

CITY OF LYNDEN

CITY COUNCIL



City Council - Regular Meeting
Annex - 205 Fourth Street
June 17, 2024

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Summary Reports and Presentations

Approval of Minutes

- [1.](#) Council Meeting Draft Minutes

Citizen Comment

Consent Agenda

- [2.](#) Award Bid for New Maintenance Facility - 508 River Road

Public Hearing

Unfinished Business

New Business

Reports

- [3.](#) Draft Public Works Committee Meeting Minutes – June 5, 2024

Executive Session

Adjournment

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EXECUTIVE SUMMARY



Meeting Date:	June 17, 2024	
Name of Agenda Item:	Council Meeting Draft Minutes	
Section of Agenda:	Approval of Minutes	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: None
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Draft council minutes.	
Summary Statement:	N/A	
Recommended Action:	Review and approval of draft council minutes.	

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.

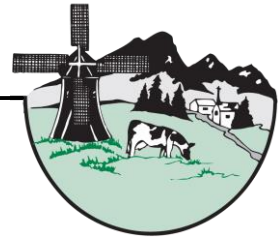
2. CONSENT AGENDA

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.

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CITY COUNCIL MINUTES OF REGULAR MEETING



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.

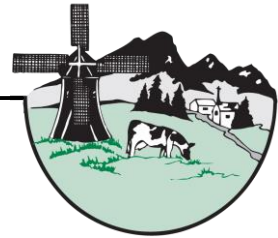
RES-24-1096-Resolution of Intent to Annex – SW Lynden Urban Growth Area

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.

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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

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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.

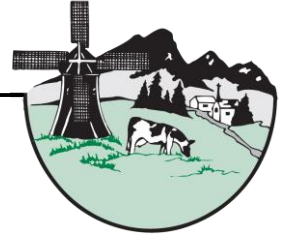
Fluoride Discussion

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

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EXECUTIVE SUMMARY



Meeting Date:	June 17, 2024	
Name of Agenda Item:	Award Bid for New Maintenance Facility	
Section of Agenda:	Consent	
Department:	Public Works	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes – Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	King Architecture's Recommendation to Award & Bid Tabulation	
Summary Statement:	<p>The City solicited bids for construction of a New Maintenance Facility located at 508 Riverview Road. Seven (7) bids were received on May 30, 2024, as shown on the attached Bid Tabulation prepared by King Architecture.</p> <p>The Public Works Committee reviewed the bids at their meeting on June 5, 2024, and recommended awarding the contract to HB Hansen Construction, Inc., the lowest responsive and responsible bidder, in the amount of \$2,397,000.00 plus Washington State Sales Tax.</p> <p>The Engineer's estimate was approximately \$3.3M - \$3.4M for the project.</p>	
Recommended Action:	That City Council award the contract for construction of the New Maintenance Facility to HB Hansen Construction, Inc. in the amount of \$2,397,000.00 plus tax, and authorize the Mayor to sign the contract.	

June 5, 2024

Jon Hutchings
Public Works Director
300 4th Street
Lynden, WA, 98264

RE: Lynden Maintenance Facility Project #2022-14
BID SELECTION

Dear Jon,

Based on the Bid Results from May 30th, 2024, HB Hansen Construction Inc. is the apparent low bidder. King architecture has worked on several projects with HB Hansen and all of those projects have gone well. I recommend HB Hansen Construction Inc. be awarded the project as the low responsive bidder for the Lynden Maintenance Facility Project #2022-14.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Faber".

Tim Faber AIA, Principal
King Architecture, PLLC

Enclosure: Bid Tab (1)

Lynden Maintenance Facility Project #2022-14

City of Lynden

King Architecture PLLC

BID DATE: May 30, 2024

Bid Submittal Time: **3:00 p.m.**

APPARENT LOW BIDDER

GENERAL CONTRACTOR:	COLACURCIO	TIGER	HB HANSEN	VALDEZ	KASSEL & ASSOCIATES	FABER	SEA CON
Bid Proposal Signature & Addendum Acknowledgment	✓	✓	✓	✓	✓	✓	✓
Sub-Contractor list	✓	✓	✓	✓			
Bid Bond	✓	✓	✓	✓	✓	✓	✓
LUMP BASE BID	\$2,592,000.00	\$2,500,000.00	\$2,321,000.00	\$2,565,000.00	\$3,127,000.00	\$2,629,000.00	\$3,270,777.00
Alternate No. 1 South Parking Area & Associated landscaping	\$27,000.00	\$25,840.00	\$76,000.00	\$62,736.08	\$52,000.00	\$43,464.00	\$44,395.00
BASE BID + ALT. #1 TOTAL	\$2,619,000.00	\$2,525,840.00	\$2,397,000.00	\$2,627,736.08	\$3,179,000.00	\$2,672,464.00	\$3,315,172.00
UP-1 - Unsuitable fnd excavation	\$20/CY	\$25/CY	\$25/CY	\$34.97/CY	\$40/CY	\$52.31/CY	\$33/CY
UP-2 - Gravel Borrow	\$18.50/TON	\$18/TON	\$25/TON	\$18.52/TON	\$50/TON	\$27.96/TON	\$38/TON
UP-4 - Shoring or Extra Excavation Class B	\$6/SF	\$15/SF	\$20/SF	\$1.45/SF	\$4/SF	\$12.46/SF	\$4/SF
Plumbing	Andgar	Andgar	Eastwood	Woody's			
Electrical	Vecor	Vecor	Express	Scott			
HVAC	Lynden Sheet Metal	Lynden Sheet Metal	Lynden Sheet Metal	Lynden Sheet Metal			
Structural Steel	Colacurcio	Com-Steel	HB Hansen	Blue Star			
Rebar Installation	Colacurcio	Tiger	HB Hansen	Crux			

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EXECUTIVE SUMMARY



Meeting Date:	June 17, 2024	
Name of Agenda Item:	Draft Public Works Committee Meeting Minutes – June 5, 2024	
Section of Agenda:	Reports	
Department:	Reports	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes – Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Public Works Committee Draft Meeting Minutes – June 5, 2024	
Summary Statement:	Public Works Committee Draft Meeting Minutes – June 5, 2024	
Recommended Action:	None.	

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT
360-354-3446



PUBLIC WORKS COMMITTEE MINUTES

4:00 PM June 05, 2024
City Hall 2nd Floor Conference Room

CALL TO ORDER

Members Present: Councilors Gary Bode, Gary Vis, and Brent Lenssen

Staff Present: Mayor Scott Korthuis, City Administrator John Williams, Public Works Director Jon Hutchings, Programs Manager Mark Sandal, and Senior Admin. Assistant Jennifer Bell

City Consultant: Tim Faber

1. Approve Minutes from May 15, 2024

Action

The minutes from May 15, 2024, were recognized and accepted by the Committee.

ACTION ITEMS

2. Recommendation to Award Bid for Wastewater Treatment Plant Maintenance Building

Tim Faber, project architect with King Architecture, presented the bid tabulation and recommendation to award the bid to HB Hansen Construction. King Architecture's experience with HB Hansen on other projects has been very good and they are satisfied with their work product. The Committee discussed the options of sending a Letter of Intent to Award now or waiting until after City Council's approval of the bid award and sending a Notice of Award at that time. The Committee concurred to send the Intent to Award Letter now giving the contractor more time to prepare the required documents.

Bode asked about the possibility of adding a sixth bay to the building. Faber stated it would be easier and cheaper to do it now, but the structure could also incorporate some design for future expansion to then add on at a future date.

Action

The Public Works Committee recommended that City Council award the contract for the New Maintenance Facility to HB Hansen Construction in the amount of \$2,397,000, plus Washington State Sales Tax, which includes Base Bid plus Alternate No. 1 at the June 17, 2024, City Council Meeting.

INFORMATION ITEMS

3. Project Updates

The Committee briefly reviewed current projects and received progress information for:

- Cedar Drive Reconstruction – tentative start of June 17th

- High School Parking Lot – tentative start after school year complete July/Aug
- Bradley Rd project – discussed status of land acquisition
- 1st Street Overlay / Hannegan – tentative start July 8th, night work scheduled for 15 working days, no work during the Raspberry Festival weekend
- Jim Kaemingk Trail Extension, Phase 3 – starting June 10th, completion estimated for July 8th
- Judson 9th – waiting for the Department of Ecology’s approval of the project’s report, plans and specifications. Ecology is taking a long time to do this.

4. 4th Street Parking Lot

Sandal informed the committee of reports of vehicles damaging the wall of On Rice, 312 Front Street, which borders the east side of the 4th Street parking lot. The committee concurred that reducing the parking stall length will cause vehicles to stick out further into the drive lane potentially reducing the number of usable stalls. The Committee asked that staff investigate options such as creating head-in only parking, or marking spaces as compact.

5. WWTP Expansion Update

Hutchings informed the Committee that several contractors attended the pre-construction walk-through last week. These contractors will work as subs for Trane. Trane will submit GMAX bids by mid-July. The upgrade design work is 60-70% complete. Hutchings also stated the City is seeking additional funding for this project.

6. Update on Vegetation Maintenance at Depot and Bender

Hutchings presented a copy of a letter that was sent out to the owner of Homestead. The City is working to identify who’s responsible for various maintenance surrounding Homestead properties.

7. Update on Parkview Apartments Loading Zone

Hutchings reported to the Committee that Community Development, the Planning Commission, and the City Council approved the design as constructed. Vis asked if the crosswalk could be moved further east away from the Bender Road intersection for safety. Public Works will investigate options.

8. Ziplly Fiber Infrastructure Improvements Follow-Up

Hutchings informed the Committee that Ziplly is operating under an old statewide franchise agreement. He stated that City legal is reviewing this further.

9. Request to Change July 3rd Meeting Date

Hutchings requested the summer meeting dates to be changed to the following: July 1st, Aug 5th, and Sept 3rd. The Committee concurred with the request.

NEW BUSINESS:

10. Downtown Business Association – Sign update

Williams informed the Committee that the cost of the proposed wayfinding signage for downtown businesses came in very high. They are considering other options before proceeding.

11. Downtown Restroom Sign Request

Vis asked the Committee to consider installing directional signs to the downtown

restrooms. He stated the Chamber can assist in purchasing the signs for the City to install.

12. Sidewalk Repair Request

Bode requested Public Works evaluate and fix if needed the sidewalks on Front Street between 7th to 10th. Hutchings will follow-up.

13. Forge Fitness Programming Inquiry

Bode informed the Committee he heard Forge Fitness is not honoring some of the programs like “Silver Sneakers” and is wondering if there is anything in the contract regarding these programs. Williams and Hutchings will follow up.

14. Request for Codes Enforcement

Lenssen informed the Committee that he’s received complaints regarding a private property on Main Street with many derelict cars. He asked what the City could do about it. Several other properties around town were also mentioned in the same regard.

15. Pepin Creek

Vis suggested the Committee discuss the future of the Pepin Creek area. Korthuis recommended discussion of this topic at a regular City Council meeting. Hutchings stated the timing of that conversation is important because a lot of decisions are about to be made. Korthuis stated this could also impact the Comprehensive Plan Update.

ADJOURNMENT: The meeting was adjourned at 5:19 pm.

NEXT MEETING: July 1, 2024

