

# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

December 2, 2019

### 1. CALL TO ORDER

Mayor Korthuis called to order the December 2, 2019 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, Nick Laninga, Kyle Strengholt, and Mark Wohlrab.

Members absent: None

Staff present: Finance Director Anthony Burrows, Fire Chief Billmire, 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**

### APPROVAL OF MINUTES

***Councilor De Valois moved and Councilor Wohlrab seconded to approve the regular council minutes of November 18, 2019. Motion approved on a 7-0 vote.***

### ITEMS FROM THE AUDIENCE

**Scheduled: None**

**Unscheduled:**

Cynthia Ripke-Kutsagoitz, 7062 Guider Meridian, #30, Lynden

Cynthia thanked the council members for their work and dedication to the community. Thanked council members for their leadership and the direction that is leading the Lynden community. She also offered condolences to Sheriff Elfo and his family on the recent passing of his son.

Gary Vis, Chamber of Commerce Director, 518 Front Street

Director Vis reminded council of the Lighted Christmas Parade at 5 p.m. on Saturday, December 7<sup>th</sup>. He also offered interested council members a seat at the announcer's stand.

***Chief Billmire reminded council and staff that the Fire Department's Annual Spaghetti Fee would be held on December 7<sup>th</sup> from 3:30 p.m. to 6:00p.m. and that proceeds will go to Chief Knapp and his family as well as the organization Behind the Badge.***

# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

### 2. CONSENT AGENDA

#### Approval of Payroll Disbursed – November 16-30, 2019

Paychex EFT .....	\$274,567.39
City of Lynden EFT .....	\$60,539.18
Warrant Liability .....	\$57,191.54
<b>Subtotal</b>	<b>\$392,298.11</b>
Paychex EFT Liability	\$5,828.35
<b>Total EFT &amp; Other Liabilities</b>	<b>\$398,126.46</b>

#### Approval of Claims –December 4, 2019

Manual Warrants No.	<u>74241</u>	through	<u>74244</u>		\$16,430.81
EFT Payment Pre-Pays					\$1,054,508.57
				Sub Total Pre-Pays	\$1,070,939.38
Voucher Warrants No.	<u>74245</u>	through	<u>74272</u>		\$68,708.91
EFT Payments					\$0.00
				Sub Total	\$68,708.91
				Total Accts. Payable	<b>\$1,139,647.29</b>

#### Interlocal Agreement – Sales Tax Rebate for Affordable Housing

On October 7, 2019 the Lynden City Council passed Resolution 1008 pursuant to Substitute House Bill 1406 authorizing Whatcom County to collect the City of Lynden's portion of sales tax rebate intended for affordable housing programs.

House Bill 1406 gives Lynden the opportunity to claim a certain percentage of the city's gross sales tax to be applied toward affordable housing programs. This total is estimated to be \$23,000 annually if the City collected on its own. However, the Bill allows for twice that amount (\$46,000) to be refunded if the City signed its rebate over to Whatcom County. Having the County collect on the City's behalf increases the funding but also cuts down on administrative costs associated with establishing a City-sponsored affordable housing program.

The subsequent step is the execution of the interlocal agreement which addresses the use of funds. It amends and supersedes the original Interlocal Agreement dated January 5, 2004.

#### Ordinance No. 1598- Fire Suppression Water Facilities and Service

RCW 70.315.030 expressly authorizes local governments to allocate and recover the costs of fire suppression water facilities and service from all customers as costs of complying with state laws and regulations, or from customers based on service to, benefits conferred upon, and burdens and impacts caused by various classes of customers, or both.



The City, pursuant to Resolution No. 833, currently levies a two percent Fire Hydrant Maintenance Tax, assessed for the operation and maintenance of fire lines, fire hydrants and appurtenant facilities.

The City of Lynden desires to rescind the aforementioned Fire Hydrant Maintenance Tax levied by Resolution No. 833 and adopt by ordinance a broader fire suppression water facilities and service levy pursuant to RCW 70.315.030.

Lynden Municipal Code Chapter 3.30 and Section 3.30.010 are hereby added to the Lynden Municipal Code as follows: Chapter 3.30 – Fire Suppression Water Facilities and Service Tax  
3.30.010 – Imposition of Fire Suppression Water Facilities and Service Tax.

There is hereby levied an additional two percent (2%) fire suppression water facilities and service tax on the base and volumetric water meter charges established by City resolution pursuant to LMC 13.04, for the operation, maintenance, restoration, and improvement of fire suppression facilities and services.

The Public Safety Committee reviewed the proposed Ordinance at their December 2nd meeting and gave approval for review and consideration by the full Council.

#### Set the Public Hearing- Comprehensive Plan Amendment 19-01 (Pepin Creek)

The City of Lynden amended the Comprehensive Plan in December of 2018 to reflect the creation of the Pepin Creek Sub-Area. At that time the Future Land Use Map was also amended to reflect the arrangement of low and medium residential development proposed within the Sub-Area Plan draft. Since that time the zoning layout of the Pin Creek Sub-Area has been altered as reflected in the revised plan. The proposed amendment to the Comprehensive Plan is meant to correspond with these revisions.

#### Resolution No. 1014- Request to Cancel Warrant #74183

RCW 39.56.040 states that any registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as is such warrants had never been issued; and Warrant No. 74183 has not and will not be presented for payment and should be canceled.

#### Set the Public Hearing – Pepin Creek Sub-Area Plan

In September of 2018 the City released a draft of the Pepin Creek Sub-Area Plan (PCSA). The intent of the plan is to develop a guide for future growth patterns that will be appropriate for the Lynden community. This is a unique area of the City that warrants a thoughtful planning effort.



Given the projected costs of infrastructure in the Pepin Creek Sub-Area the City staff has been exploring alternate circulation routes and conducting traffic studies to test these alternate designs. As a result, the revised 2019 sub-area plan includes a new street layout and adjustments consistent with the code revisions made regarding applicable zoning categories and residential design standards adopted in March of 2019.

It is important to note that while the sub-area plan assumes the realignment of Pepin Creek it does not decide on the design of this creek realignment project. The Public Works department is heading up environmental review of a couple different realignment options and their associated costs. It is critical to the environmental review process that the PCSA be in a final Council-approved form.

Although the PCSA represents a monumental amount of research, outreach, and staff time it is critical to remember that the document is a plan rather than a contract. The goal of the plan is to guide development and priorities within the sub-area. It can, however, be altered, revised, and improved as we learn more about the channel project, projected costs, the housing market, and the needs of the City.

At a November 21, 2019 hearing the Planning Commission recommended approval with specific considerations outlined for the City Council. Details of this hearing and Commission recommendations will be transmitted to the City Council ahead of the December 16th hearing.

#### Ordinance No. 1597- Site Specific Rezone 19-01 Bouma Property

Rezone application 19-01 has been brought forward by property owner Gene Bouma. Mr. Bouma is proposing to shift the property from the single-family zoning category of RS-100 to a multi-family zoning category of RM-2. The 30,000 square foot property is located at the northwest corner of Main St. and 19th St. On November 18, 2019 the City Council voted to approve the rezone application. The attached ordinance documents the findings of this action.

***Councilor Bode moved and Councilor Strengholt seconded to approve the Consent Agenda. Motion approved on a 7-0 vote.***

### **3. PUBLIC HEARING**

#### Final Public Hearing on the 2020 Budget

As published, 7:00PM on December 2, 2019 is the time and date set for the Final Public Hearing on the 2020 Budget as presented to the City Council by Mayor Korthuis at the October 21st City Council meeting.

Mayor Korthuis opened the Public Hearing at 7:08 p.m.  
There were no comments.

Mayor Korthuis closed the Public Hearing at 7:08 p.m.



***No council action taken.***

**Ordinance No. 1594- Establishing an Impact Fee Deferral Program**

In 2015 the State Legislature authorized changes to RCW 82.02 related to the collection of impact fees for single family home development. This was intended to assist in the economic recovery of the building industry. As a result, the City is required to create a program by which home builders may defer the payment of impact fees which would normally be due at the time of building permit. (This deferral option is not available to the impact fees which are normally due at the time of final plat.)

The amended code language will propose that impact fees may be delayed until final occupancy but not longer than 18 months. The number of fee deferral requests may not exceed more than 20 units per year per applicant and will be administered at a fee equivalent to 10% of the value of the fees for which deferment is requested or no more than \$300 per residence, whichever is less.

Staff is also using the opportunity to amend Title 3 by formally recognizing the option to have fee credits (construction in lieu of impact fees) and to clean-up other language such as outdated capital improvement references to "Table 8" and indicating park and fire fees by reference instead of within the code.

Mayor Korthuis opened the Public Hearing at 7:10 p.m.  
There were no comments.  
Mayor Korthuis closed the Public Hearing at 7:10 p.m.

***Councilor Bode moved and Councilor De Valois seconded to approve Ordinance No. 1594 revising LMC Title 3 and implementing an impact fee deferral program while updating references to Park and Fire Impact Fees and Transportation Impact Fee credits and authorize the Mayor's signature on the ordinance. Motion approved on a 7-0 vote.***

#### **4. UNFINISHED BUSINESS**

**Ordinance No. 1596-Adoption of the 2020 Budget**

The Preliminary 2020 Budget was presented to the City Council by Mayor Korthuis at the October 21, 2019 City Council meeting. Per the approved budget calendar, the public hearings for the 2020 Budget were held on November 4, 2019 and November 18, 2019.

The final RCW required budget hearing was held earlier this evening December 2, 2019. Ordinance No.1596 represents the results of the budget process. Passage of this ordinance will finalize and adopt the 2020 budget; and is in compliance with RCW deadlines. The Finance Committee has been presented with this information for their review throughout the budget process, as has Council.

***Councilor Kuiken moved and Councilor Strengholt seconded to approve Ordinance No. 1596 and authorize the Mayor's signature adopting the 2020 Budget. Motion approved on a 7-0 vote.***



## 5. NEW BUSINESS

### Award Contract for Line Road Safety Improvements

This small works contract provides for the construction of approximately 1,750 linear feet of pedestrian safety improvements along the east side of Line Road from Bradley to just south of Burlwood. This is a corridor used by school children, therefore the City has expedited this safety improvement project ahead of the future full improvement of the road to City Standards when funding is available.

The work includes a gravity block wall and new storm drainage improvements. The four bids received today are noted on the Bid Tabulation, and Reichhardt & Ebe Engineering determined that Tiger Construction LTD. submitted the lowest responsive and responsible bid for Schedules A and B in the amount of 256,142.85.

***Councilor Bode moved and Councilor Wohlrab seconded to award the bid for the Line Road Safety Improvements to Tiger Construction LTD in the amount of \$256,142.85 and authorize the Mayor to sign the contract. Motion approved on a 7-0 vote.***

### 3MG Reservoir Roof Coating Contract

For the second time, through the Small Works process, staff solicited bids for roof coating of the 3MG Fairgrounds steel water storage tank. Per direction of the Public Works Committee in September, the first bids were rejected, and staff was directed to re-solicit bids to try and get more cost-friendly bids.

The engineer's estimate is \$350,000, including taxes. The following two bids were received:

- 1) HCI Industrial & Marine Coatings, Inc. - \$296,751.00, including tax;
- 2) Partner Industrial - \$348,775.00, including tax.

The Engineer has provided a recommendation, and staff is recommending that City Council award the bid to HCI Industrial who is the lowest responsive and responsible bid.

***Councilor Bode moved and Councilor De Valois seconded to that Council award the contract for the 3MG Reservoir Roof Coating Project to HCI Industrial & Marine Coatings in the amount of \$296,751 including tax and authorize the Public Works Director to sign the Notice of Award and Notice to Proceed. Motion approved on a 7-0.***

### Interlocal Agreement – Implementation Guidelines for County Wayfinding Signs

The Bellingham Whatcom County Tourism Office have been working cooperatively with the jurisdictions of Whatcom County to develop a regional wayfinding sign program. The program includes coordinating roadway and pedestrian signs for locations throughout the County. Although the County is divided into 3 regions and each of the cities have unique identity icons, the program is meant to provide continuity and guidance to visitors in support of tourism activities throughout the County.

More specifically, the sign program within Lynden's boundaries seeks to raise a visitor's awareness to other destinations within the city by directing visitors to downtown from Bender Fields, the Fairgrounds, or Homestead golf course. The Downtown Business Association is advocating for the program while the Chamber of Commerce expressed concerns related to the overall value of the project.



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In anticipation of this agreement the Lodging Tax Advisory Committee voted to provide funding in the amount of \$22,000 for year one of a multi-year sign program implementation. It is important to note that the attached agreement does not obligate the City of Lynden to install signs.

Instead the agreement:

- Outlines the standards by which signs would be installed if / when the City participated;
- Makes the City eligible to receive County funding for half of the vehicular signs which are installed;
- Includes Lynden signs in the WSDOT review;
- Allows the City to choose which signs to install and take measures to reduce the overall cost.

***This item was tabled and sent back to the upcoming Community Development Committee.***

### Development Agreement – Front Street Station Business Park

The development agreement attached has been brought forward by Don and Sally Korhuis for a business park development called Front Street Station. The 7-acre project is located on Front Street west of Duffner Drive. Due to the potential mix of uses, LMC 19.23 specifies that property owners developing a business park formalize a development agreement with the City Council after receiving a recommendation from the Planning Commission on 5 specific areas of review.

On October 24, 2019 this agreement received Planning Commission recommendation for approval. Beyond the issues reviewed by the Planning Commission the agreement also outlines a methodology for the collection of impact fees, establishes access points on West Front Street, and notes the potential for a variance to the street standard associated with West Front Street (by separate application).

On November 18, 2019 the City Council approved two related requests: a Conditional Use Permit which supported wholesale and warehouse uses, and a street standards variance which reduced the amount of dedicated frontage required at this location. Fully developed the park would provide leasable spaces for a wide variety of retail, office, light manufacturing and warehouse uses within the 124,000 square foot park.

***Councilor Bode moved and Councilor Laninga seconded to approve the Development Agreement with Front Street Station LLC and to authorize the Mayor's signature on the document. Motion approved on a 6-0 vote with Councilor Strengholt abstaining.***

### PRD Amendment- RB Development for the Parkview Apartment Projects

Planned Residential Development (PRD) Amendment 19-01 has been brought forward by Scott Goodall representing the property owner of Parkview Apartments. The application is proposing a revision to the PRD Development Agreement which would allow for utilization of residential units originally planned for the area by modifying the perimeter setback of the project, reestablishing a height limitation of 45 feet, and modifying outdoor storage requirements for the proposed units.

If the amendment is permitted the application details the construction of senior apartments which would complement the surrounding property uses. The application went to a public hearing before the Planning Commission on October 10th. The hearing demonstrated that there was consistent support for senior housing opportunities. However, concerns related to scale of the building and traffic impacts ultimately resulted in a recommendation for denial.



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Despite the recommendation the project applicant has requested that the application continue to the City Council for a final decision. Given the support for the housing type, staff is proposing that the City Council consider the potential conditions detailed in the staff memo. The conditions are meant to address the concerns of the Planning Commission while providing a path forward for additional senior housing within the City of Lynden.

If the Council determines approval with conditions is warranted, the application will return to Council with detailed findings and the projects corresponding CC&R's.

***Councilor Lenssen moved and Councilor De Valois seconded to remand the PRD Amendment 19-01 back to the Planning Commission for further consideration and request that the Planning Commission bring back a new recommendation based on review of additional conditions by staff and others. Council also asks Planning Commission to systematically review the criteria for accepting the Amendment as part of their process and determination of a recommendation. Motion approved on a 7-0 vote.***

### 6. OTHER BUSINESS

#### Council Committee Updates

Councilor Lenssen reporting for the Public Safety Committee, Committee, involving the discussion of:

- Fire suppression ordinance
- Sarah Silvas, new Fire Support Manager has been hired
- New Assistant Fire Chief, Tom Hatley, will begin work in January 2020
- Fire Department's monthly report
- Ambulance will be coming soon
- Steve Taylor has been selected as the new Police Chief
- Randy Humphrey's promotion
- Oral board interviews for lateral police applicants
- Two police officer positions are open
- Vehicle prowl reports has significantly decreased

***Mayor Korthuis reminded council that 2020 council committee assignments were up for renewal.***

### 7. EXECUTIVE SESSION

Council did not have an executive session.

### 8. ADJOURNMENT

The December 2, 2019 regular session of the Lynden City Council adjourned at 8:00 p.m.

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Pamela D. Brown, MMC  
City Clerk

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Scott Korthuis,  
Mayor