

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



December 20, 2021

1. CALL TO ORDER

Mayor Korthuis called to order the December 20, 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 Strengtholt, and Mark Wohlrab.

Members absent: None.

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Parks Manager 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

APPROVAL OF MINUTES

Councilor Kuiken moved and Councilor Wohlrab seconded to approve the December 6, 2021, regular council meeting minutes as presented. Motion approved on a 7-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled: None

Unscheduled: G. Todd Williams

G. Todd Williams spoke to council regarding his concern that there is a lack of transparency between the city council and the community. He asks that the City continue to commit resources in an open dialogue with the community. He also asks that the city add a video link for every public meeting to the city's website right next to the minutes and agendas.

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2. CONSENT AGENDA

Payroll Liability to December 1 through December 16, 2021

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$375,368.69
Check Liability	\$11,324.55
Total Non-L&I Liabilities	\$386,693.24
Quarterly Liabilities	\$12,674.42
Total EFT & Other Liabilities	\$399,367.66

Approval of Claims – December 22, 2021

Manual Warrants No.	<u>23406</u>	through	<u>23407</u>		\$51,757.83
EFT Payment Pre-Pays					\$2,248.42
				Sub Total Pre-Pays	\$54,006.2
Voucher Warrants No.	<u>23408</u>	through	<u>23541</u>		\$960,088.02
EFT Payments					\$0.000
				Sub Total	\$960,088.02
				Total Accts. Payable	\$1,014,094.27

Deed of Right and Stewardship Plan for Dickinson Park

The City received approval for a Department of Ecology grant for a portion of the purchase price for Dickinson Park in return for a Deed of Right for a Conservation Area of the Park totaling approximately 5.5 acres.

The grant funds will be used to reimburse the City line of credit which was used for the original purchase of the Dickinson property. The Deed of Right and Stewardship Plan has been reviewed by the Department of Ecology and the City of Lynden Parks Committee.

Deed of Right and Stewardship Plan for 1625 Main

The City received a Department of Ecology Clean Water State Revolving Fund Loan for Pepin Creek design and property acquisition in 2018. Some of those funds were intended for the acquisition of the property at 1625 Main Street (former Erdmann Property) to reroute and stabilize the shoreline of Pepin Creek south of the Main Street as part of the greater Pepin Creek Relocation Project.



The purchase of the property was approved by City Council at their April 5, 2021, meeting with the understanding that upon approval of a Stewardship Plan and Deed of Right the loan funds could be used to reimburse the City line of credit for the purchase. The Plan and Deed of Right and associated Stewardship Plan have been reviewed and approved by the Department of Ecology. Staff is recommending approval so that the Ecology reimbursement can be accomplished.

Award Bid for Industrial Condensate Pipeline – Riverview to Outfall

Staff recently solicited bids for the Industrial Condensate Pipeline – Riverview to Outfall. This is the final phase of the Industrial Condensate relocation project that allows Lynden to benefit from this water in its annual drinking water appropriation from the Nooksack River.

The project includes the installation of an 18-inch Industrial Condensate Pipeline from an existing manhole approximately 750 feet north of the Nooksack River on the west side of Hannegan to an outfall into the Nooksack River. Two bids were received on November 30, 2021, as shown on the bid tabulation prepared by Reichhardt and Ebe Engineering.

The Public Works Committee at their December 6th meeting concurred to recommend the bid be awarded to Strider Construction, the lowest responsible and responsive bidder, in the amount of \$2,659,654.08 including Washington State Sales Tax. This bid is below the Engineer's Estimate of \$2,889,935.81.

Appointment to Planning Commission- Darren Johnson

The Council is asked to consider and confirm the Mayor's appointment of Darren Johnson to a four-year term on the City's Planning Commission. Darren has graciously been filling in on the Planning Commission since July of this year to complete the term of another member which finishes at the close of December 2021. As that term finishes, he has agreed to continue serving his own term on the Planning Commission beginning in January of 2022.

Appointment to Planning Commission- Jim Kaemingk Jr.

The Council is asked to consider and confirm the Mayor's appointment of Jim Kaemingk Jr. to a four-year term on the City's Planning Commission. Mr. Kaemingk has a background in real estate and family ties as well.

He has expressed an interest in serving the community by taking a seat on the Planning Commission which he detailed in his application. The Mayor has appointed Jim to a four-year term beginning in January of 2022 and ending at the close of December 2026 and asks that the Council confirm this appointment.



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

Councilor Lenssen thanked Darren Johnson and Jim Kaemingk Jr. for their willingness to serve on the City's planning commission. They provide a valuable service to the City of Lynden.

3. PUBLIC HEARING

Resolution 1043- Adopting Revisions to the Engineering Design and Development Standards Project Manual for 2022

The Engineering Design and Development Standards Project Manual was originally adopted by City Council on April 5, 2004 and was last updated on January 1, 2021. These standards are required by the City's Growth Management Act and include street, water, sewer, and storm drainage standards.

In response to inquiries, changes in technology, and the feedback from customers, additions, deletions and/or clarifications have been made to the project manual. The manual also addresses access issues, permitting processes and procedures, and includes various forms necessary in the development process. Staff is updating the Manual annually and presents Resolution No. 1042 along with a list of revisions for Council review.

The Public Works Committee reviewed the updates at their October 6, 2021, meeting and recommended that they be forwarded to City Council for consideration.

Mayor Korthuis opened the public hearing at 7:06 p.m.

There was no public comment.

Mayor Korthuis closed the public hearing at 7:06 p.m.

Councilor Bode moved, and Councilor De Valois seconded to authorize the Mayor to sign Resolution No. 1043, adopting revisions to the Project Manual for Engineering Design and Development Standards, to be effective January 1, 2022. Motion approved on a 7-0 vote.

Public Hearing (Continued) -Proposed Nooksack Valley Disposal Rate Increase

Nooksack Valley Disposal (NVD) is requesting a rate increase, effective January 1, 2022, for their services due to their increasing disposal fees. NVD currently has a 20-year franchise agreement with the City of Lynden (through 2036) for curbside garbage pickup and recycling

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program services. The Public Works Committee reviewed the proposed increase at their November 3rd meeting and concurred to recommend approval to City Council.

On November 17 and December 6, 2021, at City Council, the public was invited to comment on the proposed rate increases. If approved these new rates would become part of the existing Franchise Agreement and take effect January 1, 2022.

Mayor Korthuis opened the continued public hearing at 7:10 p.m.
G. Todd Williams opposed.
Gary Vis in favor.
Mayor Korthuis closed the public hearing at 7:13 p.m.

Councilor Bode moved, and Councilor De Valois seconded that the City Council, approve and authorize the Mayor's signature on the Franchise Agreement Rate Adjustment Addendum. Motion approved on a 7-0 vote.

Ordinance No. 1642- Moratorium on Residential Development in CSL Zones

Under certain provisions, the City of Lynden's Zoning Ordinance allows multi-family residential development within the Commercial Services- Local (CSL) Zones in conjunction with first floor commercial spaces. These projects are often referred to as "mixed-use" and are intended to facilitate a symbiotic relationship between commercial uses and the residents that live nearby.

In the North Lynden Sub-Area the code makes additional provisions for residential development with a lower ratio of required commercial use. As the demand for commercial space wanes the viability of mixed-used projects has been called into question by the Community Development Committee. Staff research shows that since 2013 the city has approved 276 multi-family units within CSL zones. While the corresponding commercial spaces associated with these projects is about 92,000 square feet much of that space is accounted for by one farm and garden store (Tractor Supply), is used as mini or condo storage spaces, or is currently vacant.

The Committee requests that the Council consider an interim moratorium on multi-family residential development within the city's CSL zones while adequate review of this issue is conducted. Review will consider the effects of mixed-use development to the City's housing goals, will review the intent and success of the mixed-use ordinance, and examine how mixed-use provisions may affect new areas of annexation.

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Mayor Korthuis opened the public hearing at 7:15 p.m.

Ashley Gosal- Opposed.
Mark Hollander-Opposed.
Suhki Gill- Opposed.
Chris Smeenk- Opposed.
Carlos Becerra- Opposed.
Gary Vis- In favor.

Mayor Korthuis closed the public hearing at 7:26 p.m.

Councilor Lenssen moved, and Councilor Bode seconded to approve Ordinance No. 1642 which would enact an interim moratorium on multi-family residential development within the City's CSL zones with an effective date of January 1, 2022, and to authorize the Mayor's signature on the document. Motion approved on a 7-0 vote.

Councilor Bode stated for the record that the Council does not intend to eliminate the CSL designation but to improve the zoning text. Councilor Lenssen stated that the public is invited to be a part of the process by attending the Community Development meeting on January 19, 2021.

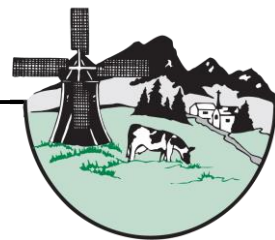
Ordinance No. 1641- Comprehensive Plan Amendment (CPA) 21-02

On October 10, 2021 the Planning Commission held a public hearing to consider the site-specific Rezone application number 21-01. This application was brought forward with a corresponding Comprehensive Plan Amendment number 21-02.

The proposal is brought forward by David Vos representing Vander Giessen Nursery. The Comp Plan amendment would shift the property from a residential to an industrial land use. The rezone request would specifically assign the industrial zoning category of IBZ – Industrial Business Zone, which is consistent with adjoining properties.

Additional information regarding this item is included with the Comp Plan Amendment agenda item. No additional public comment is taken specifically on the rezone as that record is closed.

Mayor Korthuis opened the public hearing at 7:28 p.m.
There was no public comment.
Mayor Korthuis closed the public hearing at 7:28 p.m.



Councilor Lenssen moved and Councilor Strengholt seconded that the City Council approve Ordinance No. 1641, Comprehensive Plan Amendment 21-02 shifting the subject parcel from residential to industrial land use, authorizing the Mayor's signature on the document. Motion approved on 7-0 vote.

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Resolution No. 1041- Approving City Use of Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund Loan for Judson Area Low Impact Development, Phase 1

Staff has applied for and received Department of Ecology approval for a Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund Loan to construct stormwater improvements on 8th Street from Judson Street to Front Street and the adjacent midblock east-west alleys.

This is the first phase of planned street and stormwater improvements in the Judson area bounded by 7th and 10th Streets on the east and west, and Front Street to the north. Included in this funding package is a grant in the amount of \$644,959.00 and a loan in the amount of \$214,986.33 with terms of 20 years and a 1.2% interest rate plus 0.3% administrative charge.

Staff plans to use TBD funds for repayment of the loan and provide sewer and water funds for needed utility upgrades under the streets. This was discussed at the November 3, 2021, Public Works Committee meeting.

Councilor Bode moved and Councilor De Valois that the City Council approve Resolution No. 1041 Approving City Use of Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund for Judson Area Stormwater Low Impact Development-Phase 1 and authorize the Mayor's signature on the applicable agreement with the Department of Ecology. Motion approved on 7-0 vote.

Site-Specific Rezone-21-01, VanderGiessen Nursery

On October 10, 2021 the Planning Commission held a public hearing to consider the site-specific Rezone application number 21-01 this application was brought forward with



a corresponding Comprehensive Plan Amendment number 21-02. The proposal is brought forward by David Vos representing Vander Giessen Nursery. The Comp Plan amendment would shift the property from a residential to an industrial land use.

The rezone request would specifically assign the industrial zoning category of IBZ – Industrial Business Zone, which is consistent with adjoining properties. Additional information regarding this item is included with the Comp Plan Amendment agenda item.

No additional public comment is taken specifically on the rezone as that record is closed.

Councilor Lenssen moved and Councilor Bode seconded to approve Site Specific Rezone 21-01 assigning the zoning category of IBZ to the subject parcel and authorizing the Mayor’s signature on Ordinance No. 1641 which addresses the amendment to the land use zone. Motion approved on 7-0 vote.

6. OTHER BUSINESS

Councilor Bode reporting for the Public Works Committee.

- Awarded bid for Riverview Outflow
- Procurement of Main Street bridge girders
- Pepin parkway mapping
- Culvert replacement projects

Councilor Strengholt reporting for the Finance Committee.

- Review of last payroll of the year
- Review police and fire overtime which was up in November
- Sales tax continues to be strong
- Utility fees and utility shutoff moratorium extended through February 1, 2022
- Discussion of various fund balances

Councilor De Valois reporting for the Parks Committee.

- Dickinson Park Stewardship Plan
- Benson Park Parkway discussion
- Dickinson Park access



Councilor Lenssen reporting for the Community Development Committee.

- The interim moratorium
- Multi-family development
- Parking of commercial vehicles on private property

7. EXECUTIVE SESSION

Council entered into executive session to discuss consideration of site selection or acquisition of real estate purchase or lease as allowed by RCW 42.30.110 (1)(b) at 7:58 p.m. This executive session was expected to last 15 minutes and a decision is likely.

City Clerk Pam Brown announced in the meeting that the executive session had ended at 8:13 p.m. and no action was taken.

Council then entered into a closed-door session to discuss contact negotiations. The session was expected to last 15 minutes with potential action to follow. Council reconvened at 8:25 p.m.

Councilor Wohlrab moved and Councilor Kuiken seconded to authorize the Mayor to sign the Collective Bargaining Agreement between the City of Lynden and the Fraternal Order of Police covering the Commissioned Police Officers for the City of Lynden. This agreement is dated January 1, 2022 and expires December 31, 2025. Motion approved on 7-0 vote.

Mayor Korthuis stated that those that need to be sworn in can do so at City Hall. There is a plan to do a ceremonial swearing in at a council meeting later in the year. Mayor Korthuis would also like to invite and recognize police officers and fire fighters that have been hired in 2021 to also join in the ceremony.

8. ADJOURNMENT

The December 20, 2021, regular session of the Lynden City Council adjourned at 8:31 p.m.

Pamela D. Brown, MMC

Scott Korthuis

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City Clerk

Mayor

DRAFT