

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



November 21, 2022

1. CALL TO ORDER

Mayor Korthuis called to order the November 21, 2022 regular session of the Lynden city council at 7:00 p.m. at the city's council chambers.

PLEDGE OF ALLEGIENCE

ROLL CALL

Members present: Councilors Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, Nick Laninga, and Mark Wohlrab

Members absent: Councilor Strengholt absent with notice.

Staff present: Fire Chief Mark Billmire, HR Director Kari Heeringa, Parks Director Brent DeRuyter, Planning Director Heidi Gudde, Police Chief Steve Taylor, City Administrator John Williams, City Clerk Pam Brown, and City Attorney Bob Carmichael.

OATH OF OFFICE – Assistant Fire Chief, Kristie Watson was sworn in by Mayor Korthuis and welcomed by Council and Staff.

SUMMARY REPORTS AND PRESENTATIONS – None

APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Bode seconded to approve the November 21, 2022, regular meeting minutes. Motion approved on 6-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

- **Concerned about the abandonment of a car in the Food Pavilion parking lot and how the issue was resolved.**
- **Mentioned a petition to acknowledge God and restating prayers in school.**

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- Cynthia voiced concern with the events scheduled in Whatcom County Library system held in Lynden.
- She stated her disappointment in the council member attendance at local recognition events i.e., Veterans Day and 911 memorials.

2. CONSENT AGENDA

Payroll Liability to July 3 through July 16, 2022 - CORRECTED

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$455,870.12
Check Liability	\$1,045.15
Total Non-L&I Liabilities	\$456,915.27
Quarterly Liabilities	\$13,415.99
Total EFT & Other Liabilities	\$470,331.26

Payroll Liability to July 17, 2022 through July 30, 2022 - CORRECTED

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$272,303.79
Check Liability	\$221,593.17
Total Non-L&I Liabilities	\$493,896.96
Quarterly Liabilities	\$13,517.07
Total EFT & Other Liabilities	\$507,414.03

Corrected copies of July 3-July 16, 2022 and July 17-July 30, 2022 have been placed in the August 1, 2022 Council file.

Payroll Liability to October 23 through November 5, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$392,265.04
Check Liability	\$0.00
Total Non-L&I Liabilities	\$392,265.04
Quarterly Liabilities	\$13,394.85
Total EFT & Other Liabilities	\$405,569.89

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Approval of Claims – November 23, 2022

Manual Warrants No.	=	through	=		
EFT Payment Pre-Pays					
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>26045</u>	through	<u>26151</u>		\$1,913,038.31
EFT Payments					<u>\$449,790.25</u>
				Sub Total	\$2,362,828.56
				Total Accts. Payable	\$2,362,828.56

Lynden Municipal Airport Advisory Board Term Renewals

The terms for Don Korthuis, Corwin McCaig, and Bryant Paulsen, who serve on the Airport Advisory Board, expire December 31, 2022. Each of these board members have agreed to serve another three-year term. According to Lynden Municipal Code Chapter 2.54.010, the board members shall be appointed by the Mayor with the approval of City Council, each to serve a three-year term.

The Airport Board members operate in an advisory capacity to the Lynden City Council to make recommendations concerning the adoption of rules, regulations or policies for the management, operation and use of the airport, and the highways, roads, streets, and territories adjacent to the airport. The Mayor and Public Works Committee reviewed the Airport Board term renewals at their November 9th meeting and concurred to forward the request to City Council for approval.

State Advocacy Contract with Gordon Thomas Honeywell (2023)

Briahna Murray, Vice-President of Gordon Thomas Honeywell Governmental Affairs, has been Lynden's State advocate advocated since 2015. That advocacy has resulted in more than \$9.0 million worth of capital earmarks for important City projects.

This contract is virtually identical to its predecessors and continues the relationship with Ms. Murray and her firm. Key terms of this agreement include Scope: The full Scope of Work is delineated in Attachment A on page 4 of the consulting agreement. It includes a range of duties required to advance the City's 2023 Legislative Agenda. Cost: \$3,500 monthly for a total of \$42,000 in 2023. The rate is included in the proposed 2023 budget.

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Set Date for Public Hearing – 2023 Preliminary Budget

Set Date for Public Hearing – Ordinance No. 1661-Substitute Interim Zoning Ordinance regarding Community Residential Facilities

Resolution No. 1056- Real Estate Property Tax Levy Increase 2023

All taxing jurisdictions are required, due to the passage of Referendum 47 in 1997, to pass a resolution specifically indicating the increase in tax levy if any, from the previous year, excluding the increase due to new construction, improvements to property, or any increase in the value of state assessed property.

The limit factor for a taxing jurisdiction with a population of 10,000 or over is the lesser of 1% or the rate of inflation. Given the current rate of inflation (6.46%) the City is allowed by statute RCW 84.55.005 to increase the Levy 1% or bank this capacity for future use. The City Council has deemed it necessary due to the City's funding requirements to increase the regular property tax levy by the full 1% allowed.

Resolution No. 1056 reflects the City Council's requirement to not "bank" any real property taxes in 2023 and approve the legally allowed 1% increase in the 2023 real property taxes.

Monthly Service Agreement with Security Solutions

The Parks department proposed and reviewed the ability to lock park bathrooms in an attempt to utilize employee hours to their fullest potential during the work week and to offer opportunities to close different sites at different times based on facility use. Security Solutions has offered a proposal for monthly internet and cellular use to monitor the system saving more than \$40 a month since we already have a contract with them through the Fire Department. Parks Committee reviewed the updated proposal and recommended forwarding it to full council for approval.

Motion made by Councilor Bode seconded by Councilor Kuiken to approve the consent agenda as presented. Motion approved 6-0.

Mayor Korthuis thanked Don Korthuis, Corwin McCaig, and Bryant Paulsen for serving on the Airport Board.



3. PUBLIC HEARING

Public Hearing for 2023 Preliminary Budget

Per State law this is the second of the two required hearings for public commentary on the 2023 Preliminary Budget as presented to the City Council by Mayor Korthuis at the October 17th City Council meeting.

Mayor Korthuis opened the hearing at 7:11 PM.

There were no comments.

Mayor Korthuis closed the hearing at 7:11 PM.

Public Hearing only. No action taken.

Public Hearing for Ordinance No. 1659- Real Estate Property Tax (2023)

As published, 7:00PM on November 21, 2022 is the time and date set for the Public Hearing on the 2023 Property Tax Levy as presented to the City Council by Mayor Korthuis at the October 17th City Council meeting. Upon completion of the public hearing with no items outstanding the 2023 Property Tax Levy will be presented to the City Council for adoption.

Mayor Korthuis opened the hearing at 7:12 PM.

There were no comments.

Mayor Korthuis closed the hearing at 7:12 PM.

Public Hearing only. No action taken.

Public Hearing for Proposed Nooksack Valley Disposal Rate Increase

Nooksack Valley Disposal (NVD) is requesting a rate increase, effective January 1, 2023, for their solid waste services due to their increasing disposal fees. NVD currently has a 20-year franchise agreement with the City of Lynden (through 2036) for curbside garbage pickup and recycling program services.

The Public Works Committee reviewed the proposed increase at their November 9th meeting and concurred to recommend approval to City Council. The public has been invited to comment on the proposed rate increases. If approved these new rates would become part of the existing Franchise Agreement and take effect January 1, 2023.

Mayor Korthuis opened the hearing at 7:14 PM.

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Calvin Den Hartog, Lynden, WA, clarified why it has become necessary for Nooksack Valley Disposal to raise rates in 2023.

Mayor Korthuis closed the hearing at 7:17 PM.

Councilor Bode moved, and Councilor De Valois seconded that City Council, approve, and authorize the Mayor's signature on the Franchise Agreement Rate Adjustment Addendum. Motion approved on 6-0 vote.

Public Hearing for Ordinance No. 1660- Whatcom Buildable Lands Report

Whatcom County, for the first time, joins 6 other counties in the state who are required to produce a Buildable Lands Report. A report that that examines achieved build-out densities and property availability on a county level. The planning period in focus for this first report is 2016 – 2036 with specific look at achieved build-out data from 2016 – 2020.

In this analysis the report strives to account for the constraints of critical areas and market factors and focuses on three goals: 1. Determine whether the city is achieving urban densities within UGAs by comparing growth assumptions to actual growth. 2. Determine whether there is sufficient land that is suitable for development in the future. 3. Identifying reasonable measure, if necessary, to reduce differences between comprehensive plan growth assumptions and actual development patterns.

The Planning Department has been working with Whatcom County and their consultant, Community Attributes, to develop a methodology and the report itself for the County. Whatcom County recently presented the report to their Planning Commission where it was recommended the following finding be added: "Staff and the Planning Commission recognize that the Buildable Lands Report does not address the issue of housing affordability. Additional work that revisits the estimates of supply and demand that are feasible, realistic, and consistent with current regulatory requirements and infrastructure are needed and will be reviewed in the 2025 comprehensive plan updates." The City may choose to adopt a similar finding at the time of adoption following the November 21st public hearing.

Mayor Korthuis opened the hearing at 7:18 PM.

There were no comments.

Mayor Korthuis closed the hearing at 7:18 PM.



Public Hearing only. Council decision will be sought after Whatcom County's decision on the document. Lynden City Council will make a final decision on this item once Whatcom County Council has decided on the document.

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS

Ordinance No. 1659- Real Estate Property Tax for 2023

The City of Lynden is required by State regulations to adopt the proposed 2023 property tax levy. The mil rate has been calculated on preliminary information received to date from the Whatcom County Assessor's Office. When comparing preliminary 2021 levy assessment rates to 2022 levy assessment rates, the decrease is estimated at 0.21 cents per mil to a mil rate of 1.21239.

The final figures for the assessed valuation of the city's tax base are not yet available. Once those are provided by the County Assessor, an ordinance setting the final, exact levy will be provided in January 2023 for consideration. The Finance Committee discussed the ordinance and approved for review by the full Council.

Councilor Laninga moved, and Councilor Kuiken seconded to adopt Ordinance No. 1659 and authorize the Mayor's signature. Approved on 6-0 vote.

Resolution No. 1058- Interlocal Agreement Regarding Countywide Planning Policies

The Growth Management Act (GMA) requires the adoption countywide planning policies in cooperation with Whatcom County and its cities (RCW 36.70A.040(4) and RCW 36.70A.210). Countywide planning policies establish a framework for developing city and county comprehensive plans and ensuring these plans are consistent. The Council originally adopted countywide planning policies in 1993 and these have been periodically amended.

As the City/County Planner Group drafted the Buildable Lands Report (also on the agenda) it became necessary to amend the countywide planning policies with an interim interlocal agreement. This was signed by the County and Whatcom cities and became effective on July 14, 2020.

The City/County Planner Group is now proposing a long-term Interlocal Agreement establishing procedures for amending countywide planning policies, to replace the Interim



Interlocal Agreement. Main differences between the approved Interim Interlocal Agreement and the proposed long-term Interlocal Agreement are summarized in the attached provided in the council packet. 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. 1058- Interlocal Agreement between the City of Lynden, the Whatcom County cities and Whatcom County concerning procedures for amending the countywide planning policies and to authorize the Mayor's signature on the resolution and agreement documents. Approved on 6-0 vote.

Interlocal Agreement – Whatcom Conservation District

Staff is recommending an Interlocal Agreement with the Whatcom Conservation District (WCD) for a Stormwater and Water Conservation Community Education and Outreach Program in 2023 like past years. Their work scope includes activities that satisfies City requirements under its NPDES Phase II Stormwater Permit. Their water conservation efforts fulfill certain Water Use Efficiency requirements from the State Department of Health. This year's scope of work includes supporting the construction of stormwater improvements at the Northwest Washington Fair under a Department of Ecology grant obtained by the City.

Additionally, through this agreement, the City participates in the Nooksack Basin Water Quality studies that evaluate results of fecal coliform testing to identify sources of contamination. This aids the efforts Whatcom County's Portage Bay Shellfish District.

The term of this agreement is January 1, 2023 through December 31, 2023. The Public Works Committee reviewed this agreement at their meeting on November 9, 2022 and concurred to recommend approval by City Council.

Councilor Bode moved, and Councilor De Valois seconded to approve the Interlocal Agreement with the Whatcom Conservation District and authorize the Mayor's signature on the agreement. Approved on 6-0 vote.

6. OTHER BUSINESS

Councilor Lenssen reporting for the Community Development Committee:

- **Continued discussion about proposed transitional housing ordinance that attempted to regulate sober and recovery housing in the city of Lynden because of the conflict with the federal fair housing act.**



Councilor Laninga reporting for the Finance Committee:

- Linde Schreifels is retiring her position with the finance department. She has worked for the city for 36 years. Christy Fowler has been hired for that position.
- Fire and Police overtime decreased a bit.
- Sales tax revenue remains healthy and is growing.
- CERB loan for roundabout at Berthusen and Main Street.
- Most funds are doing well and coming in over projected budget.

Councilor De Valois reporting for the Parks Committee:

- Security Solutions agreement approved.
- SHKS check-in for Benson Barn updates.
- Dickinson Park roof and gutters repaired.
- Discussion regarding newest park between Glenning and Edson Street.
- Discussion on a name for the newest park.
- Trial paintings on the park trails to convey speed limits.

Councilor Bode reporting for the Public Works Committee:

- Main Street bridge work continues. It is a bit behind schedule due to rebar supply shortages. Scheduled to open closer to Christmas.
- Discussion on flashing crosswalk sign requests cost vs pedestrian traffic.
- East Front Street emergency repair contract
- Ribbon cutting for Darigold Outfall (COW water).
- DOE now allows credit for Lynden's foreign water.

Councilor De Valois recognized City Attorney Carmichael for his offices' work on that project. Bob Carmichael then recognized Attorney Simi Jain for her contribution to the project.

Mayor Korthuis reported that the Fairgrounds bid came in and came in under the estimate. He also acknowledged the DOT work projected for 2024 which will benefit Lynden.

7. EXECUTIVE SESSION

Council did not have an executive session.

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8. ADJOURNMENT

The November 21, 2022, regular session of the Lynden City Council adjourned at 7:40 p.m.

Pamela D. Brown
City Clerk

Scott Korthuis
Mayor