

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



May 17, 2021

1. CALL TO ORDER

Mayor Korthuis called to order the May 17, 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, Brent Lenssen, Nick Laninga, Kyle Strengtholt, and Mark Wohlrab.

Members absent: None

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Police Chief Steve Taylor, 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 Kuiken moved and Councilor Strengtholt seconded to approve the May 3, 2021 regular council minutes as presented. Motion approved on a 7-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled- Legislative Delegates

Lobbyist Briahna Murray, Gordon Thomas Honeywell Governmental Affairs

Provided council and the participants of the online meeting an update to the recently concluded legislative session. Democrats held the majority in both the House and Senate. One thousand bills were introduced and considered, 334 of which passed into law.

Significant policy changes were made, a few of which included a capitals gains tax, low carbon fuel standard, a cap and invest program, a working families tax credit and some other big policy issues. An issue that was not tackled was a transportation revenue package.

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An item specific to the city of Lynden was the allocation of \$200,000 in the capital budget for this project. The city is committed to delivering the project and must align the project with the fish window.

The second item highlighted is the Bradley Road Corridor, a \$3 million-dollar multi-modal project that would link the middle school and the high school. Approximately \$430 thousand dollars was included for the project. Although this amount fell short of the amount needed for the project the allotment signed the legislatures willingness to contribute financially to the project.

Ms. Murray cited an example of the how the legislative delegates looked out for the Lynden community and thanked them for their work.

Senator Doug Ericksen did not attend the council meeting.

Representative Sharon Shewmake spoke to the following items:

- **Emergency cash and rental relief for families and local businesses.**
- **Housing, foreclosures, and evictions assistance.**
- **Building more broadband.**
- **Work on childcare assistance.**
- **Transportation projects and packages that include safety concerns.**

Representative Alicia Rule spoke to the following items:

- **Grants, funding, and tax cut assistance for small business owners.**
- **Assistance on the Main Street program that focuses on economic development and self-sufficiency.**
- **Funding for a staff person working the Main Street program.**

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). It is anticipated that payroll information will be included with the June 21, 2021 minutes.

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Approval of Claims – May 19, 2021

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$3,238.56
				Sub Total Pre-Pays	\$3,238.56
Voucher Warrants No.	<u>21963</u>	through	<u>21981</u>		\$1,112,808.80
EFT Payments					<u>\$0.000</u>
				Sub Total	\$1,112,808.80
				Total Accts. Payable	\$1,116,047.36

Glenning Park Conservation Easement

The City of Lynden applied for funds from the county conservation future funds to help pay a portion of the cost for obtaining the Glenning Park property. The county agreed to the request and has drawn up a Conservation Easement to maintain the property in perpetuity as open space and requires that it be preserved, maintained, and protected as such in perpetuity.

The Parks committee reviewed the Easement at their meeting and recommended forwarding the easement to full council for approval.

Resolution No. 1037 – Net Increase in the Revolving Cash Fund

Currently the Lynden Public Works Department (LPWD) has a cash fund for the purpose of making change for citizen transactions. The LPWD has cash drawers assigned to it, each one assigned to an individual with the understanding that they are responsible for the funds as stated in the Resolution. Due to the operational need an increase in in the revolving cash fund limit is required. Resolution No. 1037 would increase the cash limit of the revolving Cash Fund from \$2,300 to \$2,600. The Finance Committee approved the recommended increase in their May 17, 2021 meeting and forwarded the Resolution to the full Council.

Appointment to Lynden Historical Preservation Commission- Kelsey Maloy

The Mayor has appointed a new member, Kelsey Maloy, to fill a vacancy on the Lynden Historic Preservation Commission. This appointment is being brought forward to the City Council meeting for confirmation. Kelsey will be filling the seat vacated by Mark Bratt, who resigned his term in 2020.

For those who may not be aware, the Lynden Historic Preservation Commission consists of five members. They are responsible for hearing and deciding on nominations to the Lynden



Historic Places Register, as well as approving proposed alterations to those historic structures. Kelsey brings an academic background in archeology and museum organization. She is particularly interested in using history to connect people to the story of their place.

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

3. PUBLIC HEARING

Resolution No. 1036- Adopting a Six-Year Transportation Improvement Program (STIP) 2022-2027

By law, a public hearing must be held for City Council to consider comments regarding the City's Six Year Transportation Improvement Program (2022 to 2027). Included in the council packet are Lynden's proposed transportation improvement projects that will be submitted to the Whatcom Council of Governments and from there to the Washington State Department of Transportation (WSDOT) as part of their statewide program.

To be eligible for funding for these projects, every city and county must prepare a planned local list of projects which ultimately is forwarded to the WSDOT by July 31 of each year for inclusion in the State's Transportation Improvement Program (STIP) list.

The Public Works Committee reviewed the STIP projects at their April 7, 2021 meeting and recommended that City Council set a public hearing date of May 17, 2021 at 7:00 p.m. at the Lynden City Hall Annex, to hear comments on the City's Six-Year Transportation Improvement Program. After the hearing is closed, the Council may pass Resolution No. 1036 approving the program.

Mayor Korthuis opened the Public Hearing at 7:25 p.m.

There were no comments.

Mayor Korthuis closed the Public Hearing at 7:25 p.m.

Councilor Bode moved and Councilor De Valois seconded that City Council approve Resolution No. 1036 adopting the 2022-2027 Six Year Transportation Improvement Program for the City of Lynden and authorize the Mayor's signature on the resolution. Motion approved on a 7-0 vote.



4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Finance Department – Approval of one additional Full-Time Employee

Increasing operational demands and work volume have shown the need for additional resources in some of the City's administrative offices. One of those areas is the Finance Department, as constantly increasing State and Federal regulatory and reporting requirements are pushing up against limited departmental resources.

These limitations have been recognized and discussed by the City Administrator and the Mayor. Both the City Administrator and Mayor have given their approval to the Finance Director for one additional entry level fulltime employee (FTE) in the Finance Department. The Finance Committee reviewed this request and has given their approval in their May 17, 2021 meeting and is forwarding the request to the full Council.

Councilor Strengholt moved and Councilor Kuiken seconded to approve the for one entry level FTE. Motion approved on a 7-0 vote.

Ordinance No. 1624 - Site Specific Rezone - O & S Farms

Site specific rezone application #20-05 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 most significant change in this shift is the ability of CSL properties to blend residential uses with commercial.

On March 15, 2021, the City Council remanded the Site-Specific Rezone application 20-05 to the Planning Commission after concerns regarding the January 28th hearing were raised by the applicant. Subsequently the Planning Commission held a second hearing on the item on April 22. The Planning Commission raised concerns related to the ability of the project to safely accommodate residential uses along a State highway however, the hearing concluded with a 4-0 recommendation to the City Council to approve the rezone request.

Staff's review concluded with a recommendation for approval noting a diminishing market demand for standalone commercial space of this scale; that the City code related to the definitions of the two commercial categories were revised since the property was originally zoned CSR; that the opportunity for a mixed-use project, afforded by the CSL zoning, would be an attractive sort of project to have at this gateway to Lynden; and that it would locate residential uses, if developed here, near services and provide transitional zoning to other low density



residential properties on Bay Lyn Drive. Staff, like the Planning Commission, noted that pedestrian accommodations (frontage improvement on Bay Lyn Drive) would need to be incorporated into future designs and reviewed by the Design Review Board.

Councilor Lenssen moved and Councilor Kuiken seconded to recommend approval of Ordinance No. 1624 approving rezone application #20-05 as submitted by Fishtrap Creek, LLC, and authorize the mayor's signature on the document. Motion approved on a 7-0 vote.

Procedures for the Hearing Examiner Role

In March of this year the City Council adopted Ordinance No. 1615 which created a hearing examiner role for the City of Lynden. In Section 3 of this ordinance references the procedures of the office as Exhibit A however this Exhibit was missing from the Council package at the time of approval. To rectify this absence the procedures being brought forward at this time for Council approval.

Councilor Lenssen moved and Councilor Strengholt seconded to approve the procedures of the Office of the Hearing Examiner for the City of Lynden in accordance with Ordinance No. 1615. Motion approved on a 7-0 vote.

6. OTHER BUSINESS

Council Committee Updates

Councilor Wohlrab reporting for the Public Safety Committee stated discussion of the following:

- Audience members concerned about speeding in various areas of Lynden.
- Fire report: Calls are slightly up which included 31% of calls that were over-lapping.
- Fire AC position continues as a recruitment.
- Fire Station remodel continues. Because of the increase in lumber prices the city is asked to consider adjusting the contractor's bid amount.
- Contract negotiations for Fire will begin in June 2021.
- Police report for April seen an increase in disorderly conduct and transient contacts for numbers from last year.
- Friendship Diversion Services Agreement supported by Judge Lewis and Court Attorneys.
- COVID numbers are elevated.



Councilor Strengholt reporting for Finance Committee stated discussion of the following:

- Review of OT.
- Discussion of payroll reports.
- Sales tax revenue at \$215,000 for April 2021.
- Finance FTE.
- Finance Director is seeking council input for monthly financial reports that will be generated through the Caselle program.
- Credit card payments can now be accepted through public works departments for permits and items like mulch for your yard.

Councilor De Valois reporting for the Parks Committee stated discussion of the following:

- Joint meeting with Parks & Rec District.
- Glenning Park conservation easement.
- Selected SJ Alliance for work on Benson Park design work.
- Berthusen Trail renovation is ongoing.
- Parks Updates for Benson Barn.
- Updates on Dickinson house.
- Request from Lynden Christian for city parkland to be used for playground use.

Mayor Korthuis reminded council members that a ribbon cutting for the Foxtail project is scheduled for Monday, May 24 at 11:00 a.m. and that they invited to attend.

7. EXECUTIVE SESSION

Council recessed into executive session at 7:50 p.m. to discuss a potential litigation issue. It was anticipated that the executive session would last approximately 10 minutes and that a decision would not be made.

The Council meeting reconvened at 8:00 p.m.

8. ADJOURNMENT

The May 17, 2021 regular session of the Lynden City Council adjourned at 8:00 p.m.

Pamela D. Brown, MMC
City Clerk

Scott Korthuis
Mayor