

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

April 17, 2023

1. CALL TO ORDER

Mayor Korthuis called to order the April 17, 2023 regular session of the Lynden City Council at 7:00 p.m. held 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: Parks Director Brent DeRuyter, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Bob Carmichael.

OATH OF OFFICE - None

SUMMARY REPORTS AND PRESENTATIONS - None

APPROVAL OF MINUTES

Councilor Wohlrab moved, and Councilor Bode seconded to approve the April 3, 2023, regular meeting minutes. Motion approved on 7-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

Cynthia commented on several general topics.

Gary Vis, Bender Road, Lynden

Mr. Vis commented on agenda item - Ord-23-1668, LMC 10.17 – All Wheeled Terrain Vehicles. He believes the ordinance to be too exclusive in regard to the use of off-road vehicles in the city of Lynden. He reminded Council that there are other entities that use these vehicles in their everyday maintenance programs and that his ordinance would exclude them. Mr. Vis stated that to his recollection the City does not pass ordinances that show favoritism to the city while withholding those same rights and privileges to other members of the community. He asked the Council to reconsider the ordinance.

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Carlos Bacerra, Laurel Ridge Way, Lynden

Mr. Bacerra is looking for some council feedback concerning ideas he has for possible uses on the land (old landfill property) that he is currently leasing from the City of Lynden. He would also like to discuss the possibility of extending the term of the current lease.

2. CONSENT AGENDA

Payroll Liability to March 26 through April 8, 2023

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$549,050.80
Check Liability	\$0.00
Total Non-L&I Liabilities	\$549,050.80
Quarterly Liabilities	\$13,104.60
Total EFT & Other Liabilities	\$562,155.40

Approval of Claims – April 18, 2023

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$4,482.92
				Sub Total Pre-Pays	\$4,482.92
Voucher Warrants No.	<u>27062</u>	through	<u>27194</u>		\$1,875,573.72
EFT Payments					\$459.00
				Sub Total	\$1,876,032.72
				Total Accts. Payable	\$1,880,515.64

Berthusen Park Annual Report (2022)

Ord-23-1668, LMC 10.17 – All Wheeled Terrain Vehicles (Consent item No. 4)

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.



Councilor Bode requested that Consent Agenda item No. 4 be pulled from the consent agenda so the council could discuss the matter separately. After discussion, the council agreed to send the item back to the Public Safety Committee for further review and possible revision.

Temporary Construction Easement – Top Family Living Trust

The City needed to obtain an easement from the Top Family Trust for the construction of Jim Kaemingk Sr. trail extension between Depot and 8th St. In the agreement the city obtains the necessary temporary easement for the in-water work that will be done during this year's fish window. The revised agreement is a \$18,500 payment to the Top Family Living Trust in exchange for a 12-month temporary construction easement commencing on May 5, 2023. The two possible 3-month extensions remain in the agreement.

Amendments to Existing ROW and CUP for the Duffner Mobile Park (210 Front Street)

The current owners of the Duffner Mobile Home Park at 210 Front Street, Four 'S' Investments, have requested an amendment to the existing 2007 Agreement requiring right-of-way improvements to Front Street abutting their property. The original agreement required the right-of-way improvements after 32 units or if the property is redeveloped. The property owner requested that the trigger for improvements be increased to forty-six units and that the improvements be more clearly defined.

The City issued a Conditional Use Permit in November 2021 that establishes criteria for adding additional units to the mobile home park. In recognition of the Conditions for adding units established by the Conditional Use Permit approved by the Planning Commission, the Public Works Committee concurred in concept with amending the agreement as proposed by the owner's attorney at their February 8, 2023 Meeting. At the request of staff, the City Attorney drafted the amendment. This amendment increases the number of units allowed before triggering the improvements to forty-six units, provided the Conditions of the Conditional Use Permit are met. It also clarifies that the "road improvements" mean construction of the street to the City's three-quarters (3/4) street design standard. The Public Works Committee discussed this at their April 5, 2023, meeting and concurred to recommended approval by City Council

Award Bid for Jim Kaemingk Sr. Trail – Depot to 8th Street – Phase 1

Staff recently solicited bids for the Jim Kaemingk Senior Trail – Depot to eighth – Phase 1. The project provides for the construction of approximately 1,500 linear feet of the Jim Kaemingk Sr. Trail base, 120 linear feet of concrete trail, bridge abutments, boardwalk

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foundations, sidewalk replacement, and associated restoration. The project is located between Depot Road, near Lynden City Park, extending west to 8th Street and south to Main Street.

This project is being primarily funded through an EDI and two State Department of Commerce (Legislative) Grants. Six bids were received on April 6, 2023, as shown on the attached Bid Tabulation prepared by Reichhardt & Ebe. At the Public Works Committee meeting on April 5, 2023, the committee concurred that the bid results could be forwarded directly to the City Council after being informed of the results.

The Public Works Committee was advised of the bids and concurred to recommend award to Western Refinery Services (WRS), the lowest responsive and responsible bidder, in the amount of \$1,349,238.40, including Washington State Sales Tax. The Engineer's Estimate was \$1,659,489.40. The Parks Committee will be reviewing the bids at their regular meeting prior to the City Council meeting.

CSG Forte Payments, Inc. – Payment Processing Agreement

The Parks Department, Finance Department, and IT proposed and reviewed the ability to provide a payment portal to take online payment and manage rental services in a more streamlined approach. The current system is out-of-date and needs to be updated to satisfy the requests of the auditors and will help the management team alleviate the flood of phone calls and emails requests for more assistance from park users. CSG Forte has offered a proposal for payment processing and a pricing fee schedule for use on the website.

The Parks Committee reviewed the updated proposal and recommended forwarding it to the full Council for approval.

Motion made by Councilor De Valois seconded by Councilor Kuiken to approve items 2,3,5,6,7,and 8 the consent agenda. Motion approved 7-0.

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS - None



6. OTHER BUSINESS

Councilor Wohlrab reporting for Public Safety Committee involving discussion of:

- Security options for the public restrooms
- Fire Department is currently fully staffed
- Continuing research on Safety Villages as possible additions to Schoolyard Park
- Ambulance that was recently purchased
- Medic 75 is in service
- Police department has 700 + call in March
- Sergeant Beld's retirement at the end of April
- Continuation of field training for Officer Lallas
- Additional police officer will be hired in May

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

- Duffner mobile home park agreement
- Jim Kaemingk Sr. Trail
- Berthusen Water Association agreement
- Farmer's Market request for 4th Street parking
- Airport development and Benson Road
- Rustler's restaurant request for consideration of an outside deck
- Cedar Drive Neighborhood meeting and stormwater issues

Councilor Strengholt reporting for the Finance Committee involving discussion of:

- Payroll approved
- Fire and Police department OT hours
- Sales Tax continues to be strong
- Berthusen Park Annual Report
- Mission Square 457(b) plan option
- Interfund loans
- Monthly financial report
- Fund balances

Councilor De Valois reporting for Parks Committee involving discussion of:

- CSG Forte Payments use for Park reservations
- Tractor Club request for another building at Berthusen
- Benson Barn renovation costs
- Benson Park Master Plan
- Signage in Berthusen Park
- Celebration for Terry De Valois

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- Trail from Depot to 8th Street
- Seasonal hire positions
- Signage for other parks
- Security for Benson Park
- Additional need for cameras in parks

7. EXECUTIVE SESSION

The Council did not hold an executive session.

8. ADJOURNMENT

April 17, 2023, regular session of the Lynden City Council adjourned at 7:55 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor