

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

June 19, 2023

1. CALL TO ORDER

Mayor Korthuis called to order the June 19, 2023 regular session of the Lynden city council at 7:00 p.m. in the city's council chambers.

PLEDGE OF ALLEGIANCE

ROLL CALL

Members present: Councilors Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, and Kyle Strengholt.

Members absent: Councilors Laninga and Wohlrab.

Staff present: Fire Chief Mark Billmire, HR Director Kari Heeringa, Planning Director Heidi Gudde, Public Works Director Jon Hutchings, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Bob Carmichael.

OATH OF OFFICE

Mayor Korthuis administered the Oath of Office to Police Officers Jacob Fletcher and Tawsha Dykstra.

Mayor Korthuis recognized retiring Public Works Director Steve Banham and reminded council that his retirement was being celebrated on Friday, June 23rd from 2-4 p.m. at the Annex building.

SUMMARY REPORTS AND PRESENTATIONS - None

APPROVAL OF MINUTES

Councilor Strengholt moved, and Councilor De Valois seconded to approve the June 5, 2023, regular meeting minutes. Motion approved on 5-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

Cynthia commented on several general topics, some of which included PTSD recognition month and the 13th, 14th, and 15th amendments.

Elisha Wyatt, Brookfield Court, Lynden

Elisha Wyatt spoke in opposition to the fluoridation of Lynden's water supply.

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Candy Hoksbergen, Greenfield Lane, Lynden

Candy Hoksbergen spoke in opposition to the fluoridation of Lynden’s city water supply.

Jonathan Henry, BC Avenue, Lynden

Jonathan Henry spoke in favor of the fluoridation of Lynden’s city water supply.

Khushdip Brar, Elm Street, Lynden

Khushdip Brar spoke in opposition to the fluoridation of Lynden’s city water supply.

Tom Wyatt, Brookdale Court, Lynden

Tom Wyatt spoke in opposition to the fluoridation of Lynden’s city water supply.

2. CONSENT AGENDA

Payroll Liability to June 4 through June 17, 2023

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$433,527.18
Check Liability	\$0.00
Total Non-L&I Liabilities	\$433,527.18
Quarterly Liabilities	\$13,851.20
Total EFT & Other Liabilities	\$447,378.38

Approval of Claims – June 20, 2023

Manual Warrants No.	<u>27620</u>	through	<u>57620</u>		\$13.75
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$13.75
Voucher Warrants No.	<u>27621</u>	through	<u>27758</u>		\$1,526,212.13
EFT Payments					<u>\$9,882.49</u>
				Sub Total	\$1,536,094.62
				Total Accts. Payable	\$1,536,108.37

Interlocal Agreement with Bellingham RE: Medic 75

This is the final agreement for reimbursable costs to the city for housing Medic 75 in the Lynden Fire Station. The agreement includes the costs, an administrative fee, and a CPI driven rate for the out years.



Motion made by Councilor Lenssen, seconded by Councilor Bode to approve the consent agenda as presented. Motion approved 5-0.

3. PUBLIC HEARING

Resolution 23-1072-Amendment to the County-wide Planning Policies

County-wide Planning Policies are needed to establish consistent policies for cooperative and long-range planning. A planner subcommittee representing the County, Bellingham and the small cities was assigned to draft updates to the County-wide Planning Policies. Revisions have been drafted and feedback is being collected from each jurisdiction. The Community Development Committee reviewed at their May 17th meeting and provided staff with feedback that was shared with the Planner group. Many of the revisions focus on housekeeping updates including consistency with other documents and methods of communication with the public via online resources. Rationale for the changes is included under each section in the document. The City/County Planner Group will be working with a consultant for the upcoming Comprehensive review and will take that opportunity to collect recommendations for CWPPs relating to State legislative updates including:

- Tribal cultural resources in accordance with House Bill 1717, passed in 2022, amending RCW 36.70A.210.
- Climate change and resiliency in accordance with House Bill 1181, passed in 2023, amending RCW 36.70A.020. When all feedback has been collected the document will be finalized and returned to the City Council for review and approval.

Note: This item must be postponed until feedback is collected from other jurisdictions and a shared planning consultant. As June 19 was advertised as the hearing date, staff recommends that the Council make a motion to table the hearing to a later meeting with the date to be determined and re-noticed as required by law.

Motion made by Councilor Lenssen, seconded by Councilor Kuiken to table the hearing for Resolution 23-1072 regarding an amendment to County-wide Planning Policies until a date which will be re-published. Motion approved 5-0.

Resolution 23-1074-Public Participation Plan and Schedule for Comprehensive Plan Update 2025

Planning staff are bringing forward for the Council's review and for public comment a Public Participation Plan (PPP) and conceptual schedule for the 2025 update to the City's Comprehensive Plan*. The goal of the PPP is to communicate a framework by which the city will invite participation in the shaping of the city's Comprehensive Plan.



The participation plan is a required element when completing a periodic update to this long-range planning document. This and other steps are guided by the State legislation on Growth Management (State code reference RCW 36.70A). The State has also required that the city identify and seek input from any vulnerable populations and overburdened communities. Specific definitions of these groups are included in the State code and the PPP. The City Council is asked to review the PPP and discuss. Ideas on who could be considered stakeholders and / or representatives for vulnerable populations or overburdened communities within the City of Lynden would be especially valuable to Planning staff. This item was heard before the Planning Commission on May 11th. The Hearing and Commission discussion was concluded with a vote to recommend.

Mayor Korthuis opened the public hearing at 7:33. There were no comments. Mayor Korthuis closed the public hearing at 7:33.

Motion made by Councilor Lenssen seconded by Councilor De Valois to approve RES-23-1074 and the associated Public Participation Plan and Schedule for the 2025 Comprehensive Plan Update and authorize the Mayor's signature on the document. Motion approved 5-0.

Ordinance 23-1669-Amending LMC 19 RE; Patio Screening and South HBD Small Scale Mixed-Use

Planning staff is bringing forward Ord. 23-1669 which would amend the Lynden Municipal Code in two places. The first amendment would clarify the standards related to covered residential patios located in (LMC 19.22.030) and the 2nd would address Small-Scale Mixed-use within the South Historic Business District (LMC 19.23.110). In 2018, the city amended the residential code to allow roof structures to extend from the home and encroach into the rear yard setback provided that the structure remained open on 3 sides and maintained an 18-foot rear setback. These standards are meant to preserve outdoor yard spaces on residential lots and to prevent ad-hoc home additions that may become unsafe living spaces that lack ventilation, fail to meet energy code, or pose a fire danger. Since adoption, many homes, both existing and new, have taken advantage of the amendment and have added roofs over outdoor living spaces. Screening or sheltering patio areas can also add to the usability of an outdoor space which has led to the discussion about what sort of screening or enclosure is permitted. After Committee discussion, staff was asked to draft an amendment to clarify the options for securing patios with railings or sheltering from sun, wind, or visibility but maintaining patios as outdoor rather than indoor spaces. Ord 23-1669 also includes language which makes small commercial parcels within the South Historic Business District (HBD) eligible to use the standards associated with Small Scale Mixed-Use provisions. The omission of this sub-area to these regulations was an oversight during the recent adoption of Ord 1657.

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The new standards would benefit 5 parcels within the South HBD that are less than an acre in size. The Planning Commission heard these items on May 11th and voted to recommend. The Community Development Committee reviewed and recommended that railing heights in LMC 19.22 be allowed up to the standard height of 42" rather than 36" as reflected in the recommended action below.

Mayor Korthuis opened the public hearing at 7:37 p.m.

Dale Assink, Brookfield Drive, Lynden

Dale Assink spoke in opposition to ORD-23-1669 as presented specifically to the patio screening section in Chapter 19.

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

Cynthia Ripke-Kutsagoitz spoke in opposition to ORD-23-1669 as presented specifically to the patio screening section in Chapter 19.

Mayor Korthuis closed the public hearing at 7:46.

Motion made by Councilor Lenssen to approve ORD-23-1669 and authorize the Mayor's signature on the document with the condition that LMC 19.22.030(E)(3)(b) be revised to permit railings of up to 42" on covered patios. The motion failed due to a lack of a second.

Motion made by Councilor Lenssen to remand ORD-23-1669 back to the Planning Commission to strongly encourage them to consider allowing more enclosed space on patios that are attached to single family homes while meeting the setback requirements for the covered porch. Motion approved 5-0.

Motion made by Councilor Lenssen to approve revised ORD-23-1669, related to LMC 19.23.110, Small-scale Mixed Use only, and authorize the Mayor's signature on the revised document. Seconded by Councilor Strengholt. Motion approved 5-0.

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS

Resolution 23-1073-Schedule for Joint County and City Review of Urban Growth Areas

In the 2016 Comp Plan update process, the County and cities adopted a joint schedule for Urban Growth Area (UGA) review (e.g., see County Resolution 2013-028). The new



interlocal agreements also address a schedule for joint County/City review of UGAs for the next comp plan updates. County and city planners have developed a draft resolution format and schedule for consideration by each jurisdiction in order to facilitate coordination of the UGA review. The draft Resolution sets forth main tasks for 2023 – 2025 to guide coordinated planning efforts. It seeks to address:

- Any changes to the GMA made by the State Legislature in the 2023 session;
- Any changes needed based upon the State's Housing Guidance documents that address the requirements of HB 1220;
- To consider the use of UGA Reserves or UGA study areas, and
- Any other changes needed to address the 2025 Comp Plan updates. However, because timelines may change over the span of this multi-year project, the schedule is general in nature and the Resolution recognizes the possibility of departing from the schedule. The County Council approved the attached resolution on May 11th and the City of Lynden is likewise be asked to approve the schedule by a similar resolution at the June 19th meeting. The Community Development Committee reviewed the proposed schedule that their May meeting.

Motion made by Councilor Lenssen seconded by Councilor Strengholt to approve RES-23-1073 and the associated Schedule for Joint County and City review of Urban Growth Areas and authorize the Mayor's signature on the document. Motion approved 5-0.

6. OTHER BUSINESS

Councilor Kuiken reporting for the Public Works Committee involving discussion of:

- Former land-fill property and proposal submitted by Carlos Becerra concerning possible storage units and revising the duration of the lease.
- Parking agreement with Wes Herman.
- Main and 3rd Street project.
- Request to bring East Front Street slope stabilization bid straight to Council
- Request from Jansen Art Center for trees in front of the building.

Mayor Korthuis brought an item before the Council concerning a special event permit submitted by the Lynden Music Festival for September 9, 2023. The request is to close Front Street between 4th and 6th Streets from 5:00-10:00 p.m. and to serve beer, wine, and spirits.



After some discussion the Council determined it would be beneficial to wait and talk with absent council member Wohlrab (a Front Street restaurant owner) before deciding.

Councilor Lenssen reporting for the Public Safety Committee involving discussion of:

- Medic 75 item that was passed by Council at this meeting.
- Chief Billmire submitted the Fire Department 2024 budget requests.
- Land-fill property and training tower.
- Whatcom County is getting out of fire investigation.
- Police Department had the Sergeant's exam to replace officer Beld's position.

7. EXECUTIVE SESSION

The Council did not hold an executive session.

8. ADJOURNMENT

June 19, 2023, regular session of the Lynden City Council adjourned at 8:20 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor