

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



April 7, 2025

1. CALL TO ORDER

Mayor Pro Tem Bode called to order the April 7, 2025 regular session of the Lynden City Council at 7:00 p.m. in the city council chambers.

PLEDGE OF ALLEGIENCE

ROLL CALL

Members present: Mayor Pro Tem Gary Bode, Councilors Lee Beld, Gary Vis, and Nick Laninga.

Members absent: Mayor Korthuis, Councilors Brent Lenssen, Kyle Strengtholt and Mark Wohlrab.

Staff present: Community Development Director Heidi Gudde, Public Works Director Jon Hutchings, Project Manager Mark Sandal, City Attorney Bridget Bryck, 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 Laninga seconded, to approve the March 17, 2025 regular council minutes. Motion approved on 4-0 vote.

Councilor Vis moved and Councilor Beld seconded to approve the March 31, 2025 special council minutes. Motion approved on 4-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Lynden, commented on:

- Law enforcement
- Whatcom County Home Show
- Dept of Ecology meeting



2. CONSENT

Change Order Proposal No. 2 – DES-WWTP MLE Upgrade

The Change Order Proposal (COP) No. 2 with the Department of Enterprise Services (DES) for the Wastewater Treatment Plant (WWTP) Modified Ludzak-Etinger (MLE) upgrade project includes advanced purchase authorization of switchboards to ensure they meet the delivery deadline for the tentative construction schedule for installation in Q2 2026. It also includes funding a second round of Request for Qualifications (RFQ) to solicit more contractor interest including mechanical and electrical contractors.

The cost for COP No. 2 includes equipment purchase, RFQ, Tariff Allowance, and Contingency for a total of \$1,053,035.16. The Public Works Committee reviewed the agreement at their meeting on April 2, 2025, and recommended forwarding to City Council for approval.

Councilor Vis moved and Councilor Laninga seconded, to approve the Consent Agenda. Motion approved on 4-0 vote.

3. PUBLIC HEARING

Guide Meridian Sewer Latecomer Agreement

The City constructed approximately 900 linear feet of 8-inch sewer main along Front Street west of Guide Meridian, extending north along Guide Meridian to the AM/PM gas station, then crossing to the east side of the Guide. RCW 35.91.060 and LMC 13.28.130, authorized the City to establish an assessment reimbursement area, finance the costs associated with utility system improvement, and become the sole beneficiary of reimbursements.

The total reimbursable costs associated with the Sewer Improvements financed by the City are \$1,094,898.08. The preliminary assessment boundaries determined by the Public Works Director included all properties which would, in the City's determination, require construction or improvement of sewer facilities upon development or redevelopment. Preliminary assessment amounts were allocated to each property based on the ratio of the Parcel's square footage to the total square footage of the Assessment Reimbursement Area.

Property owners were notified of the Preliminary Determination of Assessment by letter mailed February 18, 2025. Property owners have the right to make a written request for a public hearing before the Lynden City Council within 20 days of notification. The City received a written request on March 3, 2025, from Duane Scholten, and on March 10, 2025, from Serj Gosal, to hold a public hearing. A Public Hearing was set for 7:00 p.m. on April 7, 2025, by advertisement in the Lynden Tribune on March 26 & April 2, 2025, and notification to property

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owners by mail on March 24, 2025. After consideration Council may approve the latecomer assessments as written, reject, modify, or send back to the PW Director for further review.

Mayor Pro Tem Bode opened the public hearing at 7:13 pm

Mayor Pro Tem Bode administered an Oath for all participants that intended to speak at the hearing.

City Attorney Bob Carmichael explained the purpose of the public hearing.

Public Works Director Jon Hutchins explained the proposed latecomers' assessments.

The following spoke in opposition to the Latecomers Agreement:

Duane Scholten, 321 Birch Bay Lynden Road, Lynden
Pharm Bhullar, 8247 Guide Meridian Road, Lynden

There were no other public testimony/comments.

Council members were afforded an opportunity to ask the speakers questions. Upon conclusion of public testimony, Public Works staff were given an opportunity to offer a rebuttal.

Councilor Vis moved and Councilor Beld seconded to close the public hearing. Motion approved on 4-0 vote.

Mayor Pro Tem Bode closed the public hearing at 7:45 p.m.

Councilor Vis moved and Councilor Beld seconded, to continue this matter for further consideration at the May 5th council meeting at which time Council expects to pose questions to staff and re-open the public hearing at that time. Motion approved on 4-0 vote.

City Attorney Carmichael reminded Council not to have any communication with Mr. Scholten or Ms. Bhullar regarding this matter or it will be an appearance of fairness violation.

4. UNFINISHED BUSINESS

Fluoridation Discussion POSTPONED to April 21, 2025, Council Meeting

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5. NEW BUSINESS – None.

6. REPORTS

Mayor Pro Tem reminded Council that fluoride matter is scheduled for the April 21, 2025 council meeting and informed council that there are current issues involving fluoride in water systems in the state of Utah.

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

April 7, 2025 regular session of the Lynden city council adjourned at 8:10 p.m.

Gary Bode, Mayor Pro Tem

Pamela Brown, City Clerk