Mayor Scott Korthuis

Council Members
Gary Bode
Ron De Valois
Gerald Kuiken
Nick H. Laninga
Brent Lenssen
Kyle Strengholt
Mark Wohlrab



Online (Microsoft Teams) City Council Meeting City Annex- 205 Fourth Street November 01, 2021

Unscheduled public comment will not be taken at online council meetings. To schedule time to address council, contact the city clerk at 360-255-7085 before 12:00 noon on the day of the council meeting. You will be asked to provide your name, address, and a brief description of your topic for the council file. The time limit to speak to any topic that is not on that night's agenda is 3 minutes.

Members of the public may choose to join the city council meeting telephonically by dialing 1-253- 948-9362. You will then be prompted to enter the Conference ID 756 533 893 # . It is necessary to enter the # symbol.

Call to Order

Pledge of Allegiance - Not at this time.

Roll Call

Oath of Office

Approval of Minutes

Draft Council Minutes - October 18, 2021

Items from the Audience

Scheduled

Unscheduled (20 Minutes)

Unscheduled public comment will not be taken at online council meetings. To schedule time to address council, contact the city clerk at 360-255-7085 before 12:00 noon on the day of the council meeting. You will be asked to provide your name, address, and a brief description of your topic for the council file. The time limit to speak to any topic that is not on that night's agenda is 3 minutes.

Consent Agenda

- 2. Approval of Payroll and Claims
- 3. Ordinance No. 1637- Parks Exclusion Ordinance
- 4. Set the Public Hearing for the 2022 Property Tax Levy
- 5. 2020 Berthusen Park Annual Report
- 6. Set Public Hearing Date of December 6, 2021 to Hear Public Comment on Revisions to the Engineering Design and Development Standards Project Manual

Public Hearing

7. Public Hearing for the 2022 Budget

Unfinished Business

New Business

Other Business

- 8. Public Safety Draft Minutes- October 7, 2021
- 9. Draft Parks Committee Minutes October 18, 2021
- 10. Calendar

Executive Session

<u>Adjournment</u>

EXECUTIVE SUMMARY



Meeting Date:	November 1, 2021			
Name of Agenda Item:	Draft Council Minutes- Regular Meeting			
Section of Agenda:	Approval of Minutes	Approval of Minutes		
Department:	Administration			
Council Committee Review:		<u>Legal Review:</u>		
☐ Community Development ☐	Public Safety	☐ Yes - Reviewed		
☐ Finance ☐	Public Works	☐ No - Not Reviewed		
□ Parks □	Other: N/A	□ Review Not Required		
Attachments:				
Draft Council Minutes- Regular	Meeting			
Summary Statement:				
Draft Council Minutes- Regular	Meeting			
Recommended Action:				
For Council review.				

CITY COUNCIL
MINUTES OF REGULAR MEETING



October 18, 2021

1. CALL TO ORDER

Mayor Korthuis called to order the October 18, 2021 regular session of the Lynden City Council at 7:00 p.m., which was held online, via Microsoft Teams.

ROLL CALL

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

Members absent: Councilor Gerald Kuiken, absent with notice.

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 Administrator John Williams, City Attorney Bob Carmichael, and City Clerk Pam Brown.

OATH OF OFFICE- None

APPROVAL OF MINUTES

Councilor De Valois moved and Councilor Laninga seconded to approve the October 4, 2021, regular council minutes as presented. Motion approved on a 6-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled:

Danielle Groeneweg, Lynden, WA

Danielle, as a representative of the Common Sense Coalition:

- Asked the City to discontinue COVID testing of the city's wastewater.
- Asks that city council meetings be held in person, rather than online.
- Asked who makes the decision at the Lynden Library as to what age a child must be to require a mask.

CITY COUNCIL MINUTES OF REGULAR MEETING



- Requested that members of Council attend Lynden School Board meetings to show that they are concerned about their community.
- Invited city council members to attend Common Sense Coalition meetings to get an understanding of what parents in the community think.

Mayor Korthuis asked Danielle Groeneweg for her contact information so that he could give her a call and discuss her remarks.

Unscheduled: None

2. CONSENT AGENDA

Payroll Liability to October 1 through October 15, 2021

EFT & Other Liabilities

Non-L&I	Liabilities
11011 -	

Quarterly Liabilities	\$11,923.80
Total Non-L&I Liabilities	\$376,830.55
Check Liability	\$11.871.52
Monthly EFT	\$364,959.03

Total EFT & Other Liabilities \$388,754.35

Approval of Claims - October 19, 2021

Approval of Glains	COLOB	SI IJ, LUL	<u> </u>		
Manual Warrants No.	23039	through	23040		\$2,613.30
EFT Payment Pre-Pays					\$147,087.70
				Sub Total Pre-Pays	\$149,701.00
Voucher Warrants No.	23045	through	23167		\$1,171,528.82
EFT Payments					<u>\$0.000</u>
			•	Sub Total	\$1,171,528.82
				Total Accts. Payable	\$1,321,229.82

Councilor Bode moved and Councilor De Valois seconded to approve the Consent Agenda. Motion approved on a 6-0 vote.

CITY COUNCIL
MINUTES OF REGULAR MEETING



- 3. PUBLIC HEARING- None
- 4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Ordinance No. 1628- Vacate Application 21-01-Redwood Road

Compass Point Survey, on behalf of the West Lynden Business Park, has applied for the vacate of a portion of Redwood Road right-of-way. The area to be vacated is approximately 48,000 square feet of unimproved property meant for the future construction of Redwood Road. This dedication was originally made with the approval of

the West Lynden Business Park General Binding Site Plan with the intent that it would be constructed at the time of development.

Needs of the industrial market seem to indicate that large scale parcels are desirable. As such, the applicant has requested that the public right-of-way be shifted east so as to not limit the design potential of the parcel. On July 6, 2021 the City Council held a hearing on the item. No public comment was given.

Subsequently staff conducted an analysis of the value of the property to be vacated and the value of the property which will be dedicated. New dedications include both right-of-way and utility easements. Analysis concluded that the area dedicated was equivalent to that being vacated. Staff and the Public Works Committee recommend that no additional compensation be collected from the applicant.

Councilor Lenssen moved and Councilor Bode seconded to approve Ordinance No. 1628 which vacates an unbuilt portion of Redwood Road right-of-way and additionally accept the equivalent dedication of right-of-way and utility easements as depicted in Exhibits B through F and authorize the Mayor's signature on the document. Motion approved on a 6-0 vote.

Final Plat Approval – Kode Kamp Long Plat, Phase I

City Council granted preliminary approval for the Kode Kamp Vista long plat on March 15, 2021. The subdivision of approximately 28 acres is located at the northeast corner of Kamm Road and Northwood Road. Ultimately it divides the property into 92 lots. The first

CITY COUNCIL
MINUTES OF REGULAR MEETING



of two phases of this plat has come forward for final plat approval. Phase 1 includes 65 lots and develops all but the northwest corner of the property.

It should be noted that at the time of preliminary approval the applicant indicated that 5 of the lots would be used for duplexes as they are permitted by the Residential Mixed Density zoning designation. Since then, the applicant has indicated a preference for all lots to be dedicated to single family use and the plat will be noted as such unless the Council objects.

The Council is being asked to consider final plat approval for Phase 1 of the Kode Kamp Vista Long Plat under the following conditions:

- 1. Completion of all punch list items including fencing critical areas.
- 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.
- 7. Condition that all street trees are installed prior to final plat approval of Phase 2.

Councilor Lenssen moved and Councilor Wohlrab seconded to grant final approval of Phase 1 of the Kode Kamp Visa Long Plat subject to the conditions 1-7 listed above, and to authorize the Mayor's signature on the final plat documents. Motion approved on a 6-0 vote.

Introduction of the 2022 Preliminary Budget and the Mayor's Budget Message
The Mayor will read his 2022 Budget message to the Council and present the Council with a copy of this message and the 2022 Preliminary Budget.

Due to the meeting being online the budget packets will be placed in the Council mailboxes at City Hall by Thursday, October 14th and a confirmation email will be sent.

For information only. No action taken.

CITY COUNCIL MINUTES OF REGULAR MEETING



6. OTHER BUSINESS

Councilor Mark Wohlrab reporting for the Public Safety Committee:

- · Review of Fire and Police OT
- Asst. Chief Ryan Yoshimoto was introduced
- Fire Department monthly report reviewed
- Local 106 IAFF contract has been ratified
- Fire Station timeline has been moved back to sometime in November
- Police Department monthly report reviewed
- One lateral police position is being processed
- COVID vaccine mandate deadline

Councilor Bode reporting for the Public Works Committee:

- Redwood Road vacate
- Double Ditch Road/Pine Street traffic counts
- Hourly rates for equipment were reviewed
- Two new public works positions have been budgeted
- Benson Road water line replacement
- Front Street tree trimming schedule
- Roundabout design for Main Street and Berthusen
- Bradley/Line Road re-design review
- Darigold water line project
- KOA stormwater pond/recreational pond
- Darigold employee crosswalk

Councilor Lenssen for reporting for LTAC Committee

Expenditure overview

Councilor Strengholt reporting for the Finance Committee:

- Split meeting with LTAC and Satellite Agencies
- Review of sales tax data

Councilor De Valois reporting for the Parks Committee:

- Parks exclusion ordinance
- Benson barn scope of work
- Dickinson Park conservation stewardship plan
- Park signs
- Glenning property playgrounds and restrooms
- Benson Park inspection

CITY COUNCIL
MINUTES OF REGULAR MEETING



- Dickinson house inspection and flooring project
- Dickinson house rental agreement
- October 7, 2021 community meeting re: Dickinson Park
- 8th Street trail project

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

The October 18, 2021, regular session of the Lynden City Council adjourned at 7:45 p.m.

	· · · · · · · · · · · · · · · · · · ·	
Pam Brown, MMC		Scott Korthuis
City Clerk		Mayor

EXECUTIVE SUMMARY



weeting Date:	November 1, 2021				
Name of Agenda Item:	Approval of Payroll and Claims				
Section of Agenda:	Consent				
Department:	Finance				
Council Committee Revi	ew:	Legal Review:			
☐ Community Developme	ent 🗌 Public Safety	☐ Yes - Reviewed			
	☐ Public Works	☐ No - Not Reviewed			
☐ Parks	☐ Other:	⊠ Review Not Required	⊠ Review Not Required		
Attachments:					
None					
Summary Statement:					
Approval of Payroll and Claims					
Recommended Action:					
Approval of Payroll and Claims					

EXECUTIVE SUMMARY



Meeting Date:	November 1,2021			
Name of Agenda Item:	Exclusion Ordinance			
Section of Agenda:	Consent			
Department:	Parks			
Council Committee Revi	ew:	Legal Review:		
☐ Community Developme	ent Public Safety			
☐ Finance	☐ Public Works	☐ No - Not Reviewed		
□ Parks	☐ Other:	☐ Review Not Required		
Attachments:				
Exclusion Ordinance 1637				
Summary Statement:				
* *	0.	activities in City Parks but provided no process		
	llow to exclude persons from the pa			
This ordinance will allow any law enforcement officer of the City of Lynden to temporarily exclude from city				
parks anyone who violates provisions of the City code or any park rules.				
Parks Committee reviewed the ordinance at their meeting on October 18 and agreed to forward the				
ordinance to full council for approval.				
Recommended Action:				
Motion to approve Ordinance 1637 allowing for the exclusion of anyone who violates provisions of the				

Lynden Municipal Code or Park rules by written notice and authorize the mayor's signature on said ordinance.

ORDINANCE NO. 1637

AN ORDINANCE OF THE CITY OF LYNDEN, COUNTY OF WHATCOM, AMENDING CHAPTER 12.24 OF THE LYNDEN MUNICIPAL CODE TO ALLOW FOR THE EXCLUSION OF ANYONE WHO VIOLATES PROVISIONS OF THE LYNDEN MUNICIPAL CODE, REVISED CODE OF WASHINGTON, OR PARK RULES IN A CITY OF LYNDEN PARK BY WRITTEN NOTICE

WHEREAS, the City of Lynden ("City") has experienced an increase in certain behavior among visitors to city parks that is damaging to park infrastructure or disruptive to the enjoyment of such parks by the wider public, including harassment, bullying, and other violations of the City code; and

WHEREAS, the City passed an ordinance addressing prohibited uses and activities in City parks but provided no process for law enforcement to follow to exclude persons from the parks; and

WHEREAS, the City desires to amend the Lynden Municipal Code to expressly allow any law enforcement officer of the City of Lynden to temporarily exclude from city parks anyone who violates provisions of the City code, the Revised Code of Washington, or any park rules; and

WHEREAS, this ordinance is declared to be an exercise of the policy power of the City of Lynden, and its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, health, safety, and welfare; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW THEREFORE, BE IT ORDAINED as follows:

<u>Section 1.</u> Chapter 12.24.200 - .230 of the Lynden Municipal Code are hereby added to the Code as follows:

12.24.200 Exclusion.

Any law enforcement officer of the City of Lynden may exclude from a Lynden city public park ("city park"), by delivering an exclusion notice, anyone within a city park who:

- A. Violates any provision of or within this chapter; or
- B. Violates any park rules as defined in this chapter; or
- C. Violates any provision of the City of Lynden Municipal Code or Revised Code of Washington.

The person subject to exclusion ("subject") need not be charged, tried or convicted of any crime or infraction in order for any exclusion notice to be issued or effective. The exclusion may be based upon observation by the law enforcement officer or upon civilian reports that would be ordinarily relied upon by the law enforcement officer in determination of probable cause. At the time of exclusion of any person from a city park, the law enforcement officer shall deliver to the subject the exclusion notice either in person or by First Class Mail and Certified Mail to said subject at their last known address. The exclusion notice shall be deemed issued and effective immediately upon in person delivery, or in the event of mail delivery, two business days after the date of mailing, as documented by an affidavit of mailing.

The issuance of an exclusion notice shall be in addition to other penalties authorized under this chapter.

12.24.210 Duration of exclusion.

- A. If the subject has not been excluded from any city park by an exclusion notice issued within one year prior to a committing a violation identified in LMC 12.24.200 ("violation") and the current violation is not a felony offense or an offense involving possession or use of weapons or controlled substances, then the subject may be excluded from all city parks for a period of thirty (30) days from the date of issuance of the exclusion notice.
- B. If the subject has been issued only one prior exclusion notice within one year prior to the violation and neither the current violation nor the previous violation is a felony or an offense involving possession or use of weapons or controlled substances, then the subject may be excluded from all city parks for a period of ninety (90) days from the date of issuance of the exclusion notice.
- C. If the subject has been issued two prior exclusion notices within one year prior to the violation and neither the current violation nor the previous violations are a felony or an offense involving possession or use of weapons or controlled substances, then the subject may be excluded from all city parks for a period of six (6) months from the date of issuance of the exclusion notice.
- D. If the subject has been issued three prior exclusion notices within one year prior to the violation and neither the current violation nor the previous violations are a felony or an offense involving possession or use of weapons or controlled substances, then the subject may be excluded from all city parks for a period of one (1) year from the issuance of the exclusion notice.
- E. If the subject has committed a felony offense, or an offense involving possession or use of weapons or controlled substances, the subject may be

excluded from all city parks for a period of one (1) year from the issuance of the exclusion notice.

F. If the subject returns to any city park during the time of exclusion, he or she will be subject to arrest and prosecution for criminal trespass.

The exclusion notice rules set forth herein are summarized below:

Type of Offense	First	Second	Third	Fourth
Park Rules Violation; LMC Violation or Misdemeanor offense	30 days	90 days	6 Months	1 Year
Felony/Weapons/Drugs	1 Year			

12.24.220 Notice and appeal.

- A. The exclusion notice shall be in writing and shall contain the date of issuance. The exclusion notice shall specify the length and places of exclusion. It shall be signed by the issuing law enforcement officer. Warning of the consequences for failure to comply shall be prominently displayed on the notice.
- B. Only the park hearings officer as defined in LMC 12.24.230, and only after a hearing, may shorten or rescind an exclusion notice.
- C. A subject receiving an exclusion notice longer than thirty (30) days may seek a hearing before the park hearings officer to have the exclusion notice shortened or rescinded. The request for a hearing shall be delivered to the park hearings officer's office no later than ten (10) days after the issuance date of the exclusion notice, as determined under LMC 12.24.200. The request for a hearing shall be in writing and shall be accompanied by a copy of the notice on which the hearing is sought. The hearing should occur within fourteen (14) days after the park hearings officer receives the request, or as soon thereafter as reasonably feasible. The park hearings officer shall take reasonable steps to notify the subject of the date, time, and place of the hearing.
- D. At the hearing, the violation must be proven by a preponderance of the evidence in order to uphold the exclusion notice. If the notice was issued because of the alleged violation of any criminal law, the offender need not be charged, tried or convicted for the exclusion notice to be upheld. The notice establishes a prima facie case that the subject committed the violation as described. The park hearings officer shall consider a sworn report or a declaration under penalty of perjury as authorized by RCW 9A.72.080, written by the issuer, without further

evidentiary foundation. The park hearings officer may consider information that would not be admissible under the evidence rules in a court of law but which the hearings officer considers relevant and trustworthy. The proceedings of any hearing held under this section shall be recorded.

- E. If the violation is proven, the exclusion notice shall be upheld; but upon good cause shown, the park hearings officer may shorten the duration of the exclusion. If the violation is not proven by a preponderance of evidence, the park hearings officer shall rescind the exclusion. If the exclusion is rescinded it shall not be considered a prior exclusion.
- F. The final decision of a park hearings officer is the final decision of the City. Such final decision shall be in writing and issued within seven (7) days of the hearing's conclusion. A subject seeking judicial review of the park hearing's officer decision on his or her exclusion notice must file an application for a writ of review in the Whatcom County superior court within twenty-one (21) days of the date of issuance of the final decision. The date is issuance shall be the date of delivery of the written decision to the subject of the exclusion in person or by First Class and Certified Mail to his or her last known address as documented by an affidavit of service or mailing. For delivery by mail, the date of delivery shall be within two (2) business days following the date of said written decision.
- G. The exclusion shall remain in effect during the pendency of any administrative or judicial proceeding.
- H. When excluding a person under the age of thirteen, a reasonable effort will be made by the person issuing the exclusion to notify the parents/guardian of the exclusion.

12.24.230 Park hearings officer.

The park hearings officer shall be the city administrator, or his or her designee. The park hearings officer shall conduct a hearing if an appeal is filed pursuant to LMC 12.24.220 and shall have the authority to issue subpoenas to compel attendance.

<u>Section 2.</u> If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

<u>Section 3.</u> Any ordinance or parts of ordinances in conflict herewith are hereby repealed.
<u>Section 4.</u> This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.
PASSED by the City Council of the City of Lynden, Whatcom County, Washington on the day of, 2021 and signed and approved by the Mayor on the same date.
MAYOR
ATTEST:
CITY CLERK
APPROVED AS TO FORM:
CITY ATTORNEY

NOTICE OF VIOLATION AND EXCLUSION FROM PARKS CITY OF LYNDEN, WASHINGTON

Name						
Addre		Last		First	Phone #:	Middle
Sex:	Race:	DOB:	HT:	WT:	Hair:	Eye:
		NOTICE (OF VIOLATION	AND EXCLUSION		
	day of Lynden park, park facil					
by do	ing the following:					
prior vi	ve received o olations, you are here	by excluded from	the following	oarks, park faciliti	es, and/or progra _ for a period of _	ms:
The exa	act boundaries of each	park listed may l	be found at: htt	:ps://www.lynder	iwa.org/parks/.	
This no	tice of violation and ex	xclusion is effecti	ve on		and expires o	n
		NOTIC	E OF WARNING	S AND RIGHTS		
1.	You are prohibited for during the noted per		emaining in or	on the park prope	erty described abo	ove for any reason
3.	If you enter in or on may receive a further of the exclusion period exclusion in writing a Lynden, WA 98264. Yand must be accompanite explaining which shortened. All writter fourteen (14) days a reasonably feasible. Municipal Code 12.2	er notice of violation is greater than requesting a hear Your appeal must banied by a copy by the exclusion is an materials inclufter the park hear Additional inform	ion and exclusion thirty (30) day ing to the park to be filed withing of this Notice. You invalid or impuding this Notice rings officer records.	on and/or be arre s, you may appea hearings officer (ten (10) days aft ou may submit a coper, or why the will be considere eives the appeal	sted for criminal to this notice of vio City Administrato er the issuance dowritten statemen duration of the end at the hearing, request, or as soo	crespass. Ilation and r) at 300 4 th Street, ate of this Notice at with your appeal exclusion should be which will occur an thereafter as
Signat	ure of Recipient					
I, Signed	this day of _	, Ci	ertify under per	nalty of perjury th	at the foregoing i	s true and correct.

Signature of Authorized Official

EXECUTIVE SUMMARY



Meeting Date:	November 1, 2021				
Name of Agenda Item:	Set the Public Hearing for the 2022 Property Tax Levy				
Section of Agenda:	Consent				
Department:	Finance				
Council Committee Revi	ew:	Legal Review:			
☐ Community Developme	ent Public Safety	☐ Yes - Reviewed			
⊠ Finance	☐ Public Works	☐ No - Not Reviewed			
☐ Parks	☐ Other:	□ Review Not Required			
Attachments:					
None					
Summary Statement:					
On Monday, October 18, 2021 the Mayor introduced the 2022 Preliminary Budget to the City Council and the Public. As required by the budget process, in order to receive public comments before adoption, a public hearing is required for consideration of any public commentary regarding the property tax levy. At this time, the request is to set the property tax levy on Monday, November 15, 2021 at 7:00PM.					
Recommended Action:					
For Council to set a public hearing on Monday, November 15, 2021 to hear and consider from the public, testimony regarding the property tax rate.					

EXECUTIVE SUMMARY - FINANCE



Meeting Date:	November 1, 2021				
Name of Agenda Item:	2020 Berthusen Park Annual Report				
Section of Agenda:	Consent				
Department:	Finance				
Council Committee Revi	ew:	Legal Review:			
☐ Community Developme	ent Public Safety	☐ Yes - Reviewed			
⊠ Finance	☐ Public Works	☐ No - Not Reviewed			
☐ Parks	☐ Other:	⊠ Review Not Required			
Attachments:					
2020 Berthusen Park Fina	ncial Report:				
Summary Statement:					
Annual Review of the Berthusen Park Financial Report: As stipulated in the Berthusen will granting Berthusen Park to the City of Lynden, a financial report needs to be reviewed by the City Council.					
Recommended Action:					
For Information Only.					

BERTHUSEN PARK - 2020 FINANCIAL REPORT

REVENUES:

Non-Operating Revenues:

 Beginning Cash/Investment (Reserved)
 110,837

 Beginning - Cash/Investments (Unreserved):
 34,537

 Interest Income - Trust
 693

 Total Non-Operating Revenues:
 \$ 146,067

Operating Revenues:

65,000 Real Estate Property Taxes Interest 38 **Facility Rentals** 3,885 Land Leases 20,439 House Rent 2,568 6,745 Miscellaneous Agency Deposit - Tax 3,657 **Total Operating Revenues:** 102,332

TOTAL REVENUES: \$ 248,399

EXPENDITURES:

Operating Expenditures:

Salaries/Benefits 45,865 Advertising 0 Agency Disbursements 3,743 Assessments/Taxes 495 761 Communications 7,475 Insurance **Public Utilities** 1,616 Repairs/Maintenance 12,925 Supplies 5,611 Miscellaneous 677 **Total Operating Expenditures:** 79,168

TOTAL EXPENDITURES: \$ 79,168

TOTAL ENDING CASH/INVESTMENT \$ 169,231

ALLOCATION:

ENDING CASH/INVESTMENT - TRUST (Restricted) \$ 72,220
ENDING CASH-WORKING CAPITAL (Unrestricted) \$ 97,011

Prepared by: Anthony Burrows, Finance Director

Council Review: November 1, 2021

Published Lynden Tribune: November 3, 2021

EXECUTIVE SUMMARY - City Council



Meeting Date:	November 3, 2021	
Name of Agenda Item:	Set Public Hearing Date of December 6, 2021 to Hear Public Comment on Revisions to the Engineering Design and Development Standards Project Manual	
Section of Agenda:	Consent	
Council Committee Review: Legal Review:		Legal Review:
☐ Community Developme	ent ☐ Public Safety	☐ Yes - Reviewed
☐ Finance	⊠ Public Works	☐ No - Not Reviewed
☐ Parks	☐ Other:	□ Review Not Required
Attachments:		
Proposed Resolution No.	1042	
Summary Statement:		
The Engineering Design and Development Standards Project Manual was originally adopted by City Council on April 5, 2004, and was last updated in January 1, 2021. These standards are required by the City's Growth Management Act and include street, water, sewer, and storm drainage standards. In response to inquiries, changes in technology, and the feedback from customers, additions, deletions and/or clarifications have been made to the project manual. The manual also addresses access issues, permitting processes and procedures, and includes various forms necessary in the development process. Staff is updating the Manual annually and presents Resolution No. 1042 along with a list of revisions for Council review. The Public Works Committee reviewed the updates at their October 6, 2021 meeting and recommended that they be forwarded to City Council for consideration.		
Recommended Action:		
That City Council set a Public Hearing date of December 6, 2021 to hear comments on proposed Resolution No. 1042 – 2022 Update to the Engineering Design and Development Standards Project Manual.		

RESOLUTION NO. 1042

A RESOLUTION REVISING THE ENGINEERING DESIGN AND DEVELOPMENT STANDARDS PROJECT MANUAL FOR THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON AMENDING RESOLUTION NO. 1026

WHEREAS, the City of Lynden, Whatcom County, Washington last adopted the Design and Development Standards Project Manual in January 2021; and

WHEREAS, the following sections of the Design and Development Standards Project Manual have been revised and updated as follows:

LIST OF REVISED TEXT BY DIVISION

DIVISION 2 APPLICANT CHECKLIST

Section 2.3.H Added information regarding construction inspection for Business,

commercial, and industrial projects.

DIVISION 3 CONSTRUCTION PLAN REQUIREMENTS

No updates.

DIVISION 4 STREET DESIGN STANDARDS

General	Updated aggregate t	for road base to C	Gravel Borrow.
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Section 4.4.A, B Updated aggregate for road base specification to Gravel Borrow. Added provision for flexibility in lane widths within the Pepin Creek

Subarea.

Section 4.22.A.10 Removed information and referenced section 8 for stormwater

management information.

Section 4.22.B.2 Updated aggregate for road base to Gravel Borrow.

Section 4.23 Added reference to table 4-4 in text section.

Section 4.25 Added USPS website reference for mailbox installation guidance and

referenced 2 figures for mailbox installation.

DIVISION 5 SITE ACCESS/DRIVEWAYS

Section 5.2.A Clarified access point guidance is for residential lot access. **Section 5.3.A** Added clarification for residential lot access to adjacent streets.

Section 5.8.A Removed access for single lot details, and reference LMC for lot design

and access.

DIVISION 6 WATER DESIGN STANDARDS

Section 6.2.K Added public and private hydrant paint color clarification.

Section 6.5.B Added clarification for private fire lines with assorted valve types.

DIVISION 7 SEWER DESIGN STANDARDS

No updates.

DIVISION 8 STORM DRAINAGE AND EROSION CONTROL

General Updated stormwater terminology from retention/detention to flow control and runoff treatment.

Section 8.5.1.C Added private stormwater facility overflow requirement.

Section 8.5.1.K Added reference to Lynden Municipal Code requirements for grease, oil,

and sand interceptors.

Section 8.5.7.2 Updated infiltration system requirements to reference Department of

Ecology, and to have no effect on the roadway base.

Section 8.5.7.3 Added clarification of when infiltration trenches are acceptable in City

Trail shoulders.

DIVISION 9 STANDARD FORMS

No updates.

DIVISION 10 PERMIT APPLICATIONS

Section 10.21 Updated as-built requirements.

LIST OF REVISED FIGURES BY DIVISION:

*Note: All figures have been updated to be on the most recent title blocks and using uniform font and text size. Some figures have been renumbered.

DIVISION 4 STREET DESIGN STANDARDS

Figure 4-1

- Updated base material to extend 1.0' past curb and gutter.
- Corrected sidewalk base hatches to be consistent with figure 4-18.

Figure 4-2

- Updated base material to extend 1.0' past curb and gutter.
- Corrected sidewalk base hatches to be consistent with figure 4-18.
- Updated to reference Gravel Borrow standard for base material.

Figure 4-3

- Updated base material to extend 1.0' past curb and gutter.
- Corrected sidewalk base hatches to be consistent with figure 4-18.
- Updated to reference Gravel Borrow standard for base material.

Figure 4-4

- Updated base material to extend 1.0' past curb and gutter.
- Corrected sidewalk base hatches to be consistent with figure 4-18.
- Updated to reference Gravel Borrow standard for base material.
- · Corrected Roadway Width dimension.

Figure 4-5

- Added 2" crushed rock shoulder.
- Updated to reference Gravel Borrow standard for base material.

Figure 4-6

- Updated base material to extend 1.0' past curb and gutter.
- Corrected sidewalk base hatches to be consistent with figure 4-18.
- Updated to reference Gravel Borrow standard for base material.

Figure 4-7

- Added limestone trail section option.
- Updated to reference Gravel Borrow standard for base material.

Figure 4-12

Updated to reference Gravel Borrow standard for base material.

Figure 4-18

- Updated base material to extend 1.0' past curb and gutter.
- · Corrected sidewalk base hatch depth.

Figure 4-28

- Clarified HMA trench patch thickness requirement.
- Clarified steel plate requirements.

Figure 4-31

Added primary and alternate street tree locations.

Figure 4-35

• Added "BOLLARD TYPE 2" figure. (WSDOT Standard plan H-60.20-01)

Figure 4-36

Updated to reference Gravel Borrow standard for base material.

Figure 4-38

Added "SPLIT RAIL FENCE" figure.

Figure 4-39

• Added "WOODEN PEDESTRIAN FENCE" figure.

Figure 4-40

Added "MAILBOX SUPPORT TYPE 1" figure (1 of 2).

Figure 4-41

• Added "MAILBOX SUPPORT TYPE 1" figure (2 of 2).

Figure 4-42

Added "PEPIN PARKWAY TYPICAL SECTION" figure.

Figure 4-43

Added 'Traffic Impact Analysis' Figure.

DIVISION 5 SITE ACCESS/DRIVEWAYS

Figures 5-4

Updated to reference Gravel Borrow standard for base material.

Figure 5-6

Updated to reference Gravel Borrow standard for base material.

DIVISION 6 WATER DESIGN STANDARDS

Figure 6-1

Updated acceptable hydrants.

Figure 6-5

• Updated drain hole for consistency with WSDOT standard plan.

Figure 6-6

Updated drain hole for consistency with WSDOT standard plan.

Figure 6-10

• Updated to reference Gravel Borrow standard for base material.

Figure 6-18

- Clarified HMA trench patch thickness requirement.
- · Clarified steel plate requirements.

DIVISION 7 SEWER DESIGN STANDARDS

Figure 7-2

Added reference to section 7.2.J for coating and sealing requirements.

Figure 7-3

• Added reference to section 7.2.J for coating and sealing requirements.

Figure 7-4

• Added reference to section 7.2.J for coating and sealing requirements.

Figure 7-8

- Updated base material to extend 1.0' past curb and gutter.
- Corrected sidewalk base hatches to be consistent with figure 4-18.

Figure 7-14

- Clarified HMA trench patch thickness requirement.
- Clarified steel plate requirements.

DIVISION 8 STORM DRAINAGE AND EROSION CONTROL

Figure 8-12

- Clarified HMA trench patch thickness requirement.
- Clarified steel plate requirements.

NOW, THEREFORE BE IT RESOLVED by the Lynden City Council of the City of Lynden, Washington, as follows:

<u>Section 1</u>: That the aforesaid Project Manual be adopted as revised as the official Design and Development Standards Project Manual for the City of Lynden, Whatcom County, Washington.

<u>Section 2</u>: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of

this resolution.

<u>Section 3</u>: If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 4: This resolution shall be in full force and effect on January 1, 2022.

PASSED BY THE CITY COUNCIL of the City of Lynden, Whatcom County, Washington, on the 6th day of December, 2021 and signed and approved by the Mayor on the same date.

ATTEST:	MAYOR SCOTT KORTHUIS
CITY CLERK	
APPROVED AS TO FORM:	
CITY ATTORNEY	

EXECUTIVE SUMMARY



Meeting Date:	November 1, 2021	
Name of Agenda Item:	Public Hearing for the 2022 Budget	
Section of Agenda:	Public Hearing	
Department:	Finance	
Council Committee Revi	ew:	Legal Review:
☐ Community Developme	ent Public Safety	☐ Yes - Reviewed
⊠ Finance	☐ Public Works	☐ No - Not Reviewed
☐ Parks	☐ Other:	□ Review Not Required
Attachments:		
None		
Summary Statement:		
As published, 7:00PM on November 1, 2021 is the time and date set for the first Public Hearing on the 2022		
Preliminary Budget as presented to the City Council by Mayor Korthuis at the October 18, 2021 City Council		
meeting.		
Recommended Action:		
Conduct the required Public Hearing and consider any commentary by the public regarding the 2022 Preliminary Budget.		

EXECUTIVE SUMMARY



Meeting Date:	November 1, 2021	
Name of Agenda Item:	Public Safety Draft Minutes- October 7, 2021	
Section of Agenda:	Other Business	
Department:	Police	
Council Committee Revie	ew:	Legal Review:
☐ Community Development	□ Public Safety	☐ Yes - Reviewed
□ Finance	□ Public Works	☐ No - Not Reviewed
□ Parks	☐ Other:	□ Review Not Required
Attachments:		
Public Safety Draft Minutes- October 7, 2021		
Summary Statement:		
Public Safety Draft Minutes- October 7, 2021 attached for review.		
Recommended Action:		
For Council review.		

POLICE DEPARTMENT Steve Taylor, Police Chief (360) 354-2828



Public Safety Committee Meeting Minutes

Online (Microsoft Teams) 4:00 PM October 07, 2021

Call to Order

Roll Call

Members Present: Mayor Scott Korthuis and Councilors Mark Wohlrab, Brent Lenssen and Gerald Kuiken

Staff Present: City Administrator John Williams, Chief Mark Billmire, Assistant Chief Ryan Yoshimoto, Chief Steve Taylor, Lieutenant Jeremy Bos, Lieutenant Russ Martin, Support Services Manager Holly Vega

Approval of Minutes

1. Approval of September 9, 2021 meeting minutes

The minutes from the September 9, 2021 meeting were approved.

Items from the Audience Scheduled/Unscheduled None

Committee Items

2. Public Safety Overtime - September 2021

Police Department overtime hours were higher than normal in September due to being down 1 position, 2 officers out on COVID related household quarantine, 1 officer on bereavement leave, quarterly range training, and holiday hours. COVID related hours are tracked through Finance and may be eligible to apply for reimbursement.

Fire Department overtime hours were slightly lower than August, but still high due to volunteer hours being low, approximately 200 compared to 300-400 previously. Chief Billmire advised there has been an increase in participation recently, so there should be a reduction in October's overtime hours. Year to date hours is still lower than last year.

Fire Department Items

3. Introduction of AC Yoshimoto

Assistant Chief Ryan Yoshimoto was present and introduced himself. He started last Friday with onboarding, introductions, and touring the various City facilities.

4. Fire Monthly Report - September 2021

Chief Billmire presented the monthly report for September. 189 total calls, 78% of those being EMS calls, 42 transports, and 49 overlapping calls. Aid given 19 times; aid received 9 times. There were 15 COVID watch responses, and average response time was down at 5:21. A 20-year 9/11 remembrance ceremony was held, well attended, and appreciated.

5. L-106 Contract Update

The contract was ratified by the Department last Friday and approved by City Council on Monday. Chief Billmire complimented everyone involved, noting the process was well organized and went very smoothly.

6. Station Update

The expected completion date has been moved from October 15th to November 1st, which is a pretty firm deadline as the lease agreement on the temporary station is up in the middle of November. The ribbon cutting ceremony has been scheduled for December 3rd.

7. Staffing Update

The Civil Service Commission certified both the full-time and part-time hiring lists. One current volunteer has been selected to fill the full-time position, and 4 part-time employees have also been selected, 3 of those are current volunteers as well. The volunteer program will continue, there are 3 new volunteers in the recruit academy now.

Police Department Items

8. Police Monthly Report - September 2021

Chief Taylor presented the monthly report for September, noting call volume remains steady at 690 calls for service. Several crime stats ticked down from August with the incidents associated with the Fair. The State recently performed an audit of our Criminal Justice Information Services (CJIS) use, security, policies and procedures, and we were found to be in compliance across the board.

Oral board interviews were held today for 6 lateral applicants. The panel will review and discuss; Chief's interviews are tentatively scheduled for next week. Chief Taylor hopes to have someone onboard to fill the current vacancy before the end of the year, after all the required background, medical, psychological exams are completed.

Added Items

Councilor Wohlrab requested the status of the Fire Dept regarding the State vaccine mandate. Chief Billmire advised that there has been a lack of participation in providing the required documentation from everyone, so it is unknown how many employees will comply by the October 18th deadline. He will evaluate the potential impact to staffing levels at that time.

Councilor Lenssen requested an agenda item in the next month or so to discuss the metrics Mayor Korthuis spoke about regarding the addition of police officer positions.

Adjournment

Meeting adjourned at 4:32 p.m.

EXECUTIVE SUMMARY



Meeting Date:	November 1, 2021,	
Name of Agenda Item:	Draft Parks Committee Minutes October 18, 2021	
Section of Agenda:	Other Business	
Department:	Parks	
Council Committee Review:		Legal Review:
☐ Community Developme	ent	☐ Yes - Reviewed
☐ Finance	☐ Public Works	☐ No - Not Reviewed
□ Parks	☐ Other:	⊠ Review Not Required
Attachments:		
Draft Parks Committee Minutes October 18, 2021		
Summary Statement:		
See Next Page		
Recommended Action:		
For Council Review		

PARKS DEPARTMENT

Vern Meenderinck, Parks Director (360) 354 - 6717



PARKS COMMITTEE MINUTES

October 18, 2021

1. ROLL CALL:

Members Present: Councilors Ron DeValois, Mark Wohlrab and Nick Laninga Staff Present: City Administrator John Williams; Parks Director Vern Meenderinck; and Parks Admin. Assistant Nancy Norris

2. ACTION ITEMS:

A. Approval of Parks Committee Minutes- September 20, 2021

DeValois asked for a motion to approve the minutes Wohlrab motioned to approve the September 20, 2021, minutes and Laninga approved the motion. **Action:** The Parks Committee Minutes from September 20, 2021, were approved

B. Review and approve Exclusion ordinance

Parks Committee reviewed the Exclusion Ordinance. DeValois asked for a motion to approve the Exclusion Ordinance from Carmichaels Office to City Council for approval. Wohlrab motioned to forward the Exclusion Ordinance to City Council for Approval and Laninga supported the motion.

Action: The Exclusion Ordinance was supported and forwarded to City Council for approval.

C. Approve scope of work and fees for SHKS re: Benson barn

Parks Committee discussed the scope of the work and fees from SHKS for the Benson Park barn. Laninga motioned to forward and accept the scope of work and fees for SHKS for the Benson Park Barn to City Council for approval, Wohlrab supported the motion.

Action: the scope of work and fees for SHKS was supported and forwarded to City Council for Approval.

D. Approve "Draft" Dickinson Park Conservation Stewardship Plan

Parks Committee discussed the Dickinson Park Conservation Stewardship Plan. Laninga motioned to forward the plan to City Council for approval, Wohlrab supported the motion.

Action: The Dickinson Park Conservation Stewardship Plan was supported and forwarded to City Council for Approval.

E. Signs for Parks

Painted or Sandblasted? Painted=\$700 ea. Sandblasted on 1.75" redwood \$1,450 ea.

PARKS DEPARTMENT

Vern Meenderinck, Parks Director (360) 354 - 6717



Sandblasted on 1.5" redwood= \$1,300 ea.

Signs Plus- \$2,673 ea.

Other thoughts/ideas? Get quotes for a look alike sandblasted redwood sign that is made from foam.

Action: Get quotes and other sign design options.

3. <u>INFORMATION ITEMS:</u>

A. Glenning property

First & Second priorities: Playground equipment and Restrooms

Many more suggestions

Harlan and committee will be working on getting more donations

B. Updates on Parks projects:

Benson Park

Environmental inspection done. No asbestos, some lead paint in the milking parlor.

Dickinson

House inspection done- plenty of areas to look at.

Extra flooring from the Fire station will be relocated to the basement.

House rental: How soon? Advertise to City Employees first. Minimum term of lease 1 year. \$2,000 per month if tenant mows and takes care of planted area around the house. \$2250 per month if Parks Dept does the lawn care.

Community meeting was held on Oct 7, 2021, 68 in attendance, copy of comments attached.

Depot to 8th Trail

Possible change in location of trail to 8th St.

C. Berthusen Park sign ideas

Berthusen Advisory have been looking at adding a new welcome sign for Berthusen Park, attached is the most recent design concept. The Sign will be paid with funds allocated to the Terry De Valois memorial fund.

4. ITEMS ADDED:

Camping in Parks and on Public Property:

Code changes and updating camping in parks and on public property will be reviewed by Parks Committee, CDC and Public Safety Committee.

Meeting Adjourned: 5:08pm.

NEXT MEETING DATE: November 15, 2021

EXECUTIVE SUMMARY



Meeting Date:	November 1, 2021	
Name of Agenda Item:	Calendar	
Section of Agenda:	Other Business	
Department:	Administration	
Council Committee Review	• <u>•</u>	Legal Review:
☐ Community Development ☐	Public Safety	☐ Yes - Reviewed
☐ Finance ☐	Public Works	☐ No - Not Reviewed
☐ Parks ☐	Other: N/A	⊠ Review Not Required
Attachments:		
Outlook Calendar		
Summary Statement:		
See next page.		
Recommended Action:		
None		

November 1, 2021

Monday

7:00 PM - 9:00 PM

City Council Meeting- ONLINE (Microsoft Teams) -- ONLINE - Microsoft Teams Meeting Click here to join the meeting online.

Pam, City Clerk

360-255-7085

............

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only)

+1 253-948-9362,,756533893# United States, Tacoma

Phone Conference ID: 756 533 893#

Find a local number | Reset PIN

Learn More | Meeting options

November 2, 2021

Tuesday

5:00 PM - 6:30 PM

Design Review Board -- To be determined

November 3, 2021

Wednesday

All Day

Court -- Annex Council Chamber; Annex North East Conference Room; Annex South East Conference Room; Annex East Training Room

4:00 PM - 6:00 PM

Public Works Committee Meeting -- Microsoft Teams Meeting Welcome & UPDATE! (online teams link included below)

November 3, 2021 Continued

Wednesday

Public Works Committee Meeting meets Wednesday at 4:00 pm at City Hall in the 2nd Floor Conference room **OR** join us online by clicking the link below.

We look forward to seeing you!

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only)

+1 253-948-9362,,458769639# United States, Tacoma

Phone Conference ID: 458 769 639#
Find a local number | Reset PIN
Learn More | Meeting options

7:00 PM - 9:00 PM

Rec. District Meeting -- Annex South East Conference Room
The November 10, 2021 Rec. District Meeting was Canceled and
Rescheduled for November 3, 2021

November 4, 2021

Thursday

2:00 PM - 4:00 PM

Technical Review Committee -- Microsoft Teams Meeting

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only)

+1 253-948-9362,,832433768# United States, Tacoma

Phone Conference ID: 832 433 768#

Find a local number | Reset PIN

November 4, 2021 Continued

Thursday

	<u>Learn More</u> <u>Meeting options</u>
4:00 PM - 5:00 PM	Public Safety Committee Meeting Microsoft Teams Meeting
	Microsoft Teams meeting
	Join on your computer or mobile app
	Click here to join the meeting
	Or call in (audio only)
	<u>+1 253-948-9362,,954667669#</u> United States, Tacoma
	Phone Conference ID: 954 667 669#
	Find a local number Reset PIN
	<u>Learn More</u> <u>Meeting options</u>

November 10, 2021

Wednesday

All Day

Possible Jury Trial -- Annex Council Chamber; Annex North East Conference Room; Annex South East Conference Room; Annex East Training Room

7:00 PM - 10:00 PM

Planning Commission Meeting -- Annex Council Chamber

November 11, 2021

Thursday

All Day

Veterans Day Holiday

November 15, 2021

Monday

3:00 PM - 4:00 PM

Finance Committee Meeting -- Microsoft Teams Meeting Finance Committee Meeting

UPDATE: beginning June 21st the location will return to the City Hall 1st Floor Large Conference room

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UPDATE: beginning September 20th the Finance committee meetings will return online via TEAMS

Thank you!

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only)

+1 253-948-9362,,699053786# United States, Tacoma

Phone Conference ID: 699 053 786#

Find a local number | Reset PIN

<u>Learn More</u> | <u>Meeting options</u>

November 15, 2021 Continued

Monday

4:00 PM - 5:00 PM

Parks Committee -- City Hall 1st Floor Large Conference Room

40

Pam Brown 5 10/25/2021 2:20 PM