CITY OF LYNDEN

CITY COUNCIL
MINUTES OF REGULAR MEETING

August 15, 2022

1. CALL TO ORDER

Mayor Korthuis called to order the August 15, 2022 regular session of the Lynden City Council at 7:00 p.m. at the City's council chambers.

ROLL CALL
Members present: Mayor Scott Korthuis, Councilors Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, Nick Laninga, and Mark Wohlrab.

Members absent: Councilor Strengholt absent with notice.

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

OATH OF OFFICE- None

SUMMARY REPORTS AND PRESENTATIONS- None

APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Wohlrab seconded to approve the August 1, 2022, regular council meeting minutes as presented. Motion approved on 6-0 vote.

CITIZEN COMMENT- None

2. CONSENT AGENDA

Payroll Liability to July 31 through August 13, 2022
EFT & Other Liabilities
Non-L&I Liabilities

Monthly EFT	$367,054.53
Check Liability	$1,610.13
Total Non-L&I Liabilities	$368,664.66
Quarterly Liabilities	$13,917.90
Total EFT & Other Liabilities	**$382,582.56**

Approval of Claims – August 17, 2022

Manual Warrants No.	-	through	-		$0.00
EFT Payment Pre-Pays					$111,366.60
				Sub Total Pre-Pays	$111,366.60
Voucher Warrants No.	25336	through	25464		$1,723,803.56
EFT Payments					$4,065.21
				Sub Total	$1,727,868.77
				Total Accts. Payable	$1,839,235.37

Interlocal Cooperative Agreement – Whatcom County Parks and Recreation (Community/Senior Center)
This 2-year (2023-2024) Interlocal Cooperative Agreement between the City and Whatcom County Parks and Recreation Department provides funding assistance with on-site staffing to assist with the operation of the Lynden Community Center. The current agreement expires at the end of 2022. The Finance Committee reviewed the agreement at their meeting and recommended forwarding the agreement to full council for review and approval.

Ordinance No.1651-LMC Amendment Regarding Anti-harassment and No Contact Orders
WA State Legislature repealed sections of current RCW dealing with enforcement of protection orders. LMC needs amending to adopt those changes.

Lynden Municipal Airport Advisory Board Appointment and Term Renewals
The terms for Bob Weeks and Bill Stoelt, who serve on the Airport Advisory Board, expired December 31, 2021. They agreed at that time to serve another three-year term; however, Council Action was not obtained.

Roger Humphreys, whose term expires December 31, 2022, has resigned from the Board. The board is recommending Bryant Paulsen as his replacement through 2022.

According to Lynden Municipal Code Chapter 2.54.010, the board members shall be appointed by the Mayor with the approval of City Council, each to serve a three-year term. The Airport Board members operate in an advisory capacity to the Lynden City Council to make recommendations concerning the adoption of rules, regulations or policies for the management, operation and use of the airport, and the highways, roads, streets, and territories adjacent to the airport.

The Mayor and Public Works Committee reviewed Paulsen's Request for Appointment at their August 3rd meeting and concurred to forward Paulsen's appointment and the retroactive appointments of Bob Weeks and Bill Stoelt to City Council for approval

Mayor Korthuis and Council thanked Bob Weeks, Bill Stoelt and Roger Humphreys for their service on the Lynden Municipal Airport Advisory Board.

Award Bid for Bender Road Water Main Replacement
Staff recently solicited bids for the Bender Road Water Main Replacement. The project replaces approximately 5,000 linear feet of water main along Bender Road, between Badger Road (SR 546) and Pangborn Road. Work to be performed under this contract shall include the replacement of the existing water main, and installation of new valves, services, and other appurtenances.

Also included is the restoration of existing driveway entrances, landscaped areas, and fields. Eight bids were received on August 4, 2022. R&E prepared the attached Bid Tabulation. At the Public Works Committee meeting on August 8, 2022, the committee concurred that the bid results could be forwarded directly to City Council after being informed of the results.

The Public Works Committee was advised of the bids and concurred to recommend award to Northern Contractors LLC, the lowest responsive and responsible bidder, in the amount of $417,017.49, including Washington State Sales Tax. This project will be funded with water utility funds.

Councilor Bode moved, and Councilor Wohlrab seconded to approve the Consent Agenda. Motion passed with a 6-0 vote.

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS

Revocation of Lynden Automotive Conditional Use Permit 21-04
The City Council considered a Conditional Use Permit (CUP) application on December 6, 2021 for Lynden Automotive Specialists, located at 8894 Bender Road. The application

sought to allow a full-service auto repair shop in the CSL zone (Bender Plaza) when only auto lube facilities are permitted outright.

The Council approved the CUP but with specific conditions. Because the location had already begun operating as a full-service auto repair shop in violation of permitted commercial uses, the approval designated a specific timeframe for compliance. Among other things, the applicant had 30 days to install a landscape screen and 3 months to submit a stormwater report. Since approval more than 7 months ago, no action has been taken by the business owner to fulfill these conditions related to screening or stormwater improvements despite written and phone communication with the applicant.

Staff is now recommending that the City Council revoke the Conditional Use Permit and require that mechanic services be ended at this property (although lube services could continue). The business owner has failed to demonstrate that the use can be accommodated in this location. It has become apparent that the building and stormwater system, constructed for lube services, cannot adequately accommodate the use without significant renovations. Reports of illicit stormwater discharge and failure to comply with Council requirements have exacerbated this situation.

The Planning Commission held a public hearing on July 27 regarding the revocation. They recommended that the Council consider giving the applicant an additional 30 days to comply with a modified list of conditions. These are detailed in PC Resolution 22-02.

Councilor Lenssen moved, and Councilor De Valois seconded to disapprove the Planning Commission's recommendation, revoke the Conditional Use Permit 21-04 and direct staff to draft a resolution detailing the Council's conclusion to be reviewed at the September 6, 2022 Council meeting. Motion passed with a 6-0 vote.

6. OTHER BUSINESS

Councilor Bode reporting for the Public Works Committee:

- Parking options for downtown businesses
- E-bikes and the need for speed limit signage
- Duffner Ditch Culvert Replacement is scheduled for Summer 2023
- Community Center generator replacement
- Cedar Drive drainage issues
- Street light conversion discussion
- Reflective signage for BC Avenue

Councilor Bode moved, and Councilor Lenssen seconded to remove both 15-minute parking signs recently placed downtown. Removal to take place at 8 AM tomorrow morning. Motion passed with a 5-0 vote with Councilor Wohlrab abstaining.

Councilor Laninga reporting for the Finance Committee:

- OT for Fire and Police department
- Sales tax revenue remains strong
- Discussion about possibly hiring a federal lobbyist
- Community Center agreement (2023-2024)
- Life insurance for council members
- Reviewed the monthly report

Councilor De Valois reporting for the Parks Committee:

- SHKS made a presentation on Benson Barn project
- Discussion about E-bikes and E-Scooters on trails

Councilor Wohlrab reporting for the Public Safety Committee:

- Overtime discussion
- Assistant Fire Chief position has posted
- Local 106 representative spoke
  AC position posted
- Citizen request to City to allow all-terrain vehicles on the street

7. EXECUTIVE SESSION

Council did not have an executive session.

8. ADJOURNMENT

The August 15, 2022, regular session of the Lynden City Council adjourned at 7:45 p.m.

Pamela D. Brown
Pamela D. Brown
City Clerk

Scott Korthuis
Scott Korthuis
Mayor