

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



July 18, 2022

### 1. CALL TO ORDER

Mayor Korthuis called to order the July 18, 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, Nick Laninga, Mark Wohlrab, and Kyle Strengtholt.

Members absent: Councilor Lenssen absent with notice.

Staff present: Finance Director Antony Burrows, Fire Chief Mark Billmire, 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

#### Mayor Korthuis

The City of Lynden is running a proposition on the November general election ballot to renew the two-tenths of one percent (0.2%) sales tax for the Transportation Benefit District (TBD). The collection of these funds must be authorized by the voters every ten years and may only be used for transportation related projects including streets, trails, and sidewalks; no other costs may be assessed against these funds.

The City of Lynden has completed many significant projects with these funds that would have otherwise not been completed, including the 17th Street extension to Main Street, the intersection of Front and 5th Streets, the 7th Street revitalization from Judson Street to Grover Street, and the extension of Foxtail Street between Eastwood Way and Bradley Meadows Lane, along with numerous chip sealing and sidewalk replacement projects throughout Lynden.

As a part of this process the City of Lynden is asking for volunteers willing to serve on a committee to compose the "FOR" statement for the ballot measure. Additionally, if someone wishes to supply an "AGAINST" statement they may serve on an against

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committee. You must be a registered voter within the Lynden city limits to serve on the committees. To serve on either committee or to get more information on the process please contact the City of Lynden Administration office at (360)354-1170. The deadline for the committee statements is August 8, 2022.

Lynden Chamber Director Gary Vis has volunteered to serve on the "FOR" committee.

### EXECUTIVE SESSION

***Council adjourned into executive session at 7:02 p.m. to consider two items; qualifications of an applicant for public employment per RCW 42.30.110 (1)(g) and discussion with legal counsel about current or potential litigation per RCW 42.30.110.(1)(i) without an expectation of council action.***

***City Administrator, John Williams, came out of executive session and announced that the executive session would be extended by 5 minutes. Council reconvened at 7: 22 p.m.***

### APPROVAL OF MINUTES

***Councilor Kuiken moved, and Councilor De Valois seconded to approve the July 5, 2022, regular council meeting minutes as presented. Motion approved on 6-0 vote.***

### CITIZEN

### COMMENT

Name	City	Issue
Cutzi Jobes	Lynden	Opposed to mandatory vaccination
Justin Jobes	Lynden	Opposed to mandatory vaccination
Xochi Jobes	Lynden	Opposed to mandatory vaccination
Ben Elenbaas	Ferndale	Opposed to mandatory vaccination
Tim Van Dyke	Lynden	Opposed to mandatory vaccination
Jake Jarvis	Lynden	Opposed to mandatory vaccination
Shelly ?	Lynden	Opposed to mandatory vaccination
Charles Drury	Ferndale	Opposed to mandatory vaccination
Laurie Morgan	Lynden	Utility Terrain Vehicles (UTV) Support
Gary Vis	Lynden	NW Razz Fest Report
Jan Holtrop	Lynden	Opposed to mandatory vaccination
Sandra Bennett	Lynden	Opposed to mandatory vaccination

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*Councilor Strengholt thanked the speakers for speaking out on the mandate and would like to see the city council and administration continues to discuss this issue and will allow for proper medical and religious exemptions. He has received mixed signals from city administration.*

*Councilor Bode said he was surprised that Lynden even had a mandate, and that the city needs to be careful considering the lawsuits that are coming down from other jurisdictions. The city does not want to be held accountable for forcing someone to do something that causes them harm or discriminates against them.*

*Councilor Laninga acknowledged that this is a bigger problem that just the ones in our community. He voiced concern for the people nationwide that may be fired because they are refusing the vaccination. He is concerned that we are moving toward a digital vaccination system.*

*Councilor Wohlrab told members of the audience that the Council, City Administrator and Mayor are listening to their concerns and are working on this issue.*

*Mayor Korthuis thanked the audience for their involvement and for coming out tonight.*

## 2. CONSENT AGENDA

**Payroll report unavailable.**

### Approval of Claims – July 20, 2022

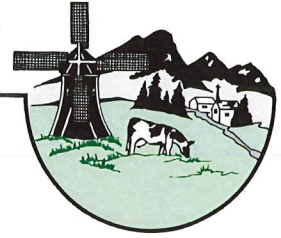
Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>25049</u>	through	<u>25166</u>		\$1,279,615.55
EFT Payments					\$41,638.55
				Sub Total	\$1,321,254.10
				Total Accts. Payable	\$1,321,254.10

### Ordinance No. 1648- 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 supplied interim financing for capital projects

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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 and 1629 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, 2022 to July 31, 2023 at a rate of 3.10%, which is a 0.25% increase from the previous rate.

The closing date is expected to be July 27, 2022. The City's Bond Counsel and Finance Director have reviewed this proposal prior to its review by the Finance Committee on July 18, 2022. The Finance Committee approved the renewal in their June 18th, 2022 meeting and has forwarded the Ordinance to the full Council.

### Award Bid for 6<sup>th</sup> Street Sewer Cured in Place Pipe Project

Staff recently solicited bids for the 6th Street Sewer Cured In Place Pipe Project (CIPP). The project provides for the CIPP lining of approximately 1,560 feet of existing 20-inch sewer main beginning at Judson Alley, running south along 6th Street, and ending near the headworks building of the Lynden Wastewater Treatment Plant. Work will include cleaning and jetting the sewer main, trimming service lines protruding into the sewer main, trimming hanging gaskets, placing CIPP lining throughout the length of the main, reopening existing sewer services, and rehabilitating manholes.

Four bids were received on June 30, 2022. R&E prepared the Bid Tabulation. The Public Works Committee concurred at their meeting on July 6, 2022, to recommend award to Iron Horse LLC, the lowest responsive and responsible bidder, in the amount of \$414,974.08, including Washington State Sales Tax. This project will be funded with sewer utility funds.

### Ordinance No. 1647- Main Street Rezone and Comprehensive Plan Amendment

On September 18, 2008, the Planning Commission held a public hearing regarding application 08-01, a site-specific rezone and comprehensive plan amendment for properties located at 100, 104, 110 and 114 Main Street. The application requested a shift

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from Industrial (I-1) to Commercial Shopping (CS-1). CS-1 was subsequently updated to CSL – Commercial Services Local.

Following the hearing, the Planning Commission recommended approval to the City Council through Resolution #08-08. On November 3, 2008, the City Council considered the requests and approved the application as recommended by the Commission. The zoning text and City's zoning map were updated at the time of approval; however, the action was not returned to the City Council as an ordinance. As such, Ordinance No. 1647 has been assigned to the action and will ensure the 2008 decision is properly documented and that City records are complete.

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

### **3. PUBLIC HEARING**

The City is considering adopting an ordinance that would prohibit camping in public spaces and simultaneously amending LMC 12.24 related to park rules. Legal counsel drafted the initial language to ensure compliance with State code and provide consistency with current case law. The text was then reviewed in multiple council committees. On July 5, the City Council set the public hearing to occur on July 18th . Subsequently staff received feedback from Council and community members which has been reflected in the attached draft. Council is holding a public hearing to formally accept additional public comment. Additional edits may result. Staff will return the final ordinance to Council for a decision in August 2022.

Mayor Korthuis opened the public hearing at 8:14 p.m.  
Gary Vis will provide his comments directly to city staff.  
Mayor Korthuis closed the public hearing at 8:15 p.m.

**No action taken. Information only.**

### **4. UNFINISHED BUSINESS - None**

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### 5. NEW BUSINESS

#### Request to Petition for Annexation of Benson Holdings Property

Property owners of the Benson Holdings property located between Benson and Double Ditch Roads, immediately south of the Badger Road, have submitted a request to petition for the annexation of their property. The 75-acre parcel is within the Urban Growth Area (UGA) of the Pepin Creek Subarea and is contiguous with the City's recent annexation of the Benson park property. The City's Comprehensive Plan assigns land use within UGA areas and specific zoning categories are typically designated at the time of annexation. In this case the Pepin Creek Subarea Plan has assigned zoning categories of RM-3 (adjacent to the park), RM-PC in the northeast section of the property, and RMD on the western half. This zoning can generally be described as low to medium residential development that can accommodate apartments, townhomes, and single-family lots. Development here would be subject to the provisions of development within the Pepin

Creek Subarea. It would also be required to provide right-of-way dedications to improve Benson Road and provide for logical expansion of the City's roadway network which may include access to Benson Park and connection to Homestead Blvd. As required by code, the assessed value of the property represented by Benson Holdings is at least 10% of the total assessed value. In order to move forward with the next stage of the annexation process, the petitioners will need to acquire signatures from property owners representing at least 60% of the assessed value of the area. A successful petition process allows the applicant to proceed with an annexation application which will be reviewed by staff and ultimately go to public hearings before the Planning Commission and City Council. Annexation within the Pepin Creek Subarea represents opportunities for planned residential growth and the continued funding of related Pepin Creek infrastructure improvements.

***Councilor Bode moved, and Councilor Kuiken seconded to approve the request to petition for the annexation Benson Holdings which authorizes the requestor to petition for property owner signatures and proceed with an annexation application. Motion passed with a 6-0 vote.***

#### Preliminary Approval of the Lionsgate MPRD-Application 20-01

AVT Consulting, as agent for the property owner, has requested the approval of a Master Planned Community (MPRD) concept for the 22-acre property located at the NE corner of the intersection of the Guide Meridian. The MPRD application is using a 2 step MPRD approval process as detailed in LMC 19.29. This allows the development concept and

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project scale to be approved prior to finalizing the development standards. The step 1 request came forward with a rezoning application to shift the property from an RS-100 zoning category to the RMD category (Residential Mixed Density).

On August 13, 2020, the Planning Commission held a virtual public hearing via Microsoft Teams. The resulting vote on the application was to recommend approval of the rezone as well as the proposed development concept but with some specific conditions. On Sept 21, 2020 Council concurred with the recommendation and the rezone and conditional approval of the design concept was granted. The project experienced some delays related to the Covid pandemic but came back to the City in early 2022 with a design which met the Commission's conditions of approval. Staff's review resulted in a conditional recommendation to approve as described in the final TRC report.

On June 9, 2022, the Planning Commission held a public hearing to consider the details of the revised Lionsgate MPRD design as step 2 of the approval process. The development was reduced to 106 lots which accommodate 129 residential units on a mix of large to small single-family lots and attached townhomes. This development also includes 7 open space tracts which will be maintained by an HOA as well as public trail and sidewalk connections. The Planning Commission recommended, with conditions, approval of the MPRD. The conditions of their recommended approval are listed in Resolution 22-01.

Council approval at this time would serve as preliminary plat approval, as such the development would return to council for final plat approval after the installation of required infrastructure.

***Councilor Bode moved, and Councilor Strengholt seconded to approve Lionsgate MPRD, which serves as preliminary plat approval, as recommended, and conditioned by the Planning Commission in Resolution No. 22-01 and to authorize the Mayor's signature on the corresponding Finds of Fact and Conclusion of Law.***

***Motion passed with a 6-0 vote.***

## 6. OTHER BUSINESS

### **Councilor Bode reporting for the Public Works Committee**

- 6<sup>th</sup> Street cured in place pipe project
- Proposal from vendor to manage/maintain the city's streetlights
- Meeting with Cedar Drive residents
- Speeding concerns on Village Drive

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### **Councilor Wohlrab**

- Overtime up for both police and fire
- Public comment re: transitional housing
- UTVs discussed briefly
- Speed on 17<sup>th</sup> Street
- Assistant Fire Chief position
- Police officer position will soon be filled

### **Councilor Strengholt reporting for the Finance Committee**

- Reviewed/approved OT and payroll
- Reviewed sales tax which is still strong
- Reviewed Ordinance No. 1648, Line of Credit Renewal
- Reviewed monthly financial reports
- ARPA funds will be reflected in next months' statement

### **8. ADJOURNMENT**

The July 18, 2022, regular session of the Lynden City Council adjourned at 8:37 p.m.

Pamela D. Brown  
City Clerk

Scott Korthuis  
Mayor