

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



January 6, 2020

1. CALL TO ORDER

Mayor Korthuis called to order the January 6, 2020 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 Strengtholt, and Mark Wohlrab.

Members absent: None

Staff present: Fire Chief Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Acting Police Chief Russ Martin, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin, and City Attorney Bob Carmichael.

OATH OF OFFICE

Prior to commencing the duties of council office, recently, re-elected council members Gary Bode, Ron De Valois, Jerry Kuiken and Brent Lenssen were administered their Oath of Office by Mayor Korthuis. Term of office for each council member expires December 31, 2023.

Mayor Korthuis also administered the Oath of Office to Assistant Fire Chief Tom Hatley. Council and staff extended their well wishes for AC Hatley's success with the city of Lynden.

APPROVAL OF MINUTES

Councilor Wohlrab moved and Councilor De Valois seconded to approve the regular council minutes of December 16, 2019. Motion approved on a 7-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled: None

Unscheduled:

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

Cynthia addressed council and expressed her gratitude to council. She is in favor of the direction that council takes when considering city business.

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2. CONSENT AGENDA

Approval of Payroll Disbursed – December 16-31, 2019

Paychex EFT	\$331,264.91
City of Lynden EFT	\$65,505.42
Warrant Liability	\$65,415.61
Subtotal	\$453,185.94
Paychex EFT Liability	\$6,706.11
Total EFT & Other Liabilities	\$459,892.05

Approval of Claims –January 10, 2020

For 2019 open period (201913) checks dated 12/21/2019

Manual Warrants No.	<u>74446</u>	through	<u>74449</u>		\$20,207.16
EFT Payment Pre-Pays					\$20,736.54
				Sub Total Pre-Pays	\$44,943.70
Voucher Warrants No.	<u>74453</u>	through	<u>74488</u>		\$88,416.06
EFT Payments					\$0.00
				Sub Total	\$88,416.06
				Total Accts. Payable	\$133,359.76

Appoint Mayor Korthuis to the 2020 Whatcom Transportation Authority Board & Appoint Councilor Gary Bode to act as alternate

Reappointment of Park and Trail Advisory Committee Members

Three members of the Park and Trail advisory committee has completed their terms with the committee at the end of 2019. Tad Vander Griend, Jeff Davis, and Colby Weg have all agreed to serve an additional term on the committee.

Both the Advisory committee and the Parks Committee desire to have Tad, Jeff, and Colby reappointed to the committee for an additional 3-year term. Terms will be from January 1, 2020 through December 31, 2022.

Reappointment of Berthusen Advisory Committee Members

One member, Dave Timmer, of the Berthusen advisory Committee completed his term with the committee at the end of 2019. Mr. Timmer has agreed to serve an additional term on the committee. Both the Advisory Committee and the Parks Committee desire to have Dave reappointed for an additional 3-year term. The term is January 1, 2020 through December 31, 2022

Mayor Korthuis thanked each of the committee members for their service to the community.



Remand Order for PRD Amendment 19-01 – RB Development (Parkview Apartments)

Planned Residential Development (PRD) Amendment 19-01 proposes a revision to the RB Development PRD Development Agreement. The amendment seeks to utilize residential units originally planned for within the PRD by modifying the perimeter setback associated with Parkview Apartments, reestablishing a height limitation of 45 feet, and removing outdoor storage requirements for the proposed units. If the amendment is permitted, the applicant proposes 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.

Given the support for the housing type, staff proposed that the City Council consider conditions of approval which would reduce the scale and impacts of the project. The proposed 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.

On December 2, 2019 the City Council reviewed the applicant's request and the staff recommendation and determined that the application, and proposed conditions, should return to the Planning Commission for review. Subsequently, the attached Order of Remand has been created which outlines the proposal and the requested remand to the Planning Commission. Per code, remand orders must include a timeframe. In this case the Planning Commission shall pass a resolution with new findings by March 31, 2020.

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

3. PUBLIC HEARING

Resolution No. 1015- Stormwater Comprehensive Plan

The City of Lynden has developed an updated Comprehensive Stormwater Plan referenced in the City's overall Comprehensive Plan (Chapter 5, Section 5.2.3), as required under the State's Growth Management Act. Additionally, this plan was revised to meet the terms of the City's Western Washington Phase II National Pollutant Discharge Elimination (NPDES) Permit.

The Comprehensive Stormwater Management Plan offers guidance on ways to minimize the adverse effects of stormwater runoff to receiving water bodies and identifies existing stormwater issues within the system. The Plan provides City staff and policy makers with the background and necessary information to develop and manage the storm drainage system in a cost-effective manner that complies with regulatory stipulations. The objectives are to understand the current conveyance and water quality treatment issues in order to position the City for effective planning of future improvements. As such, this plan functions as a long-term planning tool that will ready the City for the anticipated growth in population over a 20-year horizon. The Plan outlines methods for meeting regulatory requirements and

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developing policies and procedures; and defines capital facilities projects for the Stormwater Utility. The full document is available upon request and will be posted to the City's website.

At their December 16th meeting, City Council concurred to set a public hearing date of January 6, 2020 to hear comments on the City's Stormwater Comprehensive Plan. Upon hearing comments, the Council may reject the Plan or approve the Plan through Resolution No. 1015.

Mayor Korthuis opened the Public Hearing at 7:13 p.m.
There were no comments.
Mayor Korthuis closed the Public Hearing at 7:13 p.m.

Councilor Bode moved and Councilor De Valois seconded to approve the city's Stormwater Comprehensive Plan through Resolution No. 1015 and authorize the Mayor's signature on the document. Motion approved on a 7-0 vote.

Ordinance No. 1599-Comcast Franchise Agreement

The City's Franchise Agreement with Comcast Cable Communications Management LLC must be updated. The last agreement adopted by Ordinance 1165 in 2003 expired in 2013. The franchise fee remains at 5% per federal law (47 U.S.C. 542(a) and (b)).

Per RCW 35A.47.040, No granting of any franchise in a code city for any purpose shall be adopted or passed by the city's legislative body on the day of its introduction nor for five days thereafter.

At their December 16th meeting, City Council concurred to set a public hearing date of January 6, 2020 to hear comments on the City's Comcast Franchise Agreement. Upon hearing comments, the Council may reject the Franchise Agreement or approve the Franchise Agreement through Ordinance No. 1599.

Mayor Korthuis opened the Public Hearing at 7:14 p.m.

Vincent Buys, Comcast Representation, 1952 Blue Stem, Lynden spoke in favor of the agreement and asked for council support.

Gary Vis, Director Lynden Chamber of Commerce, 518 Front Street, Lynden asked about the removal of Comcast poles in Judson Alley.

Mayor Korthuis closed the Public Hearing at 7:18 p.m.

Councilor Bode moved and Councilor Kuiken seconded to approve the City's Franchise Agreement with Comcast through Ordinance No. 1599 and authorize the Mayor's signature on the document. Motion approved on a 7-0 vote.

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4. UNFINISHED BUSINESS - None

5. NEW BUSINESS

Proposal to Build a BMX Pump Track at Bender Fields

Kevin Rus, 931 E. Front Street, Lynden, and his associates are proposing to build a BMX Pump Track at Bender Fields. They are currently in the process of fund raising to pay for the installation of the park. They are working with a national company that builds pump tracks nationwide and are considering using the same plans as those used for Pinto Lake, located in California.

Mr. Rus provided a 10-minute presentation to Council that provided additional information about what pump tracks are, costs associated with building and maintaining the track and the plans they have for fundraising efforts.

Councilor De Valois moved and Councilor Bode seconded to approve the construction of a BMX Pump Track at Bender Fields if the committee can raise the needed funds for construction. Motion approved on a 7-0 vote.

Confirmation of Appointment to Planning Commission – Nikki Turner

The Mayor has appointed a new member, Nikki Turner, to fill a vacancy on the Planning Commission. This appointment is being brought forward to the City Council meeting for confirmation. Nikki will be filling the seat vacated by Brett Kok. Brett completed his term on the Planning Commission in December of 2019.

For those who may not be aware, the Planning Commission consists of seven members. Commission members are selected without respect to political affiliations and serve without compensation. At the time of appointment and throughout their term of office, the primary residence of each member of the Planning Commission must be within the city limits of Lynden. The term of office for each member is four years.

Nikki Turner has volunteered for this position after a recent run for a City Council position. She anticipates joining the Planning Commission for their first meeting in 2020 which is scheduled to occur on January 9th. The Mayor and staff are looking forward to adding her to the Planning Commission and request the City Council confirm her appointment.

Councilor Laninga moved and Councilor Wohlrab seconded to confirm the appointment of Nikki Turner to the Lynden Planning Commission for a term beginning January 2020 and expiring December 2023. Motion approved on a 7-0 vote

Re-appointment to Planning Commission – Blair Scott

Blair Scott has agreed to serve an additional term on the City's Planning Commission. This reappointment is being brought forward to the City Council meeting for confirmation.

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The Mayor and staff are thankful to Blair for his continued service on the Planning Commission and request that the City Council confirm his appointment.

Councilor De Valois moved and Councilor Strengholt seconded to confirm the reappointment of Blair Scott to the Lynden Planning Commission for a term beginning January 2020 and expiring December 2023. Motion approved on a 7-0 vote

6. OTHER BUSINESS

Mayor Korthuis asked council members to rank their preferences concerning council assignments for 2020 and 2021. He asked that they rank those preferences with 1 being the most preferred, 2 being the next best and 3 being the least preferred. Mayor Korthuis will make assignments base on the most senior council member's first preference then so on and so on until all the committee positions have been filled. Councilor Kuiken has volunteered to serve on three committees. The mayor asked that council members give him their committee choices by the end of next week.

Acting Chief Russ Martin gave each council member a coin commemorating Chief Michael Knapp's service to the City of Lynden. The coin was designed by police officer Van Loo and is meant to honor and remember the distinct character of Chief Knapp.

7. EXECUTIVE SESSION

Council did not have an executive session.

8. ADJOURNMENT

The January 6, 2020 regular session of the Lynden City Council adjourned at 7:35 p.m.

Pamela D. Brown, MMC
City Clerk

Scott Korthuis
Mayor