

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



April 05, 2021

### 1. CALL TO ORDER

Mayor Korthuis called to order the April 5, 2021 regular session of the Lynden City Council at 7:00 p.m. held through an online web-based meeting platform (Microsoft Teams).

#### ROLL CALL - None

Members present: Mayor Scott Korthuis and Councilors, Gary Bode, Ron De Valois, Jerry Kuiken, Nick Laninga, Kyle Strengholt and Mark Wohlrab.

Members absent: Councilor Brent Lenssen absent with notice.

Staff present: Fire Chief Mark 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 Wohlrab moved and Councilor Kuiken seconded to approve the March 15, 2021 regular council minutes as presented. Motion approved on a 6-0 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 – April 6, 2021

Manual Warrants No.	<u>21755</u>	through	<u>21762</u>		\$69,430.86
EFT Payment Pre-Pays					\$243,084.18
				Sub Total Pre-Pays	\$312,515.04
Voucher Warrants No.	<u>21606</u>	through	<u>21753</u>		\$194,718.01
EFT Payments					<u>\$0.000</u>
				Sub Total	\$194,718.01
				Total Accts. Payable	<b>\$507,233.05</b>

#### Remand of Site-Specific Rezone 20-05- O & S Farms

On March 15, 2021, the City Council remanded the Site-Specific Rezone application 20-05 to the Planning Commission for reasons specified in the attached order.

The rezone application was submitted by Ashley Gosal, on behalf of Fishtrap Creek LLC. The request would shift the property located at 8035 Guide Meridian from Commercial Services – Regional (CSR) to Commercial Services – Local (CSL).

The City's Land Use Code includes the criteria by which site specific rezones can be approved. These are addressed in the application. The Committee's review concluded with a recommendation for approval of the site-specific rezone given that the aforementioned code revisions and the changes to the retail market marked a change condition as described in the approval criteria (LMC 17.19.050).

The Planning Commission considered the rezone request at a public hearing on January 28, 2021. The hearing concluded with a recommendation to the City Council to deny the rezone request. After the Planning Commission decision, the Planning Department received a letter from legal counsel for the applicant. The letter outlines concerns related to the January 28th hearing. Per RCW 42.30.140(2) the City Attorney recommended that these concerns be discussed in executive session. The resulting decision was to remand the item to the Planning Commission for a new open public hearing as detailed in the document included in the council packet.

#### Ordinance No. 1623 Site-Specific Rezone 20-04 – Lagerwey/Kode Kamp Vista

On March 15, 2021, the City Council voted to approve Site Specific Rezone 20-04 for the Lagerwey / Kode Kamp Vista property. The approval will shift the property from a residential zoning category of RS-100 to a Residential -Mixed Density zoning (RMD). The ordinance and findings of fact related to the Council's approval is included in the packet.



## Preliminary Plat Approval – Kode Kamp Long Plat

Jeff Palmer, on behalf of Northwood Partners LLC, applied for the subdivision of approximately 28 acres located at the northeast corner of Kamm Road and Northwood Road into 92 lots. Proposed lot sizes, consistent with the newly assigned RMD zoning category, range from the 6,000 square foot to well over 10,000 square feet.

The applicant has indicated a desire to maintain all the lots for single family detached homes except for 5 lots which would be used for duplexes. Pedestrian accommodations will be made interior to the plat in the form of sidewalks and, on Northwood Road, widened roadway shoulder that is delineated by a curb and flexible lane markers. City Council voted to approve the preliminary long plat for Kode Kamp Vista on March 15, 2021. The Findings of Fact document is included in the council packet.

***Councilor Kuiken moved and Councilor Wohlrab seconded to approve the Consent Agenda. Motion approved on a 6-0 vote.***

### **3. PUBLIC HEARING - None**

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

### **5. NEW BUSINESS**

#### Ordinance No. 1622 – Park Impact Fees

The City of Lynden adopted Ordinance 1197 setting the fee schedule for Park Impact Fees in 2004. Fees were set at \$936.00 per house at that time and have not been updated since.

The updated Park and Trail Master Plan was adopted and updated on Dec. 21, 2020 and the Parks Department was mandated to study costs and level of service relating to maintaining and developing our parks system in a manner that would fund a portion of the acquisition and development through the use of park impact fees that more closely related to actual costs for acquisition and development.

A cost-of-living index has been added to the fees so they will be updated annually rather than have to return every couple of years to have fees increased. Parks committee has reviewed the ordinance and recommends forwarding the ordinance to full council for approval.

***Councilor De Valois moved and Councilor Laninga seconded to approve Ordinance No. 1622 amending the Unified Fee Schedule for the purpose of updating Park and Trail Impact fees and authorize the Mayor's signature. Motion approved on a 6-0 vote.***



## Select Hearing Examiner

At its March 1, 2021 meeting, the City Council adopted Ordinance 1516 which created the position of Hearing Examiner. The ordinance included language that required the City Council itself to select the Hearing Examiner. Council decided to use a process where a committee comprised of Councilmembers, the Mayor and staff vetted the applicants, selected its preferred candidate, then advanced that recommendation to the full City Council.

Shortly after Council adopted Ordinance 1516, staff circulated a Request for Proposals and received back three well-qualified responses. The vetting committee met with the three candidates (two in-person, one of them remotely) on March 29, 2021. Councilmembers and the Mayor unanimously selected Rajeev Majumdar as its preferred candidate. His entire response to the RFP is included in the council packet.

***Councilor Kuiken moved and Councilor De Valois seconded to direct the staff to complete the hiring process to employ Rajeev Majumdar as Lynden's Hearing Examiner. Motion approved on a 5-0 vote.***

## 6. OTHER BUSINESS

### Council Committee Updates

Councilor Wohlrab reporting Public Safety Committee discussion of the following:

- OT reports for both Fire and Police Departments show reduction in hours
- Fire Department continues to experience "stacked" calls
- Remodel of Station 75 is progressing well
- Chief Taylor submitted a 2020 Review Report, some of these highlights will be posted to Lynden Watch as well as some Fire Department highlights

***Councilor De Valois recognized City Public Works Street Crew employee Chris Libolt for rendering assistance to a motorist in distress this week.***

***Mayor Korthuis announced to Council that he will seek re-election as Mayor in 2020.***

## 7. EXECUTIVE SESSION

Council recessed into executive session at 7:11 p.m. concerning a matter of land acquisition. The executive session is expected to last 10 minutes and a decision is expected.

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The Council meeting reconvened at 7:21 p.m.

***Councilor Bode moved and Councilor Wohlrab seconded to authorize the Mayor and the City Attorney to prepare purchase and agreement and Title Report pursuant to purchasing the Erdmann property for \$200,000.00. Motion approved on a 6-0 vote.***

### 8. ADJOURNMENT

The April 5, 2021 regular session of the Lynden City Council adjourned at 7:21 p.m.

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Pamela D. Brown, MMC  
City Clerk

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Scott Korthuis  
Mayor

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