

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



November 2, 2020

### 1. CALL TO ORDER

Mayor Korthuis called to order the November 2, 2020 regular session of the Lynden City Council at 7:00 p.m. held through an online web-based meeting platform (Microsoft Teams).

#### ROLL CALL

Members present: Mayor Scott Korthuis and Councilors, Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen and Nick Laninga.

Members absent: Councilors Kyle Strengholt and Mark Wohlrab, absent.

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

#### OATH OF OFFICE- None

#### APPROVAL OF MINUTES

***Councilor De Valois moved and Councilor Kuiken seconded to approve October 19, 2020 regular council minutes as presented. Motion approved on a 5-0 vote.***

#### ITEMS FROM THE AUDIENCE

Scheduled- None

Unscheduled- None

### 2. CONSENT AGENDA

***Payroll information is unavailable at this time because of the finance department's transition to a new payroll system (Caselle)***

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### Approval of Claims – November 3, 2020

Manual Warrants No.	<u>20495</u>	through	<u>20496</u>		\$929.19
EFT Payment Pre-Pays					\$50,356.54
				Sub Total Pre-Pays	\$51,285.73
Voucher Warrants No.	<u>20497</u>	through	<u>20518</u>		\$176,086.54
EFT Payments					<u>\$0.00</u>
				Sub Total	\$176,086.54
				Total Accts. Payable	<b>\$227,372.27</b>

#### Set the Public Hearing for the 2021 Property Tax Levy

On Monday, October 19, 2020 the 2021 Preliminary Budget was introduced by the Mayor to the City Council and the Public. As required by the budget process, in order to receive public comments before adoption of the budget, a public hearing is required for consideration of any public commentary regarding the property tax levy. At this time, the request is to hold the required public hearing approve the property tax levy at the City Council meeting on Monday, November 16, 2020 at 7:00PM.

#### Set the Public Hearing for Resolution No. 1026-Revisions to the Project Manual-Engineering Design and Development Standards

The Project Manual for Engineering Design and Development Standards was adopted by City Council on April 5, 2004 and was updated in November 2006 and November 2010. These standards are required by the City's Growth Management Act and include street, water, sewer, and storm drainage standards. This manual also addresses access issues, permitting processes and procedures, and includes various forms necessary in the development process.

In response to inquiries, changes in technology, and the direction of various City Committees, additions, deletions and/or clarifications have been made to the Project Manual for Engineering Design and Development Standards. Staff is now presenting proposed Resolution No. 1026 along with a list of revisions for Council review. The Public Works Committee reviewed the updates at their October 4, 2020 meeting and recommended that they be forwarded to City Council for consideration

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### Access Easement – Robert and Erin Lee and J and E Black – 936 East Front Street and 940 East Front Street

The Lee property owners and Black property owners need water for fire protection. They propose to do this by installing a fire hydrant and a water main to connect to the City's water distribution system. The City has requested a utility easement granting access rights to the new fire hydrant and water line which will be dedicated and become part of the City's water system.

### Access and Utility Easements on Parcel 3 within Maberry Division No. 8 Lot Line Adjustment Granted by Quality Plumbing and Construction

Quality Plumbing and Construction, Inc. (Mike Engels) is granting to the City of Lynden an Access and Utility Easement on his property in Homestead Maberry Plat Division 8 Lot Line Adjustment.

This easement, as shown in documents provided to council is for City access to and maintenance of the two (2) inch water line connected to the City Main which serves the Condominiums at 262 and 264 West Mayberry Drive.

### Access and Utility Easements on lots 10 and 11 of in Maberry Division No 8 Lot Line Adjustment granted by Engels and Garden Green Condominium and Sports Club Cabanas Condominiums

Mike and Sally Engels, Chateaux at Garden Green Condominium ("Chateaux"), and Sports Club Cabanas ("Sports Club") Condominium are granting to the City of Lynden an Access and Utility Easement on portion of lots 10 and 11 of Homestead Maberry Plat Division 8, and across Common Areas in the two Condominium Associations.

This easement, as shown in documents provided to council, is necessary to provide access for maintenance of a water main and a hydrant constructed to provide fire protection.

### License Agreement for Private Stormwater Facilities – Americold (406 2<sup>nd</sup> Street)

Americold is required, at the direction of a United States Environmental Protection Agency Administrative Order on Consent, to treat stormwater runoff to meet Industrial Stormwater General Permit benchmarks. Compliance with this permit requires them to construct and operate private stormwater treatment facilities

This license agreement allows Americold to construct, operate and maintain their needed stormwater facilities within the 2nd Street right-of-way. The license grants Americold a nonexclusive license for the construction, installation, operation, periodic maintenance, repair,



and replacement of Stormwater Facilities, generally including catch basins, stormwater pipes, connections to existing cleanouts, perk-filter vaults, and biochar totes with protective bollards.

***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

#### Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding

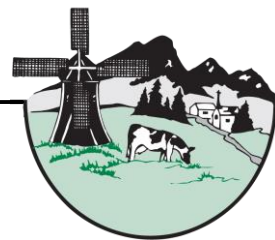
The Federal Government created the Coronavirus Aid, Relief, and Economic Security (CARES) Act to help local business, non-profits and schools that have suffered financial losses due to the COVID-19 virus. Lynden was awarded \$651,150 in CARES act funds to be disbursed in the form of direct grants to such agencies. Whatcom County agreed to match Lynden's grant with an additional \$322,000. So, in total, almost \$1 million in direct grants - that do not require repayment - will be injected into our local economy.

The program is administered by the Washington State Department of Commerce. A memo describing current and proposed distributions was provided in the council packet. It includes four tables: Table 1 shows funds that will be distributed to our schools; Table 2 describes the distribution of all funds; Table 3 shows funding to non-profits and; Table 4 shows funds distributed to private businesses. As part of its match, the County set aside \$40,000 for the continued testing for COVID virus Lynden sewage. The contract is similar to our previous agreement with Exact Scientific Inc.

The County also contributed \$11,000 to the Project Hope Food bank. The grants are structured so the City advances its own funds first, then the Dept. of Commerce reimburses the City.

Tonight, the City Council is being asked to approve advancing the funds out of the current 2020 Budget with the understanding the City will be entirely reimbursed from Federal CARES Act funds

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



## 5. NEW BUSINESS- None

## 6. OTHER BUSINESS

### Council Committee Updates

Councilor Lenssen for the Community Development Committee reported discussion of:

- Items related to the energy code, particularly natural gas
- Enforcement issues related to those not obtaining a permit
- Modification of the Design Standards
- Municipal code involving parking
- CDC meeting date has been re-scheduled

Councilor Bode for the Public Works Committee reported discussion of:

- Parking concerns/requirements referred to CDC
- DOE Grant for Judson Street Low Impact Development
- 17<sup>th</sup> Street project
- Berthusen Park restrooms
- Pipe lining projects in some sections of the City

## 7. EXECUTIVE SESSION

Council recessed into executive session at 7:15 p.m. to discuss a potential litigation matter. It was anticipated that the executive session would last approximately 10 minutes total and that a decision would not be made.

The Council meeting reconvened at 7:25 p.m.

## 8. ADJOURNMENT

The November 2, 2020 regular session of the Lynden City Council adjourned at 7:25 p.m.

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Pamela D. Brown, MMC  
City Clerk

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Scott Korthuis  
Mayor