

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



May 15, 2023

1. CALL TO ORDER

Mayor Korthuis called to order the May 15, 2023 regular session of the Lynden city council at 7:00 p.m. held in the city's council chambers.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Members absent: Councilor Strengholt.

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Public Works Director Steve Banham, City Clerk Pam Brown, and City Administrator John Williams.

OATH OF OFFICE - None

SUMMARY REPORTS AND PRESENTATIONS - None

APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Bode seconded to approve the May 1, 2023, regular meeting minutes. Motion approved on 6-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

Cynthia commented on several general topics, one of which included Peace Officers Memorial Day.

Lesa Starkenburg-Kroontje, 4th Street, Lynden

Lesa Starkenburg-Kroontje spoke in support of the Agreement for Wholesale Supply of Water to Berthusen Road Water Association, an item on the consent agenda.

Gary Vis, Bender Road, Lynden

Gary Vis commented on ORD-23-1668 which adds section 10.17 to Chapter 10 of the Lynden Municipal Code concerning WUTVs. He commented that his research shows that ATVs (a handle vehicle) are actually the more dangerous of utility vehicles. Mr. Vis' interest

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is in a vehicle sometimes call a “sand sled” which has steering wheels, roll cages, seat belts and other safety devices. Mr. Vis plans to work with members of the state legislature to further define the definitions of these kinds of vehicles.

2. CONSENT AGENDA

Payroll Liability to April 23 through May 6, 2023

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$253,266.57
Check Liability	\$0.00
Total Non-L&I Liabilities	\$253,266.57
Quarterly Liabilities	\$13,574.60
Total EFT & Other Liabilities	\$266,841.17

Approval of Claims – May 16, 2023

Manual Warrants No.	<u>27198</u>	through	<u>27198</u>		\$1,400.00
EFT Payment Pre-Pays					\$83.41
				Sub Total Pre-Pays	\$1,483.41
Voucher Warrants No.	<u>27295</u>	through	<u>27406</u>		\$1,747,729.96
EFT Payments					<u>\$407,885.72</u>
				Sub Total	\$2,155,615.68
				Total Accts. Payable	\$2,157,099.09

Council Confirmation of Public Works Director – Jon Hutchings

Agreement for Wholesale Supply of Water to Berthusen Road Water Association

The City of Lynden is authorized and has been providing wholesale water to the Berthusen Water Association for several decades, but the current agreement between the City and the Berthusen Road Water Association has lapsed. City staff have worked closely with the Association and the City Attorney to update the agreement to provide for a long-term supply of water that will allow the Association to update its Water System Plan with the State Department of Health. This agreement identifies the maximum annual amount of water to be



provided by the City and adds provisions related to conservation and shortage management. The term is for 60 years with options for additional 25-year extensions.

The agreement was reviewed at both the April 5th and May 3rd Public Works Committee meetings and at the May meeting the Committee voted to advance the Agreement to the full City Council with a recommendation for approval.

RES-23-1064- Schedule Public Hearing, Adopting a Six Year Transportation Improvement Program (STIP) 2023-2028

RES-23-1065 and RES-23-1066- City of Lynden adoption of 457(b) Deferred Compensation Plan Administered by MissionSquare

The City of Lynden currently offers deferred compensation plans as allowed under the IRS Code. Resolution 23-1065 & 23-1066 would adopt MissionSquare as an additional plan provider. MissionSquare has offered plan administration to public sector employees for over 50 years and is a not-for-profit company that offers a lower fee structure for the employee plan members. By adopting these resolutions, the city will be able to offer additional options to employees for their investment accounts. The addition of these plans was discussed at the April Finance Committee meeting

RES-23-1067-Establishing the Policy for Transfer of Unused Stormwater Capacity in the City's Local Improvement District (ULID) 2008-1 West Lynden Stormwater Drainage Facility
On March 6, 2006, the City passed Ordinance No. 1256 creating Local Improvement District (LID) No. 4 to acquire, construct, and install the West Lynden Storm Drainage Facility and trunk piping for conveying stormwater to that facility. LID No. 4 was converted to Utility Local Improvement District (ULID) 2008-1 via Ordinance No. 1325 in 2008.

Certain ULID properties have paid into the ULID but not used all the capacity allotted to them. Others have deferred payments under RCW 84.34.300 and have not used any of the capacity that was allotted to them. Some of those properties with unused allotted capacity are willing to transfer their assessed storage and conveyance capacity, and other properties not included on the final assessment roll but within the same storm drainage watershed, have expressed interest in purchasing the unused capacity in the West Lynden Stormwater Drainage Facility. The City has an interest in supporting economic development within the City and transfer of that unused capacity would provide an opportunity for imminent



development on those other properties within the basin not included in the original assessment roll. The Public Works Committee reviewed the proposed Resolution at their meeting on May 3, 2023, and concurred to recommend approval.

~~RES-23-1068 Interfund Loan from F405 (Sewer) to F401 (Water)~~ **Item pulled from the agenda. No action was taken.**

Motion made by Councilor Bode seconded by Councilor De Valois to approve the consent agenda as presented. Motion approved 6-0.

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS

ORD-23-1668 adding LMC Title 10.17

Discussion arose in the Public Safety Committee to allow the City and other public entities (including school districts) to use wheeled all-terrain vehicles (WATV), also known as utility terrain vehicle (UTV) for maintenance purposes on city streets with a speed of 35 mph or less. These vehicles must be owned and operated by a public entity and meet all the safety requirements of the state RCW, meet the additional requirements of LMC 10.17, and must be inspected annually by the Lynden Police Department.

The Public Safety Committee reviewed this ordinance at its April 6th meeting and recommended taking the ordinance to the City Council for approval. At the April 17th meeting, Council referred it back to the Public Safety Committee for further discussion. After further review, it was determined that there is not a method to adopt a broader definition beyond ‘public entities’ without adopting the entire RCW and allowing everyone’s use on city streets. The Public Safety Committee is not in favor of that. There was further discussion that allowances can be made for events for the use of a UTV via a special vent permit. The Special Event permitting process is under review by city staff.

Motion made by Councilor Wohlrab seconded by Councilor De Valois to adopt ORD-23-1668 and authorize the Mayor’s signature. Motion approved 6-0.

Mayor Korthuis announced that Council will hold a closed-door session regarding labor matters after the night’s council meeting is adjourned.



5. NEW BUSINESS - None

Mayor Korthuis and Council recognized City Clerk, Pam Brown for 10 years of service with the city of Lynden.

6. OTHER BUSINESS

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

- Carlos Becerra's plans for developing storage sites on the property he is leasing from the city of Lynden.
- The Berthusen Water Association agreement on the meeting agenda.
- Underground stormwater containment on the property formerly owned by Word of Life church.
- Security for the city's downtown restroom.
- WSDOT schedule for work on the Guide Meridian.

Councilor Wohlrab reporting for the Public Safety Committee involving discussion of:

- Public input concerning the city's transparency surrounding policy for police department body-worn cameras.
- Transparency of the council committee minutes and agendas.
- The Fire report and ideas for a possible Safety Village.
- The Police department has two new hires who will be sworn in at a future council meeting.

Councilor Kuiken reporting for the Finance Committee involving discussion of:

- RES 23-1068, Interfund Loas from F405 Sewer to F401 Water which was pulled from the night's agenda.
- OT for police and fire departments were lower.
- Sales tax remains strong and is expected to get stronger with the three new projects.
- Review of the monthly financial report.

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

- Awaiting information SHKS comments on the Benson Park.
- SCJ Alliance adding items to the Benson Park concept.
- Berthusen Park signage to clarify park hours.



- New software for Park Department scheduling.
- Safety Village mock-up that is being proposed for Benson Park.
- Dickinson and Berthusen Park houses are being inspected for repairs and painting.
- No Parks Committee in June due to lack of quorum.

The Steve Banham, Public Works Director announced that the Parks Director is planning a ground- breaking ceremony for the Trail on June 2nd.

7. EXECUTIVE SESSION

The Council did not hold an executive session.

8. ADJOURNMENT

May 15, 2023, regular session of the Lynden City Council adjourned at 7:48 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor