

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



November 15, 2021

1. CALL TO ORDER

Mayor Korthuis called to order the November 15, 2021 regular session of the Lynden City Council at 7:00 p.m., which was held online, via Microsoft Teams.

ROLL CALL

Members present: Mayor Scott Korthuis and Councilors, Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, Nick Laninga, Kyle Strengolt, and Mark Wohlrab.

Members absent: None.

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Parks Maintenance Supervisor Brent DeRuyter, Planning Director Heidi Gudde, Police Chief Steve Taylor, Public Works Director Steve Banham, City Attorney Bob Carmichael, City Administrator John Williams, and City Clerk Pam Brown.

OATH OF OFFICE- None

Gary Vis, Lynden Chamber of Commerce Director, provided Council with an update of the community response to the 2021 flood event. Residents requiring evacuation from the River House Apartments are being sheltered at North County Christ the King church. Other local churches are also participating in sheltering, clothing, and feeding people impacted by the flood. Forge Fitness has made their facility available for people to shower. The community's response is awesome, above and beyond generous.

APPROVAL OF MINUTES

Councilor Bode moved and Councilor Wohlrab seconded to approve the November 1, 2021, regular council minutes as presented. Motion approved on a 7-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled:

Calvin Den Hartog provided council with an update relative to increased costs of recycling experienced by Nooksack Valley Disposal.

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Unscheduled: None

2. CONSENT AGENDA

Payroll Liability to November 1 through November 15, 2021

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$382,196.82
Check Liability	\$11,786.59
Total Non-L&I Liabilities	\$393,983.41
Quarterly Liabilities	\$11,224.62
Total EFT & Other Liabilities	\$405,208.03

Approval of Claims – November 17, 2021

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$4,569.38
				Sub Total Pre-Pays	\$4,569.38
Voucher Warrants No.	23045	through	23167		\$1,073,558.10
EFT Payments					\$0.000
				Sub Total	\$1,073,558.10
				Total Accts. Payable	\$1,078,127.48

Set Date for the Final Public Hearing on the 2022 Preliminary Budget

As published, 7:00 p.m. on December 6, 2021 is the time and date set for the Final Public Hearing on the 2022 Preliminary Budget as presented to the City Council by Mayor Korthuis at the October 18th City Council meeting.

Nooksack Valley Disposal Rate Increase- The item submitted for this council meeting was pulled from the night's agenda.

Councilor Bode moved and Councilor Kuiken seconded to set December 6, 2021 as a public hearing date for Nooksack Valley Disposal's rate increase. Motion approved on a 7-0 vote.

Interlocal Agreement – Whatcom Conservation District

Staff is recommending another Interlocal Agreement with the Whatcom Conservation District (WCD) for a Stormwater and Water Conservation Community Education and Outreach Program in 2022. Some of their work scope fulfills certain City requirements under its NPDES Phase II

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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 Fairgrounds 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 Whatcom County's Portage Bay Shellfish District.

The term of this agreement is January 1, 2022 through December 31, 2022. The Whatcom Conservation District Board approved this Interlocal Agreement at their November meeting.

The Public Works Committee reviewed this agreement at their meeting on November 3, 2021 and concurred to recommend approval by City Council.

8200 Double Ditch Road – Olivarez Lease 2021

The house at 8200 Double Ditch Road has been vacated by the Dickinson family and is available for rent. An opportunity to rent the property was advertised to City employees. The Parks Department requests filling the vacancy with a city employee in order to provide better security, to have a physical presence at the location, and to maintain the grass areas around the house and roadways.

City of Lynden employee, Kyle Olivarez has agreed to lease the house for a period of one (1) year and has agreed to the conditions set forth in the lease. The monthly rental rate shall be \$2,000, inclusive of the leasehold excise tax required.

The Parks Committee reviewed the lease agreement and recommended council approval.

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

3. PUBLIC HEARING

Ordinance No. 1638 Real Estate Property Tax for 2022

As published, 7:00 p.m., November 15, 2021 is the time and date set for the Public Hearing on the 2022 Property Tax Levy as presented to the City Council by Mayor Korthuis at the October 18th City Council meeting. Upon completion of the public hearing with no items outstanding, the 2022 Property Tax Levy will be presented to the City Council for adoption.

Mayor Korthuis opened the public hearing at 7:12 p.m.

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There was no public comment.

Mayor Korthuis closed the public hearing at 7:12 p.m.

No action taken on this public hearing item.

Year 2022 Budget

Per State law this is the second of the two required hearings for public commentary on the 2022 Preliminary Budget as presented to the City Council by Mayor Korthuis at the October 18th City Council meeting.

Mayor Korthuis opened the public hearing at 7:14 p.m.

There was no public comment.

Mayor Korthuis closed the public hearing at 7:14 p.m.

The Public Safety Committee requested additional funding for a half-time police officer in 2022. This would be the 19th sworn officer and would likely be a detective.

Mayor Korthuis read a statement into the record that contained crime statistics. The Mayor then requested direction from Council. The 2022 Budget presented to Council four weeks ago was a balanced budget.

In response to the request for additional funding of a half-time police officer, Mayor Korthuis asked Council to consider one of the three following options:

- 1. Fund the 19th officer using the public work position and the fire command vehicle included in the balanced budget.***
- 2. Fund the additional police officer position by spending the general fund down \$130,000, about 10% of the city's reserve.***
- 3. To not fund the position now and then take a look at this in the second quarter of 2022. If the city's income is performing better than budgeted and the crime number per 1,000 continues to rise, fund the 19th position. If things look fine, then fund the 19th position in 2023.***

Councilors Bode, De Valois, Laninga and Strengolt agreed with Option No. 3, therefore no action was taken at the meeting.

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4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Ordinance No. 1638 – Real Estate Property Tax for 2022

The City of Lynden is required by State regulations to adopt the proposed 2022 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 2020 levy assessment rates to 2021 levy assessment rates, the decrease is estimated at 0.154 cents per mil to a mil rate of 1.42126.

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 2022 for consideration.

At today's Finance Committee meeting the draft ordinance was discussed and approved for review by the full Council.

Councilor Strengtholt moved and Councilor Kuiken seconded to adopt Ordinance No. 1638 and authorize the Mayor's signature. Motion approved on a 7-0 vote.

Alliance Freeze Dry Conditional Use Permit

Alliance Freeze Dry, Inc., through their agent, Tony Freeland, has applied for a Conditional Use Permit to allow the use of food processing to occur on property with a zoning designation of Industrial Business Zone (IBZ). The subject location is the southeast corner of Main St. and Berthelsen Rd. but addressed to the eastern frontage as 675 Redwood Rd. The proposal details the construction of a 220,000 square foot facility which would receive frozen raw meat, fish, vegetables, and fruit to be processed and packaged as freeze-dried pet food.

The Conditional Use Permit also requests the ability to exceed a maximum building height of 45 feet. A warehousing section of the building, about 7.5% of the footprint, is proposed to reach up to 75 feet to allow for the mechanized stacking of product.

The application came before the Planning Commission as a virtual open public hearing on October 21st. The resulting resolution recommended approval per the following conditions:

1. Those conditions identified in the final Technical Review Report.
2. That the applicant demonstrate compliance with noise performance standard, per LMC 19.25.040 prior to issuance of the final building occupancy.

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3. That the Conditional Use Permit be evaluated annually as described by code, for compliance with the performance standards of LMC 19.25.040, especially as it relates to noise and smell.
4. That only 7.5% of the total building area is permitted to reach a height of 75 feet.
5. That the additional height is located in the northeast portion of the building as shown in CUP Application 21-03.

Councilor Lenssen moved and Councilor Laninga seconded to approve Conditional Use Permit 21-03 which authorizes the use of food processing on an IBZ zone and permits additional building height subject to the conditions outlined in the Planning Commission Resolution 21-08. This motion also authorizes the mayor's signature on the Findings of Fact and Conclusion of Law.

Duffner Mobile Home Park Expansion Conditional Use Permit

Conditional Use Permit 21-01 is a request to allow the addition of 14 manufactured home units to the existing non-conforming use of a manufactured home community on a Commercially zoned property. This request comes on the heels of a recent code amendment which allows units to be added if approved through a Conditional Use Permit. Although intensification of the use may be permitted through this action it should be noted that the boundaries of the community are not permitted to expand.

The application came before the Planning Commission as a virtual open public hearing on October 21st. The resulting resolution recommended approval but confirmed 19 specific conditions that were assembled by staff from all city departments during the Technical Review process. The result would be the addition of 13 housing units in association with the completion of street frontage improvements, the coordination of access points, and the cleanup of natural areas on the western property edge. The recommendations would also require additional lighting, landscaping, and addressing which are meant to improve the safety and aesthetics of the community.

Councilor Lenssen moved and Councilor Laninga seconded to approve Conditional Use Permit 21-01 which authorizes the addition of 13 housing units to the Duffner Manufactured Home Community subject to the conditions outlined in the Planning Commission Resolution 21-09. This motion also authorizes the mayor's signature on the Findings of Fact and Conclusion of Law.

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6. OTHER BUSINESS

Mayor Korthuis read the City of Lynden, Emergency Declaration, November 14, 2021 into the record and it is made a part of the official file.

Councilor Bode reporting for the Public Works Committee included discussion of the following:

- Need for an additional maintenance storage building
- Bid results for the Industrial Condensate Pipeline- Riverview to Outfall
- Nooksack Valley Disposal request for rate increase
- Mixed-Use Development South of Bay Lyn Drive

Councilor Wohlrab was unavailable to report for the Public Safety Committee

Councilor Strengtholt reporting for the Finance Committee included discussion of the following:

- Police and Fire OT
- Sales tax remains strong
- Preliminary budget numbers re: request for ½ time police officer
- Property value increased while mil rate decreased slightly
- Moving from bi-weekly payroll to pay day every two weeks and the need for union discussion before policy change

Councilor De Valois reporting for the Finance Committee included discussion of the following:

- Camping restrictions in city parks
- Glenning property
- Heusinkveld bard design
- Dickinson house repairs
- Trail location

7. EXECUTIVE SESSION

Council did not hold an executive session.

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8. ADJOURNMENT

The November 15, 2021, regular session of the Lynden City Council adjourned at 7:48 p.m.

Pam Brown, MMC
City Clerk

Scott Korthuis
Mayor