_  
By: Dan Leidecker, President

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

# NOOKSACK VALLEY D • I • S • P • O • S • A • L

P.O. Box 267 250 Birch Bay-Lynden Rd. Lynden, WA 98264 (360) 354-3400

Mayor Scott Korthuis  
Lynden City Council  
Lynden, WA 98264



Dear Mayor Korthuis and Council Members,

Nooksack Valley Disposal has been happy to provide both garbage and recycling services to the City of Lynden for almost 40 years. Because of increasing disposal fees and severe changes in the recycling market, we are coming to the City with a rate increase request, to become effective January 1, 2019.

Recycling and Disposal Services has announced they will be increasing our garbage tip fees effective January 1 2019. Our cost per ton will be increased by 7%, or \$6.60 per ton, since January 1, 2015 when our rates last changed. We are requesting a 3% increase in our garbage rates, which will go to paying the increase in our disposal fees.

Green Earth Technology has also informed us that they will be increasing our yard waste tip fees effective January 1, 2019. Our cost per ton to compost yard and food waste will be increased 36%, or \$11 per ton, since our rates last changed over 15 years ago. We are requesting that our monthly collection rates move up \$1.00 per month for EOW and \$1.50 per month for 2 carts EOW, which will maintain our rates as substantially lower than anywhere in Whatcom County.

The recycling market landscape has changed dramatically in the past year and a half, due to national policy of China with regards to recycling. This has increased the processing costs and shipping costs as the market tries to adjust. We have always used the value of the recyclables we pick up to keep our rates as low as possible. This "value" is now an increasing negative (cost) to our company as some materials such as paper, plastic, and glass approach a cost similar to garbage. Most recycling collection companies in Washington have or will raise their recycling rates to customers between \$2 and \$5 per month. We are requesting that the base fee be raised by \$1.00 per month to mitigate the effects of these falling markets.

As outlined in our Municipal Solid Waste Agreement with the City of Lynden, Section 7A, we are giving request to revise our rates for residential and commercial services at least 60 days prior to their implementation. We have included a schedule with the current and proposed rates. The average household set out 2.4 carts of garbage per month this past year. The proposed increases would raise the average residential bill by \$1.60 per month in total for garbage and recycling.

We continue to strive to provide excellent customer service, while maintaining our position as one of the lowest priced and most efficient providers of garbage and recycling pickup in Northwest Washington. Even with the proposed changes, we will continue to have some of the lowest prices of any of the comparable nearby cities. We look forward to continuing our good relationship with the City and to providing clean, safe, and dependable garbage and recycling services in the years ahead.

Sincerely,

Dan Leidecker, President  
Calvin Den Hartog, General Manager

*"Our business is picking up."*



Printed on Recycled Paper

# NOOKSACK VALLEY

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The following is a comparison of garbage/recycling rates from cities in the area. The rates compare what a 60-68 gallon cart emptied every-other-week or weekly would cost. Every-other-week recycling is included in all prices. Some cities do not offer carts, so an equivalent volume using a 32-gallon container is used for comparison.

<u>City</u>	<u>EOW</u>	<u>Weekly</u>	<u>2-yd Dumpster</u>
Lynden (current)	\$17.30 per month	\$29.60 per month	\$33.85 per dump
Lynden (proposed)	\$18.80 per month	\$31.80 per month	\$34.95 per dump
Anacortes	\$22.00 per month	\$35.00 per month	\$65.00 per dump
Bellingham	\$18.88 per month	\$34.58 per month	\$33.60 per dump
Duvall	\$29.00 per month	\$38.90 per month	\$43.75 per dump
Everett	\$24.70 per month	\$33.70 per month	\$34.10 per dump
Ferndale	\$18.87 per month	\$32.36 per month	\$48.95 per dump
Friday Harbor	\$36.00 per month	\$68.00 per month	\$100.00 per dump
Marysville	\$24.61 per month	\$41.07 per month	\$42.10 per dump
Monroe	\$19.83 per month	\$29.33 per month	\$36.60 per dump
Mt. Vernon	\$24.52 per month	\$39.61 per month	\$34.40 per dump
Oak Harbor	\$19.90 per month	\$33.35 per month	\$54.10 per dump
Sedro-Wooley	\$20.65 per month	\$31.50 per month	\$52.05 per dump

*The typical household in Lynden sets out an average of 2.4 carts per month.*

**Lynden Yardwaste Rates** will be \$7.00 for EOW cart \$10.50 for weekly cart, compared to \$8.36 for EOW and \$16.72 for 2 carts EOW in Bellingham and \$11.62 for EOW cart and \$23.24 for 2 carts EOW in Ferndale.

*"Our business is picking up."*

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**Nooksack Valley Disposal  
Current and Proposed Rates  
2018 and 2019**

<b><u>Residential</u></b>	<b><u>Current</u></b>	<b><u>Proposed</u></b>
Base Fee	\$ 5.00	\$ 6.00 per month
Per Cart	\$ 6.15	\$ 6.40 per dump
Optional Yardwaste	\$ 9.00	\$ 10.50 per month

<b><u>Commercial</u></b>		
Can	\$ 3.85	\$ 3.95
Cart	\$ 7.15	\$ 7.40
1-yard	\$ 20.15	\$ 20.80 per dump
1.5 yard	\$ 26.00	\$ 26.90
2-yard	\$ 33.85	\$ 34.95

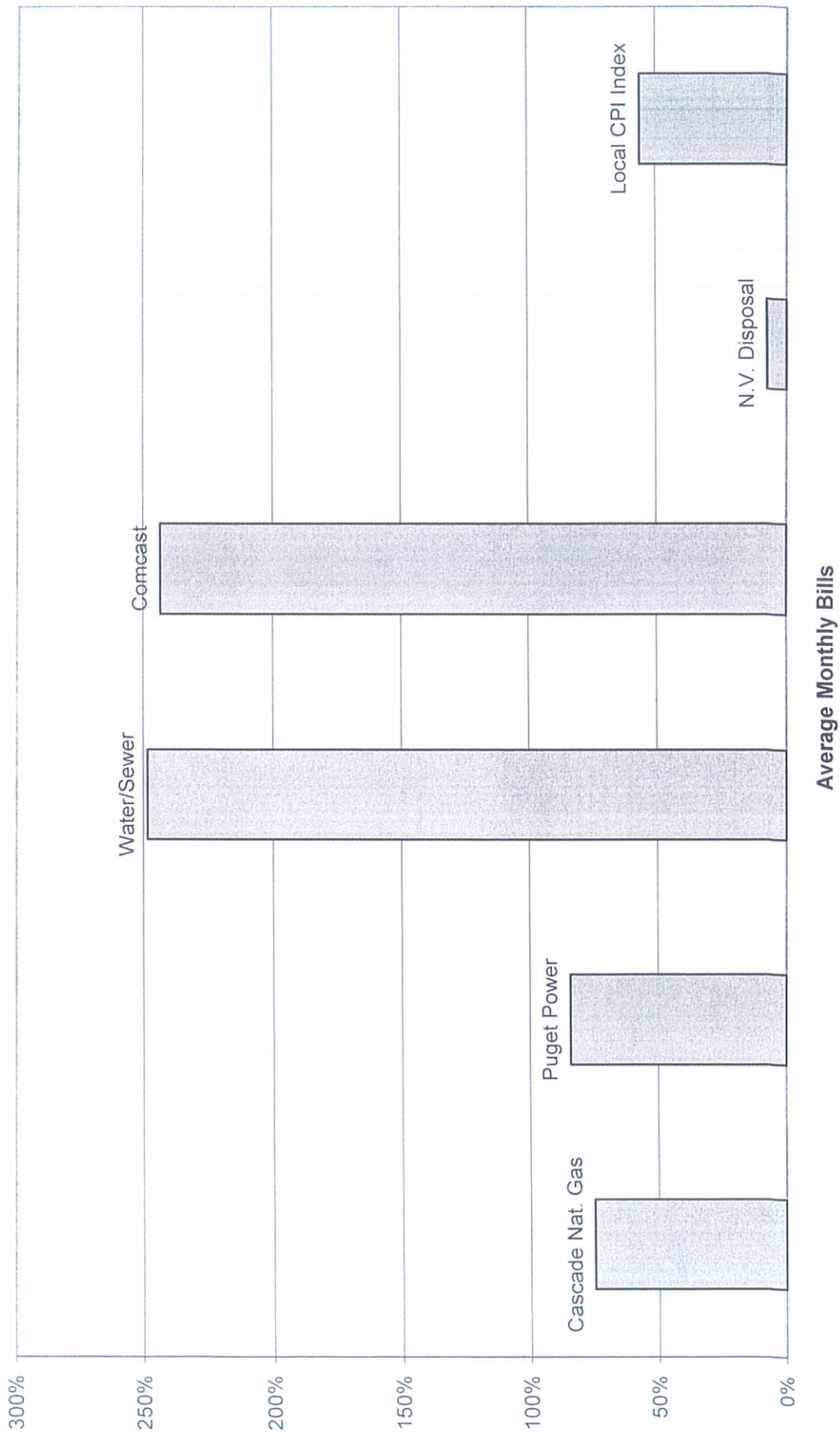
<b><u>Schools and Rest Homes</u></b>		
1-yard	\$ 18.15	\$ 18.80 per dump
1.5 yard	\$ 24.00	\$ 24.90
2 yard	\$ 31.85	\$ 32.95

<b><u>Dumpster Rental Fees</u></b>		
1-yard	\$ 9.00	\$ 10.00 per month
1.5 yard	\$ 10.00	\$ 11.00
2-yard	\$ 11.00	\$ 12.00

Comparison of Utility Rates in Whatcom County  
1998 vs. 2018 Current Rates

<u>Cascade Natural Gas</u>	<u>1998-99</u>	<u>2000-2004</u>	<u>2005-2011</u>	<u>2012-2014</u>	<u>2015-2018</u>	<u>percent of</u>
Base Fee	\$ 2.00	\$ 7.00	\$ 4.00	\$ 4.00	\$ 5.00	150%
Avg. Price per Therm	\$ 0.500	\$ 0.890	\$ 0.960	\$ 0.930	\$ 0.850	70%
Avg Monthly Bill 60 therms/month	\$ 32.00	\$ 60.40	\$ 61.60	\$ 59.80	\$ 56.00	75%
 <b><u>Puget Power</u></b>						
Base Fee	\$ -	\$ 5.50	\$ 7.25	\$ 7.87	\$ 7.49	
Avg. Price per Kwh	\$ 0.059	\$ 0.069	\$ 0.086	\$ 0.101	\$ 0.104	76%
Avg. Monthly Bill 900 kwh/month	\$ 53.10	\$ 67.60	\$ 84.65	\$ 98.77	\$ 97.85	84%
 <b><u>City of Lynden Water</u></b>						
Avg. Price per cubic ft	\$ 0.009	\$ 0.019		\$ 0.028	\$ 0.038	322%
Avg. Monthly Sewer	\$ 20.00	\$ 34.00	\$ 46.93	\$ 52.78	\$ 55.05	175%
Avg. Monthly Bill 1,500 cubic ft/month	\$ 33.50	\$ 62.80	\$ 72.80	\$ 94.80	\$ 116.72	248%
 <b><u>Infinity/Comcast Cable</u></b>						
Extended Basic	\$ 21.99	\$ 39.99	\$ 48.99	\$ 71.49	\$ 75.49	243%
Avg. Monthly Bill	\$ 21.99	\$ 39.99	\$ 48.99	\$ 71.49	\$ 75.49	243%
 <b><u>Nooksack Valley Disposal</u></b>						
Base Fee	\$ 5.35	\$ 5.35	\$ 4.00	\$ 4.50	\$ 5.00	-7%
68 gallon Cart	\$ 5.50	\$ 5.00	\$ 5.00	\$ 5.75	\$ 6.15	12%
Avg. Monthly Bill 2.4 carts/month	\$ 18.55	\$ 17.35	\$ 16.00	\$ 18.30	\$ 19.76	7%

# 1998-2018 Rate Changes



Average Monthly Bills

NOOKSACK VALLEY DISPOSAL AND RECYCLING  
STATEMENT OF OPERATIONS - LYNDEN  
FOR THE 12 MONTHS ENDING SEPTEMBER 30, 2018

	<u>Refuse</u>	<u>Recycling</u>
REVENUES:		
Residential	\$ 888,020	\$ 224,982
Commercial	\$ 914,865	
Pass-through dump fees	\$ 129,293	
 Total revenues	 \$ 1,932,178	 \$ 224,982
OPERATING EXPENSES:		
Wages	\$ 447,834	\$ 115,080
Dump fees/Recycle Fees	\$ 591,965	\$ 6,587
Pass-through dump fees	\$ 129,293	\$ -
Repairs and maintenance	\$ 64,305	\$ 11,284
Fuel and oil	\$ 90,694	\$ 13,200
Tires and tubes	\$ 24,449	\$ 5,371
Depreciation	\$ 95,307	\$ 17,919
Insurance	\$ 14,565	\$ 3,118
Medical insurance	\$ 94,523	\$ 18,457
Business taxes	\$ 31,898	\$ 3,430
Property taxes	\$ 5,213	\$ 812
Taxes and licenses	\$ 7,264	\$ 919
Payroll taxes	\$ 58,033	\$ 13,251
Retirement fund	\$ 48,889	\$ 9,543
Utilities	\$ 3,428	\$ 1,012
Telephone	\$ 2,819	\$ 833
Office	\$ 13,563	\$ 4,103
Postage	\$ 7,756	\$ 2,289
Advertising	\$ 2,277	\$ 461
Travel	\$ 4,340	\$ 951
Dues and subscriptions	\$ 5,247	\$ 805
Professional fees	\$ 5,202	\$ 678
Donations	\$ 2,550	\$ 339
Miscellaneous	\$ 1,354	\$ 208
 Total operating expenses	 \$ 1,752,768	 \$ 230,650
 INCOME (LOSS) FROM OPERATIONS	 \$ 179,410	 \$ (5,668)



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	1/7/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Planning Department	
<b>Contact Name/Phone:</b>	Heidi Gudde (360) 354-5532	
<b>Council Committee Review:</b>		
<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	
<b>Attachments:</b>		
Community Development Committee Mtg Minutes of 12-19-2018		
<b>Name of Agenda Item:</b>		
CDC Minutes 12-19-2018		
<b>Recommended Action:</b>		
Council review.		
<b>Summary Statement:</b>		
EnterSummary		



## COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

JOINT MEETING WITH NON-QUORUM GROUP OF THE PLANNING COMMISSION  
4:00 PM December 19, 2018  
2<sup>nd</sup> Floor Conference Room, City Hall

### 1. ROLL CALL

**Council present:** Mayor Korthuis, Jerry Kuiken, Brent Lenssen, Kyle Strengholt

**Planning Commission present:** Tim Faber, Gerald Veltkamp, Diane Veltkamp

**Staff present:** Heidi Gudde, Dave Timmer

**Chamber present:** Gary Vis

**Public present:** Kathy Stanford

### 2. ACTION ITEMS:

A. Approve minutes from November 20, 2018 meeting

- Approved by committee with no changes

B. CDC and Representatives of the Planning Commission: Review and provide feedback on the Pepin Creek Planning Documents

1. Pepin Creek Senior Overlay

- PC discussed in workshop format at last meeting. Not many changes or alterations, design review, size of buildings, some discussion on the number of senior units allowed within the senior overlay zones (300 total).
- Clarification as to senior overlay developments. These are not necessarily a PRD. The code is written with some of the flexibilities of a PRD written in. Senior overlay also allows for higher densities but in exchange there are common open space and design requirements (likely resulting in a HOA or some other tool for maintenance).

2. Pepin Creek Commercial Overlay

- Small areas allowing small scale commercial operations that can be initiated by the owner if they chose. Oriented toward small scale uses.
- Drive-through standards discussed.

- Parking requirements discussed and the request from the Committee to clarify day uses and night uses when uses sharing parking. 19.18.50 change to be revised to the current parking code (19.51.090 B).

### 3. Other Sections of Code affect by Pepin Creek (cross references)

- Landscaping requirements – some added to the multi-family code.
- Aesthetics such as trash enclosures, parking lot design for multi-family, and specifics on site lighting are best addressed with design standards.

RM-PC – question about the 19.18.030 1b – 1 large building per 25 lots. Why is that and how does that work? To spread out the larger buildings throughout the zone. Larger plats can accommodate bigger buildings. Small plats limited to 4 units or less.

- Discussion on affordability, entry points, density goals

Next steps: Design standards - Planning Commission in January, begin discussing full subarea plan (zone layout, circulation, etc). City Council – zoning in February. Design standards and full sub-area plan to come later.

Density recalculation will be required. CDC to discuss density in the context of financing of the Pepin Creek channel and relay information to Council.

### 3. DISCUSSION ITEMS

#### C. Pepin Creek Mitigation Study – Scope and Budget discussion with Berk

- One response to the City’s request for proposal and that was Berk, with a good team. Discussion of scope and budget are moving forward. No contract yet.

#### D. Land Use on the Guide Meridian Corridor: City Bible Church Property

- Discussion of the 27 acre property along the busiest corridor in the City. Committee discussed the long term growth of the City – potentially north along the Guide, the pros and cons of placing residential uses along a busy highway, and the potential need for a big box store in the City. Many Lynden residents are spending retail dollars in Bellingham. Can we capture more of these dollars? How would a large commercial use affect existing businesses. Changes in the housing market in the last decades have lifted this zoning, RS-100, into a luxury housing category outside the reach of average families. Committee concluded that a commercial use may be supported by the City as a whole depending on who the proponent was. A general shift to commercial would be difficult to support.

#### E. Updated Land Use and Sub-Area maps (effective 1-1-19)

- New maps were distributed showing changes recently approved

Next Meeting Date: January 23, 2019