

# CITY OF LYNDEN

## CITY COUNCIL



City Council - Regular Meeting  
City Hall - 300 Fourth Street  
August 07, 2023

### **Call to Order**

### **Pledge of Allegiance**

### **Roll Call**

### **Oath of Office**

### **Summary Reports and Presentations**

### **Approval of Minutes**

1. Draft Council Minutes – July 17, 2023

### **Citizen Comment**

### **Consent Agenda**

2. Approval of Payroll and Claims
3. Set the Public Hearing for Design Standards Variance 23-01
4. Set the Public Hearing for Agreement to Exchange Property for Pepin Creek Pkwy ROW
5. Setting Salaries for Elected Officials Amend PTN Ordinances 1550, 1475 and 1639

### **Public Hearing**

### **Unfinished Business**

### **New Business**

### **Reports**

6. Draft Community Development Committee Mtg Minutes of July 19, 2023

### **Executive Session**

### **Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	August 7, 2023	
<b>Name of Agenda Item:</b>	Draft Council Minutes – July 17, 2023	
<b>Section of Agenda:</b>	Approval of Minutes	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: N/A
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>	Draft Council Minutes – July 17, 2023	
<b>Summary Statement:</b>	Draft Council Minutes for Council review and possible approval.	
<b>Recommended Action:</b>	Review and approve draft minutes.	

# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

July 17, 2023

### 1. CALL TO ORDER

Mayor Korthuis called to order the July 17, 2023 regular session of the Lynden city council at 7:00 p.m. in the city's council chambers.

### PLEDGE OF ALLEGIENCE

### ROLL CALL

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

Members absent: None.

Staff present: Community Development Director Heidi Gudde, Fire Chief Mark Billmire, Parks Director Brent DeRuyter, Police Chief Steve Taylor, Public Works Director Jon Hutchings, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Bob Carmichael.

### OATH OF OFFICE – None.

### SUMMARY REPORTS AND PRESENTATIONS

Police Chief Taylor presented a Certificate of Promotion to Police Sergeant Travis Lipton.

### APPROVAL OF MINUTES

***Councilor De Valois moved, and Councilor Lenssen seconded to approve the July 3, 2023, regular meeting minutes. Motion approved on 7-0 vote.***

### CITIZEN COMMENT

#### Mary Lou Childs, Lynden

Ms. Childs addressed Council requesting a total ban on fireworks in Lynden. A copy of the handout she provided council has been included in the council file.

#### G. Todd Williams, Lynden

Mr. Williams expressed his concern to Council about the lack of updates concerning implementation of BWCs (Body Worn Cameras) at the Lynden police department.

#### Gary Vis, Chamber Director, Lynden

The Razz Fest was quite successful. An estimated 25 to 30 thousand people attended over the two days. Local restaurants and retail establishments reported record business on

# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

Saturday. Mr. Vis thanked all the volunteers and city staff that assisted in the set up and tear down of the festival.

### 2. CONSENT AGENDA

#### Payroll Liability to July 2 through July 16, 2023

##### EFT & Other Liabilities

##### Non-L&I Liabilities

Monthly EFT .....	\$427,299.47
Check Liability .....	\$0.00
Total Non-L&I Liabilities .....	\$427,299.47
Quarterly Liabilities .....	\$13,461.19
<b>Total EFT &amp; Other Liabilities</b>	<b>\$440,760.66</b>

#### Approval of Claims – July 18, 2023

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>27867</u>	through	<u>27979</u>		\$1,045,646.72
EFT Payments					\$332,254.48
				Sub Total	\$1,337,901.20
				Total Accts. Payable	\$1,377,901.20

#### Award Bid for East Front Street Stabilization – East Site

Staff recently solicited bids for the East Front Street Stabilization – East Site for the repair of a failing slope. Work to be performed under this contract shall include construction of approximately 1,500 square feet of MSE wall, storm drainpipe, grinding and paving HMA, curb and gutter, guardrail, and restoration planting. Four bids were received on June 29, 2023, prepared by Reichhardt & Ebe. The Public Works Committee at their July 5th meeting concurred to recommend award to Len Honcoop Gravel, the lowest responsive and responsible bidder, in the amount of \$270,771.75, including Washington State Sales Tax. The Engineer’s Estimate was \$369,510.00.

# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

### ORD-23-1670- Line of Credit Renewal

Ordinance No. 1231 was approved by council on May 2, 2005. It allowed the city to have a revolving line of credit. The notes have provided interim financing for capital projects such as the Water Reservoir project (for DWSRF reimbursement), Arterial Street capital improvements, Police Station Acquisition/Remodel (prior to issuance of permanent financing), and East Lynden Sewer Sub-Basin improvement projects.

Presently, outstanding balances on the line of credit consist of several funds awaiting reimbursement money. The line of credit is available to provide interim financing for Street Capital Construction projects. These projects are secured by grant and/or other intergovernmental funding on a reimbursement basis. Since 2005, Ordinance No. 1231 has been amended by Ordinance No. 1261, 1295, 1319, 1355, 1376, 1400, 1420, 1444, 1467, 1485, 1510, 1534, 1558, 1588, 1629 and 1648 each authorizing an extension of the maturity date of the notes. The City received an offer from Banner Bank to extend the maturity date of the notes from July 31, 2023 to July 31, 2024 at a rate of 5.78%, which is a 2.68% increase from the previous rate.

The closing date is anticipated to be July 28, 2023. The City's Bond Counsel and Finance Director have reviewed this proposal prior to its review by the Finance committee on July 17, 2023. The Finance Committee approved the renewal in their June 17th, 2023 meeting and has forwarded ORD-23-1670 to the full council.

***Motion made by Councilor Bode, seconded by Councilor Strengholt to approve the consent agenda as presented. Motion approved 7-0.***

### 3. PUBLIC HEARING - None

### 4. UNFINISHED BUSINESS

#### Amending LMC 19 RE: Patio Screening – Information Only

At the June 19th meeting the city council considered an amendment to LMC 19.22 related to the screening of outdoor patio areas. At that meeting, testimony from one local contractor raised questions related to the ability to more fully enclose patio areas. The council asked that the amendment be reconsidered to address this possibility and provide answers the issued raised.

In response, additional information pertaining to this issue has been included with the council agenda item. Community Development, Building, and Fire Department staff continue to raise concerns related to the enclosing of patio areas that are attached to primary living areas and recommend screening rather than enclosing. Concerns focus on three main areas:

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



1. Life safety.
2. Enforcement and the potential for ad-hoc living spaces that violate building code.
3. Maintaining outdoor areas and separation of living spaces in single-family residential zones.

It is relevant to note that this potential amendment was raised after a single unpermitted enclosure was cited. The code, as currently written, is clear and well utilized throughout the city. Similar to staff, the Planning Commission considered this issue carefully and voted to recommend a clarification of code rather than a modification that would permit enclosure. Staff are recommending that the council review the submitted materials. This issue will then be discussed at the July 19th CDC meeting and then returned to the city council for action. This action generally includes the following options (1) keep the code as written and take no action on the amendment, (2) adopt the amendment as previously proposed which allows for screening but not enclosing of patios, or (3) remand the issue back to staff or the Planning Commission with specific directions regarding next steps.

*For information only.*

### 5. NEW BUSINESS

### 6. OTHER BUSINESS

Councilor Bode, Public Works committee, reported discussion of the following:

- Wastewater treatment maintenance building cost estimate was greater than expected.
- The origin of the fecal matter was found in the stormwater.
- Fluoride in Lynden water supply.
- Cedar Drive pump station.
- July 29<sup>th</sup> Airport Open House.

Councilor Wohlrab, Public Safety committee, reported discussion of the following:

- Ground emergency medical transport fund has increased 150%.
- There were no issues related to fireworks reported this year.
- Fire department will no longer rent uniforms but instead will purchase those uniforms.
- The ladder truck is approximately 22 months out.
- Officer Lipton promoted to Sergeant.
- Body worn cameras (BWC) are in the testing phase.
- A patrol vehicle has lost an engine is out of commission.
- A police vehicle that the city ordered has been delayed.

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



Councilor Strengholt, Finance committee, reported discussion of the following:

- Payroll and overtime.
- May and June sales tax revenue was lower, but are still up over 7% for the year.
- Line of credit, interest rate up over 2%.
- Salary review for elected officials through 2032 at 3% annual increase.
- Mayor's salary, a position that is currently .25 position.

Councilor De Valois, Parks committee, reported discussion of the following:

- Benson Barn and the adjustments that have to be made.
- Benson Park 2<sup>nd</sup> draft of the master plan was submitted.
- Schoolyard Park is still in the planning stages.
- Depot to 8<sup>th</sup> Street trail under construction.
- Security fencing installed around Vander Griend property.
- Renovations to Dickinson property are complete and it is occupied.
- Berthusen Park house is not yet occupied.

### 7. EXECUTIVE SESSION

The council adjourned into executive session at 8:00 p.m. to discuss with legal counsel representing the city matters relating to acquisition of real estate purchase under RCW 42.30.110(1)(b). The council expected to be in executive session until 8:10 p.m. with no decision.

### 8. ADJOURNMENT

July 17, 2023, regular session of the Lynden city council adjourned at 8:10 p.m.

\_\_\_\_\_  
Pamela D. Brown, City Clerk

\_\_\_\_\_  
Scott Korthuis, Mayor

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	August 7, 2023	
<b>Name of Agenda Item:</b>	Approval of Payroll and Claims	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Finance	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	None	
<b>Summary Statement:</b>	Approval of Payroll and Claims	
<b>Recommended Action:</b>	Approval of Payroll and Claims	



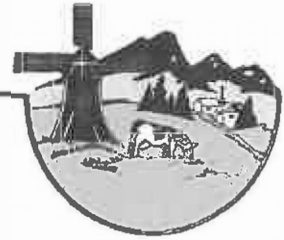
# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	August 7, 2023	
<b>Name of Agenda Item:</b>	Set the Public Hearing for Design Stds Variance 23-01	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Planning & Community Development Department	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	Application for Design Standards Variance 23-01 – Walnut Street	
<b>Summary Statement:</b>	<p>JWR Design, on behalf of Pacific Edge Builders, has applied for a Design Standards Variance related to improvements to a public right-of-way. The applicant is considering the development of a vacant lot at the terminus of Walnut Street (adjacent to the railroad tracks).</p> <p>Development here triggers a requirement to improve street frontage. As a majority of the street is relatively unimproved the applicant is proposing an alternate standard which would raise the level of improvement along the entire street rather than meet a ¾ street standard improvement exclusively at their property's frontage as required by code (Engineering Design and Development Standards Div 4.3 (C) and Table 4-1.)</p> <p>The application details paving at 20 feet in width and a pedestrian walkway at 6 feet in width.</p> <p>A staff report and recommendation will come forward at the August 21<sup>st</sup> meeting which is slated to include a public hearing on this variance request.</p>	
<b>Recommended Action:</b>	Motion to set the public hearing date of August 21, 2023, for Design Standards Variance 23-01 regarding improvements to Walnut Street.	

# CITY OF LYNDEN



## DEVELOPMENT STANDARDS VARIANCE APPLICATION

**City of Lynden use only:**  
**DSV # 23-01      Staff Initials: KS**

### Property Owner

Name: Pacific Edge Properties LLC  
 Address: PO Box 467 Lynden WA 98264  
 Telephone Number: \_\_\_\_\_ E-mail Address: 360-739-6836 Ian

### Applicant (Agent, Land Surveyor or Engineer)

Name: JWR Design  
 Address: 104 Front St. Lynden WA 98264  
 Telephone Number: 360-354-0333 E-mail Address: permits@jwrdesign.com

Who is the primary contact for this project? This person will receive all official correspondence for the project.      Property owner       Applicant

### Property Information

Project Location (street address / block range): 315 Walnut St.

### Variance Request:

#### **Section of the Municipal Code or Engineering Design and Development**

#### **Standards to be varied:**

Engineering Design Standards Division 4.3 (C) and Table 4-1. New Construction standards.

#### **Identify Desired Result:**

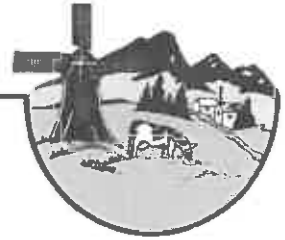
Allow improvement of Walnut St. with a new 20' asphalt roadway and a 6' pedestrian walkway in place of the typical new construction engineering design standards.

**DSV Criteria must be attached**

\*\*\*\*\*

By signing this application, I certify that all the information submitted is true and correct. I also understand that no final approval will be issued until all final review costs are paid in full.

Submitted By: Emily G. Riddle      Date: 7/10/2023  
 Property owner signature: [Signature]      Date: 7/10/2023  
 Property owner printed name: \_\_\_\_\_      Date: \_\_\_\_\_



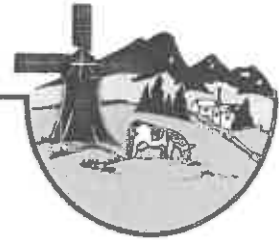
## **17.17.040 Standards and Criteria for Granting a Variance**

Where there are unnecessary hardships and practical difficulties which render it difficult to carry out the provisions of the development standards of the City of Lynden as listed in Section 17.17.010, the City Council shall have power to grant a variance in harmony with the general purpose and intent of the provisions contained therein. Such variances may vary the rules, regulations or provisions of the development standards so that the spirit of those standards will be observed; public safety secured; and substantial justice done. However, the City Council shall not vary any of the rules, regulations or provisions of those development standards unless it shall approve findings that all of the following conditions exist in each case:

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity in which the property on behalf of which the application was filed is located;
- B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with rights and privileges permitted to other properties in the vicinity in which the subject property is located;
- C. That the granting of such a variance will not be materially detrimental to the public health, safety and general welfare; and
- D. That the granting of such a variance will not be injurious to the property or improvements in the vicinity and zone in which the subject property is located.
- E. That the variance request is based on sound engineering judgement and includes additional mitigation sufficient to offset adverse impacts to the public interest likely to result from granting the variance.

Findings shall include a report which may contain pertinent information regarding any existing conditions relating to topography, geology, utilization of property, and such conditions set forth by the official plans, development plans, and the comprehensive plans.

# CITY OF LYNDEN



## CRITICAL AREAS CHECKLIST

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Parcel Number: 4003204274620000

Site Address: 315 Walnut St.

Proposed Uses: New Office Building

Please answer the following questions concerning Critical Area indicators *located on or within 200-feet of the project area:*

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, please attach a list of document titles).  
 Yes     No     Unknown
- b. Are there any surface waters (including year-round and seasonal streams, lakes, ponds, swamps)?  
 Yes     No     Unknown
- c. Is there vegetation that is associated with wetlands?  
 Yes     No     Unknown
- d. Have any wetlands been identified?  
 Yes     No     Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?  
 Yes     No     Unknown
- f. Are there any State or Federally listed sensitive, endangered, or threatened species and habitats?  
 Yes     No     Unknown
- g. Are there slopes of 15% or greater?  
 Yes     No     Unknown
- h. Is the project located within a Flood Hazard Zone?  
 Yes     No     Unknown
- i. Do you know of any landslide hazard areas?  
 Yes     No     Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of Chapter 16.16 of the Lynden Critical Areas Ordinance.

  
Applicant's Signature

7/10/2023  
Date

**PROJECT NARRATIVE**

Pacific Edge Builders is proposing to build a new office building on 315 Walnut St. With the development of this new building, city code requires that the section of the road in front of the new office building, meet city private street minimum requirements, which includes improving the street with sidewalks, curbs, and gutters along the property frontage. According to section 4.3(C), the City can approve a ¾ street section for the improvement of abutting off-site roadways. Walnut St. is an unimproved dead-end street and therefore, no other properties in the vicinity would enjoy the frontage improvement. The owners are requesting to instead, improve all Walnut St. with a 20’ paved roadway with a 6’ pedestrian walkway alongside the paved roadway. There are very few properties that use this street as access, any improvement project here will not complete well with other roadway projects in the City which serve more property owners. The improvement of Walnut St. would not negatively impact neighboring properties or cause any harm to them or the public welfare. The addition of the paved road would greatly improve the gravel/dirt path that is currently serving as Walnut St.

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity in which the property on behalf of which the application was filed is located.
  - a. This variance being approved will not grant special privilege to the owner and will instead benefit all property owners and civilians who will use Walnut St. Walnut St. is currently old concrete, that is in rough shape, now has gravel over it. Paving this street and placing a walkway along the side, it will be beneficial to all who use and will be using Walnut St.
- B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with rights and privileges permitted to other properties in the vicinity in which the subject property is located:
  - a. Due to the property being on the end of Walnut St., a dead-end road, improving only the property frontage will not improve the section of Walnut St. that will be used by other owners. The request to improve the whole street will benefit many more property owners and the city in general.
- C. That the granting of such a variance will not be materially detrimental to the public health, safety, and general welfare; and

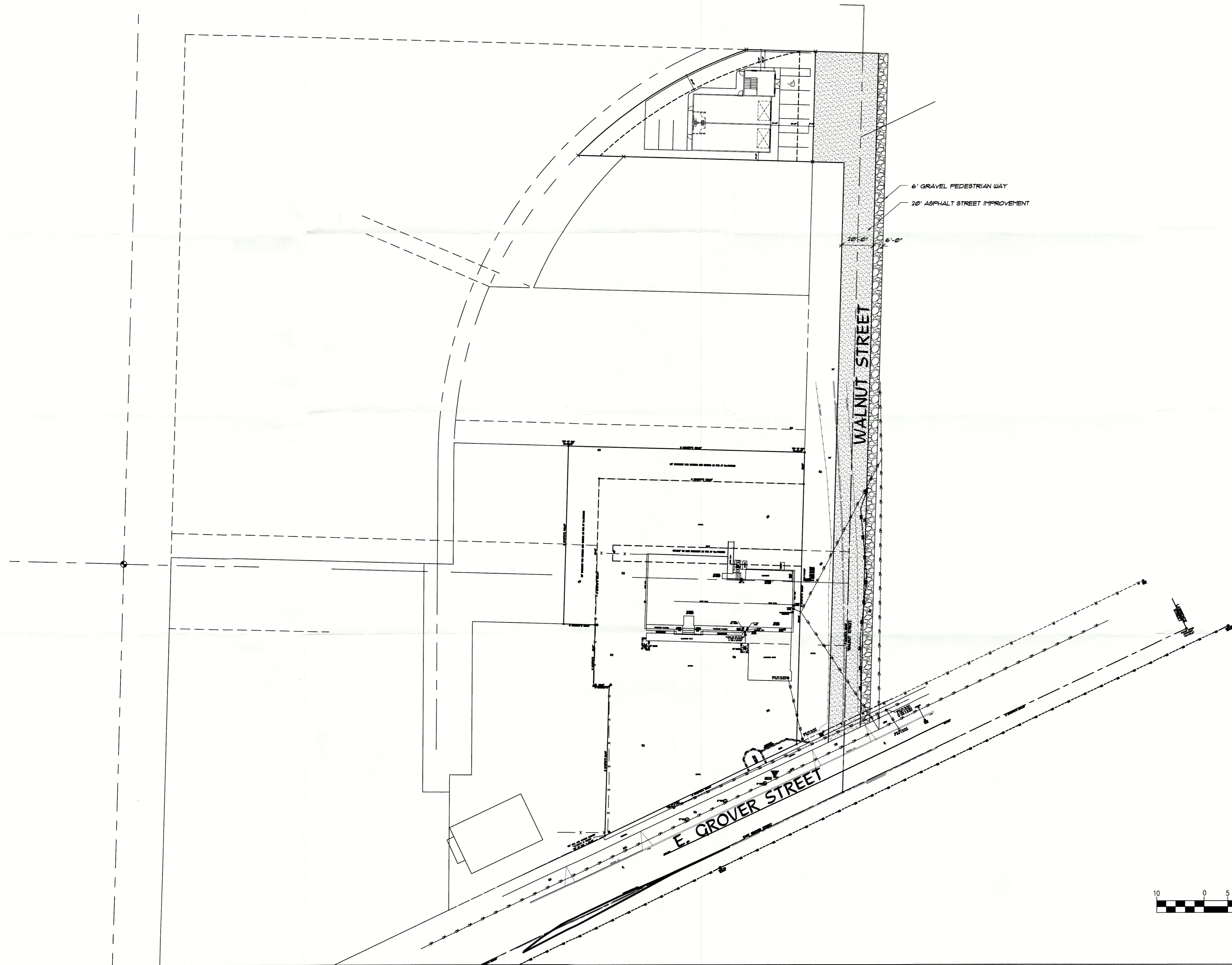
- a. This will not cause any harm to public health or safety. The construction of this road will be a quick and simple project to complete. During construction, the area will be blocked off from the public for safety purposes.
- D. That the granting of such a variance will not be injurious to the property or improvements in the vicinity and zone in which the subject property is located.
  - a. This project will not harm any projects or properties in the vicinity. As I mentioned, this will be blocked off to the public during the short construction period.
- E. That the variance request is based on sound engineering judgement and includes additional mitigation sufficient to offset adverse impacts to the public interest likely to result from granting the variance.
  - a. We believe that this will overall benefit the public as other property owners in the vicinity. Once this project is approved, if required, we will bring on a civil engineer to verify the existing grading and engineer accordingly.



# 315 WALNUT STREET

LYNDEN, WA 98264

PARCEL #4003204274620000



6' GRAVEL PEDESTRIAN WAY  
 20' ASPHALT STREET IMPROVEMENT

10'-0"  
 6'-0"  
 WALNUT STREET

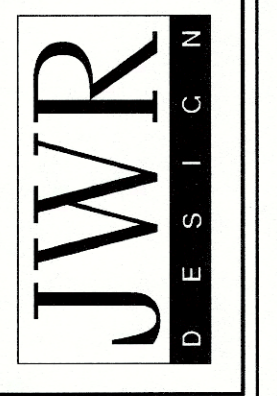
E. GROVER STREET

REVISIONS	DATE	BY

PLAN#  
23-024

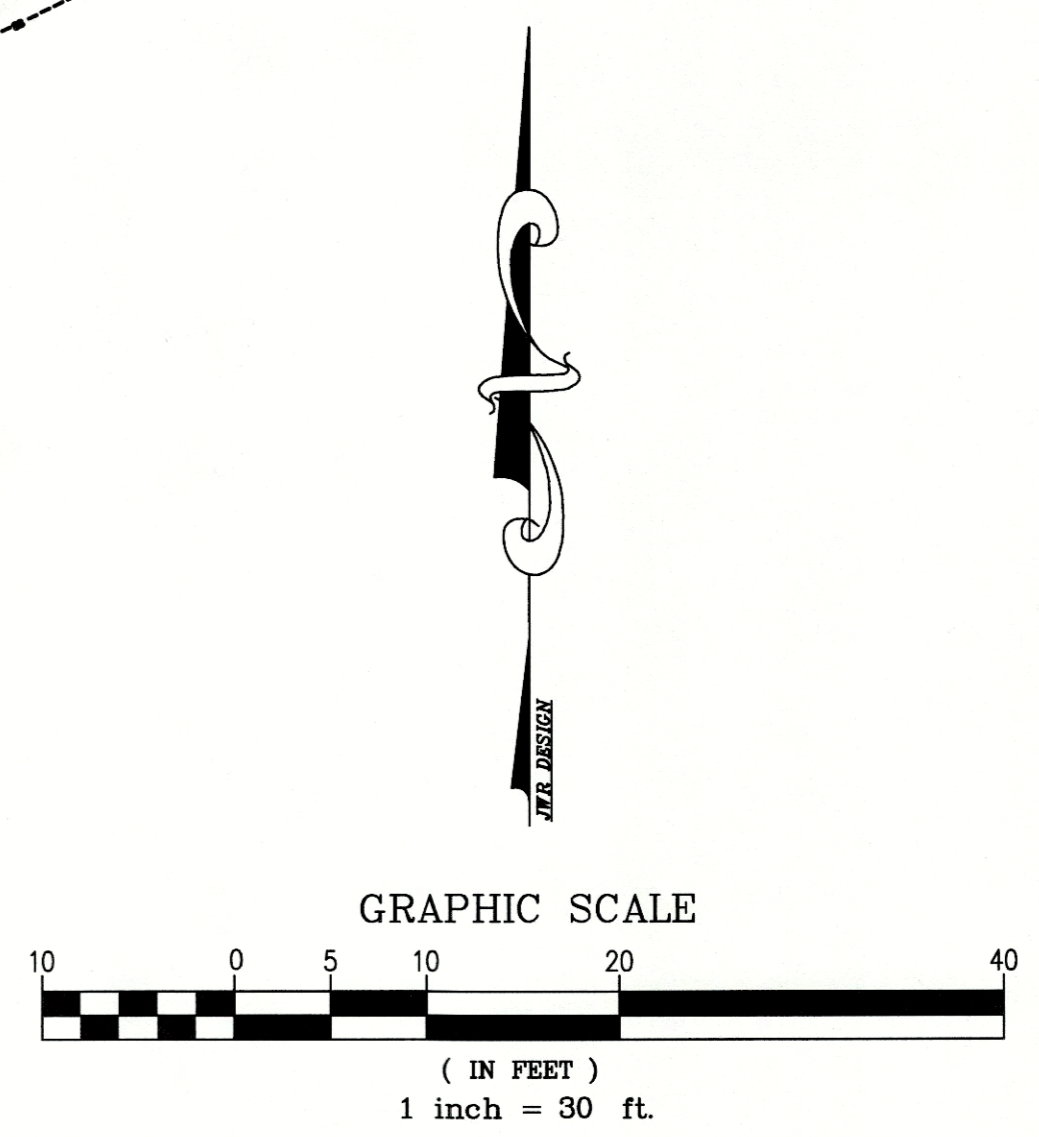
**PACIFIC EDGE**  
**SITE PLAN**  
**315 WALNUT ST.**

JWR Design, Inc.  
 104 Front Street  
 Lynden, WA, 98264  
 (360) 354-0333



DRAWN JSUB  
 DATE 6-26-23  
 SCALE 1" = 30'-0"  
 CHECKED FWR  
 SHEET

C1 OF C1





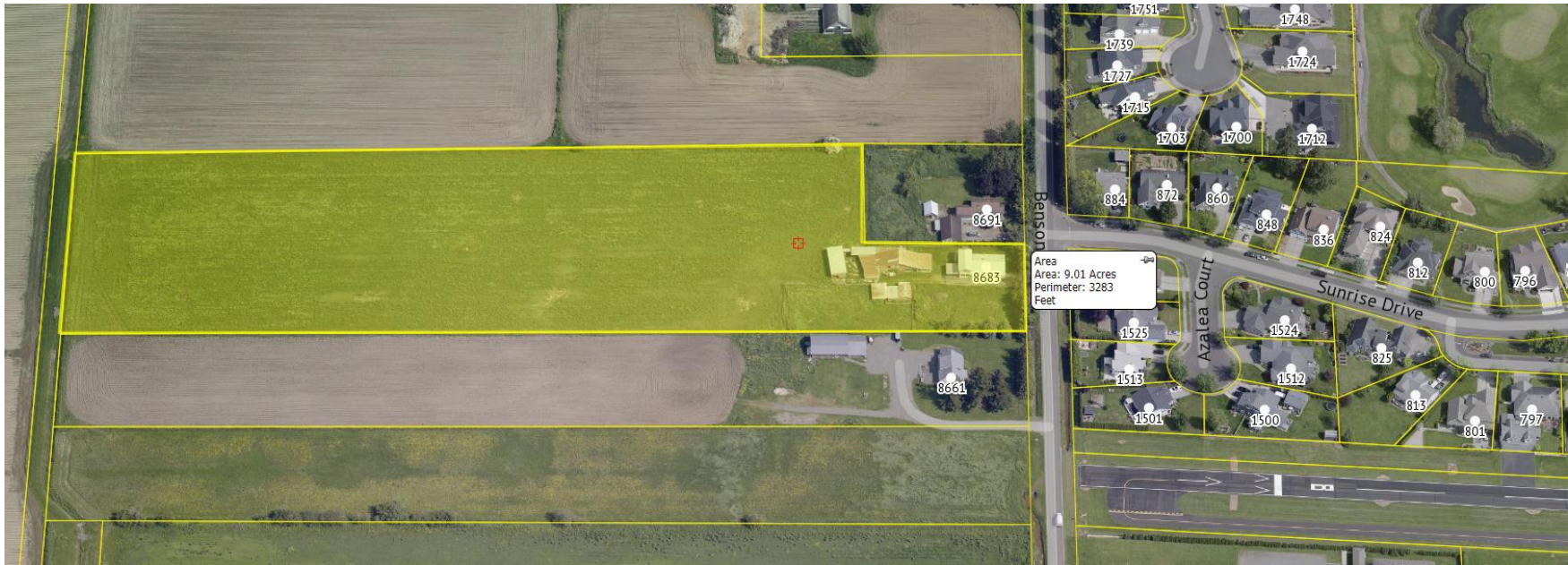
# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	August 7, 2023	
<b>Name of Agenda Item:</b>	Set the Public Hearing for Agreement to Exchange Property for Pepin Creek Pkwy ROW	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Planning & Community Development Department	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Parks <input type="checkbox"/> Other: _____	<b>Legal Review:</b>
		<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
<b>Attachments:</b>	Draft Agreement, vicinity map, and Lot Line Adjustment re the Exchange of Property	
<b>Summary Statement:</b>	<p>Mountain Summit Ventures, LLC is proposing to develop approximately 9 acres of property with RM-3 zoning into townhomes. This property is the first in the Pepin Creek Subarea to come forward for development after the approval of the Pepin Creek Subarea Plan. The property is also pivotal in that it provides the opportunity for the alignment and initial construction of Pepin Creek Parkway at Benson Road.</p> <p>As the subject property is relatively small and narrow and the 80-foot right-of-way for the Parkway wider than a typical city street, staff and the developer are proposing a property exchange which would mitigate disproportional impacts by exchanging city owned property at the northern edge of the subject property for the right-of-way needed for Pepin Creek Parkway. The city-owned property consists of a 48-foot-wide strip of the Benson Park property. It also includes the intercept ditch which is used to protect the subject property from overland flow during specific weather events.</p> <p>A staff report and recommendation will come forward at the August 21<sup>st</sup> meeting which is slated to include a public hearing on this right-of-way dedication and property exchange proposal.</p>	
<b>Recommended Action:</b>	Motion to set the public hearing date of August 21, 2023, for the right-of-way dedication and corresponding property exchange for Pepin Creek Parkway at Benson Road.	

### Property Exchange for Pepin Creek Parkway Right-of-Way



Mountain View Summit, LLC property located at 8683 Benson Road is proposing to right-of-way dedication in exchange for city-owned property along the southern edge of Benson Park. This would provide a critical link in the establishment of Pepin Creek Parkway.

# CITY OF LYNDEN/FRANCIS LOT LINE ADJUSTMENT

A PORTION OF THE SE 1/4 NE 1/4 AND NE 1/4 SE 1/4, SECTION 18,  
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.,  
WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

**FORMER LAND DESCRIPTIONS:**

**PARCEL A**

THE NORTH 315 FEET OF THE SOUTH 470 FEET OF THE EAST 410 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M. EXCEPT BENSON ROAD.

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M. EXCEPT THE NORTH 315 FEET OF THE SOUTH 470 FEET OF THE EAST 410 FEET THEREOF. EXCEPT BENSON ROAD.

**PARCEL B**

THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., EXCEPT THE NORTH 180 FEET OF THE EAST 242 FEET THEREOF. EXCEPT RIGHT-OF-WAY FOR BENSON ROAD.

**PARCEL C**

A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, TOWNSHIP AND RANGE; THENCE SOUTH 180 FEET; THENCE WEST 242 FEET; THENCE NORTH 180 FEET; THENCE EAST TO THE POINT OF BEGINNING. EXCEPT RIGHT-OF-WAY FOR BENSON ROAD.

ALL SITUATE IN WHATCOM COUNTY, WASHINGTON.

ALL SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

**ADJUSTED DESCRIPTIONS:**

**LOT A:**

LOT A OF THE \_\_\_\_\_ LOT LINE ADJUSTMENT, AS PER THE MAP THEREOF, RECORDED IN THE AUDITOR'S OFFICE OF WHATCOM COUNTY, WASHINGTON.

**LOT B:**

LOT B OF THE \_\_\_\_\_ LINE ADJUSTMENT, AS PER THE MAP THEREOF, RECORDED IN THE AUDITOR'S OFFICE OF WHATCOM COUNTY, WASHINGTON.

**LOT C:**

LOT C OF THE \_\_\_\_\_ LINE ADJUSTMENT, AS PER THE MAP THEREOF, RECORDED IN THE AUDITOR'S OFFICE OF WHATCOM COUNTY, WASHINGTON.

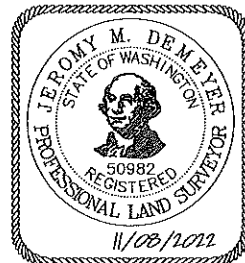
ALL SITUATE IN WHATCOM COUNTY, WASHINGTON.

ALL SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS LOT LINE ADJUSTMENT WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON AN ACTUAL SURVEY MADE IN COMPLIANCE WITH STATE LAWS.

\_\_\_\_\_, DATE \_\_\_\_\_  
JEROMY M. DEMEYER, P.L.S. CERTIFICATE No. 50982  
NORTHWEST SURVEYING & GPS INC, 407 5TH STREET, LYNDEN, WA 98264



**CITY OF LYNDEN APPROVAL:**

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS LOT LINE ADJUSTMENT FOR CONFORMANCE WITH APPLICABLE STATE STATUTES AND CITY SUBDIVISION AND ZONING ORDINANCES AND HEREBY APPROVE THE SAME.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
HEIDI GUDDE, AICP PLANNING DIRECTOR

**AUDITOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS LOT LINE ADJUSTMENT WAS FILED FOR RECORD IN THE OFFICE OF WHATCOM COUNTY, WASHINGTON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 AT \_\_\_\_\_ A.M./P.M. AT THE REQUEST OF NORTHWEST SURVEYING & GPS, INC.  
AND IS RECORDED UNDER AUDITOR'S FILE NUMBER 2022-\_\_\_\_\_

\_\_\_\_\_  
AUDITOR OF WHATCOM COUNTY BY \_\_\_\_\_ DEPUTY AUDITOR

**DECLARATION:**

WE, THE UNDERSIGNED OWNER(S), HEREBY DECLARE THIS LOT LINE ADJUSTMENT IS MADE WITH OUR FREE CONSENT AND ACCORDANCE WITH OUR WISHES AND DO HEREBY GRANT AND RESERVE ANY EASEMENTS SHOWN HEREON FOR THE USES INDICATED HEREON.

\_\_\_\_\_  
SCOTT KORTHUIS, MAYOR, CITY OF LYNDEN  
LOT A & LOT C

\_\_\_\_\_  
DEAN FRANCIS, GOVERNOR, MOUNTAIN SUMMIT VENTURES, L.L.C.  
LOT B

**ACKNOWLEDGMENT**

STATE OF WASHINGTON )  
COUNTY OF WHATCOM )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT SCOTT KORTHUIS, THE MAYOR OF THE CITY OF LYNDEN, A MUNICIPAL CORPORATION, EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE SIGNED THE SAME AS THE FREE AND VOLUNTARY ACT AND DEED OF THE CITY OF LYNDEN FOR THE PURPOSES STATED HEREIN.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON.

RESIDING AT \_\_\_\_\_ WASHINGTON MY COMMISSION EXPIRES \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF WASHINGTON )  
COUNTY OF WHATCOM )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT DEAN FRANCIS IS THE PERSONS WHO APPEARED BEFORE ME, AND SAID PERSONS ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT, ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS GOVERNOR OF MOUNTAIN VENTURES, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTIES FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

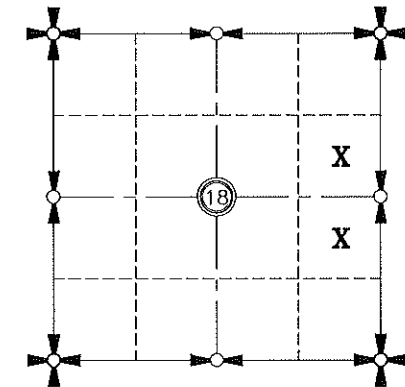
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON.

RESIDING AT \_\_\_\_\_ WASHINGTON MY COMMISSION EXPIRES \_\_\_\_\_

**OCCUPATIONAL INDICATORS AND EXISTING FENCE LINE NOTE:**

THIS SURVEY HAS DEPICTED EXISTING FENCE LINES AND/OR IMPROVEMENTS IN ACCORDANCE WITH W.A.C. CH. 332.130. THESE OCCUPATIONAL INDICATORS MAY INDICATE A POTENTIAL FOR CLAIMS OF UNWRITTEN TITLE OWNERSHIP. THE LEGAL RESOLUTION OF OWNERSHIP BASED UPON UNWRITTEN TITLE CLAIMS HAS NOT BEEN RESOLVED BY THIS SURVEY.



SECTION 18, TOWNSHIP 40 NORTH,  
RANGE 3 EAST OF W.M.

NORTHWEST SURVEYING & GPS, INC.  
JEROMY DEMEYER, L.S. 50982  
BRETT DE VRIES, L.S. 49276  
407 5TH STREET, LYNDEN, WA.  
PH. 360.354.1950 NWSURVEY.COM

# CITY OF LYNDEN/FRANCIS LOT LINE ADJUSTMENT

## A PORTION OF THE SE 1/4 AND NE 1/4 AND NE 1/4 SE 1/4, SECTION 18, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

N 89°13'15"E 1350.37'  
1320.33'

- SURVEYOR'S NOTES:**
- "O" DENOTES 5/8 INCH REBAR WITH 1 INCH PLASTIC CAP MARKED "NWS & GPS 49276 & 50982" SET BY THIS SURVEY.
  - "●" DENOTES REBAR AND CAP MARKED "NWS & GPS 49276 & 50982" FOUND BY THIS SURVEY.
  - "□" DENOTES HUB AND LATH SET FOR POINTS ON LINE BY THIS SURVEY.
  - "\*" DENOTES CALCULATED POSITION ONLY.
  - THIS SURVEY WAS PERFORMED BY STANDARD FIELD TRAVERSE USING A GEOMAX ZOOM90 TOTAL STATION WITH A CARLSON SURVEYOR 2 COLLECTOR/FIELD COMPUTER IN APRIL OF 2022 ACCURACY EXCEEDS 1:10000.
  - THIS SURVEY TIED INTO THE EAST QUARTER CORNER, STREET MONUMENTATION AND DEED CORNERS AS SHOWN AND RELIED UPON RECORD OF SURVEY FILED UNDER AF No. 2021-1204261 FOR BASIS OF BEARINGS.
  - THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND DOES NOT PURPORT TO SHOW ANY OR ALL EASEMENTS THAT A CURRENT TITLE REPORT MIGHT REVEAL.

**OCCUPATION NOTES:**

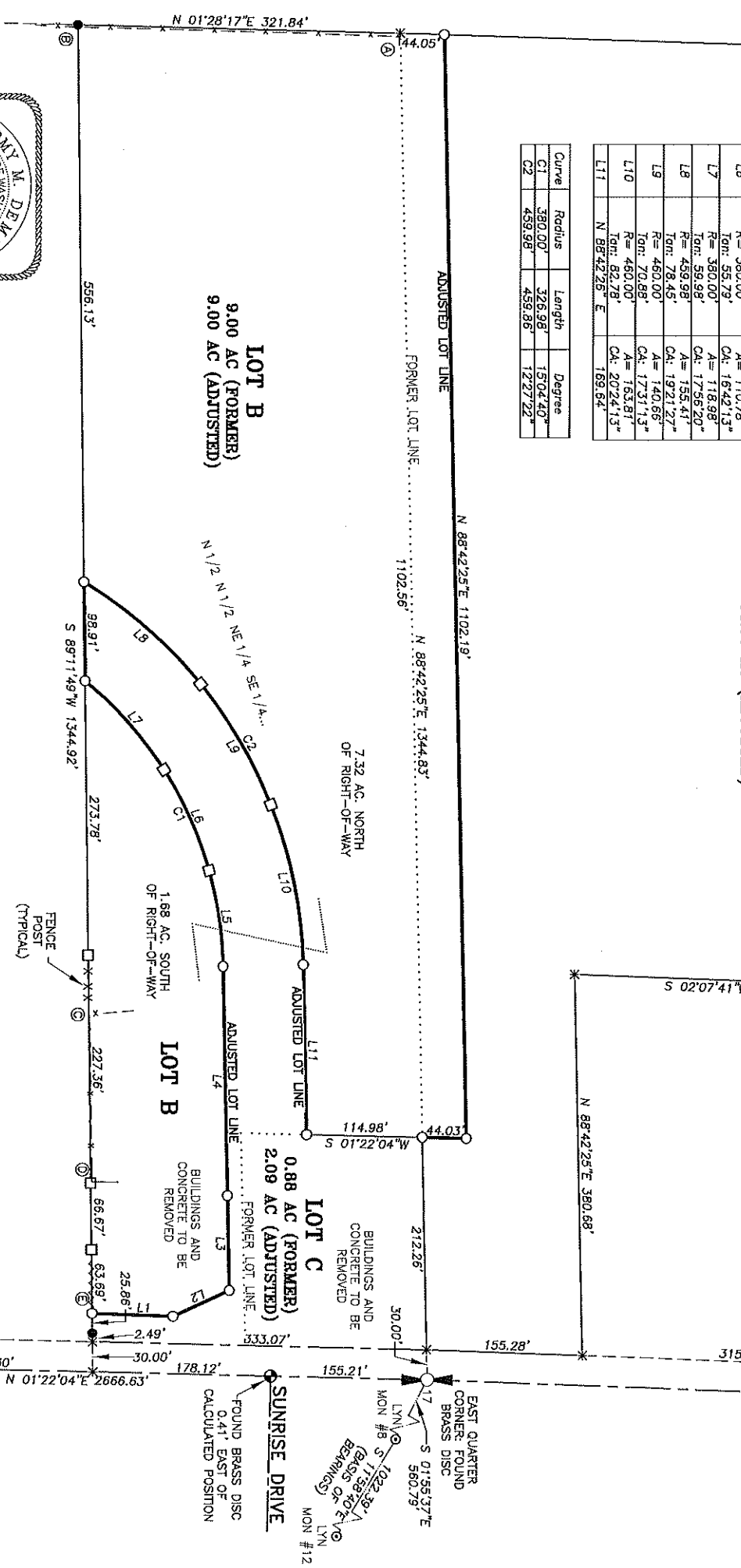
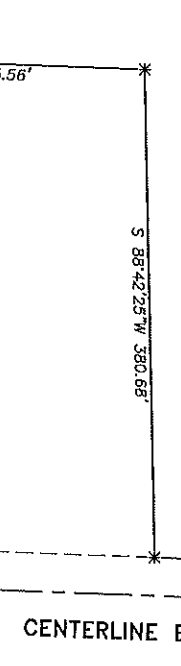
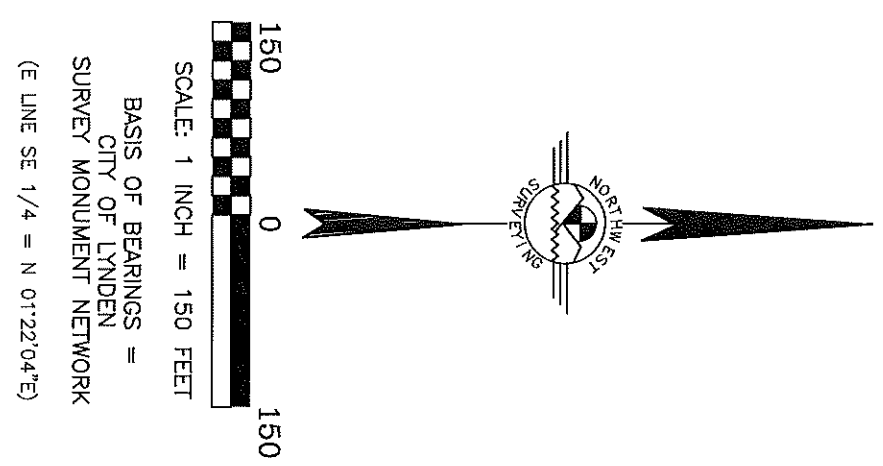
- FENCE CORNER LIES 3.5' EAST OF DEED LINE.
- FENCE LINE LIES 2.4' EAST OF DEED CORNER.
- FENCE CORNER LIES 0.4' SOUTH OF DEED LINE.
- FENCE CORNER LIES 1.3' NORTH OF DEED LINE.
- TREE LINE LIES 0.8' SOUTH OF DEED LINE.

**IMPERVIOUS SURFACE CALCULATIONS:**

LOT NUMBER	LOT A	LOT B	LOT C
TOTAL AREA	34.96 AC	9.00 AC	2.09 AC
EXISTING IMPERVIOUS SURFACE AREA	0 SF	0 SF	0 SF
EXISTING PERVIOUS SURFACE AREA	34.96 AC	9.00 AC	2.09 AC

Course	Bearing	Distance
L1	N 02°08'54" E	80.48'
L2	N 24°32'27" W	62.34'
L3	S 88°41'52" W	94.74'
L4	S 88°42'40" W	228.83'
L5	R= 380.00'	A= 97.22'
	Int: 48.88'	CA: 14.3931*
L6	R= 380.00'	A= 110.78'
	Int: 55.79'	CA: 16.4213*
L7	R= 380.00'	A= 118.98'
	Int: 59.98'	CA: 17.5620*
L8	R= 459.98'	A= 153.41'
	Int: 78.45'	CA: 19.2127*
L9	R= 460.00'	A= 140.65'
	Int: 70.88'	CA: 17.3113*
L10	R= 460.00'	A= 163.81'
	Int: 82.78'	CA: 20.2413*
L11	N 88°42'25" E	169.54'

Curve	Radius	Length	Degree
C1	380.00'	328.98'	150°44'0"
C2	459.98'	459.86'	122°27'22"



SOUTH QUARTER CORNER, AS PER AF No. 2080603928

NORTHWEST SURVEYING & GPS, INC.

JEROMY DEMEYER, L.S. 50982  
BRETT DE VRIES, L.S. 49276  
4 0 7 S T R E E T, L Y N D E N, W A.  
PH. 360.354.1950 NWSURVEY.COM

SOUTH EAST SECTION CORNER: FOUND CASED MONUMENT (2021)

**LOT LINE ADJUSTMENT AND RIGHT OF WAY DEDICATION AGREEMENT**

This LOT LINE ADJUSTMENT AND RIGHT OF WAY DEDICATION AGREEMENT (“Agreement”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between MOUNTAIN SUMMIT VENTURES LLC., a Washington limited liability corporation (“Owner”) and the CITY OF LYNDEN, a Washington Municipal Corporation (“City”). The City and Owners may be referred to individually as “Party” or collectively, “Parties” in this Agreement.

**RECITALS**

**WHEREAS**, the City owns the following-described parcel of real property, both situated in Whatcom County, Washington, Tax Assessor Parcel No. 400318 461331 0000, legally described in **Exhibit A**, herein referred to together as the “City Property;” and

**WHEREAS**, the Owner owns one parcel of real property, situated in Whatcom County, Washington, Tax Parcel No. 400318 477250 0000, legally described in **Exhibit B**, herein referred to as the “Owner Property”; and

**WHEREAS**, the Owner Property is south of and directly abuts the City Property; and

**WHEREAS**, the Parties intend that as a condition of development, and at no cost to the City, the Owner will grant an exclusive right-of-way easement, eighty (80) feet in width, curving through and bisecting part of the Owner Property and occupying approximately 1.21 acres of the Owner Property, for the future construction of a new street called Pepin Parkway including city utilities and franchise utilities; and

**WHEREAS**, the specific design and associated square footage need for the Pepin Parkway right-of-way has been determined by the City Engineer consistent with the long-range transportation plan for this area; and

**WHEREAS**, the Owner Property, being approximately 332 feet wide from north to south, is significantly impacted by the right-of-way grant due to its width and location within the Owner Property; and

**WHEREAS**, to maintain the development opportunities of the Owner Property while facilitating access and the expansion of the City’s transportation network, the City will exchange, in return for said right-of-way grant, an approximately equal-sized portion of the City Property; and

**WHEREAS**, the Owner shall complete a Lot Line Adjustment (“LLA”) in which the north boundary of the Owner Property (also the south boundary of the City Property) will be shifted north approximately 44 feet such that approximately 1.11 acres of land will be added to the Owner Property as a fair and equitable equal exchange of land; and

**WHEREAS**, the LLA must depict the dedication of right-of-way; and

**WHEREAS**, City staff shall file an application for a site-specific rezone of the portion of City Property that is added to the Owner property, shifting it from a Public Use (PU) designation to a Residential Multi-family 3 (RM-3) designation to match that of the Owner Property, within six (6) months of the recordation of the LLA; and

**WHEREAS**, all of the foregoing provisions are a material part of this Agreement.

**AGREEMENT**

**NOW THEREFORE**, for good and valuable consideration arising from the mutual commitments herein, the Parties hereby agree as follows:

**1. Lot Line Adjustment (LLA)**

The Owner desires to adjust the northern property line of the Owner Property so that an approximately equal exchange of property occurs.

- a. The Lot Line Adjustment shall be in substantially the same form as the attached Exhibit C.
- b. Not later than twelve (12) months after execution of this Agreement, the Owner will have completed the LLA process.
- c. The completed LLA will depict the right-of-way grant intended for the construction of Pepin Parkway as determined by the City Engineer and described in Exhibit D.
- d. Concurrent with or immediately following approval of the LLA, the City shall convey the approximately 44 feet of the City Property described herein by quit claim deed to Owner and the Owner shall accept same, subject to the terms and reservations set forth in Section 2.

**2. Right-of-Way Grant and No Subdivision of Property**

- a. The area depicted on the LLA for the right-of-way grant must be determined by the City Engineer as shown in Exhibit D. The right-of-way grant shall be executed and recorded concurrent with the recording of the LLA.
- b. The right-of-way grant will be recorded across the Owner Property as an exclusive easement for street and utility purposes including utilities under franchise to the City. The grant will not sub-divide the Owner Property, nor will it cause a subdivision of the Owner Property to be required.

**3. Rezone**

a. Not later than six (6) months after returning a recorded copy of the LLA to the City of Lynden Planning Staff, the City will apply for a site-specific rezone for that portion of the City Property that is quitclaimed to the Owner.

b. The rezone application will be to shift the exchanged property from a zoning category of Public Use (PU) to Residential Multi-family-3 (RM-3) to be consistent with the existing zoning category of the Owner Property.

c. City staff will diligently follow the site-specific rezone process described in Ch. 17.19 LMC to ensure expeditious processing of the rezone.

d. The Owner acknowledges that site-specific rezones are ultimately approved by ordinance after significant public review, and that the success of the site-specific rezone application cannot be guaranteed. While City staff will apply for the site-specific rezone, the City planning commission may recommend denial and the City Council may choose not to approve the site-specific rezone. The entry of this Agreement in no way obligates the planning commission or City Council to approve the re-zone. The Owner willingly enters into to this Agreement fully aware of this risk.

**4. Future Development**

a. This Agreement does not limit the City’s ability to require additional developer agreements, dedications, impact fees, development standards, specific project elements, mitigation, or any other development requirements or development procedures as conditions of future development of the Owner Property.

b. This Agreement creates no vesting right and does not vest the Owner to any particular version of the City’s development code or state or federal laws or regulations.

**5. General Provisions**

a. Notice. If any notice is required related to this Agreement, all required notices under this Agreement shall be delivered as follows:

<b>Owner:</b>	<b>City:</b>	
Dean Francis	Parks Dept Director	Public Works Director
Mountain Summit	City of Lynden Parks Dept	City of Lynden Public Works
Ventures, LLC	300 4 <sup>th</sup> Street	300 4 <sup>th</sup> Street
_____	Lynden, WA 98264	Lynden, WA 98264
_____		

Notice may be made by US First Class Mail and shall be considered effective the business day following the date the notice was mailed. Alternatively, notice may be made by email, read receipt requested, and shall be considered effective the date of sending.

**b. Severance.** If any provision of this Agreement is held to be invalid by a court of competent jurisdiction, that provision shall be deemed to be severed and deleted, and neither that provision nor its severance shall affect the validity of the remaining provisions.

**c. Amendment.** This Agreement may not be altered, amended, modified or otherwise changed in any respect or particular whatsoever except in writing executed by all Parties or their representatives.

**d. Governing Law and Venue.** This Agreement shall be construed under the laws of the State of Washington. The venue of any legal action brought under the terms of this Agreement shall be in the Superior Court for Whatcom County, State of Washington.

**e. Expenses and Attorneys' Fees.** The prevailing Party in any action brought to enforce any terms and conditions of this Agreement shall be entitled to the recovery of their reasonable attorney's fees, costs and expenses.

**f. No Third-Party Beneficiaries.** No right, privilege, or immunity of any Party hereto shall inure to the benefit of any third party, nor shall any third party be a beneficiary of any of the provisions of this Agreement, except as may be specifically provided herein.

**g. Additional Development Requirements.** Owner understands and acknowledges that this Agreement is not intended to define or limit in any way requirements that will be applicable to the Owner Property or the City Property after acquisition by Developer, in the course of development of Owner's Property or any other property.

**h. Indemnification.** To the extent permissible by law, all Parties indemnify, defend and hold the other Parties, their employees, officers, guests, invitees, partners, or licensees harmless for any injuries, damage to, or claims against the Parties or their employees, officers, guests, invitees, partners, or licensees or the properties referenced herein or structures thereon, arising in relation to a Party's negligent acts or omissions relating to the exercise of its rights under this Agreement, including but not limited to, claims made by any third party or any Party herein, and their employees, officers, and agents. It is further specifically and expressly understood that the indemnification provided herein constitutes each Party's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been



mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.

i. Nonwaiver of Breach. Failure of any Parties at any time to require performance of any provision of this Agreement shall not limit such Party's right enforce such provision. Waiver of any breach of any provision of this Agreement does not constitute a waiver of any succeeding breach of such provision or a waiver of such provision itself.

j. Counterparts. This Agreement may be executed in counterparts and as so executed shall constitute one Agreement and shall be binding upon all Parties hereto notwithstanding that all signatory Parties do not appear on the same page.

k. Entire Agreement. This Agreement constitutes the entire agreement between the Parties as to the matters contained herein. No oral or written statements made by the Parties prior to or following entry of this Agreement shall be considered a part of this Agreement unless expressly incorporated herein in writing.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the day and year first above written.

**Owner:**

**City:**

\_\_\_\_\_  
By: Dean Francis, Owner  
Mountain Summit Ventures LLC

\_\_\_\_\_  
By: Scott Korthuis  
Its: Mayor

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF WHATCOM )

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of the **CITY OF LYNDEN**, a Washington municipal corporation, who acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned and stated on oath that he/she was authorized to execute this instrument on behalf of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first written above.

\_\_\_\_\_



**EXHIBIT A**  
**City Property Description**

Insert legal description of City Property (Parcel 400 318 461 331 0000)

DRAFT

**EXHIBIT B**  
**Owner Property Description**

Insert legal description of Owner Property (parcel 400 318 477 250 0000)

DRAFT

**EXHIBIT C**  
**Legal Description and Depiction of Right-of-Way Grant**

Insert legal description and depiction of ROW grant as determined by the City Engineer

DRAFT

**EXHIBIT D**  
**Legal Description and Depiction of Property Exchanged**

Insert legal description and depiction of property to be deeded to Owner as described and depicted by surveyor for the Property Owner

DRAFT

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	August 7, 2023	
<b>Name of Agenda Item:</b>	Setting Salaries for Elected Officials Amend PTN Ordinances 1550, 1475 and 1639	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Finance	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	Ordinance 23-1671, Elected Officials 2026 – 2032 Salary Schedule	
<b>Summary Statement:</b>	<p>In light of the current election, the current salary schedule for elected officials will expire during the term of those newly elected. Thus, a new table was created that follows the same format and continues through 2032. This new table begins on January 1, 2026. The Finance Committee reviewed this ordinance at its June 19th meeting and July 17<sup>th</sup> meeting and recommended taking the ordinance to City Council for approval.</p>	
<b>Recommended Action:</b>	To have Council make a motion to adopt ORD-23-1671 and authorize the Mayors signature.	

**ORDINANCE NO. 23-1671**

**SETTING SALARIES FOR ELECTED OFFICIALS  
AMENDING PORTIONS OF ORDINANCE NO. 1550, 1475, 1639**

WHEREAS, on February 5, 2018, the City Council of the City of Lynden adopted Ordinance No. 1550, which set the salaries of elected and appointed officials effective January 1, 2018; and

WHEREAS, pursuant to RCW 35A.12.070, the City of Lynden (“City”) establishes the salary levels of its appointed officers; and

WHEREAS, Ordinance 1550 included an increase to the wages and salaries for appointed officials; and

WHEREAS, the City desires to increase wages and salaries for appointed officials by three percent;

WHEREAS, Ordinance 1475 included a car allowance for the Mayor of THREE HUNDRED AND NO/100 DOLLARS (\$300.00) per month.

WHEREAS, the City desires to increase the car allowance for the Mayor to FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) per month.

WHEREAS the budget adopted in Ordinance 1639 included a car allowance for the City Administrator of THREE HUNDRED AND NO/100 DOLLARS (\$300.00) per month.

WHEREAS the City desires to increase the car allowance for the City Administrator to FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) per month.

NOW THEREFORE, the City Council of the City of Lynden does ordain as follows:

Section 1. Sections of Ordinance 1550, as it relates to wages and salaries for appointed officials, are repealed and replaced with this Ordinance.

Section 2. Sections of Ordinance 1475 and Ordinance 1639, as it relates to a car allowance for the Mayor and City Administrator, are repealed and replaced with this Ordinance.

Section 3. Effective January 1, 2026, the base wages and salaries of appointed officials, as set forth in Exhibit 1, are hereby adopted.

Section 4. Except as set forth herein and as amended by an ordinance adopted subsequent to Ordinance 1550,1475 and 1639 the remainder of Ordinance 1550 shall remain in full force and effect.



Section 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 6. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

**PASSED BY THE LYNDEN CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023  
BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_\_ AGAINST, AND SIGNED BY THE MAYOR  
ON THE SAME DATE.**

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Elected Officials 2026 - 2032

Employee	Title	1.03		2026		2027		2028		2029		2030		2031		2032		
		Anniversary Date	Election Year	Salary	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly
					Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly
Korthuis, Scott	Mayor	1/1/2010	2021	\$ 3,359.79	\$ 1,679.90	\$ 3,460.58	\$ 1,730.29	\$ 3,564.40	\$ 1,782.20	\$ 3,671.33	\$ 1,835.67	\$ 3,781.47	\$ 1,890.74	\$ 3,894.92	\$ 1,947.46	\$ 4,011.76	\$ 2,005.88	
				<b>Vehicle Allowance</b>	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly
				\$ 500.00	\$ 250.00	\$ 500.00	\$ 250.00	\$ 500.00	\$ 250.00	\$ 500.00	\$ 250.00	\$ 500.00	\$ 250.00	\$ 500.00	\$ 250.00	\$ 500.00	\$ 250.00	

	Anniversary Date	Election Year	1.03		2026		2027		2028		2029		2030		2031		2032	
			Salary	Vehicle Allowance	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly
					Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly	Monthly	Semi-Monthly
Bode, Gary	Council Position 1	1/1/2000	2023	\$ 806.35	\$ 403.18	\$ 830.54	\$ 415.27	\$ 855.46	\$ 427.73	\$ 881.12	\$ 440.56	\$ 907.55	\$ 453.78	\$ 934.78	\$ 467.39	\$ 962.82	\$ 481.41	
Council Position 2	Council Position 2	1/1/2024	2023	\$ 806.35	\$ 403.18	\$ 830.54	\$ 415.27	\$ 855.46	\$ 427.73	\$ 881.12	\$ 440.56	\$ 907.55	\$ 453.78	\$ 934.78	\$ 467.39	\$ 962.82	\$ 481.41	
Council Position 3	Council Position 3	1/1/2024	2023	\$ 806.35	\$ 403.18	\$ 830.54	\$ 415.27	\$ 855.46	\$ 427.73	\$ 881.12	\$ 440.56	\$ 907.55	\$ 453.78	\$ 934.78	\$ 467.39	\$ 962.82	\$ 481.41	
Laninga, Niekolaas	Council Position 5	1/1/1998	2021	\$ 806.35	\$ 403.18	\$ 830.54	\$ 415.27	\$ 855.46	\$ 427.73	\$ 881.12	\$ 440.56	\$ 907.55	\$ 453.78	\$ 934.78	\$ 467.39	\$ 962.82	\$ 481.41	
Lenssen Brent	Council Position 4	12/1/2009	2023	\$ 806.35	\$ 403.18	\$ 830.54	\$ 415.27	\$ 855.46	\$ 427.73	\$ 881.12	\$ 440.56	\$ 907.55	\$ 453.78	\$ 934.78	\$ 467.39	\$ 962.82	\$ 481.41	
Strengholt, Kyle	Council Position 6	12/4/2017	2021	\$ 806.35	\$ 403.18	\$ 830.54	\$ 415.27	\$ 855.46	\$ 427.73	\$ 881.12	\$ 440.56	\$ 907.55	\$ 453.78	\$ 934.78	\$ 467.39	\$ 962.82	\$ 481.41	
Wohlrab, Mark	Council Position 7	1/1/2018	2021	\$ 806.35	\$ 403.18	\$ 830.54	\$ 415.27	\$ 855.46	\$ 427.73	\$ 881.12	\$ 440.56	\$ 907.55	\$ 453.78	\$ 934.78	\$ 467.39	\$ 962.82	\$ 481.41	

**Salary Ordinance No. 1493**

Annual increase of 3% for Mayor through December 31, 2032 beginning 1/1/2017

Beginning January 1, 2018: All Councilmembers set at monthly rate of \$636.54, then annual 3% increases through December 31, 2032

\*Compensation of elective officers—Expenses.

[RCW 35A.12.070](#)

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	August 7, 2023	
<b>Name of Agenda Item:</b>	Community Development Committee Minutes of 7-19-23	
<b>Section of Agenda:</b>	Other	
<b>Department:</b>	Planning Department	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	Draft CDC Minutes of 7-19-23	
<b>Summary Statement:</b>	Draft CDC minutes attached for review.	
<b>Recommended Action:</b>	Council review.	

# CITY OF LYNDEN



PLANNING DEPARTMENT  
Heidi Gudde – Planning Director  
(360) 354 - 5532

## COMMUNITY DEVELOPMENT COMMITTEE

### AGENDA

4:00 PM July 19, 2023  
2<sup>nd</sup> Floor Conference Room, City Hall

1. ROLL CALL

Council Members: Gary Bode, Brent Lenssen, Kyle Strengtholt  
Staff: John Williams, Heidi Gudde  
Guests: Terri Treat (Inn at Lynden)

2. APPROVAL OF MINUTES - Community Development Committee Meeting  
Minutes of 6/21/23 approved as presented.

3. INTRODUCTIONS of attendees.

4. Discussion Item – Downtown Parking

Terri Treat joined the group from The Inn in Lynden hotel. She came to the meeting to express an interest in managed parking for the downtown area. Treat has an existing agreement with the City for the hotel to use the City's lot at the Community Center for another 8 years. Hotel is hoping to add meeting rooms to the facility and they anticipate that the need for nearby parking will only increase. Treat expressed a desire to be part of the downtown success and that includes providing all types of parking including EV parking and ADA parking.

Treat noted that the DBA is starting to meet again and may be a resource to educate employees to park a farther from the Front Street corridor to make it available for customers. She feels that there is parking available in the downtown core but needs to be better managed to provide parking opportunities for customers / visitors.

Terri expressed her willingness to take a proactive approach. She is looking for support from the City in, perhaps a list of property owners nearby that she might be able to approach for parking agreements.

The group discussed some parking lots nearby that may be underutilized and available for employee parking.

Gudde noted that Planning Staff could assist in a review of nearby property and associated contact information.

**Conclusions:** Planning staff to review the area to provide Teri with some information and make connections with property owners.

5. Discussion Item - Recap Supplemental Information on Patio Screening / Enclosing

The Committee discussed the way the current code is written. Gudde noted that it already allows for 84-inch screening. This is measured from the lowest grade. This screen option has been part of the code for some time and was written before patios were allowed to have roofs – which made a free-standing screen more understandable.

The group also discussed the potential of editing the code to keep two sides open rather than three. Group discussion focused primarily on options for ridged screening for wind and privacy but with the understanding that there would be free air-flow through the patio and it would not be enclosed / sealed with walls, doors, or windows. Allowing for screened in patios, which also allow for air flow, also seemed to be acceptable to the group. Options should consider wind shear and need to leave spaces between the floor and the posts gaps to reduce concerns related to ventilation and the conversion of the space into living quarters.

Gudde requested that the issue be remanded to staff for an edit to the code which would address the desire for ridged screening options.

**Conclusions:** CDC asked staff to revisit the clarification of the code after researching ridged screening such wind walls and open louver designs. Item to be returned to CDC in August or September.

6. Informational Item - 2024 Budget Outlook

Gudde presented a summary of the 2024 budget outlook. Major projects will include work on the Comprehensive Planning Update and integration of permitting software if it is approved in the budget.

Gudde noted that the software will be used heavily by the Planning & Community Development Department but expects it to also be integrated into permitting and review processes used by Public Works, City Administration, Police and Fire. Cost estimates are currently being collected with a broad range of pricing. Most software appears to have an initial cost of \$50,000 – 100,000 with ongoing costs of \$22,000 - \$80,000 annually. Grant money has been made available to city's

that are converting to a digital process and staff expects that Lynden will be a good candidate for this funding. To date the Dept of Commerce does not have that application process ready to begin but anticipates we will be able to apply for funds in 2024.

Comprehensive Plan update will focus heavily on housing and the mandates of the State to address all types of housing as well as housing need at various income levels. The State is also focusing on climate resilience and a section related to resilience will be added to the City's comp plan in response. Recently the City was notified that it will be awarded \$125,000 over the next two years to assist in this comp plan update. Some of these funds, approximately \$22,000, will go toward a consultant shared with Whatcom County and other small cities in Whatcom County to cover joint efforts in the comp plan updates. Updates are due to the Department of Commerce by June 30, 2025.

The group discussed staffing levels in the department and changes in staff members related to recent additions and retirements.

**Next Meeting Date: August 23, 2022**

DRAFT