

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



August 16, 2021

### 1. CALL TO ORDER

Mayor Korthuis called to order the August 16, 2021, regular session of the Lynden City Council at 7:00 p.m., held at the City Annex.

### ROLL CALL

Members present: Mayor Scott Korthuis and Councilors, Gary Bode, Ron De Valois, Jerry Kuiken, Nick Laninga, Kyle Strengtholt, and Mark Wohlrab.

Members absent: Councilor Lenssen absent with notice.

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Parks Director Vern Meenderinck, 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

### APPROVAL OF MINUTES

***Councilor De Valois moved and Councilor Wohlrab seconded to approve the August 2, 2021, regular council minutes as presented. Motion approved on a 6-0 vote.***

### ITEMS FROM THE AUDIENCE

#### Scheduled- None

#### Unscheduled

Danielle Groeneweg, 8802 Northwood Road, Lynden

Ongoing struggle in Lynden with parents and the Lynden School board pertaining to Governor Inslee's mandate that children must wear masks while at school for this upcoming school year. She estimated that there are approximately 1,300 parents that are opposed to enforcing masks in school. Ms. Groeneweg stated that we live in a free country and that everyone should be able to make the choice whether or not to wear a mask. She also stated that she has hundreds of scientific articles to support the fact that children are least likely to spread or contract COVID.

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She also stated that she is not asking that masks be banned but that everyone just have a choice.

***Mayor Korthuis stated his belief that mostly the members of the city council generally agree with her. Unfortunately, public health is not within the council's constitutional arena; therefore, they are unable to make those kinds of decisions. He did encourage Ms. Groeneweg to continue working with the Lynden School board while also putting pressure on state legislators and the governor.***

***Council Bode commended everyone involved and encouraged everyone to continue to advocate for their children.***

## 2. CONSENT AGENDA

### Payroll Liability to August 1 through August 15, 2021

#### EFT & Other Liabilities

##### Non-L&I Liabilities

|                                 |              |
|---------------------------------|--------------|
| Monthly EFT .....               | \$383,915.25 |
| Check Liability .....           | \$12,765.54  |
| Total Non-L&I Liabilities ..... | \$396,680.79 |
| Quarterly Liabilities .....     | \$11,896.39  |

|                                          |                     |
|------------------------------------------|---------------------|
| <b>Total EFT &amp; Other Liabilities</b> | <b>\$408,577.18</b> |
|------------------------------------------|---------------------|

### Approval of Claims – August 17, 2021

|                      |              |         |              |                      |                       |
|----------------------|--------------|---------|--------------|----------------------|-----------------------|
| Manual Warrants No.  | =            | through | =            |                      | \$0.00                |
| EFT Payment Pre-Pays |              |         |              |                      | \$163,740.21          |
|                      |              |         |              | Sub Total Pre-Pays   | \$163,740.21          |
| Voucher Warrants No. | <u>22631</u> | through | <u>22756</u> |                      | \$960,734.75          |
| EFT Payments         |              |         |              |                      | \$0.000               |
|                      |              |         |              | Sub Total            | \$960,734.75          |
|                      |              |         |              | Total Accts. Payable | <b>\$1,124,474.96</b> |

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



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### 3. PUBLIC HEARING

#### Continuation of the Public Hearing to Amend LMC Titles 16 and 19 regarding SEPA thresholds and Minimum Density- Ordinance No. 1627

On June 7, 2021, the City Council held a hearing to take comment and review proposed amendments to LMC 16 and 19. The primary objectives of the amendment are to:  
Lowers the SEPA threshold within the Pepin Creek Sub-Area.

- Specifically references the Pepin Creek Sub-Area Plan in LMC 16.05.160.
- Implements a minimum density requirement for new development within the Pepin Creek Sub-Area.
- Deletes a code section to a Senior Overlay as this was not adopted in the Sub-area Plan

The Council tabled this decision for additional research into the minimum density issues and subsequently the Community Development Committee met on June 16 and July 21 with landowners and staff to discuss implications of the code and potential revisions.

Staff worked with legal counsel to revise as requested. The resulting code now includes the following:

- Clarifies the definitions of net and gross density.
- Includes a "farmstead exemption" which allows existing homes in the Pepin Subarea to remain on parcels of up to 5 acres in size without being counted toward the minimum density calculation. Minimum density would be applied to new parcels only.

The intent of the ordinance is to ensure that new development within the Pepin Creek Subarea is reviewed and assessed for impacts with the goal of recouping costs associated with infrastructure improvement in this area.

The Planning Commission held a public hearing on this item on March 25, 2021, which concluded with a recommendation for approval. Staff, also recommending approval, is bringing this item forward as Ordinance No. 1627.

Mayor Korthuis opened the Public Hearing at 7:09 p.m.

No public comment.

Mayor Korthuis closed the Public Hearing at 7:09 p.m.

***Councilor Bode moved and Councilor Strengholt seconded to approve Ordinance No. 1627 and authorize the Mayor's signature on the document to amend LMC 16 and 19 which implements changes to SEPA authority, SEPA thresholds, and minimum density requirements within the Pepin Creek Sub-Area. Motion approved on a 6-0 vote.***

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### Ordinance No. 1632- Amending the Comprehensive Plan and Pepin Subarea Plan

The implementation of Pepin Lite has been summarized to include 13 infrastructure projects. Nine of the projects directly serve the development within the Pepin Creek Sub-Area. Another 4 projects are identified as providing benefit to existing neighborhoods or the general community.

Steps have been taken through Ordinances No. 1631 and No. 1627 to fairly allocate the costs associated with Pepin Lite. The amendment to portions of the City's Comprehensive Plan, including the Pepin Creek Subarea Plan and Transportation Element, reflects the transportation system improvement projects associated with the Pepin Lite plan. Amending the Comprehensive Plan as well as the development code (see Ordinance No. 1627) assures alignment among the City's documents and standards.

On June 10, 2021, the Planning Commission held a public hearing on the item. The Commission concluded the hearing and review with a recommendation to approve the Amendment. The amendment was also sent to the Department Commerce (DOC) for review. The allotted 60-day comment period has closed without comment from the DOC. As this is a legislative item, a second public hearing is scheduled here tonight before the City Council to accept public testimony on the item.

Mayor Korthuis opened the Public Hearing at 7:12 p.m.  
No public comment.  
Mayor Korthuis closed the Public Hearing at 7:12 p.m.

***Councilor Bode moved and Councilor Laninga seconded to approve Ordinance No. 1632, amending the City's Comprehensive Plat to accommodate the Pepin Lite transportation system improvement plan. Motion approved on a 6-0 vote.***

### Ordinance No. 1631 Updating Transportation Impact Fees (TIF)

On March 1, 2021, the City Council adopted a Resolution of Intent (Reso 1031) which outlines the path forward to lifting the moratorium on the Pepin Creek Sub-Area and implementing the infrastructure associated with the Pepin Lite Plan. The mechanism that showed the most merit is the use of Transportation Impact Fees (TIF) administered in the form of a SEPA mitigation fee or adopted as a TIF overlay.

City staff has engaged with our consultant Transpo to revise the City's TIF project list to include the 13 infrastructure projects identified in Pepin Lite include creek and reflect the associated funding sources. Transpo has also adjusted their City-wide trip analysis to reflect the growth



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that will occur in Pepin Creek as laid out in the Pepin Creek Subarea. This is the addition of approximately 1550 housing units over the next 15 years.

Revisions to the TIF will also remove what is known as the West Lynden discount. This has been a 50% discount in transportation and park impact fees for specific areas west of the Guide Meridian based on Council Resolution 709. It was established in 2005 with the understanding that outside funding sources would subsidize the remaining half of the impact fees. Outside support for roadway projects has since declined and the City has been unable to secure the expected funding.

The Community Development Committee discussed the removal of the discount at an April meeting and asked that staff draft Council action which would remove the fee beginning in January 2022. To summarize, Ordinance No. 1632 proposes to:

1. Implement a TIF Overlay on the Pepin Creek Sub-area which will enable the City to collect a fee of \$17,328 per trip specifically to fund projects within the Pepin Subarea. This is proposed to be effective immediately upon approval.
2. Increase the City-wide TIF from \$2,111 per trip to \$2,168 per trip. Effective Jan. 1, 2022.
3. Remove the west Lynden 50% discount of transportation and park impact fees. Effective Jan. 1, 2022.

Mayor Korthuis opened the Public Hearing at 7:16 p.m.

No public comment.

Mayor Korthuis closed the Public Hearing at 7:16 p.m.

***Councilor Bode moved and Councilor De Valois seconded to approve Ordinance No. 1631 and authorize the Mayor's signature to amend the City's Transportation Impact Fees (TIF), establish a Pepin Creek Sub-Area TIF Overlay, and rescind the west Lynden TIF and park impact fee discounts. Motion approved on a 6-0 vote.***

#### 4. UNFINISHED BUSINESS- None

#### 5. NEW BUSINESS - None

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### 6. OTHER BUSINESS

#### Council Committee Updates

Councilor Bode reporting for the Public Works Committee stated discussion of the following:

- Siding the Forge Fitness building
- POGO Zone Franchise
- Sidewalk obstruction ordinance revision
- Parking arrangements at the old telephone building
- Darigold expansion of their treatment processes, redesign, and capacity

Councilor Strengholt reporting for the Finance Committee stated discussion of the following:

- Payroll and Claims
- OT hours by Fire and Police
- Sales tax revenue remains strong
- Benefits to the city when residents shop local and online

### 7. EXECUTIVE SESSION

Council did not hold an executive session.

### 8. ADJOURNMENT

The August 16, 2021, regular session of the Lynden City Council adjourned at 7:28 p.m.

A handwritten signature in blue ink that reads "Pamela D. Brown".

Pam Brown, MMC  
City Clerk

A handwritten signature in blue ink that reads "Scott Korthuis".

Scott Korthuis  
Mayor