

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



October 2, 2023

1. CALL TO ORDER

Mayor Korthuis called to order the October 2, 2023 regular session of the Lynden City Council at 7:00 p.m. in the city's council chambers.

PLEDGE OF ALLEGIENCE

ROLL CALL

Members present: Councilors Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, Nick Laninga, Kyle Strengholt and Mark Wohlrab.

Members absent: None.

Staff present: Finance Director Anthony Burrows, 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

APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Bode seconded to approve the September 18, 2023, regular council meeting minutes. Motion approved on 7-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

- Spoke in opposition to the Lynden library's LGBTQ materials focused on children.
- Spoke in opposition to the sexualization of children and young people.

James Marr, Pine Circle, Lynden

- Spoke in support of the addition of fluoride in Lynden city water supply.

Jonathan Henry, BC Avenue, Lynden

- Spoke in support of the addition of fluoride in Lynden city water supply.

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2. CONSENT AGENDA

Mayor's Status of the 2023 Budget

This item was included in council packet and presented as information only.

3. PUBLIC HEARING

RES-23-1082 Parking Agreement with P2H, LLC (410 Front Street)

P2H, LLC, a property owner within the Historic Business District (HBD), is proposing to enter into an agreement with the City of Lynden which would allow residents of the three apartment units proposed above their first-floor business to park in city-owned parking lots. Although new residential units created within the HBD are only required to provide one onsite parking stall per unit, in this case, there is no onsite opportunity as the existing building is built to the full extent of the lot. The agreement was discussed in the Public Works Committee.

Mayor opened the public hearing at 7:15 p.m.

There were no comments.

Mayor closed the public hearing at 7:15 p.m.

Motion made by Councilor Bode, seconded by Councilor De Valois to approve Resolution 23-1082, and enter into a Shared Parking Agreement between P2H, LLC and the City of Lynden and authorizing the Mayor's signature on the resolution and agreement. Motion approved 7-0.

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS

RES-23-1081- Accept Ecology Funding, Judson Phase 3

Staff has applied for and received Department of Ecology approval for a Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund Loan to construct stormwater improvements on Judson Street from 8th Street to 10th Street and 10th Street from Judson Street to Front Street. This is the third and final phase of street and stormwater improvements in the Judson area bounded by 7th and 10th Streets on the east and west, and Front Street to the north.

Included in this funding package is a grant in the amount of \$1,525,419.00 and a loan in the amount of \$269,191.00 (including \$67,298.00 forgivable principal) with terms of 20 years and a 1.2% interest rate. Staff plan to use TBD funds for repayment of the loan and

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provide sewer and water funds for needed utility upgrades under the streets. This was discussed at the September 14, 2023, Public Works Committee meeting.

Motion made by Councilor Bode , seconded by Councilor Laninga to approve Resolution No. 23-1081- Approving City Use of Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund Loan for Judson Area Stormwater Low Impact Development- Phase 3 and authorize the Mayor’s signature on the applicable agreement with the Department of Ecology. Motion approved 7-0.

RES-23-1083-Approving Use of a Clean Water State Revolving Fund Loan for WWTP Expansion-Phase 1B

Staff has applied for and received Department of Ecology approval for a Clean Water State Revolving Fund Loan to fund final design of a Modified Ludzak-Etinger (MLE) retrofit of the oxidation ditches, aerobic digestion supplemental aeration, dewatering capacity increase, RAS/WAS reconfiguration, air gap system, and replacing the existing WWTP transformers. The loan is in the amount of \$1,978,000 with terms of 20 years and a 1.2% interest rate. Staff is planning to use wastewater funds for repayment of the loan and to supplement design costs. This was discussed at the September 14, 2023, Public Works Committee meeting.

Motion made by Councilor Bode , seconded by Councilor De Valois to approve Resolution No. 23-1083- Approving City Use of a Clean Water State Revolving Fund Loan for Wastewater Treatment Plant (WWTP) Expansion – Phase 1B and authorize the Mayor’s signature on the applicable agreement with the Department of Ecology. Motion approved 7-0.

Authorize Contract with Department of Enterprise Services for WWTP Investment Grade Audit

Public Works received Department of Ecology approval for a Clean Water State Revolving Fund Loan to finance the preliminary design of the multi-phase Wastewater Treatment Plant expansion project. This agreement with the Department of Enterprise Services (DES) will provide defined cost effectiveness criteria that achieve the operational goals of the City and a guaranteed maximum cost for project delivery. This action was affirmed by the Public Works Committee at their September 14, 2023 meeting.

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Motion made by Councilor Bode, seconded by Councilor De Valois that the City Council approve Agreement No. 2024-224 A (1) with the Department of Enterprise Services and authorize the Mayor's signature. Motion approved 7-0.

RES-23-1084- 2025 Comprehensive Plan Cost Sharing

Whatcom County and the cities located within the county cooperate in shared tasks when updating Comprehensive Plans. The Planners Group associated with these jurisdictions has created a scope of work which identifies 10 shared tasks. The total costs associated with these tasks have been estimated to equal \$600,000. Cost shares are determined primarily by population with Whatcom County and the City of Bellingham covering larger portions than any other jurisdiction (35.45% and 36.10% respectively). The City of Lynden is asked to contribute 6.91% of the cost which equates to \$41,421. The city's portion of this cost can be covered by State grant money awarded to the city. The total grant available is \$125,000 allotted toward the periodic update and up to \$500,000 allotted to resiliency planning.

Motion made by Councilor Lenssen, seconded by Councilor Bode to approve Resolution 23-1084 agreeing to participate in the interlocal agreement between Whatcom County cities, Whatcom County, and the Whatcom Council of Governments to share costs associated with cooperative work on 2025 Comprehensive Plan Updates and authorizing the mayor's signature on the resolution and agreement. Motion approved 7-0.

6. REPORTS

Councilor Lenssen, Community Development Committee, reported discussion of the following:

- Lynden Municipal Code – Special Event Permit which will also be reviewed by the Public Safety Committee.
- Lynden Municipal Code – Patios and screen enclosures.

Councilor Bode, Public Works Committee, reported discussion of the following:

- The resolutions items which were considered and approved at the night's council meeting.
- Parking agreement with Rustler's restaurant.
- 2024 Capital Project list.

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7. EXECUTIVE SESSION

The council did not hold an executive session.

8. ADJOURNMENT

October 2, 2023, regular session of the Lynden city council adjourned at 7:40 p.m.

Pamela D. Brown

Pamela D. Brown, City Clerk

Scott Korthuis

Scott Korthuis, Mayor