

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



September 19, 2022

1. CALL TO ORDER

Mayor Korthuis called to order the September 19, 2022 regular session of the Lynden City Council at 7:00 p.m. at the city's council chambers.

ROLL CALL

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

Members absent: None.

Staff present: Finance Director Anthony Burrows, Parks Director Brent DeRuyter, Planning Director Heidi Gudde, Public Works Director Steve Banham, City Administrator John Williams, City Clerk Pam Brown, and City Attorney Bob Carmichael.

OATH OF OFFICE- None

SUMMARY REPORTS AND PRESENTATIONS – None

APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Wohrab seconded to approve the September 6, 2022 regular council meeting minutes as presented. Motion approved on 7-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

- Anti-American books and classes about racism and Marxists ideology being read/taught to children
- Honoring the Lyons Club and the POW flags
- Queen Elizabeth's religion
- Patriotism

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Tessa Garcia, 17th Street, Lynden

- Expressed gratitude to council and staff for enacting the interim emergency moratorium ordinance for location of residential transitional housing near schools.
- Provided information/update concerning Nelson’s NARR application
- Discussion with representative from WAQRR concerning Nelson’s application

2. CONSENT AGENDA

Payroll Liability to August 28 through September 10, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$500,332.38
Check Liability.....	\$0.00
Total Non-L&I Liabilities	\$500,332.38
Quarterly Liabilities	\$13,345.79
Total EFT & Other Liabilities	\$513,678.17

Approval of Claims – September 20, 2022

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>24852</u>	through	<u>24967</u>		\$2,781,151.73
EFT Payments					\$630,375.02
				Sub Total	\$3,411,526.75
				Total Accts. Payable	\$3,411,526.75

- Professional Services Agreement with the Watershed Company
- Resolution No. 1052 Authorizing Submission of an Application for A Community Economic Revitalization Board (CERB) Loan
- Ordinance No. 1652- Set Public Hearing for Amending LMC 13.24, Stormwater Management Systems
- Ratification of City Participation in State Opioid Settlement

Councilor De Valois moved, and Councilor Kuiken seconded to approve the Consent Agenda. Motion passed with a 7-0 vote.

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3. PUBLIC HEARING

Ordinance No. 1654-Moratorium on Residential Development within the CSL Zones

The City's existing zoning ordinance, under certain provisions 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.

As the demand for commercial space wanes, the viability of mixed-used projects has been called into question by the Community Development Committee. As a result, at the start of 2022 the City Council approved Ordinance 1642 which enacted a moratorium on residential development within the City's Commercial Services – Local (CSL). Subsequently, planning staff have been working with the Community Development Committee and the Planning Commission on a revised ordinance which would be more sensitive to the current commercial and residential markets.

The final ordinance, including associated comprehensive Plan amendments, are expected to go to public hearing before the Planning Commission on September 22nd and then be routed to the Department of Commerce for comment prior to the City Council hearing in December. In the meantime, the City Council being asked to consider a reestablishment of the moratorium on residential development within the CSL zone which would last through the remainder of 2022 as the previous moratorium has expired.

Mayor Korthuis opened the public hearing at 7:12 pm. There were no comments. The public hearing was closed at 7:12 pm.

Councilor Lenssen moved, and Councilor Strengholt seconded to approve Ordinance No. 1654 which would reinstate an interim moratorium on new residential development within the City's CSL zones through the end of the 2022 calendar year, and to authorize the Mayor's signature on the document. Motion approved on 7-0 vote.

4. UNFINISHED BUSINESS- None



5. NEW BUSINESS

Puget Sound Energy Conditional Use Permit 22-01, Variances 22-02 and 22-03

The Planning Commission considered a Conditional Use Permit (CUP) application and two corresponding Variance requests at a public hearing on August 25th for Puget Sound Energy (PSE) who was represented by Emily Hagin and the PSE design team. A CUP is required as PSE is proposing to expand an electrical substation within a RM-3 residential zone into the vacant lot immediate west of the existing substation located at 131 E. Front Street.

PSE was previously granted a Conditional Use Permit in 1999 which was considered during the review of these applications. The variance requests relate to design considerations specific to an electrical substation. This includes a request for greater fence (wall) heights than typically allowed in order to properly secure the site, and a request to allow structures within the front setback in order to efficiently use the allotted space. The update to the sub-station will result in greater capacity and more resilient electrical infrastructure. It will also provide additional enclosure of electrical infrastructure inside of the enclosure and an overall reduction in equipment height.

Staff worked closely with PSE representatives regarding the impact of this project as it is closely located to residences and adjacent to a frequently used sidewalk. The result is a replacement of the entire substation enclosure to more attractive materials, an updated landscape for the entire site, and access points designed to prevent the encroachment of vehicles onto the sidewalk. The Technical Review Committee and the Planning Commission recommend approval of the CUP 22-01 and Variances 22-02 and 22-03 with specific conditions that have been detailed in the draft findings of fact.

Councilor Lenssen moved, and Councilor Laninga seconded to approve with specific conditions, and authorize the Mayor's signature on the Findings of Fact, for Conditional Use Permit 22-01, Variance 22-02 and 22-03 regarding the expansion of the Puget Sound Energy Substation located at 131 East Front Street. Motion approved on 7-0 vote.

6. OTHER BUSINESS

Councilor Bode reporting for the Public Works Committee:

- Grover Street Overlay complete
- Pepin Creek, Main Street Bridge on schedule
- Industrial condensate outfall is basically completed

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- 6th Street sewer pipe project will begin in November
- Hanging baskets downtown
- Automatic sandbag filling machines

Councilor Strengholt reporting for the Finance Committee

- Discussion of satellite agency budget proposals for:
 - Chamber of Commerce
 - Downtown Business Association
 - Lynden Pioneer Museum
 - Project Hope
 - Lynden Community Center

7. EXECUTIVE SESSION

Council did not have an executive session.

8. ADJOURNMENT

The September 19, 2022, regular session of the Lynden City Council adjourned at 7:30 p.m.

Pamela D. Brown

Pamela D. Brown
City Clerk

Scott Korthuis

Scott Korthuis
Mayor