

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



November 16, 2020

1. CALL TO ORDER

Mayor Korthuis called to order the November 16, 2020 regular session of the Lynden City Council at 7:00 p.m. held through an online web-based meeting platform (Microsoft Teams).

ROLL CALL

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

Councilor Mark Wohlrab arrived after the first vote of the night.

Members absent: None

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Police Chief Steve Taylor, 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 Bode seconded to approve November 2, 2020 regular council minutes as presented. Motion approved on a 6-0 vote.

Agenda Item No. 15 (New Business)

Resolution No. 1027- Fire Station Remodel Project Funding Proposal

The City of Lynden after considering the emergent needs of the City seeks to improve its fire-fighting capability through infrastructure improvements by remodeling and expanding the City of Lynden Fire Station.

Resolution No. 1027 proposes a funding plan to achieve the needed fire infrastructure improvements. The Finance Committee reviewed this resolution earlier today and approved it for review by the full Council.

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Councilor Kuiken moved and Councilor Lenssen seconded to adopt Resolution No. 1027 and authorize the Mayor’s signature. Motion approved on a 6-0 vote with Councilor Strengholt abstaining.

ITEMS FROM THE AUDIENCE

Scheduled- Jeannie & Brian Davidson joined the meeting and made themselves available for questions for agenda items number 17 and 18.

Unscheduled- None

2. CONSENT AGENDA

Payroll information is unavailable at this time because of the finance department’s transition to a new payroll system (Caselle)

Approval of Claims – November 18, 2020

Manual Warrants No.	-	through	-		00.00
EFT Payment Pre-Pays					\$1,844.85
				Sub Total Pre-Pays	\$1,884.85
Voucher Warrants No.	<u>20147</u>	through	<u>20284</u>		\$1,173,841.72
EFT Payments					\$0.000
				Sub Total	\$1,173,841.72
				Total Accts. Payable	\$1,175,686.57

- Renew Biosolids Beneficial Use Contract- Boulder Park Project
- Award Bid for Industrial Condensate Pipeline Hannegan Manhole Project
- Award Bid for Industrial Condensate Pipeline Cured in Place Pipe
- Award Bid for B.C. Avenue to 8th Street Cured in Place Pipe on Sewer Line
- 2021 SCORE Inmate Housing Agreement
- Temporary Fire Station Lease Agreement
- Set Date for the Final Public Hearing on the 2021 Preliminary Budget

Councilor Kuiken moved and Councilor Laninga seconded to approve the Consent Agenda. Motion approved on a 7-0 vote.



3. PUBLIC HEARING

Public Hearing for Resolution No. 1026- Revisions to the Project Manual for Engineering Design and Development Standards

The Project Manual for Engineering Design and Development Standards was adopted by City Council on April 5, 2004 and was updated in November 2006 and again November 2010. These standards are required by the City's Growth Management Act and include street, water, sewer, and storm drainage standards. The manual also addresses access issues, permitting processes and procedures, and includes various forms necessary in the development process.

In response to inquiries, changes in technology, and the direction of various City Committees, additions, deletions and/or clarifications have been made to the Project Manual for Engineering Design and Development Standards. Staff presented Council with Resolution No. 1026 along with a list of revisions for Council review.

The Public Works Committee reviewed updates at their November 4, 2020 meeting and recommended that they be forwarded to City Council for consideration.

The Public Hearing was scheduled for November 16, and numerous engineers and consultants were provided with the proposed updates and asked to provide comments. However, a delay in publishing the public notice will not allow adequate time for public comment. The Public Works department has received some written comments which will be included in the staff report presented at the next public hearing scheduled for December 7th council meeting.

Mayor Korthuis opened the Public Hearing at 7:08 p.m.

There were no public comments received at the council meeting. Public Works director Steve Banham stated that staff was reviewing comments received by his office.

Mayor Korthuis closed the Public Hearing at 7:08 p.m.

Councilor Bode moved and Councilor Strengholt seconded that Council open the Public Hearing tonight and continue the Hearing to the December 7, 2020 City Council meeting at which time all comments on Resolution No. 1026- Amendment to the Project Manual for Engineering Design and Development Standards will be submitted. Motion approved on a 7-0 vote.

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Public Hearing for the 2021 Budget

Per State law this would be the first of two required hearings for public commentary on the 2021 Preliminary Budget as presented to the City Council by Mayor Korthuis at the October 19th City Council meeting.

Mayor Korthuis opened the Public Hearing at 7:11 p.m.

There were no public comments received at the council meeting.

Mayor Korthuis closed the Public Hearing at 7:11 p.m.

No further action taken.

Public Hearing for Ordinance No. 1609- Real Estate Property Tax 2021

The City of Lynden is required by State regulations to adopt the proposed 2021 property tax levy. Attached is a copy of the proposed Ordinance. The mil rate has been calculated on preliminary information received to date from the Whatcom County Assessor's Office. When comparing preliminary 2019 levy rates to 2020 levy rates, the decrease is estimated at 0.114 cents per mil to a mil rate of 1.57560. 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 in January 2021 for consideration.

At today's Finance Committee meeting the draft ordinance was discussed and approved for review by the full Council.

Mayor Korthuis opened the Public Hearing at 7:43 p.m.

There were no public comments received regarding this matter.

Mayor Korthuis closed the Public Hearing at 7:43 p.m.

Councilor Strengholt moved and Councilor Kuiken seconded to adopt Ordinance No. 1609 and authorize the Mayor's signature. Motion approved on a 7-0 vote.

This Public Hearing was conducted later in the meeting but has been included here in the Public Hearing section of the agenda.

4. UNFINISHED BUSINESS - None

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5. NEW BUSINESS

Briahna Murray, State Lobbyist with Gordon Thomas Honeywell Governmental Affairs, gave Council a background on 2021 Legislative Session and reviewed the items in the City of Lynden's 2021 Legislative Session included in the packet. That presentation has been made a part of the official council file.

State Advocacy contract with Gordon Thomas Honeywell

Briahna Murray, Vice-President of Gordon Thomas Honeywell Governmental Affairs, has been Lynden's State advocate advocated since 2015. That advocacy has resulted in more than \$8 million worth of capital earmarks for important City projects. The attached contract is virtually identical to its predecessors and continues the relationship with Ms. Murray and her firm. Key terms of this agreement include:

- 1) Cost: \$3,000 monthly for a total of \$36,000 in 2021. The rate is unchanged from previous years and is included in the proposed 2021 budget.
- 2) Scope: The full Scope of Work is delineated in Attachment A on page 3 of the consulting agreement. It includes a range of duties required to advance the City's 2020 Legislative Agenda.

Councilor Strengholt moved and Councilor Kuiken seconded to approve the contract for State-Level Advocacy between the City and Gordon Thomas Honeywell for state-level legislative advocacy in the 2021 legislative session. Motion approved on a 7-0 vote.

2021 Legislative Agenda

Lynden has a practice of adopting a Legislative Agenda that is used to focus advocacy at the State Legislature. This practice formalizes and strengthens our legislative "ask," and gives it added credibility with state lawmakers. We propose the following for the 2020 Legislative Session:

Jim Kaemingk Trail Connection \$1.1 million: This section of trail will link the existing City Trail to the trail around Fisher School that was completed in 2018. The City expects to have the trail under construction in 2021.

West Front Infrastructure \$3 million: This project would provide infrastructure improvements to West Front Street to facilitate development of nearby industrial land.

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Line and Bradley Roads \$3 million: This is the arterial between Lynden High School and Lynden Middle School. This $\frac{3}{4}$ -mile stretch of road will include a path/sidewalk as well as a widened street and a new culvert.

Duffner Ditch Culvert Replacement \$700,000: The State is replacing most state-owned culverts to improve fish passage. This in turn means that downstream locally owned culverts must also be replaced. The City must replace its culvert on the Duffner Ditch. In addition to the specific projects described above, there are a number of important policy issues at the state level that could directly affect Lynden.

Councilor Kuiken moved and Councilor De Valois seconded to approve the 2021 Legislative Agenda. Motion approved on a 7-0 vote.

Preliminary Approval of the Kamm Creek MPRD- Application 20-02

Bob Libolt, representing Kamm Creek Investments LLC, has requested the approval of a Master Planned Community (MPRD) concept for the 20-acre property located on the west side of Northwood Road approximately 640 feet south of Kamm Road. The property is unique in that it is significantly impacted by critical areas and floodplain. As a result, although the underlying RS-100 zoning allows for up to 4 homes per acre, the proposed development reaches a gross density of only 2 units per acre.

The proposal includes a blend of lot sizes with about 15 lots in the 5,000-6,000-sf range and most of the remaining lots over 7,800 sf in size. Lots are clustered into two groups with wetlands and open areas dividing the development. Each lot borders common space which will be preserved in association with critical areas. (Critical areas report is available but not included in the council packet due to the size of the report).

Staff agrees that the property is a good fit for a planned residential district because of the constraints associated with the critical areas and flood plains. However, a few concerns remained at the conclusion of staff's review. These are addressed in the final TRC report dated October 2, 2020. The conditions related to staff recommendation relate to setbacks, street design, a traffic study update, and lot coverage.

October 8th the Planning Commission held a virtual public hearing regarding the proposal. (Minutes of this meeting were included in the Council packet). The Commission concluded the hearing by confirming most of staff recommendations within the TRC report and recommending approval of the proposal with specific conditions.

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Councilor Lenssen moved and Councilor Kuiken seconded to preliminary approve the Kamm Creek MPRD and resulting subdivision as recommended and conditioned by the Planning Commission in Resolution 20-08, and to authorize the Mayor's signature on the corresponding Findings of Fact and Conclusions of Law. Motion approved on a 7-0 vote.

Forge Fitness Pre-Lease Building Renovation Agreement

The City is entering into a Lease Agreement with Forge Fitness to operate the recreation facility at 100 Drayton Street in Lynden. That lease becomes effective January 1, 2021. However, Forge Fitness wishes to begin renovations within the facility immediately.

This Pre-Lease agreement allows Forge Fitness to begin renovation as soon as the signatories sign it. It contains standard language that indemnifies the City, and expires January 1, 2021, when Forge Fitness begins to operate the facility.

Councilor Strengholt moved and Councilor Laninga seconded to authorize the Mayor to sign the Pre-Lease Building Renovation Agreement. Motion approved on a 7-0 vote.

Lease Agreement for 100 Drayton Street Facility (Former YMCA)

The Whatcom County Family YMCA ran Lynden's recreation facility at 100 Drayton Street from 1997 until it closed March 17, 2020 due to COVID related problems. The City issued a Request for Information soliciting potential agencies interest in operating the facility. Six parties responded. Subsequently a Request for Proposals was publicized and received three responses.

A panel selected Forge Fitness Inc. as the successful candidate. The Lease Agreement with Forge Fitness is attached. It commits the City to pay \$150,000 for renovations needed to reopen the facility, and \$25,000 each year thereafter to the operator for the cost of renovations the operator expects to make. Together, the City and the operator will pay to remove old ceiling insulation, painting, HVAC work, new flooring, mezzanine construction, and windows and doors among other things.

The operator will pay the City 40% of revenue above \$40,000/month (based on a 3-month average), with those payments to begin April 1, 2021. As part of the agreement, the operator will offer discounted rates to Lynden residents, and will accept government subsidized memberships for seniors.

The Agreement is effective January 1, 2021 and has a 5-year term. It will automatically renew for five, five-year terms unless terminated by either party.

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Councilor Strengholt moved and Councilor Kuiken seconded to authorize the Mayor to sign the Lease Agreement with Forge Fitness to operate the recreation facility at 100 Drayton Street in Lynden. Motion approved on a 7-0 vote.

6. OTHER BUSINESS

Council Committee Updates

Councilor Wohlrab for the Public Safety Committee reported discussion of:

- Lynden Watch Update
- Overtime hours for Police and Fire
- Recovery fee upwards of 70% of Transport Fees
- Fire Academy recruit update
- Response time just over 4 minutes
- Fire Station remodel costs
- Calls are up
- Fingerprinting available through private vendor
- COVID information from fecal samples that are being collected and how to distribute information to the public
- Possible request for a community advisory board from Better Together group

Councilor Strengholt for the Finance Committee reported discussion of:

- Review of overtime
- Sales tax revenue remains robust
- Caselle update – approximately 90% complete
- Many of the items discussed were on the council agenda
- Monthly financial reports are unavailable due to software conversion

Councilor De Valois for the Parks Committee reported discussion of:

- Request to purchase portion of Dickinson property
- Request from Homestead to take over maintenance of a section of trail
- Park Master Plan went before Planning Commission
- Berthusen restroom has been installed
- Draft ordinance related to noise and behavior at city parks

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7. EXECUTIVE SESSION

Council recessed into executive session at 8:03 p.m. to discuss a potential litigation matter. It was anticipated that the executive session would last approximately 20 minutes total and that a decision would likely be made.

The Council meeting reconvened at 8:23 p.m.

Councilor Bode moved and Councilor De Valois seconded that the City Council authorize the payment to Faber Construction \$40,000 to resolve all claims under City of Lynden Project No. 2015-19, Industrial Stormwater to Fishtrap project pursuant to the mediation conducted on Monday, November 9, 2020 with this settlement constituting a binding Agreement. I further move that this payment be made by a final change order prepared and signed by both parties adding this amount to the final contract value. Motion approved on a 7-0 vote.

8. ADJOURNMENT

The November 16, 2020 regular session of the Lynden City Council adjourned at 8:25 p.m.

Pamela D. Brown

Pamela D. Brown, MMC
City Clerk

Scott Korthuis

Scott Korthuis
Mayor