

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



June 3, 2024

1. CALL TO ORDER

Mayor Korthuis called to order the June 3, 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: Assistant Fire Chief Kristie Watson, Community Development Director Heidi Gudde, Police Chief Steve Taylor, Public Works Director Jon Hutchings, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Luke Phifer.

SUMMARY REPORTS AND PRESENTATIONS

- Susan Marks, Bellingham-Whatcom County Commission on Sexual and Domestic Violence – Presentation included in the council packet.
- Brian Heinrich, Puget Sound Energy (PSE)- Presentation included in the council file.

APPROVAL OF MINUTES

Councilor Vis moved, and Councilor Bode seconded, to approve the May 20, 2024 regular council minutes. Motion approved on 7-0 vote.

CITIZEN COMMENT – None.

2. CONSENT AGENDA

Council Confirmation of Finance Director, Laura Scholl

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



3. PUBLIC HEARING

RES-24-1095- Adopting a Six Year Transportation Improvement Plan (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). 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 June 3, 2024.

Mayor Korthuis opened the public hearing at 8:08 PM. There were no comments. Mayor Korthuis closed the public hearing at 8:08 PM.

Motion made by Councilor Bode, seconded by Councilor Vis to approve Resolution 24-1095 adopting the 2025-2030 Six Year Transportation Improvement Program for the City of Lynden and authorize the Mayor's signature on the resolution. Motion approved 7-0.

RES-24-1096-Resolution of Intent to Annex – SW Lynden Urban Growth Area

The City Council is asked to take public comment and make a decision concerning Annexation Application 24-01 which consists of approximately 279 acres on the southwest edge of the city. This proposal represents the full extent of the City's Urban Growth Area (UGA) in this part of the City. Per the Future Land Use designations assigned in the City Comprehensive Plan the area falls within 3 different land uses: industrial, low density residential, and public use.

The Council is also being asked to decide on zoning designations within the assigned land use categories. Public comment at the April 25th Planning Commission hearing included concerns related to the ability of property owners to continue existing agricultural uses after annexation. Although the Commission recommended approval of the annexation, they also indicated support for property owners to continue existing AG uses after annexation. Planning staff have since made themselves available to clarify the city's code on permitted agricultural uses and to document existing uses ahead of annexation so that owners can continue these uses, if needed, as existing nonconforming uses. If the Council supports annexation, the application will be sent to the Boundary Review Board for comment prior to a final ordinance which would formally annex the property.



Mayor Korthuis opened the public hearing at 8:13 PM. Four people spoke in favor of the annexation. No one spoke in opposition. Mayor Korthuis closed the public hearing at 8:20 PM.

Community Development Director Heidi Gudde reviewed the zoning categories related to the property in the proposed annexation area.

Motion made by Councilor Lenssen, seconded by Councilor Strengholt to approve Resolution 24-1096, a resolution of intent to annex approximately 279 acres of the City's southwest Urban Growth Area and to assign zoning designations as recommended by the Planning Commission (PC RES 24-02). Motion approved 7-0.

ORD-24-1685-Amending LMC Title 5 and 9 – Special Event Regulations

The City Council is asked to hear and consider a proposed amendment to the Lynden Municipal Code affecting LMC 5 and 9. The amendment would shift language regarding Parades and Special Events from the “Criminal Code” in Title 9 to Title 5 – “Business Licenses and Regulation”. The amended language clarifies regulations, permit process, and approval authority for events that may have an impact on a neighborhood and/or on public services.

The revised code includes three tiers of events depending on the impact created by each event. The code will continue to regulate the activities associated with private “Dance Permits” but would categorize them as Tier 1 or Tier 2 Special Events depending on their characteristics. The revised code does not modify LMC 5.04 which prohibits dancing and the sale of intoxicating beverages at commercial establishments. The amendment also recognizes that some facilities, such as the Northwest Washington Fairgrounds, are designed to accommodate special events and therefore permits are not required unless events include the service of alcohol and an expectation of more than 500 attendees.

Simultaneous to the code amendment staff have also updated the permit application to ensure that proposals include all the necessary information such as insurance and site maps or routes. The application will also include detailed instructions and resources for securing insurance for private events.

Mayor Korthuis opened the public hearing at 8:37 PM. There were no comments. Mayor Korthuis closed the public hearing at 8:37 PM.

Motion made by Councilor Lenssen, seconded by Councilor Beld to approve Ordinance 24-1685 and authorize the Mayor's signature on the document amending LMC 5 and 9 as presented on the condition that the effectiveness of the revised Special



Event regulations be reviewed by the City Council in June of 2025. Motion approved 7-0.

4. UNFINISHED BUSINESS

Mayor Korthuis stated that the roof on the Forge Fitness building needs to be replaced and has been discussed at both the Parks Committee and Public Works Committee meeting and with this in mind:

Motion made by Councilor Vis, seconded by Councilor Bode to make the recreation center emergency roof repair a 2024 project in the city's capital improvement plan and request that the mayor bring a budget amendment back to the council as soon as possible. Motion approved 7-0.

Fluoride Discussion

Councilor Bode provided council with some background information related to the fluoridization of the city's municipal water supply after which the following was provided:

- Councilor Bode spoke in favor of discontinuing the fluoridization of the municipal water supply.
- Councilor Beld spoke in favor of discontinuing the fluoridization of the municipal water supply.
- Councilor Vis spoke in opposition to discontinuing the fluoridization of the municipal water supply.
- Councilor Lenssen spoke in opposition to discontinuing the fluoridization of the municipal water supply.
- Councilor Laninga spoke in favor of discontinuing the fluoridization of the municipal water supply.
- Councilor Strengholt spoke favor of discontinuing the fluoridization of the municipal water supply.
- Councilor Wohlrab asked members of council to consider implementing a separate water system utilizing reverse osmosis which could allow for continuation of fluoridization while also providing access to water that does not contain fluoride.
- Mayor Korthuis spoke in favor of trying Councilor Wohlrab's idea first before making a decision to discontinue the fluoridization of the municipal water supply.

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Motion to amend the motion made by Councilor Lenssen, seconded by Councilor Wohlrab to 1. Staff is instructed to use the remaining fluoride until it runs out; 2. That the fluoridation equipment is left in place at the water treatment plant for a minimum of five years and that it takes council action at that point or anytime after to remove it; 3. Instruct Staff to come up with \$25,000 for promotion of oral health education in the Lynden community. Motion approved 7-0.

Motion made by Councilor Bode, seconded by Councilor Strengholt to direct staff and legal attorney to draft the ordinance to rescind and replace 13.04.440 (Fluoridation Authorized) of the LMC which is Ordinance No. 371 from 1959, authorizing the discontinuation of fluoride injection into the city's water supply. Motion approved 4-3 with Councilors Vis, Lenssen and Wohlrab opposed.

5. NEW BUSINESS

6. REPORTS

Councilor Vis thanked council, staff and volunteers for all the help provided during the Lynden Farm's Day Parade event.

Payroll and Claims

The payroll and claims process item will now come before council as a report rather than an item under the Consent Agenda. Two council members of the Finance Committee approves the reports monthly.

Councilor Vis asks that staff provide an acknowledgement for the emails sent to council of the whole.

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

June 3, 2024 regular session of the Lynden city council adjourned at 9:35 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor