

# CITY OF LYNDEN



Mayor  
Scott Korthuis

Council Members  
Gary Bode  
Ron De Valois  
Gerald Kuiken  
Nick H. Laninga  
Brent Lenssen  
Kyle Strengholt  
Mark Wohlrab

Online (Microsoft Teams) City Council Meeting  
City Hall - 300 Fourth Street- January 03, 2022

Members of the public may choose to join the city council meeting telephonically by dialing 1-253- 948-9362 and entering Conference ID **302 742 978#**. It is necessary to enter the # symbol.

Those wishing to join via computer can do so by using the Microsoft Teams meeting link provided on the city's webpage calendar event.

Members of the public wanting to comment on any item *not on the agenda* are encouraged to contact the City Clerk at 360-255-7085. You will be asked to provide your name, address and a brief description of your comment for the council file.

Members of the public wanting to comment on any item *included in the public hearing section of the agenda* are also encouraged to contact the City Clerk prior to the meeting. The audience will be provided an opportunity to comment on each of the public hearing items. You will be asked to provide your name and address for the council record.

The time limit to speak is 3 minutes.

## **Call to Order**

## **Pledge of Allegiance**

## **Roll Call**

## **Oath of Office**

## **Approval of Minutes**

[1.](#) Draft Council Minutes-December 20, 2021

## **Items from the Audience**

### ***Scheduled***

### ***Unscheduled (20 Minutes)***

*Audience members may address the Council on any issue other than those scheduled for a public hearing or those on which the public hearing has been closed. Prior to*

*commenting please state your name, address, and topic. Please keep comments under 4 minutes.*

### **Consent Agenda**

- [2.](#) Approval of Payroll and Claims
- [3.](#) Resolution No. 1044 - Request to Cancel Warrants
- [4.](#) Appoint Mayor Korthuis to the 2022 Board of the Whatcom Council of Governments and appoint Councilor Gary Bode to act as alternate.
- [5.](#) Appoint Mayor Korthuis to the 2022 Whatcom Transportation Authority (WTA) Board of Directors.

### **Public Hearing - None**

### **Unfinished Business - None**

### **New Business**

- [6.](#) Select Mayor Pro Tem for 2022

### **Other Business**

- [7.](#) Draft Parks Committee Minutes December 20, 2021,
- [8.](#) Buildable Lands Report Update
- [9.](#) Calendar

### **Executive Session**

### **Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	January 3, 2022	
<b>Name of Agenda Item:</b>	Draft Council Minutes-December 20, 2021	
<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"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input 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-December 20, 2021	
<b>Summary Statement:</b>		
<b>Recommended Action:</b>	For Council review.	

# 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 Strengholt, 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.

# CITY OF LYNDEN



CITY COUNCIL  
MINUTES OF REGULAR MEETING

## 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
<b>Total EFT &amp; Other Liabilities</b>	<b>\$399,367.66</b>

### 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.

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



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.

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CITY COUNCIL  
MINUTES OF REGULAR MEETING



***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

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



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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## CITY COUNCIL MINUTES OF REGULAR MEETING



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.

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CITY COUNCIL  
MINUTES OF REGULAR MEETING



***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.

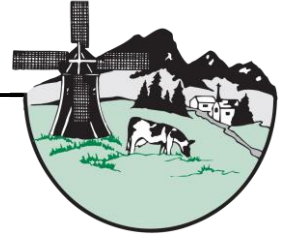
***Councilor Bode moved and Councilor De Valois that the City Council approve Resolution No. 1041 Approving City Use of Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund for Judson Area Stormwater Low Impact Development-Phase 1 and authorize the Mayor’s signature on the 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

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



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.

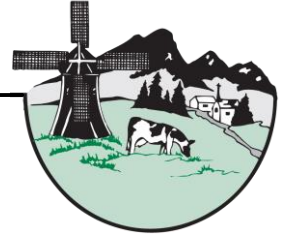
- Review of last payroll of the year
- Review police and fire overtime which was up in November
- Sales tax continues to be strong
- Utility fees and utility shutoff moratorium extended through February 1, 2022
- Discussion of various fund balances

Councilor De Valois reporting for the Parks Committee.

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

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



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.

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Pamela D. Brown, MMC

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Scott Korthuis

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



City Clerk

Mayor

DRAFT

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	January 3, 2022	
<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>	January 3, 2022	
<b>Name of Agenda Item:</b>	Resolution No. 1044 - Request to Cancel Warrants	
<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>		
Resolution No. 1044 Copy of Warrants supporting cancellation memos.		
<b>Summary Statement:</b>		
<p>RCW 39.56.040 states that any registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as is such warrants had never been issued; and</p> <p>Warrants Numbering: 22062, 22157, 22956, and 22299 have not and will not be presented for payment; and should be canceled.</p>		
<b>Recommended Action:</b>		
The City Council give consent approval of Resolution No. 1044 and authorize the Mayor's signature.		

# CITY OF LYNDEN

FINANCE DEPARTMENT  
360-354-2829



## Memo

**To:** Anthony Burrows cc: Linde Schreifels  
**From:** Linda Handy  
**Date:** December 13, 2021  
**Re:** VOID Claims Check #22062

- **TO BE VOIDED & NOT REISSUED (Council review required)**

Please void **check #22062** payable to Lynden Interiors LLC (V# 4851) dated 5/19/2021 in the amount of \$52.05. This check is being held in the Finance Dept safe. The vendor returned the check to us. Invoice had been paid already using an order number, so the duplicate entry was not caught by Caselle.

Please authorize the check void and cancellation of the AP invoice transaction.

Thank you,

LH



**CHECK FILE COPY**  
**City of Lynden**

22062

17

5/19/2021

\*\*52.05\*\*

\*\*\*FIFTY-TWO AND 05/100 DOLLARS\*\*\*

LYNDEN INTERIORS LLC  
2017 FRONT STREET  
LYNDEN WA 98264

**Not Negotiable**

VENDOR: 4851 LYNDEN INTERIORS LLC  
ACCT NUMBE

5/19/2021

Check No: 22062

INVOICE #  
005259

INV DATE  
4/09/2021

INV AMOUNT  
52.05

TOTAL AMOUNT 52.05

# CITY OF LYNDEN

FINANCE DEPARTMENT  
360-354-2829



## Memo

**To:** Anthony Burrows cc: Linde Schreifels  
**From:** Linda Handy  
**Date:** December 13, 2021  
**Re:** VOID Claims Check #22157

- **TO BE VOIDED & NOT REISSUED (Council review required)**

Please void **check #22157** payable to Frank Nydam (V# 4523) dated 6/8/2021 in the amount of \$110.40. This check is being held in the Finance Dept safe. His mileage reimbursement expense form was mistakenly processed with the wrong total – the form calculations were incomplete.

Please authorize the check void and cancellation of the AP invoice transaction.

Correcting payment was already given to Frank Nydam on ck 22242 6/22/21.

Thank you,

LH

**CHECK FILE COPY**  
**City of Lynden**

22157

19

6/08/2021

\*\*110.40\*\*

\*\*\*ONE HUNDRED TEN AND 40/100 DOLLARS\*\*\*

FRANK NYDAM  
9625 NORTHWOOD RD  
LYNDEN WA 98264

**Not Negotiable**

VENDOR: 4523 FRANK NYDAM  
ACCT NUMBE

6/08/2021

Check No: 22157

INVOICE #  
NYDAM-MILES5/21

INV DATE  
5/10/2021

INV AMOUNT  
110.40

TOTAL AMOUNT 110.40

# CITY OF LYNDEN

FINANCE DEPARTMENT  
360-354-2829



## Memo

**To:** Anthony Burrows cc: Linde Schreifels  
**From:** Linda Handy  
**Date:** December 13, 2021  
**Re:** VOID Claims Check #22299

- **TO BE VOIDED & NOT REISSUED (Council review required)**

Please void **check #22299** payable to Print Stop (V# 2557) dated 6/22/2021 in the amount of \$1,862.67. This check is being held in the Finance Dept safe. The vendor returned the check to us. The ck included payment of two invoices for vendor # 2552 that were posted in error to this account.

Please authorize the check void and cancellation of the AP invoice transaction.

Correcting payments were issued to Print Stop and Platt Electric in per 8/2021.

Thank you,

LH

**CHECK FILE COPY**  
**City of Lynden**

22299

21

6/22/2021

\*\*1,862.67\*\*

\*\*\*ONE THOUSAND EIGHT HUNDRED SIXTY-TWO AND 67/100 DOLLARS\*\*\*

PRINT STOP  
514 FRONT STREET  
LYNDEN WA 98264

**Not Negotiable**

VENDOR: 2557 PRINT STOP  
ACCT NUMBE

6/22/2021

Check No: 22299

<u>INVOICE #</u>	<u>INV DATE</u>	<u>INV AMOUNT</u>
40914	5/24/2021	322.84
Y397736	5/28/2021	994.12
Y398826	5/28/2021	545.71

TOTAL AMOUNT 1,862.67

# CITY OF LYNDEN

FINANCE DEPARTMENT  
360-354-2829



## Memo

**To:** Anthony Burrows cc: Linde Schreifels  
**From:** Linda Handy  
**Date:** December 13, 2021  
**Re:** VOID Claims Check #22956

- **TO BE VOIDED & NOT REISSUED (Council review required)**

Please void **check #22956** payable to WA State Dept of Ecology (V# 2655) dated 9/21/2021 in the amount of \$3,952.00. This check is being held in the Finance Dept safe. The check included duplicate payments of the same permit – different invoice numbers were used which caused Caselle not to catch the duplicate.

Please authorize the check void and cancellation of the AP invoice transaction.

Correcting payment was issued to DOE in per 10/2021.

Thank you,

LH

**CHECK FILE COPY**  
**City of Lynden**

22956

23

9/21/2021

**\*\*3,952.00\*\***

\*\*\*THREE THOUSAND NINE HUNDRED FIFTY-TWO AND 00/100 DOLLARS\*\*\*

WA ST DEPT OF ECOLOGY  
CASHIERING UNIT  
PO BOX 47611  
OLYMPIA WA 98504-7611

**Not Negotiable**

VENDOR: 2655 WA ST DEPT OF ECOLOGY  
ACCOUNT #:

9/21/2021

Check No: 22956

<u>INVOICE #</u>	<u>INV DATE</u>	<u>INV AMOUNT</u>
2021-WAR301588	8/27/2021	1,976.00
22-WAR301588	8/27/2021	1,976.00

TOTAL AMOUNT 3,952.00

RESOLUTION NO. 1044

A RESOLUTION BY THE CITY OF LYNDEN, WASHINGTON  
REQUESTING THE CANCELLATION  
OF WARRANTS

WHEREAS, RCW 39.56.040 states that any registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as is such warrants had never been issued; and

WHEREAS, it has been brought to the attention of the City Council that Warrants Numbering: 22062, 22157, 22956, and 22299 have not and will not be presented for payment; and

WHEREAS, documentation has been provided that the payment due was paid on an invoice; and

NOW, THEREFORE, BE IT ORDAINED BY the City Council of the City of Lynden as follows:

Section A: That Warrant No. 22062, in the amount of \$52.05, issued 5/19/21; Warrant No. 22157, in the amount of \$110.40, issued 6/8/21; Warrant No. 22956, in the amount of \$3,952.00, issued 9/21/21 and Warrant No. 22299, in the amount of \$1,862.67 issued 6/22/21 be cancelled.

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

Section C: This resolution shall take effect and be in force from and after its passage by the Council and after its approval by the Mayor, if approved, otherwise, as provided by law and five (5) days after the date of its publication.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, \_\_\_\_ IN FAVOR \_\_\_\_ AGAINST AND SIGNED BY THE MAYOR THIS \_\_\_\_ DAY OF JANUARY 2022.

MAYOR

\_\_\_\_\_  
Scott Korthuis

ATTEST:

\_\_\_\_\_  
Pam Brown  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Carmichael  
City Attorney



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	January 3, 2022	
<b>Name of Agenda Item:</b>	Appoint Mayor Korthuis to the 2022 Board of the Whatcom Council of Governments and appoint Councilor Gary Bode to act as alternate.	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Administration	
<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 type="checkbox"/> Parks <input type="checkbox"/> Other: _____	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
<b>Attachments:</b>	N/A	
<b>Summary Statement:</b>	Mayor Korthuis acted as the city's representative to the Board of the WCOG and Councilor Bode acted as the alternate. Each are willing to continue in this capacity for 2022.	
<b>Recommended Action:</b>	Re-appoint Mayor Scott Korthuis to the 2020 Board of the Whatcom Council of Governments and Councilor Gary Bode to act as alternate.	

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	January 3, 2022	
<b>Name of Agenda Item:</b>	Appoint Mayor Korthuis to the 2022 Whatcom Transportation Authority (WTA) Board of Directors.	
<b>Section of Agenda:</b>	Consent	
<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 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>	N/A	
<b>Summary Statement:</b>	Each year council appoints someone to represent the city's interests on the Whatcom Transportation Authority (WTA) Board of Directors. Currently Mayor Korthuis is the WTA representative.	
<b>Recommended Action:</b>	Re-appoint Mayor Scott Korthuis to serve as Lynden's representative on the WTA Board of Directors.	

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	January 3, 2022	
<b>Name of Agenda Item:</b>	Select Mayor Pro Tem for 2022	
<b>Section of Agenda:</b>	New Business	
<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>	N/A	
<b>Summary Statement:</b>	<p>Each year council selects a Mayor Pro Tem to conduct the business of presiding over council meetings and other regularly conducted business in the Mayor's absence. Currently that position is held by Councilor Gary Bode.</p>	
<b>Recommended Action:</b>	<p>Make a motion to select a Mayor Pro Tem for 2022.</p>	

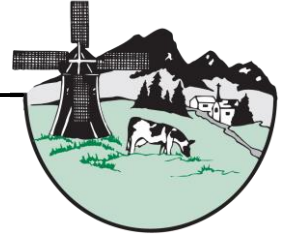
# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	January 3, 2022,	
<b>Name of Agenda Item:</b>	Draft Parks Committee Minutes December 20, 2021,	
<b>Section of Agenda:</b>	Other Business	
<b>Department:</b>	Parks	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" 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 type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
ES-Draft Parks Committee Minutes December 20, 2021		
<b>Summary Statement:</b>		
See Next page		
<b>Recommended Action:</b>		
For Council Review		

# CITY OF LYNDEN



PARKS DEPARTMENT  
Vern Meenderinck, Parks Director  
(360) 354 - 6717

## PARKS COMMITTEE MINUTES December 20, 2021

### 1. ROLL CALL:

**Members Present:** Mayor Scott Korthuis; Councilors Ron DeValois; and Nick Laninga

**Staff Present:** City Administrator John Williams; Park Maintenance Supervisor Brent DeRuyter; Parks Admin. Assistant Nancy Norris; and Public Works Director Steve Banham

### 2. ACTION ITEMS:

#### A. Approval of Parks Committee Minutes- November 15, 2021

DeValois motioned to approve the November 15, 2021, minutes Laninga approved the motion.

**Action: *The Parks Committee Minutes from November 15, 2021, were approved.***

#### B. Approve the Dickinson Park Deed of Right and Stewardship plan and forward to full council.

Once approved, the city can be reimbursed for a portion of the purchase price.

**Action: *Parks Committee recommended the Dickinson Park Deed of Right and Stewardship Plan to be forwarded to full City Council for approval.***

### 3. INFORMATION ITEMS:

#### A. Updates on Parks projects:

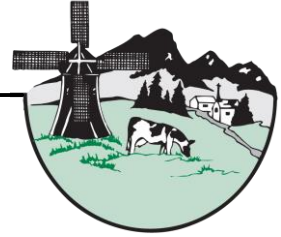
##### Glennig

The final payment from the Glennig committee will be made prior to the end of the year

##### Benson Park

Master Plan on hold as there is further discussion needed as to road placement and pump station.

# CITY OF LYNDEN



## PARKS DEPARTMENT

Vern Meenderinck, Parks Director  
(360) 354 - 6717

SHKS has begun their work on the barn plans. Wood testing will take place Jan 12 & 13.

### **Dickinson**

Access to the park is an issue for one of the Dickinson daughters and some neighbors.

Have created a new trail west of the house to the lower grass area to bypass the house and carport.

Look at using the PW temporary bridge to create a path near the pump station.

### **Depot to 8<sup>th</sup> Trail**

No change to the original plan

## **4. ITEMS ADDED:**

### **A. Pepin Development Road**

Public Works Director Steve Banham shared a new road plan for the Pepin Development. The new plan shows a road running through Benson Park. This road would align with Emerald Way. The road would be similar in design as Homestead Boulevard with no on street parking. The new location of the pump station at Sunrise Dr. extension is a better location for how the deep the sewer is. There will be more future discussions regarding the placement of the road and the park plan.

### **Meeting Adjourned 5:03pm.**

### **NEXT MEETING DATE**

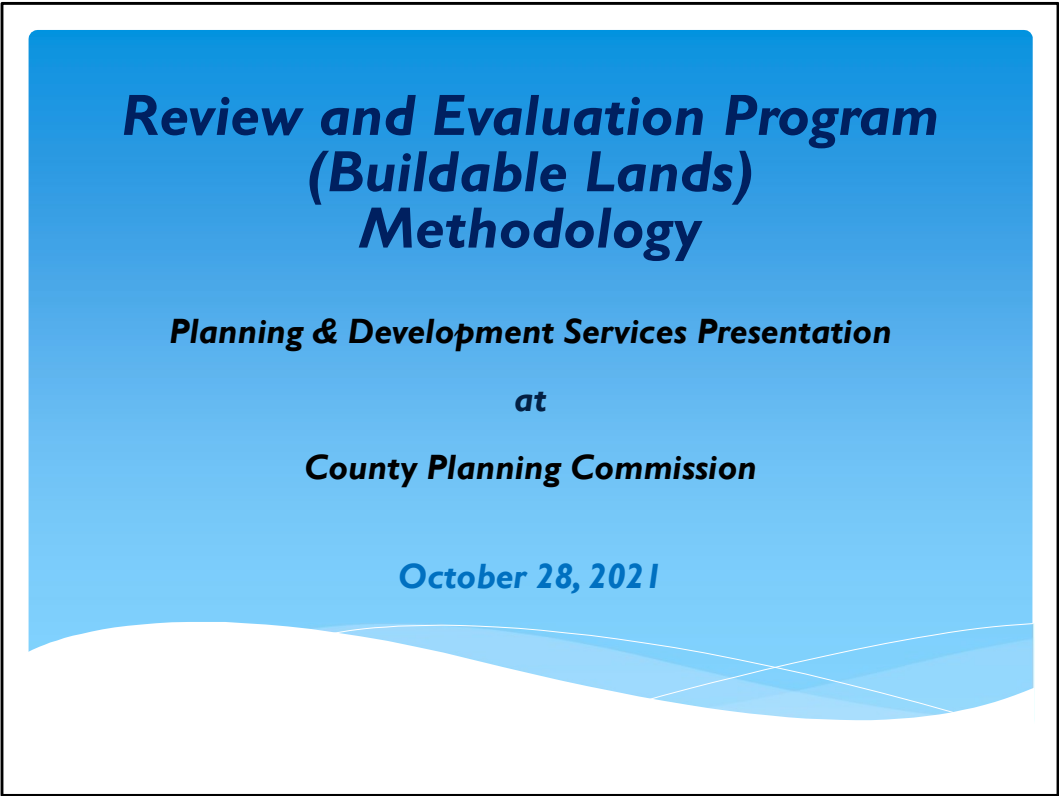
Jan. 18 (Tuesday), 2022

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	January 3, 2022	
<b>Name of Agenda Item:</b>	Buildable Lands Report Update	
<b>Section of Agenda:</b>	Consent	
<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>		
Slides and notes summarizing the status of the Buildable Lands Program and Progress (Slides created by City of Ferndale and presented at a recent Whatcom County Planning Commission Mtg)		
<b>Summary Statement:</b>		
<p>This is a brief update to the City Council regarding the Buildable Lands Report. The attached slides and notes are from a recent update given to the Whatcom County Planning Commission. The update was also discussed at the December Community Development Committee</p> <p>The Buildable Lands Report strives to:</p> <ol style="list-style-type: none"> <li>1. Determine whether the city is achieving urban densities within UGAs by comparing growth assumptions to actual growth.</li> <li>2. Determine whether there is sufficient land that is suitable for development in the future.</li> <li>3. Identifying reasonable measure, if necessary, to reduce differences between comp plan growth assumptions and actual development patterns.</li> </ol> <p>Update regarding methodology scheduled to go to full Council on January 3, 2022. Buildable Land Report due to State June 2022.</p>		
<b>Recommended Action:</b>		
Council review.		

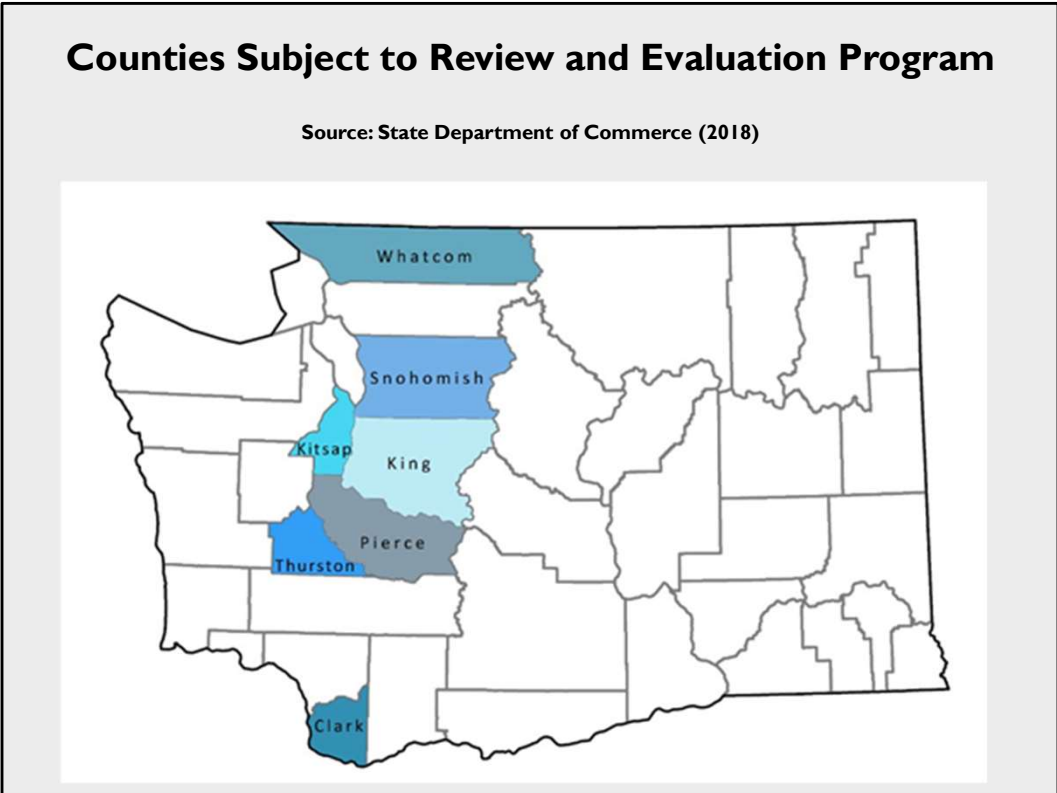


MA, PDS

Tonight, we are going to discuss the “Review and Evaluation” Program Methodology.

Also known as the Buildable Lands Methodology.





The Growth Management Act (GMA) has special “buildable land” provisions that originally applied to five counties in the Puget Sound region and Clark County to the south.

The State legislature amended the GMA by adding Whatcom County to the list of buildable land jurisdictions in 2017.

This map, from the State *Buildable Lands Guidelines*, shows the 7 counties now subject to the program.

**Main Objective # 1:  
Urban Densities**

Determining whether a county and its cities are achieving urban densities within UGAs by comparing growth assumptions in the comp plans with actual growth.

We see three main objectives in the buildable lands program.

The 1<sup>st</sup> is determining whether urban densities are being achieved in UGAs

and

whether actual growth is consistent with County and city comprehensive plans.

This is the “look back” part of the project. Reviewing past growth to see how the comp plans have performed over time.

## Main Objective # 2: Land for Development

Determining whether there is sufficient land that is suitable for development in the future.

The 2<sup>nd</sup> main objective is to evaluate whether there is enough land, that is available and suitable for development, to accommodate growth over the remainder of the planning period.

This involves:

- Making deductions from the land supply for land that is not likely to develop in the planning period;
- Estimating how much land is left for actual development; and
- Estimating how much population and employment that land can accommodate.

This is the “look forward” part of the project, to prepare for future growth.

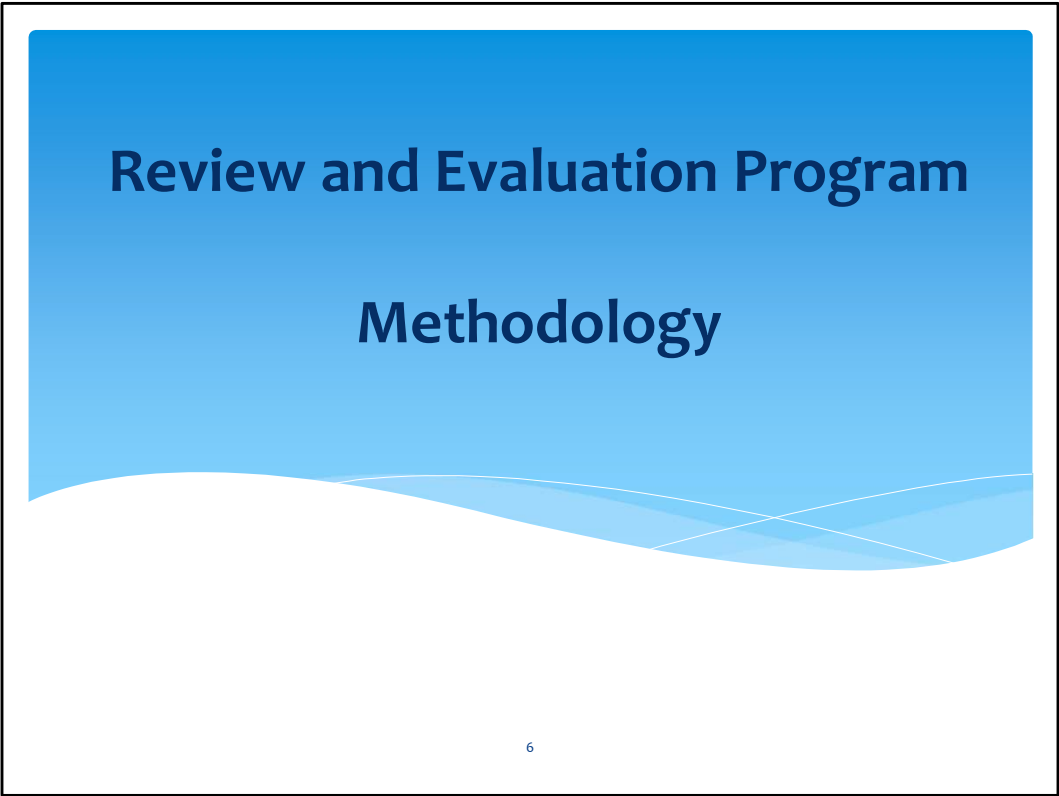
## Main Objective # 3: Rectifying Inconsistencies

Identifying reasonable measures, if necessary, to reduce differences between comp plan growth assumptions and actual development patterns.

The 3<sup>rd</sup> main objective is to identify “reasonable measures” if there are discrepancies between planned growth and actual growth.

These measures are intended to close any gap between growth as envisioned in the comp plans and growth as it is occurring the ground.

This part of the project is looking at past inconsistencies and trying to address those issues going forward.



The County and city planners, with the assistance of a consultant, have develop a draft Methodology to implement the GMA’s Review and Evaluation Program requirements.

**Draft Methodology - Review**

- ✓ Stakeholder comments
- ✓ **County Planning Commission hearing**
- ✓ City/County Planner Group final recommendation
- ✓ County Council briefing
- ✓ City council briefings
- ✓ Approved by the County Planning Director

There are several steps in the review process for the Buildable Lands Program Methodology:

Stakeholders - Earlier this year, we asked for and received stakeholder comments (from BIA, Realtors , Futurewise, RE Sources, and Port of Bellingham).

- The City/County Planner Group issued a paper either incorporating the comments into the Methodology or explaining why we didn't think changes were necessary.

PC - The intent of the Planning Commission hearing this evening is to obtain public comment on the Methodology. The Methodology does not require legislative action, so we are not asking for a recommendation from the Commission.

City/County Planner Group – will make a final recommendation on the document.

County Council - We will do a briefing with the County Council, explaining the Methodology and getting any input (*possibly this fall*).

City Councils - Cities will also brief their respective councils.

Administrative Approval - Finally, the Methodology will be approved by the Planning

and Development Services Director (*possibly by the end of the year*).

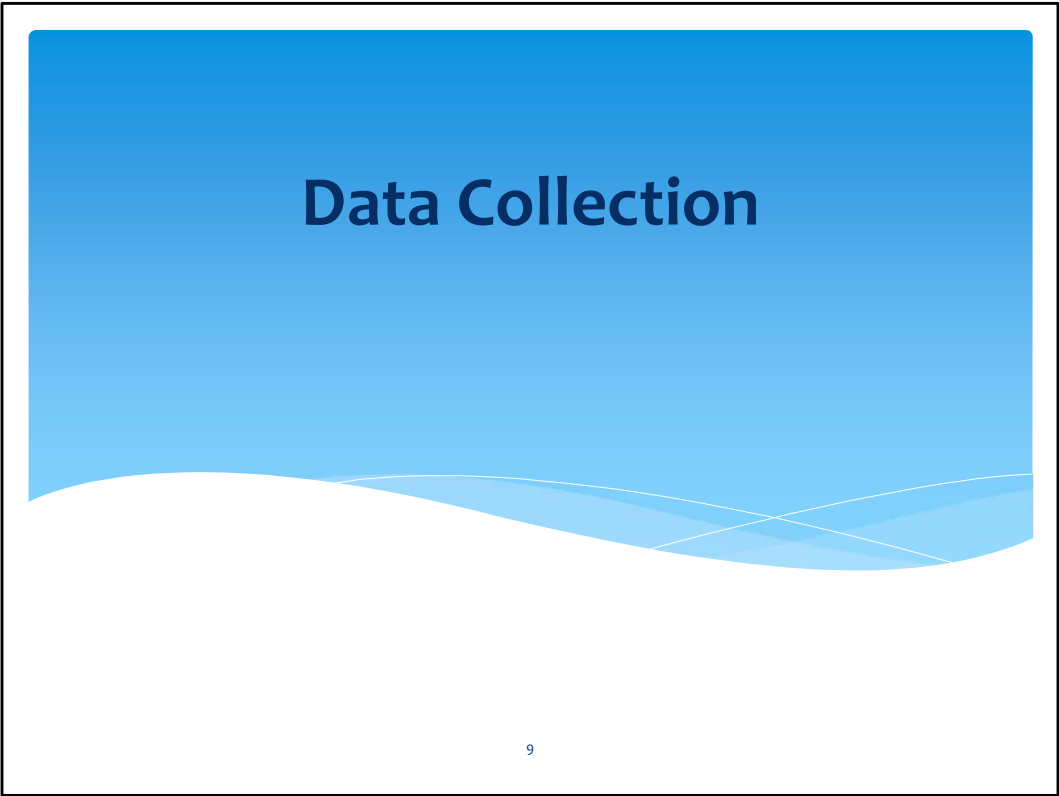
A presentation slide with a blue header containing the title "Draft Methodology" in white text. Below the header is a decorative blue wave graphic. The main content area is white and contains a bulleted list of four items, each preceded by a blue checkmark.

- ✓ Data Collection
- ✓ Evaluation of Lands Suitable for Development
- ✓ Buildable Lands Report
- ✓ Reasonable Measures

The Methodology addresses 4 main issues we are going to discuss this evening . . .

(see above).





The GMA requires “Buildable Land” counties to collect data on development that occurred over the last few years and data on several other matters.

Again, this is the ‘look-back” part of the program.

A presentation slide with a blue header containing the title "Data Collection" in white text. Below the header is a list of seven items, each preceded by a blue asterisk. The items are: Building permits, Land divisions, Capital facilities, Regulatory changes, Annexations, UGA changes, and Zoning map changes.

## Data Collection

- \* Building permits
- \* Land divisions
- \* Capital facilities
- \* Regulatory changes
- \* Annexations
- \* UGA changes
- \* Zoning map changes

Data Collection – We have developed a “Data Reporting Tool” (spreadsheets) that the County and cities are using to collect data on . . .

(see above).

This data is being collected for a 5-year period between 2016 and 2021.

This data will be summarized in the Buildable Lands Report.



The “look-forward” part of the program involves an evaluation of lands suitable for development over the remaining portion of the existing 20-year planning period.

## Evaluation of Land Suitable for Development

- \* Review Assumptions and Achieved Densities
- \* Assemble Net Developable Land Inventory
- \* Estimate Population and Employment Capacity
- \* Evaluate Land Capacity

**The Evaluation of Lands Suitable for Development** estimates how much residential, commercial, and industrial land is available in UGAs to accommodate development in the future.

Step 1. Review Assumptions/Achieved Densities: The Data Reporting Tools will calculate the net residential density of development that occurred from 2016-2021. We will also look at occupancy rates, AHH size, etc. (OFM/Census).

Step 2. Assemble Land Inventory: Estimate the supply of land that may be available for development. This includes deductions for wetlands, future public uses, infrastructure, and market factor.

Step 3. Population/Employ Capacity: Estimate the # of dwelling units the land in each UGA can accommodate and the # of people those dwelling units can house. Also, how many employees can be accommodated.

Step 4. Evaluate Land Capacity: Compare growth projections to UGA capacity and identify potential deficits in capacity.

## Draft Methodology - CAO Buffers

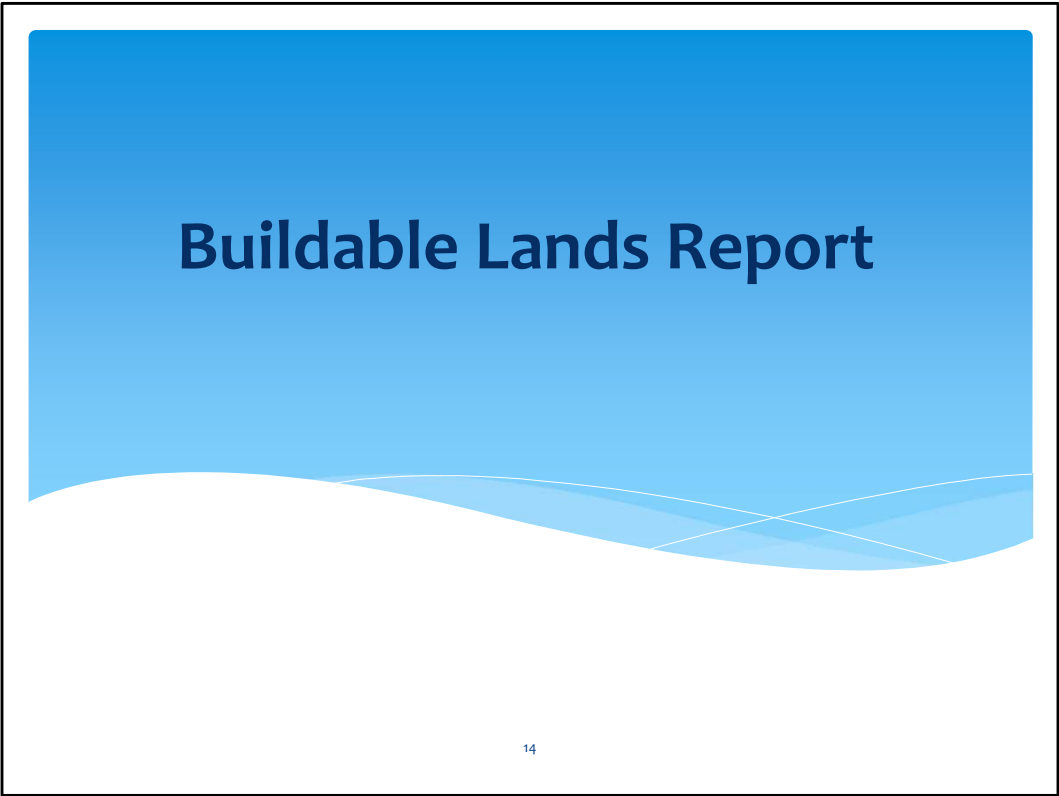
“. . . Critical area buffers will be deducted from the residential land supply unless the jurisdiction, based upon their knowledge of local codes and circumstances, determines that some of the buffers should be included in the residential land supply. . . ” (p. 22).

The draft Methodology takes a default position that wetland buffers will be deducted from the land supply, with some local discretion built in.

This is different from the 2015 Land Capacity Analysis Methodology, which didn't include buffers in the deductions for residential lands.

Actual wetland buffers are determined by site specific analysis, so each jurisdiction is developing general/assumed buffers that they will apply.

So this is a change from the last go around.



All this information will be analyzed and summarized in a Buildable Lands Report.

**Buildable Lands Report**  
**Due: June 30, 2022**

- \* Policy framework
- \* Methods
- \* Countywide findings
- \* Jurisdiction profiles

The Buildable Lands Report will:

- Summarize the policy framework for the BL program, including CWPPs and UGA growth allocations.
- Summarize the Methods (how we are doing the analysis). This will include highlights from the detailed Methodology.
- Provide Countywide results. A high-level summary of past development. And, in total, is there enough land available throughout the county to accommodate projected population and employment growth? and
- Provide results by jurisdiction. More detailed review of past development. And, does each UGA have adequate land and planned densities to accommodate projected growth?

State law requires that the County and cities issue the Buildable Lands Report by **June 30, 2022** – three years in advance of the comp plan updates.



## Buildable Lands Report Review & Approval Process

- \* City/County Planner Group issues draft BLR
- \* County Planning Commission – public hearing
- \* County Council – public hearing
- \* Adoption by County Council and each city council

Tonight, we are looking at the Methodology for developing the Buildable Lands Report.

The actual Buildable Lands Report will go through a separate review process:

- City/County Planner Group will issue a Buildable Lands Report - prior to the June 2022 deadline.
- The County Planning Commission will hold a public hearing on the BLR and issue a recommendation to the County Council.
- The County Council will conduct a public hearing.
- The County Council and each city council and will consider adopting a resolution or ordinance approving the BLR.



Reasonable Measures is a term in the GMA that signifies comp plan or code changes to address gaps between planned growth and actual growth.

## Reasonable Measure Examples

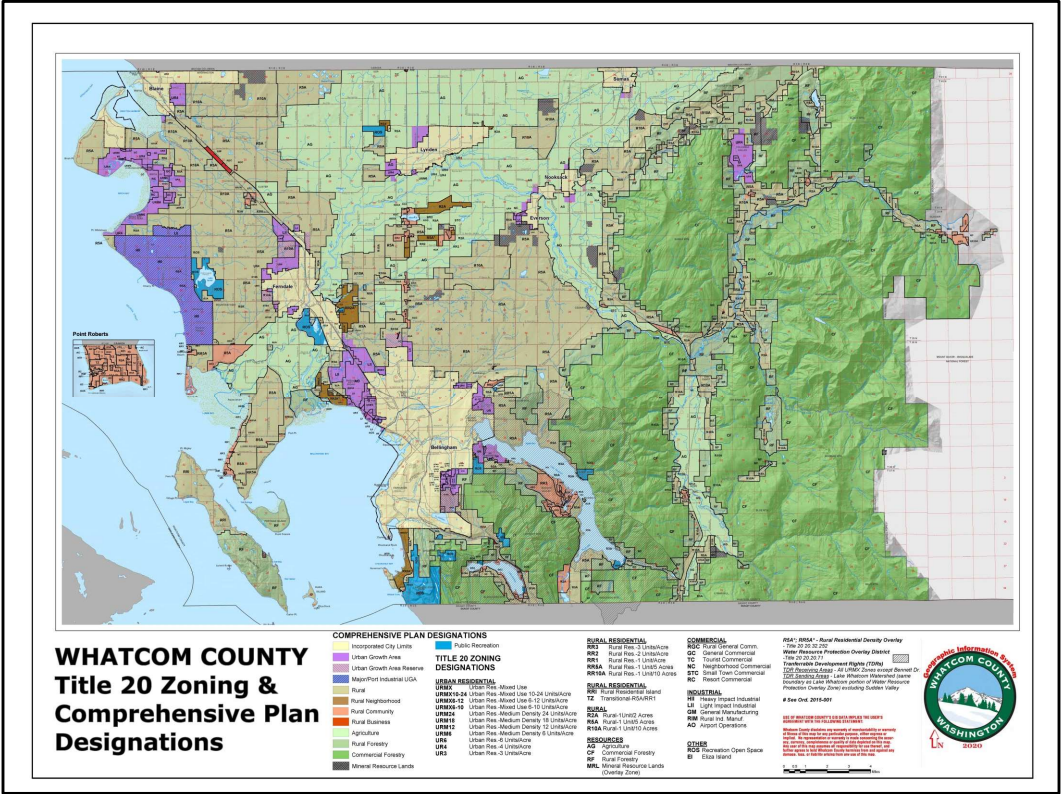
- Capital Facilities Investments
- Modify building height limits
- Density Bonuses
- Higher Allowable Densities
- Minimum Density Requirements

Reasonable Measures – The County and each city will determine whether there is a discrepancy between planned and actual growth in their respective jurisdictions.

If so, the jurisdiction will consider reasonable measures to address the issue.

The 2018 *State Buildable Lands Guidelines* provide examples of reasonable measures, including . . .

(see above)



Under the GMA, the Buildable Lands Program applies to the County and to all the cities.

The County and cities are working together in close coordination to develop a unified approach.

However, each jurisdiction will make decisions about whether or not they need to adopt reasonable measures in their comp plan and development regulation updates.




This is a very simplified graphic showing key steps along the way – that will ultimately lead to adoption of the comprehensive plan updates in 2025.



The County has a website devoted to the Review and Evaluation program. . .

# Summary



22

1. State law was amended in 2017 to add Whatcom County and the cities to the list of jurisdictions that must have a Buildable Land Program.
  
2. The County and Cities are working together on a number of initiatives to develop the program, including:
  - The Methodology (the subject of tonight’s hearing).
  
3. A Final BLR will be issued by the state deadline of June 30, 2022.
  
4. Tonight, the main goal is to receive public comment on the Methodology. As mentioned, we don’t need a Planning Commission recommendation on the Methodology.

That concludes our presentation. Questions?

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	January 3, 2022	
<b>Name of Agenda Item:</b>	Calendar	
<b>Section of Agenda:</b>	Other Business	
<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 type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
<b>Attachments:</b>	Calendar	
<b>Summary Statement:</b>		
<b>Recommended Action:</b>		



**January 4, 2022**

Tuesday

5:00 PM - 6:30 PM

Design Review Board -- Teams Meeting



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Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

**Or call in (audio only)**

[+1 253-948-9362,,270907451#](#) United States, Tacoma

Phone Conference ID: 270 907 451#

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[Learn More](#) | [Meeting options](#)

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**January 5, 2022**

Wednesday

All Day

**Court -- Annex Council Chamber; Annex North East Conference Room; Annex South East Conference Room; Annex East Training Room**

4:00 PM - 6:00 PM

**Copy: Public Works Committee -- Microsoft Teams Meeting; City Hall 2nd Floor Large Conference Room**

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Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

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**January 5, 2022 Continued**

Wednesday

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**January 6, 2022**

Thursday

2:00 PM - 4:00 PM

Technical Review Committee Meeting -- TBD

**January 12, 2022**

Wednesday

All Day

Possible Jury Trial -- Annex Council Chamber; Annex South East Conference Room; Annex East Training Room; Annex North East Conference Room

**January 13, 2022**

Thursday

7:00 PM - 10:00 PM

Planning Commission Meeting -- Annex Council Chamber