

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



June 20, 2022

### 1. CALL TO ORDER

Mayor Korthuis called to order the June 20, 2022 regular session of the Lynden City Council at 7:00 p.m. at the city's council chambers.

### ROLL CALL

Members present: Mayor Scott Korthuis, Councilors Ron De Valois, Gerald Kuiken, Brent Lenssen, Nick Laninga, Mark Wohlrab, and Kyle Strengholt.

Members absent: Councilor Gary Bode absent with notice.

Staff present: Finance Director Antony Burrows, Fire Chief Mark Billmire, Parks Director Brent DeRuyter, Planning Director Heidi Gudde, Police Chief Steve Taylor, 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 De Valois moved, and Councilor Wohlrab seconded to approve the June 6, 2022, regular council meeting minutes as presented. Motion approved on 6-0 vote.***

### CITIZEN COMMENT

Lifeshouse Foundation applied with the Department of Corrections to be listed as a resource for prison releases for two separate houses in Lynden. Each of these houses are located directly next to an elementary school. The addresses are 410 17<sup>th</sup> Street and 8457 Benson Street.

The Lifeshouse Foundation application seeks permission to provide transitional housing to three or more tenants using funds from the DOC's Earned Release Date (ERD) Housing Voucher Program.

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The following members of the public provided comment to city council:

Jennifer Bruschetto	Benson Road, Lynden	Opposed to Location
Stephanie Rogers	Westview Pl., Lynden	Opposed to Location
Miles Davis	Summit House, Lynden	Unopposed
Ben Jones	Sparrow Court, Bellingham	Unopposed
Matt McDonald	Currant St., Lynden	Unopposed
Jesse Clark	Bender Rd., Lynden	Opposed to Location
Nathan Libolt	17 <sup>th</sup> Street	Opposed to Location
Leslie Kraz	Westview Pl., Lynden	Opposed to Location
Leslie ??	??	Opposed to Location
Rachel Adams	Westview Pl., Lynden	Opposed to Location
Tessa Garcia	17 <sup>th</sup> St., Lynden	Opposed to Location
Jen Chestnut	Main St., Lynden	Opposed to Location
Carrie Rogers	17 <sup>th</sup> St., Lynden	Opposed to Location
Jared Mira	Village Drive	Opposed to Location
Tate Norris	Front St., Lynden	Opposed to Location
Katie James	17 <sup>th</sup> St., Lynden	Opposed to Location
Tom Boaz	Shea St., Lynden	Opposed to Location
Cynthia Ripke-Kutsagcitz	Guide Meridian, Lynden	Opposed to Location
No Name Given	??	Opposed to Location
Gladys Libolt	Parkview Dr., Lynden	Opposed to Location
Megan McKay	??	Opposed to Location
Lacey Libolt	17 <sup>th</sup> St., Lynden	Opposed to Location
Stephanie ?	Westview Pl., Lynden	Opposed to Location
Paul Ricci	Benson Rd., Lynden	Opposed to Location
Mark Urban	Bellingham	Opposed to Location
Josh Jorgensen	Pine St., Lynden	Opposed to Location
Senator Simon Sefzik	Ferndale	Opposed to Location
Kelly McKay	Drayton St., Lynden	Opposed to Location

***Citizen comment portion of the meeting closed at 8:40 p.m.***

## 2. CONSENT AGENDA

### Payroll Liability to June 5 through June 18, 2022

#### EFT & Other Liabilities

#### Non-L&I Liabilities

Monthly EFT .....	\$349,706.09
Check Liability .....	\$959.15
Total Non-L&I Liabilities .....	\$350,665.24
Quarterly Liabilities .....	\$14,003.88

<b>Total EFT &amp; Other Liabilities</b>	<b>\$364,669.12</b>
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### Approval of Claims – June 21, 2022

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>24852</u>	through	<u>24967</u>		\$1,192,473.10
EFT Payments					<u>\$5,062.26</u>
				Sub Total	\$1,197,535.36
				Total Accts. Payable	\$1,197,535.36

### New Permanent Employee Positions

Based on the City’s ever increasing operational demands, two new permanent positions have been requested. The Police Department has requested an additional position for a 19th officer to fill the need for another detective and the Human Resources Department has requested an additional position for an HR Specialist.

Both of these positions have been vetted and approved in their respective committees for submittal to the full Council and the Mayor. Both positions have received the approval of the Mayor and/or the Council with permission to be filled by July 1st, 2022 or thereafter.

The Finance Director conducted a mid-year review and conveyed to the Mayor and City Administrator that a budget amendment is not required at this time. Finance will use current underruns to fund these positions in the 2022 General Fund budget. If it becomes apparent later in the year that a budget amendment is needed it will be requested at that time. Both positions will be directly funded in the 2023 budget.

### Lynden Recreation Center (Formerly YMCA) Pool Deck Resurfacing

The Whatcom County Health Department has identified needed repairs to the City recreation center pool deck for health and safety. There are excessive drainage issues creating standing water around the pool that can be corrected with resurfacing.

A community member has been active seeking funding and has secured a commitment from the Lynden Parks & Recreation District for \$10,000 towards the pool deck resurfacing which is estimated to cost about \$18,000. Under the terms of the lease that the City has with Forge Fitness this is an item of work that would be eligible for reimbursement by the City after they have the work performed and provide copies of the actual invoices.

After reimbursing Forge Fitness the City would bill the Parks and Recreation District for the \$10,000 that they committed. Forge Fitness is proposing to perform the work during their



annual pool closure later this summer. The Public Works Committee reviewed this quote at their meeting on May 4, 2022, and concurred to recommend approval by City Council.

***Councilor Wohlrab moved, and Councilor De Valois seconded to approve the Consent Agenda. Motion passed with a 6-0 vote.***

### 3. PUBLIC HEARING

#### **Resolution No.1049- Public Hearing for Renewal of Lynden Transportation Benefit District (TBD)**

The City of Lynden established the Lynden Transportation Benefit District (TBD) on July 16, 2012 by City Ordinance 1423 pursuant to Chapter 36.73 Revised Code of Washington. The City has used the collected TBD revenue to complete important street construction projects within Lynden, including improvements to the following streets:

- Line Road (Street and Pedestrian Improvements)
- 7th Street and Alley
- 5th Street and Alley
- Riverview Road
- 17th Street (including sidewalk improvements south of Front Street)
- Parkview Drive
- 17th Street (extension to Main Street)
- Foxtail Street (eliminated gap between Eastwood Way and Bradley Meadows Lane)
- Benson Road (sidewalk extension to North Park Street)

The Transportation Benefit District can be extended every ten years with a vote of the public to renew the sales and use tax as its source of revenue, per RCW Chapter 36.73 to finance transportation capital improvements. If the renewal is approved by the voters, the sales and use tax will continue to apply to persons who shop and thereby use the roads in the City and not just to City residents. The renewed sales and use tax are estimated to generate, based on retail growth over the next ten years an average annual revenue of \$750,000 which can only be used to fund transportation improvement projects.

Mayor Korthuis opened the public hearing at 8:53 p.m.

There were no comments.

Mayor Korthuis closed the public hearing at 8:53 p.m.

***Councilor Lenssen moved, and Councilor Strengholt seconded that City Council approve Resolution No. 1049, providing for a ballot proposition to be submitted to the qualified electors of the district on November 8, 2022, to renew and continue to***



***impose a two-tenths of one percent (.002) sales and use tax for the purpose of financing some or all of the costs of projects identified within the adopted***

***transportation plans for a period of ten years, and authorize the Mayor's signature. Motion passed with a 6-0 vote.***

### **Ordinance No. 1645- Annexation of Benson Park Property**

To facilitate the continued design and development of the Benson Road Park and implementation of the Pepin Creek Sub-Area Plan, the Council is being asked to approve the annexation of 36.35 acres of the Benson Road Park property that currently falls within unincorporated Whatcom County.

As the Council may recall, in 2011 the farmstead associated with this property was annexed into the City. And, in 2014 the City purchased both the farmstead and the farmland. As the City is legal owner of the property, it is contiguous to the existing City limits, and will be used for public purpose, the annexation action may utilize an exception provided in RCW 36.93.090 whereby the review and approval of the proposed annexation by the Whatcom County Boundary Review Board is not required.

Planning and Public Works staff have notified, and coordinated with, Whatcom County staff consistent with the guiding interlocal agreement on annexations. No special assessments or proportional share of infrastructure improvements are due to the County in association with this annexation. The proposed Ordinance 1645 comes forward as a final annexation action. ***Public Hearing requirement previously met.***

***Councilor De Valois moved, and Councilor Laninga seconded to approve Ordinance No. 1645 annexing the city-owned Benson Road property and authorize the Mayor's signature on the documents. Motion passed with a 6-0 vote.***

### **Ordinance No. 1646- Amending LMC 15.26- Third-Party Review Policy**

The Building Division, at times, needs third-party support in the review of building permits either due to the complexity of the building project or due to an influx in building permit submittals.

This proposed ordinance establishes a City policy for the use of third-party review and collection of associated fees. This guidance would become part of LMC 15.26. Fees are not established through this ordinance but would currently rely on Resolution 991 (included with council packet submittal) and be updated periodically.



Planning staff is working with the Finance Department to include the third-party review fees in a unified fee schedule that would adjust by an accepted cost index.

Mayor Korthuis opened the public hearing at 8:56 p.m.  
There were no comments.  
Mayor Korthuis closed the public hearing at 8:56 p.m.

***Councilor Lenssen moved, and Councilor De Valois seconded to approve Ordinance No. 1646 amending LMC 15 to establish a standard for the third-party review of building permits and to authorize the Mayor's signature on the document. Motion passed with a 6-0 vote.***

#### **4. UNFINISHED BUSINESS - None**

#### **5. NEW BUSINESS**

##### **Award Bid for Grover Street Overlay (3<sup>rd</sup> to Lawrence) Project**

Staff recently solicited bids for the Grover Street Overlay Project. The project provides for the structural asphalt overlay of approximately 1,400 linear feet of Grover St. from 3<sup>rd</sup> St. to Lawrence St. This contract includes grinding of the existing roadway, installation of traffic loops, and the replacement of pedestrian ramps and sidewalks to meet current accessibility standards.

Two bids were received on June 9, 2022. Reichhardt and Ebe Engineering prepared the attached Bid Tabulation and Recommendation to Award. The apparent low bid provide by JB Asphalt was review by staff and the City Attorney and has been determined to be an Irregular Bid. There are significant unbalanced unit prices on at least four critical bid items, including the three (3) traffic control items as shown on the attached Bid Tabulation. Section 1-02.13, Item 2b of the WSDOT Standard Specification allows the contracting agency to reject bids that are unbalanced and considered potentially detrimental.

The overall bid is more than 14% lower than the engineer's estimate and 25% below the other bidder. Staff is recommending rejection of the JB Asphalt bid due to this irregularity and award to the next low responsive bidder. At the Public Works Committee meeting on June 8, 2022, the committee concurred that the bid results could be forwarded directly to City Council after being informed of the results.

The Public Works Committee was advised of the bids and concurred to recommend award to Tiger Construction, the lowest responsive and responsible bidder, in the amount

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of \$882,367.50 (no applicable sales tax). This project will be funded with State Transportation Improvement Board (TIB) funds matched with Lynden Transportation

Benefit District (TBD) and County Economic development Investments (EDI) Program funds.

***Councilor De Valois moved, and Councilor Kuiken seconded to award the contract for the Grover Street Overlay (3<sup>rd</sup> to Lawrence) Project to Tiger Construction, in the amount of \$882,367.50, and to authorize the Mayor to sign the contract. Motion passed with a 6-0 vote.***

### **Resolution No. 1050- Interlocal Agreement regarding Planning, Annexation, and UGA Development**

Whatcom County and the City of Lynden Planners have drafted an update to the existing interlocal agreement between the City and the County concerning Planning, Annexation and UGA Development. The goal of the agreement is to coordinate efforts regarding development or infrastructure improvements which may occur with the City's Urban Growth Areas (UGAs) prior to annexation. The agreement makes provisions for the coordination of development standards and cost sharing of public infrastructure, such as bridges, which may have been installed by the County but get annexed into the City within 10 years of their construction. The agreement also establishes policies on sales tax revenue sharing when significantly developed commercial and/or industrial land is annexed out of Whatcom County. Revisions to the document focus primarily on creating consistency between this and other adopted documents including the County-wide Planning Policies. Clarification to the process associated with sales tax revenue sharing was also added. Unlike other cities in Whatcom County, Lynden's UGA has traditionally been largely undeveloped agricultural land and as such, many of the provisions included in the agreement are rarely if ever utilized. Staff is requesting that Council review the revisions and approve if they see fit.

***Councilor Lenssen moved, and Councilor Wohlrab seconded to approve Resolution No. 1050- Interlocal Agreement between the City of Lynden and Whatcom County concerning planning, annexation, and development within the Lynden UGA and to authorize the Mayor's signature on the resolution and agreement documents. Motion passed with a 6-0 vote.***

## **6. OTHER BUSINESS**

**Councilor De Valois reporting for the Public Works Committee.**

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- Discussion of planter strips
- Discussion on crosswalks near Darigold
- Transportation Benefit District (TBD) going before voters November 2022

### **Councilor Strengholt reporting for the Finance Committee.**

- Discussion of overtime for Fire and Police departments
- Sales tax revenue remains healthy
- Two permanent employee positions
- Glenning Street purchase is completed

### **7. EXECUTIVE SESSION**

Council adjourned into executive session at 9:04 p.m. to consider acquisition of a real estate purchase per RCW 42.30.110 (1)(b) with an expectation that no action would be taken and reconvening at 9:14 p.m.

### **8. ADJOURNMENT**

The June 20, 2022, regular session of the Lynden City Council adjourned at 9:14 p.m.

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Pamela D. Brown  
City Clerk

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Scott Korthuis  
Mayor