

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



August 19, 2024

1. CALL TO ORDER

Mayor Korthuis called to order the August 19, 2024 regular session of the Lynden City Council at 7:00 p.m. in the city council chambers.

PLEDGE OF ALLEGIENCE

ROLL CALL

Members present: Councilors Gary Bode, Lee Beld, Gary Vis, Brent Lenssen, Nick Laninga, Kyle Strengtholt and Mark Wohlrab.

Members absent: None.

Staff present: Community Development Director Heidi Gudde, Finance Director Laura Scholl, Police Chief Steve Taylor, Public Works Director Jon Hutchings, City Clerk Pam Brown and City Attorney Bob Carmichael.

OATH OF OFFICE

Mayor administered the oath of office to newly promoted Corporals, officer Tanner Holland and officer Alex Pluschakov.

5. NEW BUSINESS – Item addressed out of agenda order.

Agreement for Professional Services – Lynden Municipal Court Judge

Judge Lewis announced his retirement for the end of August 2024. Subsequently, the city posted a request for qualifications to seek qualified applicants to serve as the municipal court judge. The Mayor and City Administrator conducted interviews of candidates; Court staff also engaged with finalists to discuss roles and responsibilities. At the conclusion of the process William Wisdom was selected to serve the remainder of the term for municipal court judge as required by RCW. The agreement for professional services with William Wisdom is presented to Council for consideration/approval.

Councilor Strengtholt moved, and Councilor Wohlrab seconded, to confirm the Mayor's appointment of William Wisdom to Municipal Court Judge and authorize the Mayor to sign the agreement for professional services. Motion approved on 7-0 vote.

Mayor Korthuis administered the Oath of Office to Judge William Wisdom.

SUMMARY REPORTS AND PRESENTATIONS – None.

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APPROVAL OF MINUTES

Councilor Vis moved, and Councilor Beld seconded, to approve the August 5, 2024 regular council minutes. Motion approved on 7-0 vote.

CITIZEN COMMENT

Amit Kaur	Lynden, WA	Opposed to Addition of Fluoride to Municipal Water
Bisam Preet Kaur	Lynden, WA	Opposed to Addition of Fluoride to Municipal Water
Mis Harbani Kaur	Lynden, WA	Opposed to Addition of Fluoride to Municipal Water
John Cartwright	Lynden, WA	Opposed to Addition of Fluoride to Municipal Water
Daniel Flint	Lynden, WA	Opposed to Addition of Fluoride to Municipal Water
Mary Lou Childs	Lynden, WA	Opposed to Addition of Fluoride to Municipal Water
Khushdip Brar	Lynden, WA	Opposed to Addition of Fluoride to Municipal Water
Becki Taylor	Lynden, WA	Opposed to Addition of Fluoride to Municipal Water
Bob Taylor	Lynden, WA	Opposed to Addition of Fluoride to Municipal Water

2. CONSENT

Professional Services Agreement with CivicLens, LLC

Public Works intends to enter into a consultant agreement with CivicLens, LLC to assist the City with migrating ArcGIS data to an online hosted platform. CivicLens was selected as the most qualified firm of the three who responded to the Request for Proposals. In addition, CivicLens will configure local backups of hosted data, reconfigure interaction with existing software such as Cartegraph and SmartGov, and provide training for staff. The consultants will complete the scope of work in 2024 for a total of \$20,500.

Award Bid for Judson Street LID – Phase 2 – 9th Street

Staff recently solicited bids for Judson St LID Demonstration, Phase 2, 9th Street. This project includes the construction of approximately 360 feet of roadway along 9th Street, from Front Street south to Judson Street, and approximately 330 feet of adjacent alley, between 10th Street then easterly to 9th Street. Work includes pervious concrete sidewalks, roadway sections, alleys, curb, gutter and other pedestrian improvements. Low impact development stormwater improvements will be constructed along the roadway. Sanitary sewer and water main improvements are also included.

Five (5) bids were received on August 8, 2024, as shown on the attached Bid Tabulation prepared by Reichhardt & Ebe. At the Public Works Committee meeting on August 5, 2024, the Committee concurred that the bid results could be forwarded directly to City Council after being informed of the results. The recommendation is to award the contract to Faber Construction, the lowest responsive and responsible bidder, in the amount of \$942,231.71, which includes Washington State Sales Tax. The Engineer's Estimate was \$1,163,883.48

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Councilor Vis moved, and Councilor Bode seconded, to approve the Consent Agenda with Ordinance 24-1691 pulled for consideration as a separate item. Motion approved on 7-0 vote.

Ordinance 24-1691- Mid-Year Budget Amendment – Item Pulled from Consent Agenda for consideration as a separate item

As required by State regulations, the Finance Department is proposing an amendment to the 2024 Budget. Additional transfers out of these funds have resulted in expenditures requiring an increase to the budget in Funds 001, and 221.

The amendment reflects Council authorized transactions. The following Funds need to be modified:

	<u>Adopted Budget</u>	<u>Amended Budget</u>	<u>Variance</u>
Fund 001 General Funds	\$20,781,374	\$21,271,374	\$490,000
Fund 240 2012 LTGO Bond	\$ 834,948	\$ 861,648	\$ 26,700
Fund 311 City Trail	\$ 1,055,250	\$ 1,542,250	\$ 487,000

Included in this amendment are the following considerations:

- Amendment to commit funding for the structural repairs of the Recreation Center that were approved at the June 3 Council Meeting, to be paid from General Fund. Sources of funds include reimbursement of other expenses from 310 Streets Capital Construction (\$144,000), General Fund (\$260,000), reimbursement of other expenses from 357 Public Safety Capital Reserve (\$145,000), transfer from F356 Parks Capital Reserve (\$201,000).
- Amendment to increase Fund 240 2012 LTGO Bond as greater than expected interest has accrued in this budget and the fund will be closed out at the end of the year.
- Amendment to increase Fund 311 City Trail due to Commerce reimbursement grant received after 2023 Fiscal Year end and not included in 2024 Budget. Funds had to be paid to LOC.

Councilor Vis moved, and Councilor Laninga seconded, to approve the Ordinance 24-1691 as written and authorize the Mayor's signature. Motion approved on 7-0 vote.

3. PUBLIC HEARING - None



4. UNFINISHED BUSINESS

Ordinance 24-1688- Sign Regulations Update to LMC 19.33

Aware that some sections of the City's sign code were inconsistent with recent case law, Planning staff have been working closely with legal counsel, Luke Phifer, to develop the proposed amendments to the City's sign regulations. The Council held a public hearing on this revision on August 5th. In response to public comment the following revisions were made:

- Provisions were added which allowed industrially zoned properties to construct an electronic reader board sign if permitted by a Conditional Use Permit.

The Council also discussed other sign design considerations which are currently not proposed to change with this ordinance as the primary objective of this code amendment was legal review. The group concluded that although a more comprehensive review may be beneficial, at this time, the code amendment could continue to focus on consistency with current case law and defining regulations specific to non-commercial speech ahead of the fall election season. Revisions related to electronic reader board signs appear in LMC 19.33.090(H)(1-2) – the excerpt of which has been attached to the Council package as redlines.

Councilor Lenssen moved, and Councilor Strengholt seconded, to approve Ordinance 24-1688 as presented on August 19, 2024, which consolidates and amends the City's sign regulations, and to authorize the Mayor's signature on the document. Motion approved on 7-0 vote.

6. REPORTS

Approval of Payroll and Claims:

Payroll- June 30 to July 13, 2024, July 14 to July 27, 2024

Claims Certification- July 16, July 23, August 6, and August 13, 2024.

Councilor Bode reviewed the draft August 5, 2024 Public Works Committee minutes (included in the council packet).

Councilor Strengholt reported the following discussion items at the Finance Committee meeting:

- Review of payroll and claims.
- Review of OT, down from the previous month.
- Sales tax revenue is trending below budgeted amounts.
- Review of the city's fund accounts.
- Satellite agency review will occur at the next regularly scheduled committee meeting at 2 pm.

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Councilor Vis reported the following discussion items at the Parks Committee meeting:

- Budgeted items for this year and the progress occurring.
- Review of the Homestead trail section funding costs.
- Possible additional FTE for Parks Department.

Councilor Wohlrab reported the following discussion items at the Public Safety Committee meeting:

- Neighborhood Electric Vehicles (NEV) that are allowed by the state and the concerns expressed by the police department.
- The number of fire calls are up.
- Discussion regarding Mutual Aid Agreement throughout the county.
- \$25K grant received which will be used to purchase of wildland firefighting gear.
- Discussion of the hiring process of the Fire Department Chief.
- Police department calls are up over the past two months.
- Police department has a lateral position in process.

Gary Vis, Chamber Director reported for the NW Washington Fair. He guessed there were approximately 120K people attending. Overall, the 10-day event was a great success.

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

August 19, 2024 regular session of the Lynden city council adjourned at 8:18 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor