

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



July 15, 2019

1. CALL TO ORDER

Mayor Korthuis called to order the July 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, Jerry Kuiken, Brent Lenssen, Nick Laninga, Mark Wohlrab and Kyle Strengholt.

Members absent: None.

Staff present: Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, 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 Strengholt moved and Councilor Laninga seconded that the regular council minutes of July 1, 2019 be approved as presented. Motion approved on a 7-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled: None

Nonscheduled:

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

Cynthia Ripke-Kutsagoitz apologized to Council for her attitude when she last spoke before them. She also provided anti-abortion literature for the council file and asked that council not conduct business with planned parenthood.

Gary Vis, 518 Front Street, Lynden

Mr. Vis reminded council of the Raspberry Festival scheduled for Friday, July 19 and Saturday, July 20, 2019. Currently there are 248, 3-person teams entered in the basketball tournament with 38 of the teams consisting of kindergarten through 2nd grade children.

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2. CONSENT AGENDA

Approval of Payroll Disbursed – July 1-15, 2019

Paychex EFT	\$332,734.72
City of Lynden EFT	\$63,764.23
Warrant Liability	\$58,395.10
	\$454,894.05
Paychex EFT Liability	\$6,762.60
Total EFT & Other Liabilities	\$461,656.65

Approval of Claims – July 17, 2019

Manual Warrants No.	<u>73352</u>	through	<u>73353</u>		\$9,278.73
EFT Payment Pre-Pays					\$156,731.35
				Sub Total Pre-Pays	\$166,010.08
Voucher Warrants No.	<u>73316</u>	through	<u>73351</u>		\$622,246.90
EFT Payments					27,220.20
				Sub Total	\$649,467.10
				Total Accts. Payable	\$815,477.18

Ordinance No. 1585-Appointing Agents to Receive Service of Claims

Washington State law regarding service of damage claims on local governments, RCW 4.96.010-020, requires that local governments appoint an agent to receive all claims filed under authority of Chapter 4.96 RCW; and the City of Lynden is required by RCW 4.96.010 -020 to appoint an agent(s) to receive claims against the City of Lynden and to record the identity of the agent(s) and the agent's address with the County Auditor. Once Ordinance No. 1585 is adopted and recorded it will repeal and replace Ordinance No. 1123.

Ordinance No. 1588- Extension of Line of Credit; Banner Bank Proposal

Ordinance No. 1231 was approved by council on May 2, 2005. It allowed the city to have a revolving line of credit. The notes have provided interim financing for capital projects such as the Water Reservoir project (for DWSRF reimbursement), Arterial Street capital improvements, Police Station Acquisition/Remodel (prior to issuance of permanent financing), and East Lynden Sewer Sub-Basin improvement projects.

Presently, outstanding balances on the line of credit consist of several funds awaiting reimbursement monies; Pepin Creek project, Riverview Road, and Jim Kaemingk Sr. Trail Extension. The line of credit is available to provide interim financing for LPD Stonegarden grant reimbursements and Street Capital Construction projects. These projects are secured by grant and/or other intergovernmental funding on a reimbursement basis.



Since 2005, Ordinance No. 1231 has been amended by Ordinance No. 1261, 1295, 1319, 1355, 1376, 1400, 1420, 1444, 1467, 1485, 1510, 1534 and 1558 each authorizing an extension of the maturity date of the notes. The city received an offer from Banner Bank (formerly Skagit State Bank) to extend the maturity date of the notes from July 31, 2019 to July 31, 2020 at a rate of 3.75%, which is a 0% increase from the previous rate. The closing date is anticipated to be July 31, 2019.

Councilor Kuiken advised council that there were some minor revisions to the wording in Ordinance 1588 that were not included in copy in the council packets. The wording revisions were reviewed by the Finance Committee and it was recommended that council adopt Ordinance No. 1588.

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

3. PUBLIC HEARING - None

Ordinance No. 1584-Vacation of Right of Way between 135 and 136 Terrace Drive

The City of Lynden, at the request of adjacent property owners, is proposing to vacate the southern section of Terrace Drive.

The City has determined that future development to be served by this 24-foot-wide unimproved right-of-way will be limited to only three lots, that the portion to be vacated is not needed by the City, and that the public is best served with the described rights-of-way in private ownership. The right-of-way will not be extended beyond the currently approved Van Dragt short plat or serve as a connector to other more streets because it abuts the floodplain.

As such, staff recommend that the City Council accept the appraised value of \$1,500.00 as of May 24, 2019 determined by certified appraiser Peter Suni and vacate the identified portion of Terrace Drive on the condition that the City be granted easement rights and that a private access easement and maintenance agreement be established between the property owners of Lots 15 and 16 of the Plat of Mountain View and property owners of the Van Dragt Short Plat.

Mayor Korthuis opened the Public Hearing at 7:08 p.m.
There were no comments.
Mayor Korthuis closed the Public Hearing at 7:08 p.m.

Councilor Bode and Councilor De Valois seconded that City Council approve Ordinance No. 1584, approving the Vacation of Right of Way Between lots 135 and 136 Terrace Drive, accepting the appraised value, approve the Access and Utility Easement to the City, and authorize the Mayor to sign the documents upon verification of private access easement with the Van Dragt Short Plat. Motion approved on 7-0 vote.

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Right of Way Relocation – 17th Street Extension Project

The City of Lynden is considering a modification to the vacation of the right-of-way easement for the extension of 17th Street resulting from the Settlement between Marina Timmermans and the City of Lynden. This settlement agreement was originally executed in October of 2013.

An alteration to the settlement is now being considered to shift the proposed right-of-way approximately 8-feet to the west, to the benefit of the property owner, to create a larger and more developable portion of property east of the proposed street.

As such, the owner of the property underlying the proposed vacated easement and the City have agreed to exchange the vacated easement for a similar easement of equal value located slightly west of the easement being vacated.

Action to be completed by ordinance at the August 5th Regular City Council Meeting based on testimony at tonight's Public Hearing and receipt of the signed Right of Way Grant from Marina A. Timmermans, the underlying property owner.

Mayor Korthuis opened the Public Hearing at 7:12 p.m.

Brian Ray and Polly Ray each offered comments related to the project. Comments were in favor of the project.

Mayor Korthuis closed the Public Hearing at 7:17 p.m.

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Public Defender Contract- **This item was pulled from the agenda; no action was taken.**

Lieutenant - Memorandum of Understanding (MOU)

In the absence of an Assistant Fire Chief, the department's three lieutenants have assumed duties that normally would have been assigned to the Assistant Chief position. These duties include training, scheduling, fleet maintenance, and committee participation among other things. From August 2017 until December 2018, the lieutenants were designated as temporary Captains and given entry-level Captains pay to acknowledge their taking on these additional duties.

A previous Memorandum of Understanding (MOU) included a three-month period after a new Fire Chief was recruited and hired – which ended in December 2018. This extended period was intended to give Chief Billmire time to evaluate the department's staffing, so he could decide whether he wished to hire an Assistant Chief or have those duties taken over using some other option.

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The Department intends to advance a budget initiative in the 2020 budget cycle that, if approved, would create the Assistant Chief position. Meanwhile, the Lieutenants continue to perform the functions normally assigned to an Assistant Chief, even though the MOU expired December 2018. The MOU extends the duration until one month after a new Assistant Chief is hired. The Chief believes this is fair and consistent with the intent of the previous MOU and recommends that Council approve this amendment.

Councilor Lenssen and Councilor Wohlrab seconded to approve the Memorandum of Understanding which extends the Temporary Fire Captains. Motion approved on 7-0 vote.

Resolution No. 1004-Shared Vacation Leave for Police Officer

The City has a few employees who, in addition to their job with the City, also serve as reservists in one of our armed services. The City is required by law to provide paid leave for up to 21 days during annual deployment for those individuals. One of our police officers has been called to service. That deployment is expected to last two months, from July 1– September 1, 2019.

This police officer does not have enough leave time for his deployment. The City wishes to help the officer by allowing him to use “shared vacation leave”, similar to the shared sick leave program employees may use for extraordinary sick leave events. In this case, the officer would draw down his vacation leave to 80 hours, then he would use “shared vacation” leave donated by others in the organization. Employees can donate up to 24 hours of their vacation, and the “bank” would be capped at 200 donated hours.

Importantly, this is a “one-time” program specifically created for this officer. Before it is implemented, the Teamster labor unit he belongs to must provide written acknowledgement that this is not precedent setting.

Councilor Lenssen and Councilor Bode seconded to approve Resolution No. 1004 creating a one-time shared vacation bank for this Police Officer. Motion approved on 7-0 vote.

Loaned Executive Management Assistance Program Agreement (LEMAP)

Chief Knapp has requested Washington Association of Sheriffs and Police Chiefs (WASPC) conduct a review of administration and operations of the Police Department by the Loaned Executive Management Assistance Program (LEMAP).

Councilor Lenssen and Councilor Bode seconded to approve the LEMAP Agreement and authorize the Mayor’s signature. Motion approved on 7-0 vote.

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6. OTHER BUSINESS

Council Committee Updates

Councilor Lenssen reported for the Public Safety Committee, discussion involved:

- Most of the items discussed are on the night's council agenda
- Lynden Watch is operating well
- Police vehicles

Councilor De Valois reported for the Parks Committee, discussion involved:

- Future of the YMCA Building
- Rotary project at Bender Field
- Benson Park planning and funding
- Request for track for dirt bikes
- House on Dickinson property
- Glenning street property use
- Identification signs for local parks

Councilor Kuiken reported for the Finance Committee, discussion involved:

- Approved Payroll and Claims
- Sales Tax revenue continues to come in strong
- Ordinance regarding the Line of Credit that was on the night's council agenda
- Police and Fire department overtime

A brief overview of the workplan for each department was presented to Council. This presentation is not meant to be detailed but is instead meant as an overview. Staff plans to present their workplan quarterly.

City Attorney Bob Carmichael discussed with Council the subject of campaign signs. He stated that campaign signs are protected speech under the First Amendment and that the City's ordinances that regulate campaign signs are unconstitutional and ordinances regulating campaign signs should not be enforced unless it's a matter of the public's safety.

Mayor updated Council with the details of the Dutch Embassy's visit. That group will be coming to Lynden on Wednesday, July 24, 2019. The mayor is planning a breakfast meeting and invites council members to attend.

7. EXECUTIVE SESSION

Council did not hold an executive session.

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8. ADJOURNMENT

The July 15, 2019 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