

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



December 5, 2022

### 1. CALL TO ORDER

Mayor Korthuis called to order the December 5, 2022 regular session of the Lynden city council at 7:00 p.m. at the city's council chambers.

### PLEDGE OF ALLEGIENCE

#### ROLL CALL

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

Members absent: Councilors Lenssen and Wohlrab absent with notice.

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

### OATH OF OFFICE – None

### SUMMARY REPORTS AND PRESENTATIONS – None

### APPROVAL OF MINUTES

*Councilor Kuiken moved, and Councilor Strengholt seconded to approve the November 21, 2022, regular meeting minutes. Motion approved on 5-0 vote.*

### CITIZEN COMMENT

#### Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

- Cynthia commended the Lynden police officers for their cordial and polite response to a well-check request she called in for a woman appearing to be struggling with mental health issues.

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- She also commented on how well behaved the children attending the Christmas Lighted parade were.
- She also voiced her opposition to the Lynden Library's events that feature supernatural and demonic themes.

### Lynden Chamber Director, Gary Vis, Front Street, Lynden

- Mr. Vis thanked the city PW crew, staff, police, fire, and council for their participation (including funding) for the Christmas Lighted parade. He estimates there were approximately 10-12 thousand attendees and shared that local businesses were pleased with the sales generated on Saturday.

## 2. CONSENT AGENDA

### Payroll Liability to November 6 through November 19, 2022

#### EFT & Other Liabilities

##### Non-L&I Liabilities

Monthly EFT .....	\$390,493.43
Check Liability .....	\$0.00
Total Non-L&I Liabilities .....	\$390,493.43
Quarterly Liabilities .....	\$13,550.42

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<b>Total EFT &amp; Other Liabilities</b>	<b>\$404,043.95</b>
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### Payroll Liability to November 20 through December 3, 2022

#### EFT & Other Liabilities

##### Non-L&I Liabilities

Monthly EFT .....	\$559,678.66
Check Liability .....	\$0.00
Total Non-L&I Liabilities .....	\$559,678.66
Quarterly Liabilities .....	\$13,500.11

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<b>Total EFT &amp; Other Liabilities</b>	<b>\$573,178.77</b>
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### **Approval of Claims – December 6, 2022**

Manual Warrants No.	<u>26152</u>	through	<u>26154</u>		\$3,258.88
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$3,258.88
Voucher Warrants No.	<u>26157</u>	through	<u>26224</u>		\$1,128,391.79
EFT Payments					\$1,160,304.09
				Sub Total	\$2,288,695.88
				Total Accts. Payable	\$2,291,954.76

Appoint Mayor Korthuis to the 2023 Board of the Whatcom Council of Governments (WCOG) and appoint Gary Bode to act as alternate

Appoint Mayor Korthuis to the 2023 Whatcom Transportation Authority (WTA) Board of Directors

Set Public Hearing- Ordinance No. 1655- Comprehensive Plan Amendment (CPA) 22-02 JD Bargaen

Set Public Hearing- Ordinance No. 1656- City-led Comprehensive Plan Amendment 22-01

Set Public Hearing- Ordinance No. 1657- Amendment to LMC 17, 18, and 19

Resolution No. 1059- Agreement with Washington State Community Economic Revitalization Board (CERB)- West Main Street & Berthusen Park Project

The City of Lynden recently applied for and was awarded a \$4.5 Million loan by the Community Economic Revitalization Board (CERB). CERB funds are available to support economic development projects which are ready to implement, and which create or retain jobs. Resolution No. 1052, Authorizing Submission of a CERB Loan Application, was passed at the September 19, 2022, Council meeting.

Staff presented project information to the CERB Board on Thursday, November 17th which resulted in their vote to award funds. Resolution No. 1059 authorizes and directs the Mayor to enter into Final Contract agreement between CERB and the City of Lynden for a 20-year, 3% annual interest rate, loan to finance the West Main Street and Berthusen Road Roundabout Project. The Finance Committee reviewed this resolution at their meeting on November 21st and concurred to recommend approval by City Council.

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

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### 3. PUBLIC HEARING

#### Final Public Hearing on the Year 2023 Budget

As published, 7:00PM on December 5, 2022 is the time and date set for the Final Public Hearing on the 2023 Preliminary Budget as presented to the City Council by Mayor Korthuis at the October 17th City Council meeting.

***Mayor Korthuis opened the hearing at 7: 09 P.M.***

***There were no comments.***

***Mayor Korthuis closed the hearing at 7:09 P.M.***

#### Ordinance No. 1662- Adoption of the Year 2023 Budget

The Preliminary 2023 Budget was presented to the City Council by Mayor Korthuis at the October 17, 2022 City Council meeting. The first public hearing for the 2023 Budget was held on November 7, 2022. The final RCW required budget hearing was held earlier this evening, December 5, 2022.

Ordinance No. 1662 represents the results of the budget process. Passage of this ordinance will finalize and adopt the 2023 budget; and is compliant with RCW deadlines. The Finance Committee has been presented with this information for their review throughout the budget process, as has Council.

***Motion made by Councilor Strengholt, seconded by Councilor Kuiken to approve Ordinance No. 1662, and authorize the Mayor's signature adopting the 2023 Budget. Motion approved 5-0.***

#### Ordinance No. 1661- Substitute Interim Zoning Ordinance regarding Community Residential Facilities

The City Council has recently adopted Ord 1658, an emergency interim zoning ordinance pertaining to the prohibition of the establishment of community residential facilities within 500 feet of the City's schools and within 300 feet of other community residential facilities. Continued legal review has resulted in a refinement of the interim zoning regulations as reflected in the substitute Ordinance 1661.

Drafting and review of the final ordinance on community residential facilities which will amend LMC Chapter 19 continues with Committee review expected in mid-November and early December. Public hearing with the Planning Commission is slated for December 15th. A sixty-day comment period with the State's Department of Commerce will occur

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prior to a public hearing in early March.

***Mayor Korthuis opened the hearing at 7:12 P.M.***

**Public members speaking in favor of Ordinance No. 1661:**

James Rogers, Westview, Lynden  
Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden  
Nick Sawka, Village Drive, Lynden  
Robert Rinehart, Benson Road, Lynden  
Stephanie Rogers, Westview, Lynden  
Tessa Garcia, 17<sup>th</sup> Street, Lynden  
Tiffany Kingery, Westview Place, Lynden  
Travis Krueger, Westview Place, Lynden  
Alan ??, Skagit County  
Nathan Libolt, 17<sup>th</sup> Street, Lynden

**Public members speaking in opposition of Ordinance No. 1661**

Mark Nelson, Lynden  
Alan xxx, Mt. Vernon, Lynden

**Public member undeclared:**

Miles Davis, Judson Street, Lynden

***Police Chief Steve Taylor clarified for the record, that he was not the one that notified the surrounding neighbors of the transitional housing application through Department of Corrections (DOC). The DOC's application process generated notification to surrounding neighbors and the police department.***

***Mayor Korthuis closed the hearing at 7:45 P.M.***

***Motion made by Councilor Bode, seconded by Councilor Strengholt to approve Substitute Interim Zoning Ordinance No. 1661 regarding Community Residential Facilities and authorize the Mayor's signature on the ordinance. Motion approved 5-0.***

## 4. UNFINISHED BUSINESS

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### 5. NEW BUSINESS

#### Select Mayor Pro Tem for 2023

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.

***Councilor Laninga moved, and Councilor Kuiken seconded to approve Councilor Gary Bode as Mayor Pro Tem for the year 2023. Approved on 4-0 vote.***

### 6. OTHER BUSINESS

#### Committee Assignments for 2023-2024

***Council approved by common consent, to continue the current appointment of council members to council committee representation just as it for 2023 and 2024.***

### 7. EXECUTIVE SESSION

Council met in executive session to discuss with legal counsel representing the city matters relating to agency enforcement actions, under RCW 42.30.110(1)(i). Council expects to be in executive session until 8:06 p.m. with potential action to follow. Council reconvened at 8:06 p.m. without a decision.

### 8. ADJOURNMENT

The December 5, 2022, regular session of the Lynden City Council adjourned at 8:06 p.m.

Pamela D. Brown

Pamela D. Brown, City Clerk

Scott Korthuis

Scott Korthuis, Mayor