

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



February 21, 2023

### 1. CALL TO ORDER

Mayor Korthuis called to order the February 21, 2023 regular session of the Lynden City Council at 7:00 p.m. which was held in the city's council chambers.

### PLEDGE OF ALLEGIENCE

### ROLL CALL

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

Members absent: None.

Staff present: Finance Director Anthony Burrows, 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 Strengholt moved, and Councilor De Valois seconded to approve the February 6, 2023, regular meeting minutes. Motion approved on 7-0 vote.*

### CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

Cynthia commented on:

- Sumas library dedication
- The rodeo held at the NW WA fairgrounds.
- The VFW
- Fluoride

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## 2. CONSENT AGENDA

### Payroll Liability to January 29 through February 11, 2023

#### EFT & Other Liabilities

#### Non-L&I Liabilities

|  |                     |
|--|---------------------|
| Monthly EFT .....                        | \$417,132.23        |
| Check Liability.....                     | \$0.00              |
| Total Non-L&I Liabilities .....          | \$417,132.23        |
| Quarterly Liabilities .....              | \$12,896.75         |
| <b>Total EFT &amp; Other Liabilities</b> | <b>\$430,028.98</b> |

### Approval of Claims – February 7, 2023

|                      |              |         |              |                      |                |
|----------------------|--------------|---------|--------------|----------------------|----------------|
| Manual Warrants No.  | =            | through | =            |                      | \$-            |
| EFT Payment Pre-Pays |              |         |              |                      | \$-            |
|                      |              |         |              | Sub Total Pre-Pays   | \$0.00         |
| Voucher Warrants No. | <u>26667</u> | through | <u>26792</u> |                      | \$1,315,532.19 |
| EFT Payments         |              |         |              |                      | \$230,687.65   |
|                      |              |         |              | Sub Total            | \$1,546,219.84 |
|                      |              |         |              | Total Accts. Payable | \$1,546,219.84 |

#### Agreement with Lynden Youth Sports

This agreement allows for the use of staff time in working with Lynden Youth Sports. Staff provides support for developing game schedules and coordinating the use of city fields and facilities.

#### Approval of the Dell Vectra A.I. Contract

Vectra AI is a cybersecurity technology that uses artificial intelligence and machine learning to detect and respond to cyber attacks in real time. It can identify and prioritize the most critical threats, ensuring that our city's limited resources are focused on the most pressing issues.

By implementing Vectra AI, the city will be able to detect and respond to cyber threats before they can cause damage. This will not only protect our city's sensitive information,

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but also prevent downtime and data breaches. Additionally, the technology works with our existing systems, which will minimize the setup and configuration to integrate without existing city infrastructure.

There are other cybersecurity technologies available in the market, and we have evaluated them in terms of the effectiveness, ease of use and pricing, and Vectra AI came out as the most suitable solution for the city's needs.

The lease term is for three years, and the city will own the hardware at the end of the term.

### Reappointment of Historic Preservation Commission members

The Lynden Historic Preservation Commission (LHPC) terms for Denny DeMeyer, Patricia Leach and Troy Luginbill have recently expired. However, all have expressed a willingness to serve another term. These three members were appointed to the original LHPC in 2016 and have contributed valuable architectural and historical expertise to the Commission as Lynden's historic preservation program was becoming established. Their value continues.

Appointments to the LHPC are made by the Mayor and confirmed by the City Council. It is the Mayor's recommendation that Denny DeMeyer, Patricia Leach and Troy Luginbill be re-appointed to another three-year term.

### Set Public Hearing to consider taking final action to authorize commencement of eminent domain proceedings (March 6, 2023)

***Motion made by Councilor De Valois seconded by Councilor Kuiken to approve the consent agenda as presented. Motion approved 7-0.***

## 3. PUBLIC HEARING

### Termination of Skyview Development Agreement

On August 2nd, 2021, the City Council approved a development agreement with HALO Holdings, LLC and TMI Holdings, LLC, a group developing Skyview Townhomes, a multi-family project located east of Northwood Road with the northern edge Badger Road frontage.

The agreement outlined the developer obligations and timeline for a mixed-use portion of the Skyview Townhome project located on commercially zoned (CSL) property. The

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agreement allowed the residential portion of the mixed-use development to proceed prior to the establishment of a commercial use with a portion of commercially zoned property reserved to accommodate the commercial component at a later date. More recently, with the support of the landowners, a city-led Comprehensive Plan Amendment (CPA 22-01) and rezone shifted this commercially zoned parcel to a residential use with an RM-3 zoning assignment. This became effective January 1, 2023, and has made the 2021 agreement unnecessary.

Mayor Korthuis opened the public hearing at 7:08. There were not comments. Mayor Korthuis closed the public hearing at 7:08.

***Motion made by Councilor Lenssen seconded by Councilor Strengholt to approve the termination of the Skyview Development Agreement and authorize the Mayor's signature on the document. Motion approved 7-0.***

### Mountain Summit Ventures Development Agreement

Although advertised to occur at this meeting, staff is requesting a delay of this public hearing to a later date. The entity of Mountain Summit Ventures, LLC has been working with City staff and legal counsel to draft a development agreement which would secure a portion of the right-of-way for the future construction of Pepin Parkway as it connects to Sunrise Drive. However, at this time the group is not yet prepared to bring the development agreement to public hearing as additional aspect of development are being considered. No future date for this hearing has been established and, as such, it will be appropriately advertised when a date is set.

Mayor Korthuis opened the public hearing at 7:10. There were not comments. Mayor Korthuis closed the public hearing at 7:10.

***Motion made by Councilor Lenssen seconded by Councilor Bode to delay the public hearing for the Mountain Summit Ventures Development Agreement with appropriate notification of the new date and time of the hearing when it is established. Motion approved 7-0.***

## 4. UNFINISHED BUSINESS - None



## 5. NEW BUSINESS

### Res-23-1061 Approving Use of Stormwater Financial Assistance Program Grant

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 9<sup>th</sup> Street from Judson Street to Front Street and the adjacent midblock east-west alleys. This is the second phase of planned street and stormwater improvements in the Judson area bounded by 7<sup>th</sup> and 10<sup>th</sup> Streets on the east and west, and Front Street to the north.

Included in this funding package is a grant in the amount of \$537,991.00 and a loan in the amount of \$179,330 (including \$44,832.00 forgivable principal) with terms of 20 years and a 0.8% interest rate plus 0.3% administrative charge. Staff is planning 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 February 8, 2023, Public Works Committee meeting.

***Councilor Bode moved, and Councilor Strengholt seconded to approve Resolution No. 23-1061, Approving City Use of Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund Loan for Judson Area Stormwater Low Impact Development- Phase 2 and authorize the Mayor's signature on the applicable agreement with the Department of Ecology. Motion approved on 7-0 vote.***

### Accept Public Works Trust Fund Loan for Pine Street Bridge

Staff has applied for and received approval for a Public Works Trust Fund loan in the amount of \$5.5 Million for the Pine Street Bridge over Pepin Creek project. The term of the loan is 20 years with a 1.39% interest rate. Staff is recommending using the following funds for repayment: TBD, Traffic Impact Fees, General Fund/Street Fund, and utility funds (for the utility improvements only).

The Pine Street Bridge over Pepin Creek project will include the construction of a new 80-foot-long by 58-foot-wide span over Pine Street. This bridge/box culvert will allow for the future diversion of the two ditches of Pepin Creek away from Double Ditch Road into a single wider channel. The Pepin Creek channel under the bridge will be extended from about 1,000 feet north of Pine Street south to match the channel currently being constructed with the new bridge at Main Street. The new bridge and creek channel are designed to accommodate the 100-year flood and provide greater habitat value for fish than the current undersized ditches along Double Ditch Road.

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The Public Works Committee discussed this at their February 8, 2023, meeting and concurred to recommended approval by City Council. The Finance Committee will review on February 21, 2023 at their committee meeting.

***Councilor Bode moved, and Councilor De Valois seconded to accept the Public Works Trust Fund on the amount of \$5,500,000.00 to fund the Pine Street Bridge over Pepin Creek project and authorize the Mayor's signature on the agreement. Motion approved on 7-0 vote.***

### Request to Petition for Weg Annexation

Property owners Rick and Carol Weg have submitted a request to petition for the annexation of their property which lies within the City's Pepin Creek Sub-Area with a current address of 8634 Double Ditch Road. Rick and Carol Weg are the sole owners of the subject property which is approximately forty-five acres.

This parcel is contiguous and adjacent to incorporated portions of the City of Lynden including the recently annexed Benson Park property.

In the next stage of the annexation process, the owners will submit signatures on a petition indicating support of annexation and an application to annex. This application will be reviewed by the Technical Review Committee, the Planning Commission, and the Boundary Review Board before returning to the City Council for a final decision. The Weg property is associated with infrastructure of the Pepin Lite plan. It also represents the capacity for approximately 200-225 new housing units as, per the sub-area plan, it would join the city with a Residential Mixed Density zoning assignment.

***Councilor Lenssen moved, and Councilor Strengholt seconded to approve the request to petition for the annexation of the Rick and Carol Weg property. Motion approved on 7-0 vote.***

## 6. OTHER BUSINESS

Councilor Bode reporting for the Public Works Committee involving discussion of:

- Ecology funding for Judson Street and (8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup>).
- Design phase with E Cedar Street.
- Fire Department will conduct a practice burn on the house on Benson and Sunrise.
- W Front Street reconstruction.
- Near future paving projects on city streets.
- Airport tree trimming arrangement.
- Duffner mobile home park- adding a few more spaces.

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Councilor Lenssen reporting for Public Safety Committee involving discussion of:

- ORV discussion to continue at March public safety committee.
- Civil service rule change for creation of an ongoing hiring list for interviewing of candidates as they present themselves.

Councilor Strengholt reporting for Finance Committee involving discussion of:

- Review payroll and claims.
- Review of sales tax revenue remains strong but lowest in the last six months.
- Briefed by IT staff for Dell Vectra AI 3-year contract.
- PW trust fund for Pine Street bridge.
- Review PW request for seasonal labor to replace water meters, due to water loss.
- Reviewed monthly financial report.
- Consider commercial loan to move the interfund loan with what was used to pay for fire station due to current interest rates.

Councilor De Valois reporting for Parks Committee involving discussion of:

- City's agreement with Lynden Youth Sports (LYS).
- Benson barn and the necessary upgrades.
- Benson Park masterplan.
- Schoolyard Park fencing and backstop materials have been sold.
- Gate at Berthusen Park.
- Trail from Depot to 8<sup>th</sup> Street is progressing.

### 7. EXECUTIVE SESSION

Council recessed into executive session at 7:34 p.m. to discuss with legal counsel representing the city, a matter related to potential litigation, under RCW 42.30.110(1)(i). Council expected to return from executive session at 7:44 p.m. without a decision. Council reconvened at 7:44 p.m.

### 8. ADJOURNMENT

The February 21, 2023, regular session of the Lynden City Council adjourned at 7:44 p.m.

  
Pamela D. Brown, City Clerk

  
Scott Korthuis, Mayor