

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



May 20, 2024

1. CALL TO ORDER

Mayor Korthuis called to order the May 20, 2024 regular session of the Lynden City Council at 7:00 p.m. in the city's council chambers.

PLEDGE OF ALLEGIENCE

OATH OF OFFICE

ROLL CALL

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

Members absent: None.

Staff present: Interim Finance Director Christy Fowler, Fire Chief Mark Billmire, Police Chief Steve Taylor, Public Works Director Jon Hutchings, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Bob Carmichael.

SUMMARY REPORTS AND PRESENTATIONS

APPROVAL OF MINUTES

Councilor Strengholt moved, and Councilor Wohlrab seconded, to approve the May 6, 2024 regular council minutes and the May 9, 2024 special council minutes. Motion approved on 7-0 vote.

CITIZEN COMMENT

Nick Sawka, Lynden

Mr. Sawka asked members of council to officially support the 2024 Lynden School District Bond to construct and equip a new Lynden High School as proposed by the Lynden School Board.

Misty Flowers, Lynden

Ms. Flowers thanked council for their service to the people of Lynden and appreciates how well residents of the city are represented.

Mikhail Nichols, Lynden

Mr. Nichols does not believe that the Lynden police department has provided adequate service, followed protocol, rendered aid, or addressed his concerns over the past year.



2. CONSENT AGENDA

2023 Berthusen Park Annual Report

Benson Park House Lease Agreement Extension

The Benson Road (8727 Benson) house lease is due for a fair market value increase. The Parks Department and Administration are researching information across the area for such a rate. Due to updated Washington State Landlord-Tenant laws, the city is required to offer the tenant a fair amount of time to make a decision on occupancy once such a rate is determined. During this six-month period, the rental shall remain at \$885 per month with the addition of the leasehold excise tax required at 12.84%. The Parks Department and the City Administrator have reviewed the lease agreement extension and recommended bringing it to full council for approval.

Energy Services Contract for WWTP Early Procurement

Public Works recently received certification from the Department of Ecology qualifying the City's Wastewater Treatment Plant Retrofit for a 1.2% \$18M construction loan from the State Revolving Fund. In anticipation of construction in 2025, it is necessary to procure certain electronic items that have 15 months lead time, so that they will be delivered for install at the right time during construction. The delivery schedule is time-critical because aspects of the project must be completed during the summer when waste loads are minimal.

The Public Works Committee reviewed the Energy Services Contract for Wastewater Treatment Plant Pre-Procurement at their April 3rd and May 15th meetings and recommended forwarding the contract to City Council for approval. The outlay for this early procurement is advanced from the overall project construction cost in the amount of \$848,402. It will be paid from a combination of project loan and EDI grant funds.

Interlocal Agreement – Public Health, Safety and Justice Facility Financing

This is the agreement between Whatcom County and the cities to use the recent voter approved .02% Sales Tax to fund the new jail and justice facilities. The County Executive made a presentation to the Council at the April 15, 2024 regular meeting.

Schedule Public Hearing – RES-24-1095. Adopting a Six Year Transportation Improvement Program (STIP) 2025-2030

By law, a public hearing must be held for the City Council to consider comments regarding the City's Six Year Transportation Improvement Program (2025 to 2030). This council

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packet includes Lynden's proposed transportation improvement projects that will, after approval by City Council, be submitted to the Whatcom Council of Governments and from there to the Washington State Department of Transportation (WSDOT) as part of their statewide program.

To be eligible for funding for these projects, every city and county must prepare a planned local list of projects which ultimately is forwarded to the WSDOT by July 31 of each year for inclusion in the State's Transportation Improvement Program (STIP) list. The Public Works Committee reviewed the STIP projects at their May 8, 2024, meeting and recommended that City Council set a public hearing date for 7:00 p.m. on June 3, 2024.

RES-24-1097- Request to Cancel Checks

RCW 39.56.040 states that any registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as if such warrants had never been issued.

RCW 35A.40.020 provides code cities with the ability to pay claims via warrant or check and additionally states: "Wherever in this title, reference is made to warrants, such term shall include checks where authorized by this section." Checks Numbering: 28678 and 29443 have not and will not be presented for payment; and should be canceled.

Motion made by Councilor Bode, seconded by Councilor Vis to approve the Consent Agenda. Motion approved 7-0.

3. UNFINISHED BUSINESS – None.

4. NEW BUSINESS

Award Bid for JK Trail – Depot Road to 8th Street, Phase 3

Public Works recently solicited bids for Jim Kaemingk Sr. Trail – Depot Rd to 8th Street – Phase 3. This project includes paving of approximately 1,000 linear feet of trail; constructing the full base and paving of an additional 300 linear feet of trail; a pedestrian crossing at Depot Rd; and associated restoration, and work at the adjacent Vander Griend Lumber property.

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Two (2) bids were received and opened on April 18, 2024, with Ritter Dirt and Asphalt as the apparent low bidder. The bids were tabulated by the Engineer of Record. During tabulation, the Engineer noted irregular aspects of the low bid for further review. The City received a Notice of Protest on April 19th from the next lowest bidder. The previously noted irregularities and the Notice of Protest caused Public Works to seek legal review of the bids. The outcome of that review resulted in (1) a Notice of Irregular Bid sent to Ritter Dirt and Asphalt and (2) a recommendation to award the bid to Western Refinery Services, who was determined to be the lowest responsive and responsible bidder.

This topic was discussed at the Parks Committee meeting on May 6th and the Public Works Committee meeting held on May 15, 2024. Both committees recommended to present the project to City Council for award on May 20, 2024. The recommendation is to award the contract to Western Refinery Services, the lowest responsive and responsible bidder, in the amount of \$336,918.00. The Engineer's Estimate was \$332,582.00.

Motion made by Councilor Bode, seconded by Councilor Vis to award the contract for Jim Kaemingk Sr. Trail – Depot Road to 8th Street – Phase 3 to Western Refinery Services in the amount of \$336,918.00 and authorize the Mayor to sign. Motion approved 6-0 with Councilor Lenssen abstaining.

5. PUBLIC HEARING

On the Question of Whether the City Should Consider Discontinuing Fluoridization of the City's Municipal Water Supply

	Name	City	Discontinue Fluoride
1	Anthony Vicari	Lynden	No
2	Mark McKay	Lynden	No
3	Jude Gray	Lynden	Yes
4	Lois Poppema	Lynden	Yes
5	Diane Veltkamp	Lynden	No
6	Hardeep Singh	Lynden	Yes
7	JP Singh	Lynden	Yes
8	Seth Swanson	Bellingham	No
9	Dan Barrett	Bellingham	No
10	Kanwal Jit Kaur	Lynden	Yes
11	Marvin Mickley	Lynden	Yes
12	Cynthia Ripke-Kutsagoitz	Lynden	No
13	Doug Ross	Bellingham	No
14	Bob Taylor	Lynden	Yes
15	Janice Bogaard	Lynden	No
16	Becki Taylor	Lynden	Yes

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17	Julie McGillivray	Everson	Yes
18	Devin Crabtree	Lynden	Yes
19	Nick Sawka	Lynden	Yes
20	Karen Rast	Lynden	No
21	Jeffrey Fullner	Lynden	Yes
22	Weston Parker	Lynden	No
23	James Marr	Lynden	No
24	Holly Brugmann	Lynden	No
25	Kahlin Mish	Lynden	Yes
26	Cutzi Jobes	Lynden	Yes
27	Delayne VanderHaak	Lynden	Yes
28	Natalie Chavez	Bellingham	Yes

Councilor Vis suggested that city attorney Carmichael look into the viability of an advisory vote going before the citizens of Lynden.

6. REPORTS - None

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

May 20, 2024 regular session of the Lynden city council adjourned at 8:45 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor