

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



November 7, 2022

1. CALL TO ORDER

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

ROLL CALL

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

Members absent: Councilor Kuiken and Councilor Wohlrab absent with notice.

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

OATH OF OFFICE – None

SUMMARY REPORTS AND PRESENTATIONS – None

APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Strengholt seconded to approve the October 17, 2022 regular meeting minutes. Motion approved on 5-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

- Asked about the status of the Holden Judson statue.
- Invited Council to the November 10 Veteran's event at the library.
- Discussed the lack of mental health services for those in need.

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2. CONSENT AGENDA

Payroll Liability to October 9, 2022 through October 22, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$495,012.02
Check Liability	\$0.00
Total Non-L&I Liabilities	\$495,012.02
Quarterly Liabilities	\$13,278.19
Total EFT & Other Liabilities	\$508,290.21

Approval of Claims – November 8, 2022

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>25926</u>	through	<u>26027</u>		\$487,736.28
EFT Payments					\$1,159,910.39
				Sub Total	\$1,647,646.67
				Total Accts. Payable	\$1,647,646.67

Set the Public Hearing for the 2023 Property Tax Levy

On Monday, October 17, 2022 the Mayor introduced the 2023 Preliminary Budget to the City Council and the Public. As required by the budget process, in order to receive public comments before adoption, a public hearing is required for consideration of any public commentary regarding the property tax levy. At this time, the request is to set the property tax levy on Monday, November 21, 2022 at 7:00PM.

Resolution No. 1057-Increase in the Revolving Cash Fund

Currently the Lynden Police Department (LPD) has a cash fund for the purpose of making change for citizen transactions. The LPD has cash drawers assigned to it, each one assigned to an individual with the understanding that they are responsible for the funds as stated in the Resolution. Due to operational need an increase in the revolving cash fund limit is required. Resolution No. 1057 would increase the cash limit of the Revolving Cash Fund from \$2,600 to \$3,200.



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

Whatcom County, for the first time, joins six other counties in the state who are required to produce a Buildable Lands Report 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 21, 2022 public hearing.

Interlocal Agreement for North Whatcom County Local Government Water Resources Group

The Birch Bay Water and Sewer District, local Watershed Improvement Districts (W.I.D.’s), and Public Utility District #1, would like to form a local government group of north Whatcom water purveyors and interests to provide for coordination in the coming water right adjudication, to investigate and facilitate water resource solutions, and provide input on water resource issues for the 2025 update to the Whatcom County Comprehensive Plan.

Birch Bay Water & Sewer District and the W.I.D.s have already approved the ILA. This north county group would also be a vehicle to share legal and other resources and obtain funding for water resource solutions made necessary by water right adjudication. This Interlocal Agreement was discussed with the other small Cities at the October Small Cities Meeting hosted by Lynden. The Public Works Committee reviewed the Interlocal



Agreement at their meeting on July 6, 2022, and recommended forwarding to City Council for approval

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

3. PUBLIC HEARING

Public Hearing for the 2023 Budget

As published, 7:00PM on November 7, 2022 is the time and date set for the first Public Hearing on the 2023 Preliminary Budget as presented to the City Council by Mayor Korthuis at the October 17, 2022 City Council meeting.

Mayor Korthuis opened the hearing at 7:07PM.

Mayor Korthuis closed the hearing at 7:07PM.

There were no comments

Public Hearing only, no Council action taken.

Public Hearing for Resolution No. 1054, Adopting 2023 Revisions to the Engineering Design and Development Standards Project Manual

The Engineering Design and Development Standards Project Manual was originally adopted by City Council on April 5, 2004. Staff has gone to annually updating the standards and the last update was effective on January 1, 2022. These standards are required for City to comply with the state Growth Management Act. They include street, water, sewer, and storm drainage standards to be used for all new and replacement construction within the City.

In response to changes in technology and feedback from customers, additions, deletions and/or clarifications have been incorporated into the 2023 Project Manual. The manual also addresses access issues, permitting processes and procedures, and includes various forms necessary in the development process. Staff presents Resolution No. 1054 which lists all of the revisions for Council review. The Public Works Committee reviewed the proposed changes made by staff at their October 5, 2022, meeting and recommended that they be forwarded to City Council for consideration.

Mayor Korthuis opened the hearing at 7:07 PM.

Mayor Korthuis closed the hearing at 7:07 PM.

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There were no comments

Motion made by Councilor Bode seconded by Councilor De Valois to approve and authorize the Mayor's signature on Resolution No. 1054 adopting the 2023 Engineering Design and Development Standards Project Manual. Motion approved 5-0.

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS- None

6. OTHER BUSINESS

7. EXECUTIVE SESSION

Council met in executive session to discuss acquisition of real estate as allowed under RCW 42.30.110(10)(b) and discussion with legal counsel about current or potential litigation as allowed under RCW 42.30.110(1)(i). Council expects to be in executive session until 7:45 p.m. and is expected to take further action following the executive session. Council reconvened at 7:45 p.m.

Motion made by Councilor Bode seconded by Councilor De Valois to authorize the Mayor to sign a revised Access and Maintenance Easement Agreement with Top Family Living Trust ("Trust") that will grant an exclusive temporary construction easement for construction, inspection, alteration, ingress, and egress for the purposes of constructing a new portion of the Jim Kaemingk Sr. Trail located adjacent to the north boundary of the Top Property. The Agreement provides for a cost to cure payment of \$18,500 to be made before December 31, 2022 for the temporary easement. This action is being taken in lieu of the City taking condemnation action to secure the easement. Motion approved 5-0.

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8. ADJOURNMENT

The November 7, 2022, regular session of the Lynden City Council adjourned at 7:46 p.m.

Pamela D. Brown
City Clerk

Scott Korthuis
Mayor

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