

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



October 7, 2024

### 1. CALL TO ORDER

Mayor Korthuis called to order the October 7, 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 Strengholt and Mark Wohrab.

Members absent: None.

Staff present: Community Development Director Heidi Gudde, Finance Director Laura Scholl, Fire Chief Mike Noonan, Police Chief Steve Taylor, Public Works Director Jon Hutchings, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Luke Phifer.

**OATH OF OFFICE – None.**

**SUMMARY REPORTS AND PRESENTATIONS – None.**

### APPROVAL OF MINUTES

***Councilor Vis moved, and Councilor Beld seconded, to approve the September 16, 2024 regular council minutes. Motion approved on 7-0 vote.***

### CITIZEN COMMENT

***In-person comment was not accepted by council at this meeting. Written comments for council were accepted via email, postal mail, or hand-delivery prior to 3 p.m. the day of the council meeting.***

### 2. CONSENT

#### Resolution No. 24-1106 – Hearing Examiner Procedures Update

The City of Lynden began utilizing the services of a Hearing Examiner in 2021. The authority of the office can be found in LMC 2.09 which outlines, among other things the creation of the office, the matters over which the HE has jurisdiction, and procedures.



LMC 2.09.050 states that the City Council shall approve rules and regulations for the procedural matters related to the duties of the office of the hearing examiner. The City's Hearing Examiner, Rajeev Mujumdar, has requested that the Council review and approve a revised rules document. This amendment stems from his gathered experiences serving as hearing examiner for Lynden and elsewhere including Whatcom County and Island County.

The proposed rules are very similar to the City's existing rules but with some consolidation of document sections, a few sections which have been expanded, and, in some instances a revision to ensure the hearing examiner receives materials well in advance of a hearing date. Staff has reviewed the proposed update and does not have any concerns about the revisions. The Community Development Committee also discussed the changes at the September 23, 2024 meeting and concluded their initial review without concerns about this update.

***Councilor Vis moved, and Councilor Beld seconded, to approve the Consent Agenda. Motion approved on 7-0 vote.***

### **3. PUBLIC HEARING – None.**

### **4. UNFINISHED BUSINESS**

#### **Ordinance No. 24-1692 – Annexation of City's SW Urban Growth Area**

Ordinance No. 24-1692 is the final step in the annexation process for the 279 acres on the southwest edge of the city which has been called the SW Annexation. This proposal was presented in annexation application number 24-01 which represents the full extent of the City's Urban Growth Area (UGA) in this part of the City. Areas within this annexation fall within 3 different land uses: industrial, low density residential, and public use. Associated zoning designations include IBZ, RMD, and PU, respectively.

After consideration from the Technical Review Committee and the Planning Commission, in June of this year the City Council took public comment and passed a resolution of intent to annex. The application was then reviewed by Whatcom County and the Boundary Review Board was given the opportunity to comment. The annexation met the approval of the Board on the condition that the City take over maintenance of Flynn Road in the approximately 1,000 feet of roadway between the two annexed areas as it isn't practical for the County to maintain this segment between what would be city-maintained roadway. The City's Public Works Department agreed that a segment of county road here would not be ideal and the legal description was modified to recognize the full extent of Flynn Road from Bay Lyn Drive to the south edge of the city-owned stormwater pond property.



***Councilor Lenssen moved, and Councilor Strengholt seconded, to approve Ordinance No. 24-1692 as the final step to the SW Lynden Annexation with the inclusion of the Flynn Road right-of-way as conditioned by Whatcom County and to authorize the Mayor's signature on the document. Motion approved on 7-0 vote.***

## **5. NEW BUSINESS**

### Mayor's Status of the 2024 Budget

Per statute RCW 35.33.135, in preparation for the 2025 Preliminary Budget Review on October 21, 2024, the Mayor provides the City Council with an updated status regarding the current 2024 Budget.

***For information only. No action taken.***

### Award Bid for Community Center Renovations – Masonry Repairs

The City solicited for bids for masonry repairs at the Community Center located at 401 Grover Street. The project includes exterior masonry repairs in specified locations, as well as washing and re-sealing all the exterior masonry. Three (3) responsive bids were received on October 1, 2024, as shown on the attached Bid Tabulation. The recommendation is to award the contract to Bouwman Masonry & Stucco, the lowest responsive and responsible bidder, in the amount of \$58,250.00, plus Washington State Sales Tax. The Engineer's estimate was in the range of \$85,000-\$90,000.

***Councilor Bode moved, and Councilor Strengholt seconded, to award the contract for Community Center Renovations – Masonry Repairs to Bouwman Masonry & Stucco in the amount of \$58,250.00 plus tax, and authorize the Mayor to sign the contract. Motion approved on 5-0 with Councilors Lenssen and Laninga abstaining.***

### Acceptance of Paper to Digital Grant from the Department of Commerce

The Community Development Department was recently notified of grant award from the Department of Commerce. Planner, Dave Timmer, led the application efforts to secure the funding which will cover most of the costs associated with the City's conversion from a paper permitting system to a digital permitting system. Through SB 5290 the State has made funds available to jurisdictions seeking to make the transition with the goal of providing more efficient permit review and inspection processes as one aspect of addressing housing shortages across the state. This funding award comes as the Community Development Department had already been actively working on implementing a software system called SmartGov which will allow submission and payment of permits and land use applications through an online public portal. It will also allow for submissions

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to be reviewed simultaneously by different divisions and will actively update applicants via email as to the status of their applications.

The awarded amount is \$140,000 which will cover the costs of the SmartGov software purchase, supporting software updates, hardware upgrades, and data migration. The grant will cover expenses incurred after July 1, 2024. Expenses made prior to July 1 are not reimbursable but were included in the City's 2024 budget. A contract with the Department of Commerce will be returning to the Council with additional details.

***Councilor Lenssen moved, and Councilor Wohlrab to accept the Washington State Department of Commerce's Paper to Digital Grant pending review of the final contract and to authorize the Mayor's signature on association documents. Motion approved on 7-0 vote.***

### 6. REPORTS

***Lynden City Attorney, Luke Phifer provided council with a summary statement regarding the September 2024 federal court (California) ruling instructing the Environmental Protection Agency to strengthen regulations on fluoride in drinking water. After discussion on the matter, the following motion was made:***

***Councilor Bode moved and Councilor Strengholt seconded to bring back a new ordinance to remove fluoride from the city's drinking water and to instruct staff to begin the notification process required by Washington State RCW. Motion approved on 7-0 vote.***

### 7. EXECUTIVE SESSION

Council did not hold an executive session.

### 8. ADJOURNMENT

October 7, 2024 regular session of the Lynden city council adjourned at 8:11 p.m.

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Pam Brown, City Clerk

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Scott Korthuis, Mayor