

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



March 18, 2019

1. CALL TO ORDER

Mayor Korthuis called to order the March 18, 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, Fire Chief Mark Billmire, 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 March 4, 2019 be approved as presented. Motion approved on a 7-0 vote.

A clerical correction was made to the March 4, 2019 minutes: Kathy Stanford, 1322 Birch Bay Lynden Road, Lynden did not speak in favor of Ordinance No. 1577, Pepin Creek Moratorium Extension, she spoke in opposition to Ordinance No. 1577.

ITEMS FROM THE AUDIENCE

Scheduled: None

Nonscheduled:

Dick Vandenberg, 983 VanDyk Road, Lynden

Mr. Vandenberg addressed Council and asked when he could expect an answer to his request that the city collect latecomers fees from Bargaen Properties LLC. Mayor Korthuis stated that a decision was expected later this evening or by tomorrow.

Kathy Kelly, 134 E Grover Street, Lynden

Ms. Kelly addressed council to re-state her belief that locating a Fred Meyer store in Lynden would serve the consumer needs of Lynden and the surrounding communities. She will continue to work toward that goal.

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2. CONSENT AGENDA

Approval of Payroll Disbursed – March 1-15, 2019

Paychex EFT	\$263,789.33
City of Lynden EFT	\$64,990.76
Warrant Liability	\$57,463.22
	<hr/>
	\$386,243.31

Approval of Claims – March 20, 2019

Manual Warrants No. <u>72610</u>	through	<u>72611</u>	\$4,644.18
EFT Payment Pre-Pays			\$1,461.18
		Sub Total Pre-Pays	<hr/>
			\$6,105.36
Voucher Warrants No. <u>72612</u>	through	<u>72734</u>	\$432,934.87
EFT Payments			<u>24,500.68</u>
		Sub Total	\$457,435.55
		Total Accts. Payable	<hr/>
			\$463,540.91

Chamber of Commerce 2019 Events

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

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Resolution No. 996-Approving City Use of State Revolving Fund Loan for New Outfall at Wastewater Treatment Plant

Staff applied for a Department of Ecology State Revolving Fund loan to finance the construction of a new Wastewater Treatment Plant outfall to replace the existing outfall. The City received a 20-Year loan offer of \$1,427,234 at an interest rate of 1.5%. The Department of Ecology requires a Resolution by the City Council authorizing the loan and a review of the loan agreement by the City Attorney. The Public Works Committee reviewed this resolution at their March 6th meeting and concurred to recommend approval to the full City Council.

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Councilor Bode moved and Councilor De Valois seconded to approve Resolution No. 996 approving the City use of a Department of Ecology State Revolving Fund Loan to construct a new outfall at the Wastewater Treatment Plant and authorize the Mayor's signature. Motion approved on a 7-0 vote.

Resolution No. 997-Update to Compost Fees

Public Works staff is planning to accept credit card payments for compost with a point of sale system. Finance has reviewed and supports the use of this system. This payment system will make purchases easier for customers, increase sales and reduce administrative effort, but will add cost to each transaction. The City collected just over \$3,800 in compost sales in 2018. The attached resolution increases the purchase amount for compost (rates were last increased in 2017) to cover the cost of the credit transactions. The Public Works Committee reviewed this resolution at their March 6th meeting and concurred to recommend approval to the full City Council.

Councilor Bode moved and Councilor Wohlrab seconded to approve Resolution No. 997 to update Compost Fees and authorize the Mayor's signature. Motion approved on a 7-0 vote.

Ordinance No. 1578-Amend LMC Chapter 13.12, Sewer System Regarding Industrial Users

The City needs to update the guidelines for potential new and existing Significant Industrial Users to restrict discharges of dangerous wastes into the City's Sewer System, and to match its National Pollutant Discharge Elimination System (NPDES) permit through the Department of Ecology. Attached Ordinance No. 1578 updates these guidelines consistent with the recommendations in the City's adopted Sewer Comprehensive Plan. The Public Works Committee reviewed this ordinance at their March 6th meeting and concurred to recommend approval to the full City Council.

Councilor Bode moved and Councilor De Valois seconded to approve Ordinance No. 1578 Amending Chapter 13.12 Sewer System Regarding Industrial Users and authorize the Mayor's signature. Motion approved on a 7-0 vote.

Interlocal Agreement with City of Bellingham for Vector Waste Facility Use

Staff would like to renew this Interlocal Agreement with the City of Bellingham (COB) for vector waste disposal. The COB accepts street sweepings and vector waste materials and disposes of them in compliance with Department of Ecology (DOE) and Department of Health rules and regulations. This would be a third term renewal through December 31, 2019 at the same price of \$147.56 per ton. All other terms remain the same. The Public Works Committee reviewed this agreement at their March 6th meeting and concurred to recommend approval to the full City Council.

Councilor Bode moved and Councilor Laninga seconded to approve the Interlocal Agreement with the City of Bellingham for Vector Waste Facility Use and Authorize the Mayor's signature. Motion approved on a 7-0 vote.

Contract with Berk Consulting for the Pepin Creek Financial Mitigation Study

Planning and engineering efforts regarding the Pepin Creek Realignment and Subarea are moving forward:

The realignment project seeks to provide flood protection to existing Lynden neighborhoods within the Pepin Creek watershed, it allows for the improvement of Double Ditch and Benson Roads, and assists in the developability of this portion of the City's Urban Growth Area.

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Planning efforts have focused on existing conditions, proposed land use and zoning, circulation and utility service expansion into this area. The results have been a detailed sub-area plan and associated zoning code updates.

The proposed study by Berk Consulting represents the next step in the Pepin Creek Sub financial analysis and draws the planning and engineering efforts together. As outlined in the attached scope, the study will determine the benefit of the realignment project to the surrounding properties and thereby the proportionate financial share of the project that properties within the subarea must contribute. In determining these formulas, it will explore the use of a SEPA mitigation fee or a Local Improvement District (LID).

The study will hinge on the final design recommendation of the engineering team. This is currently under consideration and expected to be completed at the end of May 2019. Costs of the study is estimated at \$130,574. This cost does not include implementation of a LID. If this financial tool is selected there will be additional costs associated with its execution.

City staff is requesting that the City Council consider and approve the attached contract with Berk Consulting regarding the Pepin Creek Financial Mitigation Strategy.

Councilor Lenssen moved and Councilor Strengholt seconded to approve the contract with Berk Consulting for the Pepin Creek Financial Mitigation Strategy Study and authorize the Mayor's signature on the professional services agreement. Motion approved on a 7-0 vote.

6. OTHER BUSINESS

Council Committee Updates

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

- Dickinson property and the neighbor's request for a fence or a hedge to separate their property
- Fence at Fisher School is re-installed
- Dogs on leashes and off leashes at city parks
- Berthusen bridge work occurring on Badger Road (June – December 2019)

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

- An ordinance to restrict dogs at public events
- Review of the fire department report and requests that Chief Billmore provide the report to each of the council members
- Status of conditional employment offer for police officer

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

- Funding for Outflow at WWTP
- Request from Island Green Way to become a city street rather than a private street
- Fairgrounds property storm drainage issues

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

- Approved claims and payroll
- Overtime for fire and police departments
- Sales tax slight decrease
- Resolution addressing City of Lynden per diem rates which were last updated in 2002

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7. EXECUTIVE SESSION

Council recessed into executive session at 7:27 p.m. to discuss a potential litigation matter and a potential acquisition of real estate. It was anticipated that the executive session would last approximately 20 minutes total and that a decision would not be made.

The Council meeting reconvened at 7:45 p.m. with a decision.

Councilor Bode moved and Councilor Strengholt seconded that Council direct the Mayor to respond by letter to the petition Dick Vandenberg sent on March 4, 2019 regarding a Latecomer's question. Motion approved on 7-0 vote.

8. ADJOURNMENT

The March 18, 2019 regular session of the Lynden City Council adjourned at 7:46 p.m.

Pamela D. Brown
Pamela D. Brown, City Clerk

Scott Korthuis
Scott Korthuis, Mayor