

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



July 20, 2020

1. CALL TO ORDER

Mayor Korthuis called to order the July 20, 2020 regular session of the Lynden City Council at 7:05 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, Nick Laninga, Kyle Strengholt, and Mark Wohlrab.

Members absent: None

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, City Administrator Mike Martin, and City Attorney Bob Carmichael.

OATH OF OFFICE- None

APPROVAL OF MINUTES - None

ITEMS FROM THE AUDIENCE

Scheduled:

Jetje and Jakobus Williams, 150 Cambridge Drive, Lynden

Jetje Williams (mother) and Jakobus Williams (son) shared with council members their personal experience with racism while residing in Lynden. Jakobus shared specific racist language and threats directed toward him personally.

Ms. Williams and her family are currently working with others in the community to build a path forward with the hope that there can be change through partnership with law enforcement and building bridges through education. Jetje Williams stressed that the people working toward this goal are members of the Lynden community and they do not want to see instances of graffiti, looting or violence either. Ms. Williams also stated that their message is not political, anti-police, or anti-America.

Jakobus Williams suggested that council ensure more defined safety measures for those people participating in marches and asks that the city administration issue an anti-racism

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statement. He also invited Council members to participate in their next march, scheduled for some time in mid-August.

Unscheduled- None

2. CONSENT AGENDA

Approval of Payroll Disbursed – July 1 through June 15, 2020

Paychex EFT	\$69,337.02
City of Lynden EFT	\$65,366.45
Warrant Liability	\$59,584.79
Subtotal	\$194,288.26
Paychex EFT Liability	\$7,927.06
Total EFT & Other Liabilities	\$202,215.32

Approval of Claims – July 20, 2020

Manual Warrants No.	<u>19744</u>	through	<u>19747</u>		\$43,375.85
EFT Payment Pre-Pays					\$161,638.62
				Sub Total Pre-Pays	\$205,014.47
Voucher Warrants No.	<u>19748</u>	through	<u>19892</u>		\$1,369,240.21
EFT Payments					<u>\$30,770.86</u>
				Sub Total	\$1,400,011.07
				Total Accts. Payable	\$1,605,025.54

2019 Berthusen Park Financial Report

As stipulated in the Berthusen Will granting Berthusen Park to the City of Lynden, it is necessary that the City Council review a financial report annually.

Ordinance No. 1606 - 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 Water Reservoir project (for DWSRF reimbursement), Arterial Street capital improvements,

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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 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, and 1588 each authorizing an extension of the maturity date of the notes. The city received an offer from Banner Bank (formerly Skagit State Bank) to extend the maturity date of the notes from July 31, 2020 to July 31, 2021, at a rate of 3.64% which is a 0.06% decrease from the previous rate. The closing date is anticipated to be July 31, 2020.

The city's Bond Counsel and Finance Director have reviewed this proposal to its review by the Finance Committee on July 20, 2020.

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

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS - None

5. NEW

Resolution No. 1024-Business License Fee

The City of Lynden adopted an ordinance amending Lynden Municipal Code Chapter 5.02 regarding business license issuance and exemptions (Ordinance No. 1564). This modification to city code coincided with the required conversion to Washington State's Business License System. Ordinance No. 1564 requires the fees to be set by Resolution.

Resolution No. 1024 sets the required fees at the following:

1. Licensing fees for General Business Licenses shall be set as follows:
Fifty Dollars (\$50.00) for License Origination Fee
Twenty-Five Dollars (\$25.00) for License Renewal Fee

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2. Licensing fees for Non-Resident Business Licenses shall be set as follows:
Fifty Dollars (\$50.00) for License Origination Fee
Twenty-Five Dollars (\$25.00) for License Renewal Fee

3. Licensing fees for Home Occupation Business Licenses shall be set as follows:
One Hundred Twenty-Five Dollars (\$125.00) for License Origination Fee
Fifty Dollars (\$50.00) for Renewal Fee

The Finance Committee has reviewed Resolution 1024 and given approval for review and consideration by the full Council.

Councilor Strengholt moved and Councilor Kuiken seconded to approve Resolution No. 1024 as written and authorize the Mayor's signature. Councilors Lenssen, Bode, Laninga and Wohlrab voted no and Councilors Kuiken, De Valois, and Strengholt voted yes. Motion failed 4-3.

After some discussion, Resolution No. 1024 was re-written to only include the license origination fees for the General Business License, Non-Resident Business License, and the Home Occupation Business License. Resolution NO. 1024 will not include an annual renewal fee for any of the Business Licenses.

Councilor Strengholt moved and Councilor Laninga seconded to approve Resolution No 1024 with the above noted changes and to authorize the Mayor's signature. Motion passed 7-0.

YMCA Supplemental Expense

It has been brought to the attention of the City's Administration, that the YMCA like many other businesses during this time is encountering difficulty meeting its operational expenses and might be forced to close its Lynden location.

The City recognizes the importance the YMCA has in Lynden and the surrounding community. The City's Administration has been in direct contact with the YMCA and has reached an agreement where the City would provide \$60,000 from the General Fund to aid the YMCA with its expenses, helping it to remain operational for the remainder of 2020. It is recognized that this is only a short-term remedy, but one that would buy time for the City and YMCA to seek a more permanent long-term solution.

The City Council is being asked to approve the \$60,000 expenditure for the YMCA out of the 2020 Budget. The Finance Committee reviewed this information and approved it for review by the full Council.

Councilor Strengholt moved and Councilor Kuiken seconded to approve the \$60,000 expense out of the General Fund to supplement the YMCA. Motion passed 7-0.



Conditional Use Permit 20-01-Janstar Property

Janstar Properties, represented by Blake and Jody Starkenburg, have requested a Conditional Use Permit for their property located at 409 Judson Alley for agricultural production and sales - an entity they are calling Vonstar Farms.

The Commercial Local Services (CSL) zoning on the subject property allows for a wide variety of uses but requires that agricultural production and sales seek a conditional use permit. As such, the request for a Conditional Use Permit is to allow the growing and associated sale of the produce. Traffic related to the proposed CUP is expected to be minimal, but staff has recommended that general access to the site occur only from Riverview Road.

In 2007 the City Council approved a long-range planning strategy for the South Historic Business District. The subject property is part of this sub-area. Staff has concluded that the proposed agricultural production is consistent with the agricultural theme of the Comprehensive Plan and elements of the Sub-Area plan. Also, it does not prevent future development of the area which would include additional elements of the Sub-Area plan such as a mix of commercial and residential uses and a connecting pedestrian / vehicular network.

On July 9, 2020, a virtual public hearing was held before the Planning Commission to consider the request. Consistent with staff recommendation, the Planning Commission subsequently voted to recommend the approval of Conditional Use Permit 20-01. This authorizes agricultural production and sales on the property as described in the application and consistent with the details outlined in the Technical Review Committee Report.

Councilor Lenssen moved and Councilor Bode seconded to approve CUP 20-01 as recommended and authorized the Mayor's signature on the associated Findings of Fact and Conclusion of Law. Motion passed 7-0.

Conditional Use Permit 20-02 Darigold Processing

Darigold Processing, through their agent John Kay, have applied for a Conditional Use Permit to request a building height which exceeds what is outright permitted by 10'-6". The industrial zoning district in which the project is located allows for additional height requests to be made via conditional use permits (LMC 19.25.060). The new structure is proposed at a height of 70'-6" which exceeds the 60' height limitation permitted outright.

The project represents an upgrade to Darigold processing equipment which is used to make dried milk product. The full scope of work includes the removal of the 42-year-old chrome dryer and the construction of a concrete tower which will house updated equipment to



support existing production. The chrome dryer which was recently removed from the site was approximately 85 feet tall. The tallest structure on the site, a concrete tower that tops out at 140 feet tall, will remain as is.

Appearance of the new structure will resemble the concrete portion of the existing tower. The applicant indicates that the enclosed equipment is not anticipated to add increase noise levels coming from the site.

On July 9, the Planning Commission held a public hearing on the application. The result of the hearing was a recommendation for approval subject to the conditions outlined in the Technical Review Committee report.

Councilor Lenssen moved and Councilor Wohlrab seconded to approve CUP 20-02 as recommended by the Planning Commission and authorize the Mayor's signature on the associated Findings of Fact and Conclusion of Law. Motion passed 7-0.

Award Bid for Benson Road Pedestrian Improvements Project

Staff recently solicited bids from eligible contractors on the City's Small Works Roster for the Benson Road

Pedestrian Improvements Project. This project constructs sidewalk along the east side of Benson Road north of Isom Elementary School to West Park Street. The base bid constructs sidewalk where there is none today. An alternate bid item was included for the replacement of deteriorated existing sidewalk north of Isom School. Three bids were received on July 16, 2020.

Reichhardt and Ebe Engineering prepared the attached Bid Tabulation. After review, Reichhardt and Ebe determined Granite Construction to be the lowest responsive and responsible bidder and recommends award.

At the Public Works Committee meeting on July 8, 2020, the Public Works Committee concurred that the bid results could be forwarded directly to City Council after informing them of the results.

Additionally, the Committee concurred to establish a budget control limit of \$280,000 to this project to use to determine the low bid with the alternative bid item. Contractors were notified of this prior to bid opening. Granite Construction's base bid plus Alternate A1 are within this control limit.



6. OTHER BUSINESS

Council Committee Updates

Councilor De Valois reporting for the Parks Committee which involved discussion of:

- Naming of City trails
- Benson Barn proposal
- Park Master Plan review
- Recreation District updates
- Berthusen restrooms permit
- Pump Track construction- dirt track for now
- Noise complaints at Bender basketball courts

Councilor Strengholt reporting for the Finance Committee which involved discussion of:

- Approval of Payroll and Claims
- OT for Police and Fire departments- same story
- Sales tax is down 10% from last year
- Ordinance No. 1606
- Berthusen Park annual report
- YMCA expenses
- Resolution No. 1024
- Cassell conversion
- Police holiday/overtime correction

Councilor Wohlrab reporting for the Public Safety Committee which involved discussion of:

- Local 106 Union representative and Lynden citizen addressed the committee regarding the Captain job position
- The July 5th March and safety measures
- A couple of citizens addressed the Committee regarding racism in Lynden and the July 5th March
- Request for statement from Council/Administration regarding racism
- ALCOA donation of Connex box for fire training
- Police Corporal position

Councilor Laninga reminded Council of the July 23rd ribbon cutting for 7th Street beginning at 11:00 a.m.

Mayor Korthuis reminded Council that City Attorney Bob Carmichael will speak at the Community Development Meeting on July 22, 2020 at 4:00 p.m.



7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

The July 20, 2020 regular session of the Lynden City Council adjourned at 8:47 p.m.

Pamela D. Brown, MMC
City Clerk

Scott Korthuis
Mayor

DRAFT