

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

July 17, 2023

1. CALL TO ORDER

Mayor Korthuis called to order the July 17, 2023 regular session of the Lynden city council at 7:00 p.m. in the city's council chambers.

PLEDGE OF ALLEGIENCE

ROLL CALL

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

Members absent: None.

Staff present: Community Development Director Heidi Gudde, Fire Chief Mark Billmire, Parks Director Brent DeRuyter, Police Chief Steve Taylor, Public Works Director Jon Hutchings, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Bob Carmichael.

OATH OF OFFICE – None.

SUMMARY REPORTS AND PRESENTATIONS

Police Chief Taylor presented a Certificate of Promotion to Police Sergeant Travis Lipton.

APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Lenssen seconded to approve the July 3, 2023, regular meeting minutes. Motion approved on 7-0 vote.

CITIZEN COMMENT

Mary Lou Childs, Lynden

Ms. Childs addressed Council requesting a total ban on fireworks in Lynden. A copy of the handout she provided council has been included in the council file.

G. Todd Williams, Lynden

Mr. Williams expressed his concern to Council about the lack of updates concerning implementation of BWCs (Body Worn Cameras) at the Lynden police department.

Gary Vis, Chamber Director, Lynden

The Razz Fest was quite successful. An estimated 25 to 30 thousand people attended over the two days. Local restaurants and retail establishments reported record business on

CITY OF LYNDEN



CITY COUNCIL
MINUTES OF REGULAR MEETING

Saturday. Mr. Vis thanked all the volunteers and city staff that assisted in the set up and tear down of the festival.

2. CONSENT AGENDA

Payroll Liability to July 2 through July 16, 2023

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$427,299.47
Check Liability	\$0.00
Total Non-L&I Liabilities	\$427,299.47
Quarterly Liabilities	\$13,461.19
Total EFT & Other Liabilities	\$440,760.66

Approval of Claims – July 18, 2023

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>27867</u>	through	<u>27979</u>		\$1,045,646.72
EFT Payments					\$332,254.48
				Sub Total	\$1,337,901.20
				Total Accts. Payable	\$1,377,901.20

Award Bid for East Front Street Stabilization – East Site

Staff recently solicited bids for the East Front Street Stabilization – East Site for the repair of a failing slope. Work to be performed under this contract shall include construction of approximately 1,500 square feet of MSE wall, storm drainpipe, grinding and paving HMA, curb and gutter, guardrail, and restoration planting. Four bids were received on June 29, 2023, prepared by Reichhardt & Ebe. The Public Works Committee at their July 5th meeting concurred to recommend award to Len Honcoop Gravel, the lowest responsive and responsible bidder, in the amount of \$270,771.75, including Washington State Sales Tax. The Engineer’s Estimate was \$369,510.00.



CITY COUNCIL MINUTES OF REGULAR MEETING

ORD-23-1670- Line of Credit Renewal

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 money. The line of credit is available to provide interim financing for 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, 1558, 1588, 1629 and 1648 each authorizing an extension of the maturity date of the notes. The City received an offer from Banner Bank to extend the maturity date of the notes from July 31, 2023 to July 31, 2024 at a rate of 5.78%, which is a 2.68% increase from the previous rate.

The closing date is anticipated to be July 28, 2023. The City's Bond Counsel and Finance Director have reviewed this proposal prior to its review by the Finance committee on July 17, 2023. The Finance Committee approved the renewal in their June 17th, 2023 meeting and has forwarded ORD-23-1670 to the full council.

Motion made by Councilor Bode, seconded by Councilor Strengholt to approve the consent agenda as presented. Motion approved 7-0.

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS

Amending LMC 19 RE: Patio Screening – Information Only

At the June 19th meeting the city council considered an amendment to LMC 19.22 related to the screening of outdoor patio areas. At that meeting, testimony from one local contractor raised questions related to the ability to more fully enclose patio areas. The council asked that the amendment be reconsidered to address this possibility and provide answers the issued raised.

In response, additional information pertaining to this issue has been included with the council agenda item. Community Development, Building, and Fire Department staff continue to raise concerns related to the enclosing of patio areas that are attached to primary living areas and recommend screening rather than enclosing. Concerns focus on three main areas:



1. Life safety.
2. Enforcement and the potential for ad-hoc living spaces that violate building code.
3. Maintaining outdoor areas and separation of living spaces in single-family residential zones.

It is relevant to note that this potential amendment was raised after a single unpermitted enclosure was cited. The code, as currently written, is clear and well utilized throughout the city. Similar to staff, the Planning Commission considered this issue carefully and voted to recommend a clarification of code rather than a modification that would permit enclosure. Staff are recommending that the council review the submitted materials. This issue will then be discussed at the July 19th CDC meeting and then returned to the city council for action. This action generally includes the following options (1) keep the code as written and take no action on the amendment, (2) adopt the amendment as previously proposed which allows for screening but not enclosing of patios, or (3) remand the issue back to staff or the Planning Commission with specific directions regarding next steps.

For information only.

5. NEW BUSINESS

6. OTHER BUSINESS

Councilor Bode, Public Works committee, reported discussion of the following:

- Wastewater treatment maintenance building cost estimate was greater than expected.
- The origin of the fecal matter was found in the stormwater.
- Fluoride in Lynden water supply.
- Cedar Drive pump station.
- July 29th Airport Open House.

Councilor Wohlrab, Public Safety committee, reported discussion of the following:

- Ground emergency medical transport fund has increased 150%.
- There were no issues related to fireworks reported this year.
- Fire department will no longer rent uniforms but instead will purchase those uniforms.
- The ladder truck is approximately 22 months out.
- Officer Lipton promoted to Sergeant.
- Body worn cameras (BWC) are in the testing phase.
- A patrol vehicle has lost an engine is out of commission.
- A police vehicle that the city ordered has been delayed.

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

Councilor Strengholt, Finance committee, reported discussion of the following:

- Payroll and overtime.
- May and June sales tax revenue was lower, but are still up over 7% for the year.
- Line of credit, interest rate up over 2%.
- Salary review for elected officials through 2032 at 3% annual increase.
- Mayor's salary, a position that is currently .25 position.

Councilor De Valois, Parks committee, reported discussion of the following:

- Benson Barn and the adjustments that have to be made.
- Benson Park 2nd draft of the master plan was submitted.
- Schoolyard Park is still in the planning stages.
- Depot to 8th Street trail under construction.
- Security fencing installed around Vander Griend property.
- Renovations to Dickinson property are complete and it is occupied.
- Berthusen Park house is not yet occupied.

7. EXECUTIVE SESSION

The council adjourned into executive session at 8:00 p.m. to discuss with legal counsel representing the city matters relating to acquisition of real estate purchase under RCW 42.30.110(1)(b). The council expected to be in executive session until 8:10 p.m. with no decision.

8. ADJOURNMENT

July 17, 2023, regular session of the Lynden city council adjourned at 8:10 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor