

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



April 15, 2019

### 1. CALL TO ORDER

Mayor Korthuis called to order the April 15, 2019 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 Lenssen, Nick Laninga, Kyle Strengholt, and Mark Wohlrab.

Members absent: None

Staff present: Finance Director Anthony Burrows, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Police Chief John Billester, Public Works Director Steve Banham, City Clerk Pam Brown, and City Attorney Bob Carmichael.

OATH OF OFFICE - None

### APPROVAL OF MINUTES

*Councilor Strengholt moved and Councilor Wohlrab seconded that the minutes of April 1, 2019 be approved as presented. Motion approved on a 7-0 vote.*

### ITEMS FROM THE AUDIENCE

**Scheduled:** None

**Nonscheduled:**

Mayor Korthuis informed Council that the Nooksack Valley Disposal's 36<sup>th</sup> Annual Spring Cleanup for the City of Lynden is scheduled for Saturday, April 20<sup>th</sup>.

Cynthia Sue Ripke-Kutsagoitz, - 7062 Guide Meridian #30, Lynden

Expressed her concern with the city's zoning policies as it relates to congestion along the Guide Meridian. She understands that there is growth occurring in Lynden and she is a proponent of establishing a Fred Meyer in Lynden, but she also remembers how it used to be.

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### 2. CONSENT AGENDA

#### Approval of Payroll Disbursed – April 1-15, 2019

Paychex EFT .....	\$264,656.02
City of Lynden EFT .....	\$65,175.81
Warrant Liability .....	\$57,130.96
	<b>\$386,962.79</b>

#### Approval of Claims – April 18, 2019

Manual Warrants No. <u>72765</u> through <u>72769</u>	\$17,675.70
EFT Payment Pre-Pays	\$66,059.34
Sub Total Pre-Pays	\$83,735.04
 Voucher Warrants No. <u>72770</u> through <u>72923</u>	 \$1,083,977.10
EFT Payments	29,148.25
Sub Total	\$1,113,125.35
Total Accts. Payable	<b>\$1,196,860.39</b>

Set Public Hearing date for Resolution No. 999- Six Year Transportation Program

***Councilor De Valois moved and Councilor Kuiken seconded to approve the Consent Agenda. Motion approved on 7-0 vote.***

### 3. PUBLIC HEARING

#### Ordinance No. 1579- Vacation of ROW for Division Street

The Technical Review Committee (TRC) has reviewed Vacate Application 19-01 submitted by Tim Van Dyke and recommends approval of Ordinance 1579. The ordinance vacates a 5-foot strip of the Division Street right-of-way which fronts the eastern edge of the parcel located at 612 Drayton Street. The City will retain utility easement rights over this 5-foot area.

The purpose of the vacate is to increase the size of the lot to reach a minimum lot area of 8000 square feet necessary to accommodate a second unit as permitted under the its current RM-2 zoning. Currently the parcel accommodates one single family home. As required, an appraisal of the property has been conducted and the applicant is prepared to compensate the City for the determined value of \$1800.

Staff is aware that a vacation can set a precedence for street standards which are less than the standard 60- foot width. Justification for a vacate on Division Street is tied to the unique character of the street. It is a street which dead-ends at the railroad tracks. Crossings of the railroad tracks are provided on nearby Bender Road, Nooksack Avenue and 1<sup>st</sup> Street. The total length of this dead-end section of Division is less than 400 feet. It is substandard and is not currently scheduled for improvement. Additionally, other rights-of-way in this neighborhood with similar narrow widths. Future requests, if they arise, should be compared to similar criteria.

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Facilitating the construction of an additional unit at 612 Drayton Street will not significantly affect the level of service on adjacent streets and is consistent with the City's zoning and infill goals.

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

Tim Van Dyke, 309 Edgewater Lane, Lynden spoke in favor of Ordinance No. 1579.

Mayor Korthuis closed the Public Hearing at 7:10 p.m.

***Councilor Lenssen moved and Councilor Laninga seconded to approve Ordinance No. 1579 vacating five feet of right-of-way on the west side of Division Street abutting 612 Drayton Street, accepting the appraised value, and authorizing the Mayor's signature. Motion approved on 7-0 vote.***

### 4. UNFINISHED BUSINESS

#### Resolution No. 998-Amending the City of Lynden Travel Policy

It is the intent of the City of Lynden (City) to reimburse City employees for all necessary and reasonable travel and related expenses incurred while on City business.

The City's Travel Policy established the guidelines for reimbursement of travel expenses. The purpose of this policy is to provide consistent application and use of travel funds and vehicle usage. The City desires to modify and update the Travel Policy to current rates and standards.

Some minor changes were made to increase the efficiency of the approval process, clarify guidelines for tips and gratuities; and other allowable expenses. The key change was made to the per diem rate for meals and incidentals, it was increased from \$38 per day to the current 2019 GSA standard rate of \$55 per day.

The Finance Committee reviewed the proposed changes at their March 18<sup>th</sup> meeting and approved the changes for review and approval of the full Council. A summary of the intended changes was introduced by Finance Committee Chairman Kuiken at the March 18<sup>th</sup> City Council meeting.

***Councilor Kuiken moved and Councilor Strengholt seconded to approve Resolution No. 998 as written and authorize the Mayor's signature. Motion approved on 7-0 vote.***

### 5. NEW BUSINESS

#### Award Contract for YMCA Pool Resurfacing

Staff solicited Requests for Proposals that included qualification and pricing for the Lynden YMCA pool resurfacing project. Three submittals were received (see attached Proposal Comparison). References were checked and a review team of three City staff members and three YMCA staff members reviewed the submittals and concurred that Anderson Poolworks has the qualifications and experience to provide the best value for this repair. Staff is also recommending including bid alternative 2 for repair of piping on the east side of the pool (\$4,075). This project is funded by the Lynden Regional Parks & Recreation District, the Whatcom County YMCA and the City. The Public Works Committee concurred at their April 3<sup>rd</sup> meeting that staff could forward the results and recommendation directly to City Council for approval, upon review of the submittals and follow up on the reference checks.

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***Councilor Bode moved and Councilor De Valois seconded award the contract for the Lynden YMCA Pool Resurfacing to Anderson Poolworks in the amount of \$202,325.00, including tax, for the base bid and bid alternative 2. Motion approved on a 7-0 vote.***

### Smarsh Text Records Retention Contract

Washington State Law has established record retention requirements for all public records. Official City emails are considered part of the public records. State law now also recognizes all texts on City phones the same as any email and part of the public record that needs to be retained.

To comply with retention requirements regarding all texting on City phones, the City is intending to enter into an annual contract (attached) with the Smarsh Company. Smarsh is an information services company that specializes in the retention of text data. Smarsh would be the City's contracted repository for all text messages on City phones.

The Finance Committee reviewed the proposed contract this afternoon at their April 15<sup>th</sup> meeting and discussed it with the City's IT Manager Nic Miener regarding the necessity of this service. The Finance Committee gave its approval to send the contract forward for the review and approval of the full Council.

***Councilor Kuiken moved and Councilor Strengholt seconded to approve the contract with Smarsh as written and authorize the Mayor's signature. Motion approved on a 7-0 vote.***

## 6. OTHER BUSINESS

### Council Committee Updates

Councilor Lenssen reporting for the Public Safety Committee, involving the discussion of:

- Reviewed Fire Department Report
- New Police Officer will begin work on May 1
- Discussion of an ordinance to ban dogs at public events
- Fingerprinting fees
- Discussion involving possibility of allowing golf carts on streets
- Discussion involving a couple of police cases involving car and foot pursuits
- Discussion about the necessity of calling 9-1-1 to speak with a police officer (even for non-emergencies).
- Lynden Watch program was well attended and is coming together well

Councilor Bode reporting for the Public Works Committee, involving the discussion of:

- Discussion about Lyndale Glass accommodation for loading materials
- Discussion about Island Green Way (private street)
- Sidewalk issues
- 17<sup>th</sup> Street extension
- Wastewater treatment outfall design

Councilor De Valois reporting for the Parks Committee, involving the discussion of:

- YMCA pool
- One-way road through city park
- Park & Recreation District bond plans
- Rotary Auction – Climbing rocks

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- Trail conceptual ideas
- Lynden Christian Middle School volunteers- spreading wood chips on the playground at city park
- Dog leash report

Councilor Kuiken reporting for the Finance Committee, involving the discussion of:

- Approved claims and payroll
- March overtime for fire and police departments
- Smarsh text records contract
- City of Lynden travel policy
- Sales tax in March was strong

### 7. EXECUTIVE SESSION

Council did not hold an executive session.

### 8. ADJOURNMENT

The April 15, 2019 regular session of the Lynden City Council adjourned at 7:50 p.m.

  
Pamela D. Brown, City Clerk

  
Scott Korthuis, Mayor