

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



March 4, 2019

### 1. CALL TO ORDER

Mayor Korthuis called to order the March 4, 2019 regular session of the Lynden City Council at 7:00 p.m. at the Lynden City Hall Annex.

### ROLL CALL

Members present: Mayor Scott Korthuis and Councilors Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, Kyle Strengtholt, and Mark Wohlrab.

Members absent: Councilor Laninga absent with notice.

Staff present: Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Police Chief John Billester, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin and City Attorney Bob Carmichael.

**OATH OF OFFICE** - None

### APPROVAL OF MINUTES

*Councilor Wohlrab moved and Councilor De Valois seconded that the minutes of February 19, 2019 be approved as presented. Motion approved on a 6-0 vote.*

Mayor Korthuis took a moment to recognize and congratulate the basketball teams from Lynden Christian and Lynden High School for their participation in the State finals. The Lynden Christian boys team placed 4<sup>th</sup>, Lynden Christian girls team placed 2<sup>nd</sup>, the Lynden High School girls placed 4<sup>th</sup> and the Lynden High School boys team placed 1<sup>st</sup>. Mayor Korthuis stated that each of the teams represent the community very well.

### ITEMS FROM THE AUDIENCE

**Scheduled:** None

**Nonscheduled:**

Dick Vandenberg, 983 VanDyk Road, Lynden

Mr. Vandenberg read a letter that he submitted to council members regarding a latecomer's agreement. Mr. Vandenberg is petitioning Council to direct City staff to collect latecomers from Barga Properties LLC. The letter making the request has been made a part of the official council file.

Mayor Korthuis stated that council will take Mr. Vandenberg's request under advisement and get back with Mr. Vandenberg.

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Harlan Kredit, 707 Birch Street, Lynden

Mr. Kredit thanked the council members for their edits and comments to the letter he is submitting regarding the Glenning School Yard property proposal. He has been able to obtain signatures from most of the committee members and the original letter is submitted to the council file. Mr. Kredit stated that the Glenning School Yard Committee members have agreed to endorse and support the upcoming Lynden Parks and Recreation Bond that will be placed on the ballot sometime in 2019. Mr. Kredit stated that he and the Committee believe the preservation of this property are in the best interest of the community and the city.

The following people also spoke in support of the Glenning Schoolyard Proposal:

Jeffrey Jansen, 2833 Leeward Way, Bellingham  
Ken Stremmler, 401 S. BC Avenue, Lynden  
Chuck Robinson, 173 Rosemary Way, Lynden  
Bob Libolt, 125 Rosemary Way, Lynden  
David, Vis, 719 Edson Street, Lynden

Mayor Korthuis took a moment to outline the Glenning School Yard Committee's proposal which will go before the Council in executive session at this meeting:

- Purchase the property for 1.45 million dollars.
- Glenning School Yard Committee contributes the funds already raised of \$400,000 with a commitment to raise an additional \$600,000.
- City will receive \$200,000 proceeds from the Park and Rec Bond and also contribute \$200,000 from city funds.
- The commitments will be fulfilled over the next one and half years but the purchase of the property from the Lynden School District must happen sooner, rather than later.

## 2. CONSENT AGENDA

### Approval of Payroll Disbursed – February 16-28, 2019

Paychex EFT .....	\$251,323.16
City of Lynden EFT .....	\$57,859.19
Warrant Liability .....	\$56,737.60
	<b>\$365,919.95</b>

### Approval of Claims – March 7, 2019

Manual Warrants No. <u>72580</u> through <u>72582</u>	\$10,691.15
EFT Payment Pre-Pays	\$0.00
Sub Total Pre-Pays	\$10,691.15
Voucher Warrants No. <u>72583</u> through <u>72609</u>	\$122,868.22
EFT Payments	0.00
Sub Total	\$122,868.22
Total Accts. Payable	<b>\$133,559.37</b>



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### Re-appointment of Historic Preservation Commissioners

The Lynden Historic Preservation Commission (LHPC) terms for Mark Bratt and Denny DeMeyer expired on December 31, 2018, however, both have expressed a willingness to serve another term. Both Mark and Denny 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.

Appointments to the LHPC are made by the Mayor and confirmed by the City Council. It is the Mayor's recommendation that both Mark Bratt and Denny DeMeyer be re-appointed to another three-year term.

***Councilor Bode moved and Councilor Strengholt seconded to approve the Consent Agenda. Motion approved on 6-0 vote.***

Mayor Korthuis thanked Mark Bratt and Denny DeMeyer for their past service and their willingness to remain on the Lynden Historic Preservation Commission.

### **3. PUBLIC HEARING**

#### Ordinance No. 1574, Pepin Creek Zoning Amendment

The planning of the Pepin Creek Sub-area represents a significant multi-step project. One aspect of the project is to create zoning categories and overlays which take into account the City's growth priorities, housing density goals, infrastructure requirements, and community character. The proposed zoning text amendments will come forward to the City Council in three separate ordinances.

Ordinance 1574 proposes amendments within the three land development chapters which accommodate the proposed code and promote consistency throughout zoning categories. Notably, it also provides a city-wide update to the methodology for measuring building setbacks. Currently the City measures setbacks to the farthest extent of the building (usually the eave). This update will dictate that, beginning April 1, 2019, setbacks be measured to foundations as is the industry standard.

The current proposals come forward after careful review that has included public survey results, input from local real estate agents and builders, detailed work sessions with the Planning Commission and Community Development Committee.

On January 24, 2019 the Planning Commission held a public hearing and recommended approval of the amendments described in Ordinance 1574, 1575, and 1576.

It should be noted that while these ordinances create the zoning categories they do not assign them to properties within the sub-area. These assignments will be subsequently adopted through the sub-area plan later this year. A draft of this plan was released on September 12, 2018 and is available on the City's website.

At this time staff would like to request that the City Council consider and approve these amendments to Chapters 17, 18, and 19 of the land development code for the accommodation of the Pepin Creek Sub-area.

Mayor Korthuis opened the Public Hearing at 7:27 p.m.

There were no comments.

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Mayor Korthuis closed the Public Hearing at 7:27 p.m.

***Councilor Lenssen moved and Councilor De Valois seconded to approve Ordinance 1574 which amends Chapters 17, 18, and 19 of the Lynden Municipal Code to accommodate the addition of the Pepin Creek Sub-area zoning categories and overlays and authorize the Mayor's signature on the document. Motion approved on 6-0 vote.***

### Ordinance No. 1575, Pepin Creek Subarea

Ordinance 1575 addresses the Pepin Creek Sub-area specifically by describing the permitted uses within the subarea, establishing the zoning category of Residential Multi-family-Pepin Creek (RM-PC), and the zoning overlays of Senior Housing Overlay and a Neighborhood Commercial Overlay.

At this time staff would like to request that the City Council consider and approve this amendment to Chapter 19 of the land development code for the accommodation of the Pepin Creek Sub-area.

Mayor Korthuis opened the Public Hearing at 7:28 p.m.

There were no comments.

Mayor Korthuis closed the Public Hearing at 7:28 p.m.

***Councilor Lenssen moved and Councilor Strengtholt seconded to approve Motion to approve 1575 which amends Chapter 19 of the Lynden Municipal Code to add the Pepin Creek Sub-area zoning categories and overlays and authorize the Mayor's signature on the document. Motion approved on 6-0 vote.***

### Ordinance No. 1576, Residential Mixed Density (RMD)

The planning of the Pepin Creek Sub-area represents a significant multi-step project. One aspect of the project is to create zoning categories and overlays which consider the City's growth priorities, housing density goals, infrastructure requirements, and community character.

The current proposals come forward after careful review that has included public survey results, input from local real estate agents and builders, detailed work sessions with the Planning Commission and Community Development Committee.

It should be noted that while these ordinances create the zoning categories they do not assign them to properties within the sub-area. These assignments will be subsequently adopted through the sub-area plan later this year. A draft of this plan was released on September 12, 2018 and is available on the City's website.

At this time staff would like to request that the City Council consider and approve this amendment to Chapter 19 of the land development code revising the Residential Mixed Density zoning category city-wide and for the accommodation of the Pepin Creek Sub-area.

Mayor Korthuis opened the Public Hearing at 7:30 p.m.

There were no comments.



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Mayor Korthuis closed the Public Hearing at 7:30 p.m.

***Councilor Lenssen moved and Councilor Strengtholt seconded to approve Ordinance 1576 which amends Chapter 19.16 of the Lynden Municipal Code to revise the standards associated with the Residential Mixed Density (RMD) zoning category city-wide and in anticipation of the development of the Pepin Creek Sub-area. Motion approved on 6-0 vote.***

### Ordinance No. 1577, Pepin Creek Moratorium Extension

In December of 2018 the City Council voted to amend the Comprehensive Plan and establish the Pepin Creek Sub-area. Next month the City Council will consider the adoption of zoning categories created for the sub-area.

Later this spring the Sub-area plan, originally released on September 12, 2018, will go to a public hearing before the Planning Commission and City Council. The plan designates zoning categories within the sub-area, addresses known flood hazards and constraints, and presents financial analysis on development in the area.

The subarea plan does not determine the full benefit area of flood protection that the Pepin Creek channel project provides. Nor does it determine the proportionate share of the project that properties within the subarea must contribute. These elements are linked specifically to channel design and both must be determined prior to permitting development in the subarea. Critical to this point, the engineering design team has been exploring alternative channel designs which may decrease the cost of construction and risk. These efforts of determining final channel design and proportionate share are expected to require the duration of the next 6 months.

As these final elements are defined and executed, City staff recommends that the moratorium on construction and development within the Pepin Creek area be continued an additional 6 months from the current date of expiration of March 9, 2019.

City staff would like to request that the City Council consider and approve Ordinance 1577 regarding the extension of the Pepin Creek Moratorium.

Mayor Korthuis opened the Public Hearing at 7:32 p.m.

Kathy Stanford, 1322 Birch Bay Lynden Road, Lynden spoke in opposition of the ordinance. She asked council to be reminded that Lynden has a serious need of affordable housing.

Mayor Korthuis closed the Public Hearing at 7:35 p.m.

***Councilor Lenssen moved and Councilor Strengtholt seconded to approve Ordinance 1577 extending the existing moratorium of development on those properties previously identified within the Pepin Creek Sub-area for an additional six months. Motion approved on 6-0 vote.***

#### 4. UNFINISHED BUSINESS- None

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### 5. NEW BUSINESS

#### Resolution No. 995-Authorizing Benefits to Elected Officials

The City offers two plans for health insurance benefits to City employees through the Association of Washington Cities (AWC) Benefit Trust. Under the Trust guidelines, elected officials may also have access to these plans if they meet certain criteria established by the Trust's Board of Trustees. The attached resolution, if approved, will do a few things:

- 1) Allow the Mayor to purchase health insurance through the AWC Trust.
- 2) Allow Councilmembers to purchase health insurance through the AWC Trust, provided 50% of all elected officials enroll in one of the two plans.

Elected officials will only have access to plans currently offered to City employees. All health insurance premiums would be paid by the elected official.

***Councilor Kuiken moved and Councilor Strengholt seconded to approve Resolution 995 authorizing elected officials to enroll in the health insurance plans offered to City Employees. Motion approved on 6-0 vote.***

### 6. OTHER BUSINESS

#### Council Committee Updates

Councilor Lenssen reporting for the Community Development Committee, involving the discussion of:

- Changes to Lynden's design requirements, LMC Chapter 19.
- Pepin Creek consulting fees and how they can be funded.
- Councilor Strengholt added that street trees were also discussed.

### 7. EXECUTIVE SESSION

Council recessed into executive session at 7:45 p.m. to discuss a potential litigation matter and also a potential acquisition of real estate. It was anticipated that the executive session would last approximately 20 minutes total and that a decision would be made.

The Council meeting reconvened at 8:05 p.m.

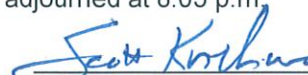
***Councilor De Valois moved and Councilor Strengholt seconded to direct the Mayor to negotiate a purchase and sale agreement, along the lines of the March 4, 2019 letter from Harlan Kredit, with the Lynden School District and to come back to Council with a proposal. Motion approved on 6-0 vote.***

### 8. ADJOURNMENT

The March 4, 2019 regular session of the Lynden City Council adjourned at 8:05 p.m.



Pamela D. Brown, City Clerk



Scott Korthuis, Mayor