

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



January 6, 2025

1. CALL TO ORDER

Mayor Korthuis called to order the January 6, 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, Gary Vis, Brent Lenssen, Brent Lenssen, Nick Laninga, Kyle Strengtholt, and Mark Wohlrab.

Members absent: Councilor Lee Beld absent with notice.

Staff present: 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 Bob Carmichael.

OATH OF OFFICE – None.

SUMMARY REPORTS AND PRESENTATIONS

Joel Rubin, CFM Advocates Lobbyist – Federal Legislative Agenda for 2025.

APPROVAL OF MINUTES

Councilor Vis moved, and Councilor Laninga seconded, to approve the December 2, 2024 regular council minutes and December 11, 2024 special council meeting. Motion approved on 6-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Lynden

- Outcome of VFW Scholarship Awards.
- Concerns about homelessness and police involvement/investigations.
- Concerns about the number of fire personnel that respond to calls.
- Concerns about Islam ideation and Sharia law.



2. CONSENT

Contract Extension with Gordon Honeywell for State Lobbying Services for Year 2025

Briahna Murray, Vice-President of Gordon Thomas Honeywell Governmental Affairs, has been Lynden's State advocate advocated since 2015. That advocacy has resulted in more than \$9.0 million worth of capital earmarks for important City projects. Additional 2023 work resulted in successfully moving the \$3M in funding for Bradley Road forward and \$300,000.00 for community center repairs. The addendum for Year 2025 is identical to its predecessors and continues the relationship with Ms. Murray and her firm. It includes a range of duties required to advance the City's 2025 Legislative Agenda. The cost is included in the proposed 2025 budget.

Whatcom Conservation District 2025 Interlocal Agreement

Staff is recommending another Interlocal Agreement with the Whatcom Conservation District (WCD) for a Stormwater and Water Conservation Community Education and Outreach Program in 2025. Some of their scope of work fulfills City requirements under its NPDES Phase II Stormwater Permit. Their water conservation efforts fulfill certain Water Use Efficiency requirements from the State Department of Health. Additionally, through this agreement, the City participates in the Nooksack Basin Water Quality studies that evaluate results of fecal coliform testing to identify sources of contamination. This aids Whatcom County's Portage Bay Shellfish District.

The Whatcom Conservation District Board approved this Interlocal Agreement at their November meeting. The Public Works Committee reviewed this agreement at their December 4th meeting and recommends approval by City Council.

Welch Ecological Services Agreement 2025

Welch Ecological Services has provided support for the City's National Pollution Discharge Elimination System (NPDES) stormwater permit since the City was reclassified to Phase II in 2014. The contract for 2025 includes support to the City for the following:

1. Administration of the Municipal Stormwater Management Program, including annual reporting.
2. Stormwater Management Planning, including Stormwater Management Action Plan.
3. Education, Outreach, Public Involvement, and Stewardship Opportunities.
4. Update Mapping of Outfalls and Tree Canopy on city-owned properties.
5. Illicit Discharge Detection and Elimination.
6. Runoff Development Protocols and Code Revisions.
7. Stormwater Management for Existing Development.

8. Source Control Program Implementation.
9. Operations and Maintenance Protocols, including the street sweeping program for the Enhanced Maintenance Plan.
10. Total Maximum Daily Load summary, including annual reporting.
11. Industrial Stormwater permit for the Airport.



The Public Works Committee reviewed this contract at their meeting on December 4th and recommend renewing the contract with Welch Ecological Services. The funding for this contract is included in the 2025 Stormwater Budget (Fund 410).

Extend Interlocal Agreement with Bertrand Watershed Improvement District and North Lynden Watershed Improvement District

The City of Lynden remains committed to its agricultural heritage and the farming that continues outside our City limits. Many City businesses exist because of that farm economy. It is also the case that development in the City can negatively affect agricultural production outside its urban boundary. This is especially true with stormwater management, where urbanization redirects stormwater into farm fields. This interlocal agreement between the City of Lynden, the Bertrand Watershed Improvement District, and the North Lynden Watershed Improvement District lays out a cooperative approach to managing stormwater originating in west Lynden and collecting on fields in the lower Duffner and Bertrand basins. This work was first approved by Council in 2021. It has established a framework for and is working toward collaborative stormwater solutions between the City and the surrounding Water Improvement Districts. The prospects of success are higher than ever. The Public Works Committee discussed this Interlocal Agreement at their meeting on December 4th, 2024, and agreed to recommend approval by City Council.

Gray & Osborne, Inc., On-Call Stormwater Review Services 2025

Gray & Osborne, Inc. has provided on-call development plan review services specific to stormwater since October 2021. Staff recommends extending the contract through 2025. The Scope of Work includes the following tasks:

1. Review for Adherence to Standards.
2. Prepare Review Letter(s) and hold Review Meeting.
3. Secondary Reviews.
4. Expert Witness Services.

The Public Works Committee reviewed this contract at their meeting on December 4th and recommend renewing the contract with Gray & Osborne, Inc. The funding for this contract is provided in part from third party review fees charged to the applicant. The remainder is included in the 2025 Stormwater Budget (Fund 410).

RH2 Engineering On-Call Services 2025

RH2 Engineering, Inc. has provided on-call engineering and technical professional services since March 2021 to support the City's review and operation of its water utility, including proposed developer extensions to the City's water system, hydraulic analyses, and water modeling. Staff recommends extending the contract through 2025.

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The Public Works Committee reviewed this contract at their meeting on December 4th and recommend renewing the contract with RH2 Engineering, Inc. The funding for this contract is provided in part from third party review fees charged to the applicant. The remainder is budgeted in the 2025 Water Budget (Fund 401).

CFM Advocates – Federal Lobbyist Services – Contract Extension

The City engaged a federal lobbyist for the first time in 2023. The City has received funding or is pending final approval for several grant programs. Joel Rubin, representative from CFM attended the January 6th council meeting to discuss the 2025 federal legislative agenda.

Lease Agreement for Benson Road House

The house at 8727 Benson Road has been vacated, renovated and is available for rent. The Parks Department has an available crew member in need of housing and is requesting to fill the vacancy in this manner to provide better security, to have a physical presence at the location, and to maintain the grass areas around the house, barn and roadway.

Sam and Lauren Faber have agreed to lease the house for a period of one year with the option for two renewable one-year terms and agree to the conditions set forth in the lease regarding maintaining the area. The rental shall be \$1,200 per month with the addition of the leasehold excise tax required for a total of \$1354.08.

The Parks Department and the City Administrator have reviewed the lease agreement and recommended bringing it to Council for approval.

Amendment to Department of Enterprise Services Contract for Wastewater Treatment Plant Modified Ludzak-Etinger (MLE) Design and Early Procurement

Design and early procurements for the Wastewater Treatment Plant expansion are ongoing. Amendment 3 (DES-Lynden) includes early procurement of the Aerzen blowers. Lead time on this equipment is approximately 40 weeks. Aerzen has agreed to hold their price until the end of January, saving the approximate 7% increase in pricing. Amendment 3 also removes certain demolition elements from the contract that will be managed directly by Public Works, also at a cost savings. Amendment 3 authorized expenditure of \$1,106,649.00. This will be paid from a combination of Ecology loan and EDI grant funds.

The Public Works Committee reviewed the Amendment at their December 4th meeting and recommended forwarding the contract to City Council for approval.



Set Public Hearing – Resolution 25-1115 – Revisions to the Engineering Design and Development Standards Project Manual (2025)

The Engineering Design and Development Standards Project Manual was originally adopted by City Council on April 5, 2004, and was last updated on January 1, 2024. These standards are required by the State's Growth Management Act and include street, water, sewer, and storm drainage standards to be used for all new and replacement construction. In response to inquiries, changes in technology, and the feedback from customers, additions, deletions and/or clarifications have been made to the project manual. The manual also addresses access issues, permitting processes and procedures, and includes various forms necessary in the development process.

Staff updates the Manual annually and presents Resolution 25-1115 along with a list of revisions for Council review. The Public Works Committee reviewed the updates at their December 4, 2024, meeting and recommend that Council set a Public Hearing for January 21, 2025, to hear comments on the proposed revisions.

Set Public Hearing for Ordinance 25-1704 – Restoring and Amending LMC 19.23.110 – Mixed Use Development Regulations

On January 21st Council will be asked consider Ordinance 25-1704 which is meant to accomplish two revisions to the city's mixed-use development regulations:

1. The ordinance restores a portion of the mixed-use code which was inadvertently repealed by Ordinance 23-1669. Ordinance 23-1669 was meant to simply amend the applicability of the small-scale mixed-use code to include the South Historic Business District but, due to an error in how the ordinance was worded, a portion of the code that should have been left unchanged was repealed in its entirety.
2. The current proposal also includes an amendment to the maximum height regulations for to small-scale mixed-use regulations. Currently, although applicable properties have a zoning category of Commercial, building height is limited to 32 feet when a mix of uses are proposed on properties less than an acre in size. This was intended to be built in sensitivity to the existing character of the Central and South HBD Subareas. However, it has been recognized that certain mixed-use projects may

benefit from greater building heights without negatively impacting the surrounding properties. In these situations additional height could be requested through a Conditional Use Permit (CUP). City Council is the final approval body on CUP requests for additional height.

Council is asked to set the public hearing to consider the amendment.

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Appoint Mayor Korthuis to the 2025 Whatcom Transportation Authority (WTA) Board of Directors

Each year council appoints someone to represent the city's interests on the Whatcom Transportation Authority (WTA) Board of Directors. Currently Mayor Korthuis is the WTA representative.

Appoint Mayor Korthuis to the 2025 Board of the Whatcom Council of Governments and appoint Mayor Pro Tem to Act as Alternative

Mayor Korthuis acted as the city's representative to the Board of the WCOG and Mayor Pro Tem Bode acted as the alternate for 2024. Mayor Korthuis has agreed to accept this position for 2025.

Re-Appointment to the Design Review Board – Laura Burford, Mike Kooy

Laura Burford and Mike Kooy have agreed to continue serving on the City's Design Review Board (DRB). This would be Laura's 2nd term while Mike has been on the DRB for over 10 years. Staff appreciates Laura and Mike's time and willingness to serve the community in this way.

Appointments to the Design Review Board are made by the Mayor and confirmed by the City Council. It is the Mayor's recommendation that Laura Burford and Mike Kooy be reappointed to the Design Review Board. Reappointments are typically a 4-year term however within the next year the City will be required to dissolve the Design Review Board per State legislation. This legislation is intended to remove subjective review of development projects. These current reappointments will continue until the DRB is dissolved by Council action later this year.

Re-Appointment to the Lynden Historic Preservation Commission – Kelsey Malloy

Kelsey Malloy has agreed to serve another 3-year term with the Lynden Historic Preservation Commission (LHPC). Kelsey has already served one term on the Commission and staff appreciates her willingness to continue.

Appointments to the Lynden Historic Preservation Commission are made by the Mayor and confirmed by the City Council. It is the Mayor's recommendation that Kelsey Malloy be reappointed to the LHPC for a 3-year term beginning January 2025, running through December 2027.

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Lynden Municipal Airport Advisory Board Term Renewals

The terms for Tom Martin and Bill Stoelt, who serve on the Airport Advisory Board, expired December 31, 2024. Both board members have agreed to serve another three-year term. According to Lynden Municipal Code Chapter 2.54.010, the board members shall be appointed by the Mayor with the approval of City Council, each to serve a three-year term.

The Airport Board members operate in an advisory capacity to the Lynden City Council to make recommendations concerning the adoption of rules, regulations or policies for the management, operation and use of the airport, and the highways, roads, streets and territories adjacent to the airport. The Public Works Committee reviewed the Airport Board term renewals at their December 4th meeting and concurred to forward the request to City Council for approval.

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS

Ordinance 25-1706, Repealing LMC Chapter 12.40.070, Camping on Public Property

In light of the recent United States Supreme Court case of *Grants Pass v. Johnson*, the City of Lynden Attorney recommends this update to Ordinance 1649 (2022) to conform to the *Grants Pass* decision. Ordinance 25-1706 repeals section 12.40.070 of the Lynden Municipal Code (LMC) specific to the requirement to verify space at a local shelter.

Councilor Wohlrab moved, and Councilor Strengholt seconded, to approve Ordinance 25-1706 and authorize the Mayor's signature on the ordinance. Motion approved on 6-0 vote.

6. REPORTS

Councilor Gary Vis reviewed the draft Public Works Committee minutes for December 4, 2024.

Councilor Lenssen reviewed the draft Community Development Committee minutes for December 11, 2024.

Public Works Director Jon Hutchins announced that the Lynden Community Center has reopened.

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Council Vis asked for a copy of the individual Comprehensive Plan survey comments.

Councilor Vis questioned City Attorney Bob Carmichael whether various employee policies require council approval. Attorney Carmichael stated that council is not required to approve administrative policies but if they so choose they can certainly weigh in.

There was some discussion around zoning requirements around barbed wire fencing located within the city's limits.

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

January 6, 2025 regular session of the Lynden city council adjourned at 8:17 p.m.

Pamela Brown, City Clerk

Scott Korthuis, Mayor