

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



March 16, 2020

1. CALL TO ORDER

Mayor Korthuis called to order the March 16, 2020 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, Kyle Strengholt, and Mark Wohlrab.

Members absent: Councilor Laninga absent with notice.

Staff present: 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

Mayor Korthuis presented council members with a Proclamation of Emergency which stated that a civil emergency exists within the City of Lynden due to the outbreak of COVID-19 and that the Mayor and his designee(s) are authorized to utilize all emergency powers available under law, including without limitation RCW 38.52.070 and LMC 2.10.060, to preserve public health, safety and order. That Proclamation of Emergency document is made a part of the official council file.

Councilor Bode moved and Councilor Wohlrab seconded to approve the Mayor's signature on the City of Lynden Proclamation of Emergency. Motion approved on a 6-0 vote.

Mayor Korthuis presented Phil Vander Ploeg with a recognition award for his 38 years of service as a Civil Service Commissioner. Mr. Vander Ploeg shared a few of his journal entries which were written during the time he was an active Civil Service Board member. He then thanked the City for the opportunity to serve.

APPROVAL OF MINUTES

CITY OF LYNDEN

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Councilor De Valois moved and Councilor Wohlrab seconded to approve the regular council minutes of March 2, 2020. Motion approved on a 6-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled: Sara Bernardy, Census Coordinator, Whatcom Council of Governments

Ms. Bernardy presented 2020 Census information, emphasizing how financially important it is to get an accurate count of each and every person. The Census count determines the distribution of federal funds for programs such as Medicaid, SNAP/WIC, Education, Section 8/Housing Vouchers, Head Start, and planning for roads, transportation and emergencies.

The 2020 Census asks the following ten questions:

- Address (rent or own)
- Phone number
- Number of people living at the address
- Name
- Sex
- Age and Date of Birth
- Race
- Hispanic, Latino or Spanish Origin
- Whether a person lives or stays somewhere else
- Relationship

Unscheduled- None

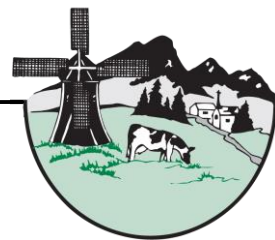
2. CONSENT AGENDA

Approval of Payroll Disbursed – March 1 through March 15, 2020

Paychex EFT	\$288,471.25
City of Lynden EFT	\$64,635.16
Warrant Liability	\$58,867.08
Subtotal	\$411,973.49
Paychex EFT Liability	\$6,810.83
Total EFT & Other Liabilities	\$418,784.32

Approval of Claims – March 18, 2020

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Manual Warrants No.	-	through	-		\$0.00
EFT Payment Pre-Pays					\$752.30
				Sub Total Pre-Pays	\$752.30
Voucher Warrants No.	<u>74897</u>	through	<u>75032</u>		\$609,416.24
EFT Payments					<u>\$25,989.84</u>
				Sub Total	\$635,406.08
				Total Accts. Payable	\$636,158.38

Interlocal Agreement with City of Bellingham for Vector Waste Facility Use

Staff requests renewal of the 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. Public Works used this disposal as an alternative to disposal at RDS which is currently less expensive. This would be a fourth term renewal through December 31, 2020 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 4th meeting and concurred to recommend approval to City Council.

Professional Service Agreement – BOSTEC, Inc.

The BOSTEC, Inc., Professional Service Agreement is for provision of Drug and Alcohol Testing Services, Reasonable Suspicion Training for managers, including the agreement for the payment of said services.

Client Service Agreement – Pinnacle Investigations

The Pinnacle Investigations Client Service Agreement is for provision of pre-employment and ongoing staff background investigative services. The agreement certifies to Pinnacle Investigations that the City of Lynden will comply with the provisions in the Fair Credit Reporting Act and any applicable state law as it pertains to “consumer report” and/or “investigative consumer report” to be obtained for employment purposes.

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

3. PUBLIC HEARING- None



4. UNFINISHED BUSINESS

PRD Amendment 19-01- RB Development (Parkview Apartments)

December 2, 2019 City Council approved an Order of Remand which sent the proposed Planned Residential Development (PRD) Amendment 19-01, a revision to the RB Development PRD, back to the Planning Commission for review of an alternate proposal. The amendment seeks to utilize residential units originally planned for the PRD by modifying the perimeter setback associated with Parkview Apartments, setting an increased height limitation, and removing outdoor storage requirements for the proposed units.

If the amendment is permitted, the applicant proposes the construction of senior apartments which would complement the surrounding property uses. A revised application returned to a public hearing before the Planning Commission on February 27, 2020.

The proposal reduced the building height from 45' to 41', reduced the proposed units from 50 to 41, proposed crosswalk improvements on Aaron Drive, and increased the setback from the street from 15' to 20'. At the hearing, concerns were raised as to the ability of the applicant to transfer this number of unused units of the PRD to this site.

In 1994, when the PRD was created, it was possible to transfer unused density within the PRD. However, in 2006 the code on PRD's was revised to prohibit the transfer of units from one area to another. As a result, the Commission voted 4 to 2 to recommend approval of the PRD amendment but the recommendation was fundamentally conditioned on the ability of the applicant to transfer density within the PRD.

Legal interpretation was requested from the office of Carmichael Clark. On March 12 the conclusive memo was received. It indicates that as the transfer of density was expressly permitted under the old code as well as the original contract, the developer maintains the right to transfer densities from one area of the PRD to another. If passed by Council, the approval will be considered preliminary until the applicant finalizes the associated development contract and CC&R's. Both documents must return to the Planning Commission and Council within 12 months. Staff will also return to Council with findings of fact and conclusion of law.



Councilor Strengholt moved and Councilor De Valois seconded to preliminarily approve the amendment to the RB Development PRD, Application 19-01 as presented. Motion approved on a 4-2 vote with Councilors Bode and Lenssen opposed.

5. NEW BUSINESS

Reinstate Parks Maintenance Supervisor Position

When the Parks Maintenance Supervisor retired in 2006, for a variety of reasons the position was eliminated and replaced with a Full time Maintenance II position. Since that time, the City has added Patterson Park, Scenic Estates park, Lynden Jim Park, and the Benson, Dickinson, and Glenning properties and the department has taken over landscaping duties at the Library, Annex, City hall, Fire station, Police department, and added various sections of trails.

In 2006, the department had 6 full time and 6 part time employees, in 2019 the department had 6 full time employees and 5 part time employees. The budget for 2020 asked for 6 full time employees and 6 part time employees to help with the additional work required to maintain the added responsibilities.

The Parks staff is stretched far beyond the capabilities of providing the excellent service we wish to provide. Therefore, we are requesting to reinstate the Maintenance Supervisor position this season to help with the additional scheduling of tasks, to oversee the work being done, and act as the lead person in supervising the parks staff and setting direction and policy for the department staff.

The cost to implement this addition to the payroll would be offset somewhat by reducing the requested 6 seasonal positions to 4 and would require an additional \$30,000 to 35,000 to make this position possible. The Parks Committee has reviewed this request and is in agreement with the recommendation.

Councilor De Valois moved and Councilor Kuiken seconded to reinstate the Parks Maintenance Supervisor position and add additional funding to the budget to pay the costs related to the addition. Motion approved on a 6-0 vote.

Interlocal Agreement – Interim Countywide Planning Policy

The memo dated February 4, 2020 to the Whatcom County Council from the County's Planning and Development Services Department describes the statutory background for establishing



Countywide Planning Policies. It also details the work of the City/County Planner group work to establish interim procedures to amend the Countywide Planning Policies (CWPPs).

The Whatcom County Council's Special Committee of the Whole approved the interlocal agreement on February 11, 2020 and requests that the Agreement be reviewed and ultimately approved by all the cities prior to the end of March. The City's legal counsel has reviewed the document and found that, although specific sections could benefit from clarification, the agreement could be signed so as not to delay the process.

It's worth noting that the procedures for amending planning policies implemented here are considered interim but are needed in order to comply with the State mandated Buildable Lands Program. Ultimately, using these procedures, policies regarding amendments would be permanently established by the County.

Councilor Lenssen moved and Councilor Kuiken seconded to approve the Interlocal Agreement concerning interim procedures for amending countywide planning policies and to approve the mayor's signature on the Agreement. Motion approved on a 6-0 vote.

6. OTHER BUSINESS

Council Committee Updates

Councilor Wohlrab reporting for the Public Safety Committee which involved discussion of:

- Update regarding COVID-19
- Lynden Watch membership is growing
- Fire Department monthly and 2019 annual report
- Fire Department hiring two firefighters who are starting March 16
- Planned remodel of fire station
- Police calls for the month
- Top 10 crimes
- Need for additional police vehicles
- Police officer hired

Councilor De Valois reporting for the Parks Committee which involved discussion of:

- Maintenance Supervisor
- Five-year lease of city land by Edaleen to grow grass
- Benson Road house is available for rent, there may be an interested party
- The quote from Tim Faber concerning the Heusinkveld Barn
- Those interested in building a pump track continue to fundraise
- Joint meetings with the Recreation District and the Park & Trail Committee



Councilor Strengholt reporting for the Finance Committee which involved discussion of:

- Cassell software and the possibility of delays due to COVID-19
- Payroll and Claims
- Sales tax numbers are good
- Conducting labor negotiations in public
- COVID-19 and possibility of some finance staff working from home
- Revenue fund is strong

7. EXECUTIVE SESSION

Council recessed into executive session at 8:00 p.m. to discuss a potential acquisition of real estate. It was anticipated that the executive session would last approximately 5 minutes total and that a decision would be made.

The Council meeting reconvened at 8:05 p.m.

Councilor Bode moved and Councilor De Valois seconded that City Council authorize the Mayor to sign offer letters for utility, conservation, and construction easements on parcel owned by Daniel W. and Teri J. Noteboom and Top Family Living Trust, Phillip H. and Michael J. Top, Trustees for Industrial Condensate Pipe on Hannegan Road north of Nooksack River. Motion approved on a 6-0 vote.

Councilor Strengholt told council that the Wayfinding Sign Committee has been activated. He also asked council to be mindful that an invasive species known as the Asian Giant Hornet has been found in Blaine and now Custer, Washington. The Asian Giant Hornet kills honeybees and decimates beehives.

8. ADJOURNMENT

The March 16, 2020 regular session of the Lynden City Council adjourned at 8:05 p.m.

Pamela D. Brown, MMC
City Clerk

Scott Korthuis
Mayor