

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



June 7, 2021

1. CALL TO ORDER

Mayor Korthuis called to order the June 7, 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, and Kyle Strengholt. Councilor Mark Wohlrab joined the meeting at 7:13 p.m.

Members absent: None

Staff present: 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, and City Administrator Mike Martin.

OATH OF OFFICE- None

APPROVAL OF MINUTES

Councilor Kuiken moved and Councilor Bode seconded to approve the May 17, 2021, regular council minutes as presented. Motion approved on a 6-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled- None

Unscheduled - None

2. CONSENT AGENDA

Payroll information for the month of May 2021 will be included in the June 21, 2021 council packet.

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Approval of Claims – June 8, 2021

Manual Warrants No.	<u>22141</u>	through	<u>22144</u>		\$20,718.57
EFT Payment Pre-Pays					\$889,492.02
				Sub Total Pre-Pays	\$910,210.59
Voucher Warrants No.	<u>22145.</u>	through	<u>22182</u>		\$83,055.13
EFT Payments					<u>\$0.000</u>
				Sub Total	\$83,055.13
				Total Accts. Payable	\$993,265.72

Forge Fitness Lease- Amendment #1

At their November 16th regular meeting the City Council authorized the signing of an agreement with Brian and Jeannie Davidson, owners of Forge Fitness, for a five-year lease of the former YMCA building at 100 Drayton Street. The original lease agreement included an initial \$150,000 reimbursement to the Davidsons for building improvements along with an annual cap of \$25,000 on other repair reimbursements. During the initial interior improvements, the condition of the exterior siding was identified as an additional major building repair that is critical for the viability of the building. After discussion, the Public Works Committee at their April 7th meeting, recommended staff pursue working with the Davidsons to complete these exterior repairs. This attached amendment will increase the annual reimbursement amount from \$25,000 to \$250,000 keeping the requirement that the Davidsons must first receive approval from the City before proceeding with any repairs.

Mural Building Airspace Encroachment Easement Agreement

The Mural Building at 606 Front Street has been remodeled and requires a second emergency access, per building code. The only feasible option is to exit to the west into the City's 7th Street parking lot. The owner is proposing to construct a concrete walkway to Front Street for safe emergency egress. The first two parking spaces will be shortened to meet "compact" standards which will allow a five-foot walkway, meeting ADA standards. As consideration for this larger easement from the city the owner will make an electric vehicle charging station available to the public. The Public Works Committee reviewed this amendment at their May 5, 2021, meeting and concurred to recommend approval.



Professional Service Agreement with SCJ Alliance

Parks staff requested proposals for the development of a Benson Park Master Plan from five agencies. Two of those agencies responded. After review of the two submitted proposals the Park Committee selected SCJ Alliance as their preferred choice. The Parks Committee now forwards their recommendation to the full council for consideration and approval.

Interlocal Agreement and Easement- Whatcom County Flood Control District

Whatcom County will be contracting to make channel improvements to the unnamed stream that crosses under 6th Street and discharges into the Nooksack River just west of City of Lynden's Wastewater Treatment Plant. Their work will connect to an Army Corp of Engineers fish passable flood gate installation in the levee designed to provide better protection from high flows in the Nooksack River. The County repair work includes: 1) realigning and re-grading the channel, 2) combining it with an existing small drainage ditch, 3) enhancing an existing berm adjacent to the City WTP settling pond, 4) re-grading a segment of the Lynden Levee to pre-damaged conditions and 5) re-grading and placing riprap protection on the levee back slope to protect the pond and new culvert.

The work will require access via City of Lynden property and therefore requires an interlocal agreement and easement. The County is requesting a perpetual easement to the property in order to continue to maintain this new flood control area. Because the project provides material benefit to the City's two utility plants, wastewater and water, the City's adopted budget includes \$10,000 from each utility fund as matching funds.

Resolution No.1039- Establishing Sliding Fee Schedule for Lynden Friendship Diversion Services Agreement

The sliding scale fee schedule for low income/indigent persons using Friendship Diversion Services through Lynden Municipal Court is forwarded to Council for review and approval to become a part of the Friendship Diversion Services agreement.

Councilor Kuiken requested clarification/discussion of item No. 3, Forge Fitness Lease- Amendment #1. The discussion involved the following text in the council item's executive summary:

This attached amendment will increase the annual reimbursement amount from \$25,000 to \$250,000 keeping the requirement that the Davidsons must first receive approval from the City before proceeding with any repairs.



After some discussion and explanation of why the item was written as such, the following motion was made.

Councilor De Valois moved and Councilor Kuiken seconded to approve the Consent Agenda. Motion approved on a 6-0 vote.

3. PUBLIC HEARING

Amending LMC Titles 16 and 19 Regarding SEPA Thresholds and Minimum Density

On March 1, 2021, the City Council adopted a Resolution of Intent (Resolution No. 1031) which outlines the path forward to lifting the moratorium on the Pepin Creek Sub-Area and implement the infrastructure associated with the Pepin Lite Plan. Next steps include the establishment of a fair allocation of costs for the infrastructure projects specific to Pepin Lite. The mechanism that showed the most merit is the use of Transportation Impact Fees (TIF) administered in the form of a SEPA mitigation fee.

It is critical that the City's code supports this fee structure and eliminates exceptions so that funds are collected at an expected rate. This code amendment has been drafted to implement the SEPA mitigation fee as outlined in the Council's Resolution of Intent.

The code amendment:

- Lowers the SEPA threshold so that short plats within the Pepin Creek Sub-Area are no longer exempt from SEPA review.
- Implements a minimum density requirement. This ensures that property is developed at an expected density and fees are collected at an expected rate so that infrastructure costs can be covered.
- Removes the text related to Senior Housing Overlay as this was not implemented and is unnecessary.
- Specifically references the Pepin Creek Sub-Area Plan as part of SEPA substantive authority in LMC 16.05.160.

The Planning Commission held a public hearing on March 25, 2021, which concluded with a recommendation for approval. The issue of minimum density was then discussed at a May 19th Community Development Committee meeting. Recognizing that some properties may be constrained by wetlands, but also noting the need to fund infrastructure through development, staff subsequently created language which clarifies how minimum and maximum densities will be calculated. This appears in the council submittal, a proposed Sec. 19.11.030. The addition strives to strike a balance between using gross and net acreage to



calculate densities. If the Council acts on this item staff will bring a corresponding ordinance to a subsequent meeting.

Mayor Korthuis opened the Public Hearing at 7:13 p.m.

Brad Rader, 8629 Benson Road stated opposition to the LMC amendment.

Mayor Korthuis closed the Public Hearing at 7:20 p.m.

No action taken. Item will return to the June 16th Community Development Committee for further consideration.

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS-None

6. OTHER BUSINESS

Council Committee Updates

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

- Sidewalk dining
- PSE work occurring on West Main and the resulting rough road conditions
- Need for tree trimming at Lynden Airport
- Plan 2021 grant applications
- Main Street directional signs
- Crosswalk request: Vinup and Edgewater
- Interlocal agreement for Lynden levee repair

Councilor Lenssen reporting for the Community Development Committee stated discussion of the following:

- Wetlands
- Requirements for licensed architects and engineers.
- West Lynden annexations



7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

The June 7, 2021, regular session of the Lynden City Council adjourned at 7:43 p.m.

Pam Brown, MMC
City Clerk

Scott Korthuis
Mayor

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