

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



April 4, 2022

1. CALL TO ORDER

Mayor Korthuis called to order the April 4, 2022 regular session of the Lynden City Council at 7:00 p.m. at the city's council chambers. This was an in-person meeting with the option to call in via telephone.

ROLL CALL

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

Members absent: Councilor Laninga

Staff present: Parks Director Brent DeRuyter, Planning Director Heidi Gudde, Police Chief Steve Taylor, Public Works Director Steve Banham, City Administrator John Williams, and Office Manager Heather Sytsma.

OATH OF OFFICE- None

APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Wohlrab seconded to approve the March 21, 2022, regular council meeting minutes as presented. Motion approved on a 6-0 vote.

ITEMS FROM THE AUDIENCE

Unscheduled:

20th Anniversary Certificate

Public Works Director Banham presented Office Manager Heather Sytsma with a certificate of appreciation for 20 years of service to the City of Lynden.

Scheduled:

Legislative Update: Representative Rule

Representative Rule provided council will an update on the legislative session and addressed the following:

- Secured \$3 million for Bradley Road.

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- Secured \$300,000 for the Jim Kaemingk Trail Extension.
- Funding for nurses and mental health professionals in schools.
- Funding for outdoor recreation.
- Funding for public safety / law enforcement bill.
- 32-bed inpatient mental health facility in Bellingham.
- Down payment on detox center on Lummi Nation.
- Money for farmers to clean up manure.
- Small business owners tax break for those earning less than \$100,000 and tech support for them as well.
- Continuing to address the housing challenge.

Council thanked Representative Rule for her assistance during this past session.

2. CONSENT AGENDA

Council Confirmation of Directors

LMC 2.05.010 (B) Such officers shall be appointed by the mayor, subject to confirmation by the city council.

Councilor Kuiken moved, and Councilor Bode seconded to confirm HR Director Kari Heeringa and Parks Director Brent DeRuyter with a 6-0 vote.

3. PUBLIC HEARING

Appeal of Dangerous Dog Determination

LMC 6.09.040 authorizes the Lynden police chief to find and declare a dog to be potentially dangerous if there is "probable cause to believe that the animal falls within the respective definitions."

City Attorney Carmichael briefed the Council on the rules for this Public Hearing, as it is an open record Public Hearing. Any written material submitted by the affected parties must be considered when making this decision, in addition to any materials included in the Council packet.

Mayor Korthuis opened the Public Hearing at 7:31 p.m.

Katie Wheeler, 860 S. Pine St., Lynden, addressed the Council.

Police Chief Steve Taylor addressed the Council.

Lailani Perkins, 2229 Littlefield Lane #A, Lynden, addressed the Council.

David Haworth, 812 Pine Ct., Lynden, addressed the Council.

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Mayor Korthuis closed the Public Hearing at 7:56 p.m.

Councilor Bode moved, and Councilor Strengholt seconded to affirm the police chief's declaration with a 5-0 vote. Councilor Wohlrab abstained.

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Kamm Creek Planned Residential Development Agreement and CCRs

Lynden Municipal Code 19.29 related to the approval of Planned Residential Developments (PRD) calls for the review of the final PRD agreement and Covenants, Conditions, and Restrictions (CCRs) by the City's Planning Commission and City Council. Review is intended to ensure consistency with the details of the approved PRD.

The Kamm Creek PRD is a 40-lot development on a 20-acres located on the west side of Northwood Road. The property is unique in that it is significantly impacted by critical areas and floodplain. The proposal includes a blend of lot sizes with about fifteen lots in the 5,000 to 6,000 sf range and most of the remaining lots over 7,800 sf in size. Lots are clustered into two groups with wetlands and open areas dividing the development. Pedestrian movement is facilitated through the site with sidewalks and walking paths including a path bordering Northwood Road.

The PRD was approved by City Council on December 8, 2020. Subsequent, revised findings were approved by Council on September 7, 2021. The resulting revised Findings of Fact and Conclusions of Law are included as an attachment. The staff and City's legal counsel have reviewed the agreement and CCR documents. The Planning Commission also reviewed documents and met on March 24th to discuss. This meeting concluded with a recommendation for approval.

Councilor Lenssen moved, and Councilor Strengholt seconded to approve, as presented, the Development Agreement as well as the corresponding Covenants, Conditions and Restrictions for the Kamm Creek Planned Residential Development and authorize the mayor's signature on the agreement. Motion approved on a 6-0 vote.

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6. OTHER BUSINESS

Nooksack Valley Disposal 39th Annual Spring Clean Up – April 16, 9 a.m. to 12 pm

Councilor De Valois reporting for the Parks Committee:

- Initial Park charette with Dave Christensen occurred February 24, 2022.
- Waiting for feedback from wood scientist and engineering before moving forward with Benson Park.
- Footbridge installed at Dickinson Park and has been well received.
- Depot to 8th Street Trail construction will start in July.
- Cemetery cannon was approved by City Council on Monday, March 21, 2022.
- The Park and Trail advisory Committee will not disband, and community input is needed per the development of Glenning, Benson and Dickinson Park and future parks, and will meet quarterly.
- Per the Public Works Director, the road will be located south of Benson Park, with a 50-foot easement onto the park.
- A Homeless Camping Ordinance is being explored.

7. EXECUTIVE SESSION

Council recessed into executive session at 8:30 p.m. to discuss two items: a property sale and a right-of-way and utility easement acquisition. It was anticipated that the executive session would last approximately 20 minutes total and that a decision would be made.

At the conclusion of the executive session, Council convened into a closed-door session to discuss a labor agreement with Fraternal Order of Police Support Staff. It was anticipated that the executive session would last approximately 10 minutes and that a decision would be made.

The Council meeting reconvened at 8:45 p.m.

Councilor Bode moved and Councilor De Valois seconded that Council authorize the mayor to finalize and sign the Demolition and Property Transfer Agreement with Mike Engels for 1625 Main Street. Motion approved on a 6-0 vote.

Councilor Bode moved and Councilor De Valois seconded that Council authorize the mayor to sign a Reimbursement and Dedication Agreement with J.D. Barga

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for right-of-way and utility easements abutting west Front Street to be used in the reconstruction of that street by the City of Lynden. Motion approved on a 6-0 vote.

Councilor Bode moved and Councilor De Valois seconded that Council authorize the mayor to sign a Right-of-Way Grant with Juan Baldovinos for right-of-way and utility easements abutting west Front Street to be used in the reconstruction of that street by the City of Lynden. Motion approved on a 6-0 vote.

Councilor Wohlrab moved, and Councilor Kuiken seconded that Council authorize the mayor to sign the Collective Bargaining Agreement discussed in the closed-door session between the City of Lynden and Fraternal Order of Police – Public Safety Support Staff. Motion approved on a 6-0 vote.

8. ADJOURNMENT

The April 4, 2022, regular session of the Lynden City Council adjourned at 8:50 p.m.


Heather Sytsma
Acting City Clerk


Scott Korthuis
Mayor