

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



April 3, 2023

1. CALL TO ORDER

Mayor Korthuis called to order the April 3, 2023 regular session of the Lynden city council at 7:00 p.m. held in the city's council chambers.

PLEDGE OF ALLEGIENCE

ROLL CALL

Members present: Councilors Gary Bode, Gerald Kuiken, Nick Laninga, and Mark Wohlrab.

Members absent: Councilor Ron De Valois, Brent Lenssen, and Kyle Strengholt.

Staff present: HR Director Kari Heeringa, Planning Director Heidi Gudde, Police Chief Steve Taylor, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Bob Carmichael.

OATH OF OFFICE - None

SUMMARY REPORTS AND PRESENTATIONS - None

APPROVAL OF MINUTES

Councilor Bode moved, and Councilor Laninga seconded to approve the April 3, 2023, regular meeting minutes. Motion approved on 4-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden
Cynthia commented on several general topics.

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2. CONSENT AGENDA

Payroll Liability to March 12 through March 25, 2023

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$402,562.00
Check Liability	\$0.00
Total Non-L&I Liabilities	\$402,562.00
Quarterly Liabilities	\$12,774.92
Total EFT & Other Liabilities	\$415,336.92

Approval of Claims – April 4, 2023

Manual Warrants No.	<u>26988</u>	through	<u>26988</u>		\$600.00
EFT Payment Pre-Pays					\$30,832.93
				Sub Total Pre-Pays	\$31,432.93
Voucher Warrants No.	<u>26989</u>	through	<u>27045</u>		\$222,171.55
EFT Payments					<u>\$231,166.27</u>
				Sub Total	\$453,337.82
				Total Accts. Payable	\$484,770.75

Temporary Construction Easement and Right of Way Agreement - Vander Griend Lumber

The City needed to obtain easements from Vander Griend Lumber for the construction of Jim Kaemingk Sr. trail extension between Depot and 8th St. With this agreement the city obtains the necessary temporary easement for the in-water work that will be done during this year's fish window and obtains the necessary permanent easement for the trail on the northwest portion of the parcel. The total cost for these easements is \$30,000.00 and will be paid out of the project funding District (TBD) Funds.

Motion made by Councilor Bode seconded by Councilor Kuiken to approve the consent agenda as presented. Motion approved 4-0.



3. PUBLIC HEARING

Stormwater Management Action Plan

The City is required to develop a Stormwater Management Action Plan as a requirement of the City's Stormwater National Pollution Discharge Elimination System (NPDES) Permit with the State Department of Ecology. The area of the City was divided into discrete stormwater basins following established policy, and the basins were ranked based on criteria including opportunity for improvement. The Central District Basin has been identified as an area with the most needed improvements. Within that basin the City identifies the work that has been done in the recent past and identified both short- and long-term future projects that would be accomplished to improve water quality. There are three Judson Area Stormwater Low Impact Design projects (8th, 9th, 10th, and Judson Streets) that have either received or are likely to receive grant funding for construction in this basin.

In response to feedback from the public and staff, additions, deletions and/or clarifications have been incorporated into the Stormwater Management Action Plan. The Public Works Committee reviewed the draft Stormwater Management Action Plan at their meeting on March 8, 2023, and City Council set this Public Hearing at their March 20, 2023 meeting.

Mayor Korthuis opened the public hearing at 7:12 p.m. There were no comments. Mayor Korthuis closed the public hearing at 7:12 p.m.

Motion made by Councilor Bode seconded by Councilor Wohlrab to approve and authorize the Mayor's signature on the City's Stormwater Management Action Plan. Motion approved 4-0.

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS

Site Specific Rezone 23-01 – Moa Property

Rezone application 23-01 is coming before the City Council seeking a shift in residential zoning category from a single-family RS-100 zone to a multi-family RM-1 zone. The subject property, located at the east end of Grover Street, is less than one acre in size at approximately 30,300 square feet. The land and existing home were subdivided in 2021 from one lot into three single-family lots and addressed as 1181, 1183, and 1185 E. Grover Street. After division, one new home and associated accessory dwelling unit (ADU) was constructed on the site. Although the owners executed and recorded an ADU covenant stating they would be living on the property they are now not interested in



meeting this development requirement and are instead seeking to utilize each lot of the three-lot plat for rentals.

The RM-1 zoning, if approved, would allow the two existing homes to be legally converted into duplexes with the potential for a third duplex on the remaining vacant lot – a total of six multi-family units. The Planning Commission held a public hearing on March 9th to consider the application and accept public testimony. The Commission concluded that the request did not meet the criteria to rezone, and the resulting decision was a recommendation to deny.

The Technical Review Committee provided a detailed report which considered the tangible aspects of a potential rezone but also the process by which a rezone was sought, which was essentially, after the fact. Due to these circumstances specific to this application, staff offered conclusions but abstained from offering a specific recommendation to approve or deny. If approved a corresponding ordinance, with any Council conditions will be brought forward at a subsequent meeting.

Motion made by Councilor Bode, seconded by Councilor Kuiken to deny rezone application 23-01. Motion approved 4-0.

6. OTHER BUSINESS - None

7. EXECUTIVE SESSION

The council did not hold an executive session.

8. ADJOURNMENT

April 3, 2023, regular session of the Lynden City Council adjourned at 7:25 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor