

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



December 2, 2024

### 1. CALL TO ORDER

Mayor Korthuis called to order the December 2, 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, Councilor Lenssen arrived at the meeting at 7:07p.m.

Staff present: Finance Director Laura Scholl, Fire Chief Mike Noonan, Police Chief Steve Taylor, Parks Director Brent DeRuyter, Public Works Director Jon Hutchings, 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 Vis moved, and Councilor Beld seconded, to approve the November 18, 2024 regular council minutes with the noted correction concerning approval of Ordinance 24-1693. Motion approved on 6-0 vote.***

### CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Lynden

- Voiced disappointment in local teachers that did not encourage students to apply for a \$35,000 scholarship that was available.
- Reminded council of the significance of December 7<sup>th</sup>.
- Stated dislike of the building construction and parking availability at 19<sup>th</sup> and Front Street.

### 2. CONSENT

#### Resolution 24-1113 – Ambulance Service Fees

Due to 2024 Legislature enacting Substitute Senate Bill 5986 (SSB5986) (Effective January 1, 2025) requiring local government entities to submit their ground ambulance service organization rates to the Washington State Office of the Insurance Commissioner (OIC)



the Lynden Fire Department is no longer able to use the October-October CPI-U from the greater Seattle area to determine the upcoming years BLS transport rates. So, in order to remain compliant and submit the upcoming years new BLS transport rates within the OIC deadline, the Whatcom County EMS Office and both ALS transporting agencies have agreed to use the August-August CPI-U for Seattle/Tacoma/Bellevue (i.e. greater Seattle area.) This resolution would reflect the language change from “October-October” to “August-August.” The resolution also includes the updated BLS transport base rate and mileage for the 2025 calendar year.

### Resolution 24-1109 – Adoption of the 2025 Unified Fee & Rate Schedule

City Council authorized the creation of a Unified Fee Schedule in January 2024 under Resolution 24-1089. It was understood as part of that resolution that the Unified Fee Schedule would be reviewed and updated annually in alignment with the annual budget cycle. In preparing the update to the fee schedule for 2025, it was discussed amongst staff that the previous format did not meet the original intentions for ease of use for staff and the public. The presented format is updated to incorporate a larger document but more reader-friendly and searchable for members of the public or staff supporting them. This new format also incorporates other rates not previously includes, such as Utility Rates, Park Rentals and Impact fees. Many fees and rates have been increased by 5% to capture the realized costs of inflation. Each department has run their rates and fees through their respective Council Committees. The format of the schedule was reviewed at Finance Committee on November 18<sup>th</sup>.

### Ordinance 24-1701- Amendment to the 2024 Budget

In preparation for the close out the 2024 financial year, Finance staff has completed a review of the remaining budget capacity and estimated expenditures through to the end of December. In certain funds, a budget amendment is necessary to increase the budget capacity to pay invoices for work expected to be completed before the close of the fiscal year.

As required by State regulations, the Finance Department is proposing an amendment to the 2024 budget, as follows:

	Adopted Budget	Amended Budget	Variance Fund
001 General Fund	\$ 21,271,374	\$ 21,771,374	\$ 500,000
Fund 221 COL Note Redemption A	\$ 678,073	\$ 978,073	\$ 300,000
Fund 350 Gen Gov't Cap Reserve	\$ 73,500	\$ 73,700	\$ 200
Fund 410 Stormwater	\$ 2,845,286	\$ 3,145,286	\$ 300,000



These amounts are reflective of timing changes and increased costs related to Council approved projects and expenditures.

### Renew Biosolids Beneficial Use Contract – Boulder Park Project

Since 2004, the City has shipped sewer treatment biosolids for disposal to Boulder Park in Douglas County, Washington. The Boulder Park Project (BPP) is a publicly operated “beneficial use facility” permitted by Washington State Department of Ecology for the application of biosolids onto farmland as a soil amendment. The project, which started as a 20-year study by Washington State University, has been in operation since 1992. Boulder Park Inc. (BPI) contracts with King County to jointly manage and operate the BPP, applying dewatered biosolids as a soil amendment to contracted farmlands for various crops. Boulder Park applies the solids using King County equipment.

The City’s current four-year agreement with King County to use BPI to dispose of biosolids from the Lynden Wastewater Treatment Plant facility to Boulder Park expires on December 31, 2024. The new standard contract offered by King County for 2025 includes a 23% cost increase. It will run through December 31, 2029.

***Councilor Vis moved, and Councilor Beld seconded, to approve the Consent Agenda. Motion approved on 6-0 vote. Councilor Lenssen arrived at the meeting after this vote was taken.***

### **3. PUBLIC HEARING**

#### Ordinance 24-1699, Comprehensive Plan Amendment and Rezone, First Reformed Church

Ordinance 24-1699 has been drafted to reflect a proposal to shift property owned by the First Reformed Church from a residential land use to a commercial land use through a Comprehensive Plan Amendment. Simultaneously, the same ordinance would assign the property a new zoning classification of Commercial Services-Local (CSL) instead of Residential Multi-family, RM-2, to match adjacent parcels also owned by the applicant.

The church’s sanctuary is currently located within a CSL zone that fronts Grover Street. Other CSL properties are located immediately to the east of the subject property. First Reformed Church is pursuing the change to accommodate their growth plan which includes a new multi-use building meant to house educational and community functions associated with the church’s mission. The shift to commercial rather than residential zoning will allow building designs to utilize commercial setbacks and building heights which would accommodate the scale of the needed facility. The Technical Review Committee and the

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Planning Commission completed their reviews of this proposal with recommendations to approve.

Mayor Korthuis opened the public hearing at 7:08 p.m. There were no comments. Mayor Korthuis closed the public hearing at 7:08 p.m.

***Councilor Bode moved, and Councilor Lenssen seconded that Council approve Ordinance 24-1699 which modifies the land use map of the City's Comprehensive Plan, revising the designation commercial and simultaneously rezones the property from RM-2 to CSL with an effective date of January 1, 2025, and to authorize the Mayor's signature on the ordinance. Motion approved 7-0.***

### Ordinance 24-1700, Comprehensive Plan Amendment and Rezone, Schoolyard Park

Ordinance 24-1700 has been drafted to reflect a proposal to shift property owned by the City of Lynden from a Residential land use to a Public Use land use through a Comprehensive Plan Amendment. Simultaneously, the same ordinance would assign the property a new zoning classification of Public Use (PU) instead of Residential Multi-family, RM-2, to match the planned use of a public park.

The City's Parks Department is pursuing the change to accommodate their growth plan which includes a new pavilion and entry structure with long term goals of accommodating the construction of a playground and other community amenities. The shift to a Public Use zoning designation rather than RM-2 residential zoning designation will allow building designs to utilize Public Use zoning regulations including setbacks and building heights which are needed to accommodate the scale of the planned facilities. The Technical Review Committee and the Planning Commission completed their reviews of this proposal with recommendations to approve.

Mayor Korthuis opened the public hearing at 7:10 p.m. There were no comments. Mayor Korthuis closed the public hearing at 7:10 p.m.

***Councilor Vis moved, and Councilor Laninga seconded to approve Ordinance 24-1700 which modifies the land use map of the City's Comprehensive Plan, revising the designation of the subject property from Residential to Public Use and simultaneously rezones the property from RM-2 to PU with an effective date of January 1, 2025, and to authorize the Mayor's signature on the ordinance. Motion approved 7-0.***



## Resolution 24-1112, ADA Transition Plan

The City of Lynden's ADA Transition Plan for Facilities in the Public Right-of-Way, or accessible to the general public via easements, includes the following required elements:

1. Identify physical obstacles in the facilities that limit the accessibility of its programs or activities to individuals with disabilities.
2. Describe in detail the methods that will be used to make the facilities accessible.
3. Specify the schedule for taking the steps necessary to achieve compliance and if the duration of the transition plan is longer than one year, identify steps that will be taken each year.
4. Indicate the official responsible for implementation of the plan.

The Public Works Committee reviewed the Draft ADA Transition Plan at their meeting on November 6, 2024, and recommended forwarding to City Council for consideration.

Mayor Korthuis opened the public hearing at 7:13 p.m. There were no comments. Mayor Korthuis closed the public hearing at 7:13 p.m.

***Councilor Bode moved, and Councilor Vis seconded that Council, after hearing public comments, approve and authorize the Mayor's signature on Resolution 24-1112, adopting the ADA Transition Plan. Motion approved 7-0.***

## Final Public Hearing - Adoption of the 2025 Budget

As published, 7:00PM on December 2, 2024 is the time and date set for the second of two public hearings on the 2025 Budget. The Preliminary Budget was presented to the City Council by Mayor Korthuis at the October 21st City Council meeting.

Mayor Korthuis opened the public hearing at 7:15 p.m. There were no comments. Mayor Korthuis closed the public hearing at 7:15 p.m.

***Public Hearing item only. No action taken.***

## **4. UNFINISHED BUSINESS**

### Ordinance 24-1695, Adoption of the 2025 Budget

The Preliminary 2025 Budget was presented to the City Council by Mayor Korthuis at the October 21, 2024 City Council meeting. The first public hearing for the 2024 Budget was held on November 4, 2024. The final RCW required budget hearing was held earlier this evening December 2, 2024.

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Ordinance 24-1695 represents the results of the budget process. Passage of this ordinance will finalize and adopt the 2025 budget; and is in compliance with RCW deadlines. The Finance Committee and Council have been presented with this information for their review throughout the budget process.

The Budget Ordinance incorporates the following adjustments since the Preliminary Budget presentation based on further review and discussions with the Mayor and Council regarding the City's financial position:

- Increased the Utility Occupation Tax from planned 2% increase to Council voted 4% increase
- Added in the required interfund loans payments for the Interfund Loan approved in October for cash flow purposes
- The additional 0.1% increase for Transportation Benefit District (TBD) effective April 1 has been added
- TBD Eligible projects have been reimbursed to the General Fund from the TBD fund
- Specified Janitorial and maintenance contracts have been removed as these duties will be done in-house
- Adding in the final payment for the Quint fire truck, now being received in 2025, as well as the associated receipt of funds from the bank. Debt payment has been removed for payment in 2026.
- The City is engaging with the Washington State Shared Work program and additional employees have been identified as affected through furloughs or reduction in hours.
- Additional Capital purchases have been removed from the general fund, including IT Datacenter switches, Police Car, Public Works Pressure washer and shop door

**Councilor Strengtholt moved, and Councilor Vis seconded that Council approve Ordinance 24-1695 to Adopt the 2025 Budget and authorize the Mayor's signature. Motion approved 7-0.**

### 5. NEW BUSINESS – None.

### 6. REPORTS

Councilor Vis reminded council about the December 7<sup>th</sup> Lighted Christmas Parade (6 pm) and the Fire Department pasta feed (4 pm). The Downtown Business Association have decorated downtown and are sponsoring an Elf of the Shelf event.



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***Mayor Korthuis announced that the city's has concluded its scheduled council business for the year and that the December 16<sup>th</sup> council meeting has been cancelled.***

### **7. EXECUTIVE SESSION**

Council did not hold an executive session.

### **8. ADJOURNMENT**

December 2, 2024 regular session of the Lynden city council adjourned at 7:22 p.m.

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Pamela Brown, City Clerk

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Scott Korthuis, Mayor