CITY OF LYNDEN

CITY COUNCIL
MINUTES OF REGULAR MEETING

August 19, 2019

1. CALL TO ORDER

Mayor Korthuis called to order the August 19, 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, Nick Laninga and Kyle Strengholt.

Members absent: Councilor Lenssen and Councilor Wohlrab absent with notice.

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Public Works Director Steve Banham, City Clerk Pam Brown and City Administrator Mike Martin.

OATH OF OFFICE - None

APPROVAL OF MINUTES

Councilor Kuiken moved and Councilor Laninga seconded to approve the regular council minutes of August 5, 2019 and the special council meeting held August 1, 2019 during the Public Safety Committee meeting. Motion approved on a 5-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled:

Sandy Ward of the Bellingham Whatcom Tourism Office presented the design efforts and project status of the regional Wayfinding sign program.

Nonscheduled: None

2. CONSENT AGENDA

Approval of Payroll Disbursed – August 1-15, 2019

Paychex EFT	$288,545.64
City of Lynden EFT	$62,981.01
Warrant Liability	$58,245.36
Subtotal	**$409,772.01**
Paychex EFT Liability	$6,667.68
Total EFT & Other Liabilities	**$416,449.69**

Approval of Claims – August 20, 2019

Manual Warrants No.	73539	through	73539		$4,122.56
EFT Payment Pre-Pays					$3,410.07
				Sub Total Pre-Pays	$7,532.63
Voucher Warrants No.	73540	through	73681		$625,851.23
EFT Payments					32,490.57
				Sub Total	$658,341.80
				Total Accts. Payable	**$665,874.43**

2018 Berthusen Park Annual Report
The Berthusen Will granting Berthusen Park to the City stipulates that a financial report be reviewed by Council annually. The Finance Committee reviewed the annual report at their August 19 meeting.

Contract with NW Ecological to Update Critical Area Maps
The City of Lynden recently updated its critical area code found in Chapter 16.16 of the Lynden Municipal Code (LMC). As a supplement to the code, Planning staff rely on a critical area inventory and map to identify areas within the City where critical areas are believed to exist.

The current critical area inventory and map were created in 2002. These documents would benefit from updated field verification and revisions utilizing current terminology. Deliverables will include GIS data which can be layered into the City's database. Northwest Ecological Services has been selected from our vendor list to assist in the update.

The proposed work of the consultant does not assume access to private property. It does not constitute an official delineation or replace the need for critical area studies as required in LMC 16.16. The update to critical areas inventory and map was included in the City's 2019 Budget at a cost of $8,000. It is anticipated that the final cost will be $9,900. As such additional funding will be requested in the 2020 Budget to complete the contract. Expenses in 2019 will not exceed the budgeted amount of $8,000.

Ordinance 1590- Amending LMC Chapter 13.12 – Septic to Water
The revisions to Ordinance 1590 preserve the residential waiver of sewer connection fees; but adds conditions for non-single-family septic to sewer conversions. As larger parcels want to connect

under the waiver, the City needs to consider adjacent properties that might also want to connect which might require a utility easement as a condition of the waiver. The Public Works Committee reviewed this at their August 7 meeting and concurred to recommend approval to the full City Council.

Set Public Hearing Date for Water System Plan Update Service Area Map
City staff is working with RH2 Engineering to finalize the update to the City's Water System Plan (WSP). Staff has addressed comments from the Department of Health and Department of Ecology on the draft submittal, and now it's time to resubmit the plan for final comments and approval.

Whatcom County, as part of their review, requires that the City hold a meeting to hear any public comment on City changes before including the service area map revision in the County's Coordinated Water System Plan.

At the request of the Department of Health the City has committed to provide water to adjoining water associations with nitrate contamination, should the City first obtain sufficient water rights. The Public Works Committee reviewed the information their August 7th meeting and directed staff to forward to City Council to set a public hearing date of September 3, 2019.

Set the Public Hearing to Consider Extension of the Pepin Creek Moratorium
The Pepin Creek moratorium has been in place since September of 2016. It was established in recognition of significant constraints associated with what is now known as the Pepin Creek Sub-area. The City has undertaken significant efforts to examine these constraints and develop solutions which would allow for growth in this area. Some of these key points are noted below:

May 2017 – City initiates a Pepin Creek sub-area study and the drafting of a sub-area plan
July 2018 – Value engineering study held to explore alternate creek realignment options
September 2018 - Planning Department releases a draft of the Pepin Creek Sub-Area Plan
December 2018 – City officially amends the Comprehensive Plan and establish the Pepin Creek Sub-area
March 2019 – Adoption of residential design standards in light of future growth within the sub-area
March 2019 – City initiates a Financial Mitigation Study with Berk Consulting to establish the "fair share" contribution of development to the realignment and roadway improvements with the Pepin Creek Subarea

June 2019 – Engineering team completes the review and estimation of the Value Engineering scenarios
September 2019 – Engineering team develops phasing plan for the creek realignment project to deduce a preferred scenario

It has been determined that the significant infrastructure improvements associated with the creek re-alignment and the improvement of Benson and Double Ditch Roads must be undertaken in a phased approach.

Given this approach, the engineering team and the Public Works department is developing a preferred scenario which is expected to be finalized in September. Subsequently, the financial mitigation study, which began in March, can then be completed as it must correspond closely with a specific plan for creek realignment and a corresponding transportation network.

As these final elements are defined and executed, City staff recommends that the moratorium on construction and development within the Pepin Creek area be continued an additional 6 months from the current date of expiration of September 9, 2019.

Councilor Bode moved and Councilor De Valois seconded to approve the Consent Agenda. Motion approved on a 5-0 vote.

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Final Plat Approval – North Prairie Phase 7, Division 2
In September of 2017 the City 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 plat is approximately 23 acres and has a single-family zoning of RS-72. On December 17, 2018 the City Council authorized an amendment to the development plan which allowed the 93-lot plat to be split into two divisions. At the same meeting the Council authorized final plat approval Division 1 which is made up of 60 lots. Mr. Libolt is now requesting final plat approval of Division 2. This includes the remaining 33 lots of the North Prairie Phase 7 Long Plat.

Staff recommends granting final plat approval based on the following conditions:
1. Completion of all punch list items.
2. Submittal and acceptance of required maintenance bonds and any necessary performance bonds.
3. Payment of final inspection fees for plat construction.
4. Submittal of final as-built drawings.
5. Submittal of final plat mylars.
6. Final development fees paid in full.

Councilor Bode moved and Councilor Strengholt seconded to grant final plat approval of Division 2 of the North Prairie Phase 7 Long Plat subject to the condition noted. Motion approved on 5-0 vote

6. OTHER BUSINESS

Council Committee Updates

Councilor Bode reporting for the Public Works Committee, involving the discussion of:
- School District request for additional parking at the old middle school on Main Street
- 25 MPH speed limit on Northwood Road
- Pedestrian improvements for Line Road
- Old water treatment plant demolition
- YMCA pool is scheduled to open Monday, August 26

Councilor Kuiken reporting for the Finance Committee, involving the discussion of:
- Presentation from satellite agencies involving 2020 budget requests
- Sales tax revenue is close to the projected budget and remains strong
- Fire & Police department overtime hours

Councilor De Valois stated that the Parks Committee meeting had been re-scheduled and would be held tomorrow, August 20, 2019 at 4:00 p.m.

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

The August 19, 2019 regular session of the Lynden City Council adjourned at 7:40 p.m.

Pamela D. Brown
Pamela D. Brown, MMC
City Clerk

Scott Korthuis
Scott Korthuis
Mayor