

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



May 5, 2025

1. CALL TO ORDER

Mayor Scott Korthuis called to order the May 5, 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: Councilors Gary Bode, Lee Beld, Gary Vis, Brent Lenssen, Nick Laninga, Kyle Strengtholt and Mark Wohlrab.

Staff present: Finance Director Laura Scholl, Fire Chief Mike Noonan, Interim Police Chief Jeremy Bos, 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 Bode seconded, to approve the April 21, 2025 regular council minutes. Motion approved on 7-0 vote.

CITIZEN COMMENT

Councilor Laninga stated that Victory in Europe Day was May 8th and remind council how important it is to remember our history.

2. CONSENT

Set Public Hearing – ORD-1708, Amend LMC 17 and 19, Implementing Prescriptive Design Standards

State Legislation (HB 1293) has required that cities revise design review processes to eliminate standards which could be subjectively applied. The primary goal in this requirement is to reduce the review and approval time for proposed projects. The City of Lynden must comply with the State's directives by the close of 2025.

Historically the City of Lynden has maintained a Design Review Board (DRB) for project review. This volunteer group has handled the aesthetic aspects of sign applications, commercial and multi-family projects. Each of these projects must be submitted 45 days prior



to a Board meeting to allow for review time. Requests to revise from the DRB can extend the review time beyond that 45-day period. Prescriptive code standards mean that the DRB role can be dissolved. It also provides consistency in design, certainty for designers, and is expected to expedite the review process.

The proposed design standards were sourced from the city's design guidelines and existing sections of code that are written to apply to 'big box' stores. The goal of the standards is to facilitate safe and efficient site design while ensuring that parking and landscape areas are meeting code, and quality architecture is required.

Several 'housekeeping' items were also included in this amendment. An outline of proposed changes has been submitted as a review guide.

RES 25-1121 Non-Binding Multi-Jurisdictional Resolution Regarding Population, Housing and Employment Allocations

Comprehensive Plan Update 2025: A foundational component of the update to the City's Comprehensive Plan is to determine the expected population and employment projections for the 20-year planning period (a period ending in 2045). These projections are based on historic growth rates and the City's Land Capacity Analysis, a study that evaluates what land is available for development in the City's boundaries and Urban Growth Areas (UGAs).

Based on the city's land supply and the current housing market, the Community Development Committee (CDC) selected the Office of Financial Management's medium growth rate as the most likely scenario for Lynden. This means that Lynden is projecting an additional 6,665 residents, 3,535 housing units, and 1,799 jobs over the next 20 years. Lynden's medium projection represents a slower growth rate than historic rates but is closer to what has been occurring in recent years (since 2020).

The Growth Management Act dictates that projections be determined by the County with coordination amongst the cities within it. Whatcom County has indicated support for Lynden's medium growth projection. Resolution 25-1121 reflects the preliminary allocation numbers for each jurisdiction who, in turn, bring the agreement to their legislative bodies to ensure the projections are coordinated across the County.

For reference the May 22, 2024, Technical Report which describes the forecasting and projection methods used to determine these numbers is submitted.



Councilor Strengholt moved and Councilor Wohlrab seconded, to approve the Consent Agenda. Motion approved on 7-0 vote.

3. PUBLIC HEARING

Guide Meridian Sewer Latecomers Agreement – Continued

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, authorize the City to establish an assessment reimbursement area, finance the costs associated with a 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. 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 owners by mail on March 24, 2025.

At the May 5, 2025 council meeting Mayor Korthuis asked City Attorney Bob Carmichael to provide Council with the status of the Guide Meridian Sewer Latecomers Agreement process and to provide an overview of what the process will look like moving forward.

City Attorney Carmichael explained that tonight's council (May 5, 2025) meeting is an opportunity for each member of Council to pose questions to staff regarding the Agreement. Under advisement from the City Attorney, Staff did not respond to questions at the meeting but instead recorded the questions asked with the intention of bringing back answers to the May 19, 2025 council meeting.



In the meantime, Staff will notify the Appellants of the May 19th Public Hearing, provide the Appellants with answers to the questions gathered at the May 5th council meeting and invite Appellants testimony or rebuttal at the May 19th meeting.

Council did not act on this matter.

4. UNFINISHED BUSINESS – None.

5. NEW BUSINESS

Award Bid for Stage 2 Prep- WWTP Demolition Project

The City solicited bids for the selective demolition of the existing Wastewater Treatment Plant's Biotower, Maintenance Building, and Chlorine Contact Tank.

Four (4) bids were received on March 19, 2025, as shown on the attached Certified Bid Tabulation. Following the bid opening the City received a written protest from Faber Construction. The City consulted with the project engineer, City Attorney and the Public Works Committee. The initial decision moved towards rejecting all bids at the April 21, 2025 City Council meeting, but after additional information was submitted from BOSS Construction as part of their right to dispute the protest, BOSS Construction was able to demonstrate satisfactory compliance with the supplemental bidder criteria that was in question.

The Public Works department recommends City Council award the contract to Boss Construction, Inc., who provided the lowest responsive and responsible bid for the Base Bid and Bid Alternate in the amount of \$1,490,734.09, which includes Washington State Sales Tax.

Engineer's Estimate Base Bid: \$2,437,955.83; Engineer's Estimate Base Bid plus Bid Alternate: \$2,452,670.83

The Public Works Committee reviewed the City Attorney recommendation and the Resolution during their April 16, 2025 meeting, and supported forwarding to City Council for approval

Councilor Bode moved and Councilor Laninga seconded, to award the contract for Stage 2 Prep – WWTP Demolition to Boss Construction, Inc, for base bid plus bid alternate in the amount of 1,490,734.09 and authorize the Mayor to sign the contract. Motion approved on 7-0 vote.

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ORD 25-1703, Amending Chapter 2.48 – Small Works Roster

The City of Lynden is subject to public works contracting requirements found in RCW 39.04. These contracting requirements were revised by the State Legislature in 2023, with effective changes July 1, 2024, in which they updated small works project contracting requirements and created a statewide small works roster to be developed by Municipal Research and Services Center (MRSC).

The City wishes to transition from the current city managed roster to the statewide small works roster managed by MRSC.

This City's municipal code Chapter 2.48 – Small Works Rosters - requires revisions to reflect this decision and to designate MRSC Rosters as the official small works roster for the City of Lynden. The Public Works committee discussed using MRSC Rosters at their meetings on August 5, 2024, September 3, 2024 and February 5, 2025 meeting and are in support of this decision.

Councilor Bode moved and Councilor Vis seconded, to approve Ordinance 25-1703 updating Lynden Municipal Code Chapter 2.48 – Small Works Roster and authorize the Mayor to sign. Motion approved on 7-0 vote.

RES 25-1117, Conditional Use Permit 25-01, DariTech Building Setback

DeYoung and Roosma Construction, on behalf of DNA Properties LLC, submitted a Conditional Use Permit application to the City of Lynden for the property addressed as 8540 Benson Road which is the home of the DariTech manufacturing and sales facility. The application, assigned as CUP #25-01, represents a request to allow the replacement of an existing 6,005 square foot storage building with a new 6,341 square foot storage building while maintaining a side yard setback of 10 feet rather than 20 feet as required by Lynden Municipal Code(LMC) 19.25.060. This code section requires industrial users to meet larger side setbacks when located next to residentially zoned properties.

The DariTech property is zoned Industrial Business Zone (IBZ) property and adjacent properties sharing both the north and south property lines are zoned for and constructed as single-family residential (RS-100). Although a larger setback of 20 feet is indicated per code, LMC 19.25.060 also includes provisions for industrial users to reduce this setback through a Conditional Use Permit (CUP). The Technical Review Committee report and the Planning Commission resolution both recommended approval of this application but with significantly different conditions of approval



Councilor Strengtholt moved and Councilor Vis seconded, to approve Resolution 25-1117 approving Conditional Use Permit 25-01 which allows the proposed DariTech storage building to utilize a north side setback of 10 feet under specific conditions of approval detailed in the resolution, and to authorize the Mayor's signature on the document. Motion approved on 4-2 with Councilors Vis and Strengtholt opposed and Councilor Lenssen recusing himself.

RES 25-1120 – Utilizing Municipal Research Services Center Small Works and Consultant Rosters

The City of Lynden is subject to public works contracting requirements found in RCW 39.04. These were revised by the State Legislature in 2023, with changes effective July 1, 2024, in which they created a statewide small works roster to be developed by Municipal Research and Services Center (MRSC) and in which cities are allowed to utilize for small public works projects costing less than \$350,000, pre-tax.

MRSC Rosters enroll contractors and consultants who wish to be listed and verify all eligibility requirements are met. The City proposes joining the MRSC Roster for Public Agency Membership. The annual membership fee, based on a 5-year average of Capital Expenditures, will range from \$425 to \$745 per year. MRSC Rosters requires a resolution passed by the City Council authorizing participation. The Public Works Committee discussed the decision to use MRSC Rosters at their meetings on August 5, 2024, September 3, 2024, and February 5, 2025, meeting and are in support of this decision.

Councilor Bode moved and Councilor Laninga seconded, to approve Resolution 25-1120 and authorize the Mayor to sign. Motion approved 7-0.

6. REPORTS

Councilor Bode reviewed the April 16, 2025 Public Works special meeting minutes.

Councilor Lenssen reviewed the April 23, 2025 Community Development meeting minutes.

Council members had some discussion about the status of notifying Homestead golf course area property owners about notification of violations of fire codes related to fire hazards and also about the ownership/maintenance of vegetation strips along Depot Road.



7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

May 5, 2025 regular session of the Lynden city council adjourned at 8:12 p.m.

Scott Korthuis, Mayor

Pamela Brown, City Clerk