

CITY OF LYNDEN



Mayor
Scott Korthuis

Council Members
Gary Bode
Ron De Valois
Gerald Kuiken
Nick H. Laninga
Brent Lenssen
Kyle Strengholt
Mark Wohlrab

City Council - Regular Meeting
Annex - 205 Fourth Street
January 03, 2023

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Summary Reports and Presentations

Approval of Minutes

- [1.](#) Draft Council Minutes – December 19, 2022

Citizen Comment

Consent Agenda

- [2.](#) Berthusen House Lease
- [3.](#) Approval of Payroll and Claims

Public Hearing

Unfinished Business

New Business

Other Business

- [4.](#) Draft Parks Committee Minutes December 19, 2022
- [5.](#) Calendar

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	January 3, 2023	
Name of Agenda Item:	Draft Council Minutes – December 19, 2022	
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: N/A
	Legal Review:	
	<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	Draft Council Minutes – December 19, 2022	
Summary Statement:	Draft Council Minutes for Council review and possible approval.	
Recommended Action:	Review and approval of December 19, 2022 draft council minutes.	

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



December 19, 2022

1. CALL TO ORDER

Mayor Korthuis called to order the December 19, 2022 regular session of the Lynden city council at 7:00 p.m. at 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 Strengolt, and Mark Wohlrab.

Members absent: None.

Staff present: Fire Chief Mark Billmire, Planning Director Heidi Gudde, Public Works Director Steve Banham, City Administrator John Williams, City Clerk Pam Brown, and City Attorney Bob Carmichael.

OATH OF OFFICE – None

SUMMARY REPORTS AND PRESENTATIONS

Briahna Murray, Gordon Thomas Honeywell Governmental Affairs Lobbyist
Lobbyist Briahna Murray provided Council with information about the upcoming 2-year legislative session expected to last until April 23, 2023. She also reviewed the City's 2023 funding requests and legislative agenda policy statements.

Councilor Kuiken moved, and Councilor Bode seconded to approve the 2023 legislative agenda as presented. Motion approved on 7-0 vote.

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CITY COUNCIL
MINUTES OF REGULAR MEETING



APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Strengholt seconded to approve the December 5, 2022, regular meeting minutes. Motion approved on 7-0 vote.

CITIZEN COMMENT - None

2. CONSENT AGENDA

Payroll Liability to December 4 through December 17, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$397,470.52
Check Liability	\$0.00
Total Non-L&I Liabilities	\$397,470.52
Quarterly Liabilities	\$14,783.20
Total EFT & Other Liabilities	\$412,253.72

Approval of Claims – December 21, 2022

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>26234</u>	through	<u>26350</u>		\$2,573,667.91
EFT Payments					<u>\$33,858.27</u>
				Sub Total	\$2,607,546.18
				Total Accts. Payable	\$2,607,546.18

Approval to Purchase Pierce 107' Quint Fire Truck

On 12/01/2022, during the Public Safety Committee Meeting, a motion was made, seconded, and approved to bring the purchase of a new Pierce 107' Quint Ladder truck to full Council for vote and approval.

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CITY COUNCIL MINUTES OF REGULAR MEETING



Award Management Services Northwest, Contract for City's Janitorial Services

Bids for Janitorial Services (2023) were recently solicited with some modification to the service requested. City Hall and Annex cleaning will be reduced to two days per week, down from three days per week, and the City Shop facility was added for one day per week. The contract is for one year with the option for four additional one-year extensions, potentially extending the contract to the end of 2027. Two bids were received on November 15, 2022. The City's current janitorial service provider, Management Services Northwest (MSNW), was the lowest bid. The Public Works Committee reviewed bids at their meeting on December 7, 2022 and concurred to recommend that City Council award the bid to MSNW.

Award Welch Ecological Services Agreement (2023)

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 2023 includes support to the City for the following:

1. Administration of the Municipal Stormwater Management Program, including annual reporting;
2. Stormwater Management Planning;
3. Education, Outreach and Public Involvement;
4. Illicit Discharge Detection and Elimination;
5. Controlling Runoff from New Development, Redevelopment, and Construction Sites;
6. Operations and Maintenance Stormwater Protocols;
7. Source Control Program;
8. Grant Funding Application and Administration;
9. Industrial Stormwater Permits for the Airport and Wastewater Treatment Plant.

The Public Works Committee reviewed this contract at their meetings in November and again at their meeting in December and concurred to recommend renewing the contract with Welch Ecological Services. The funding for this contract is included in the 2023 Stormwater (Fund 410) Budget which includes grant funding from the Department of Ecology.

Interlocal Agreement with Whatcom County Health Department to Source Control Inspections

The City of Lynden is required, per the requirements of the City's National Discharge Elimination System (NPDES) Phase II stormwater permit, to develop and implement a Source Control Program by January 2023.

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CITY COUNCIL MINUTES OF REGULAR MEETING



Lynden has over 1,600 businesses within the City's jurisdiction. 290 of these were identified as potential pollutant generating businesses per the NPDES permit. The City is required to annually inspect 20% of these businesses, which equates to conducting at least 58 site inspections in 2023.

The City plans to complete some of inspections by partnering with Whatcom County Health to perform 20 of the required inspections to augment inspection by City and contract staff. The County receives state funding to do inspections like this, so it represents the lowest cost alternative while keeping overall control of the program under City staff.

All inspection reports are provided by Whatcom County Health to the City for any potential follow-up or enforcement. The two-year Interlocal Agreement allows for an additional two-year extension or termination within 60 days if the services are not satisfactory. The Public Works Committee reviewed this agreement at their meetings in October, November, and December 2022, and recommended forwarding to City Council for approval.

Re-Appoint Aaron Apps to the Design Review Board

Award DeKoster Excavating the Contract for NW Washington Fairgrounds Stormwater Improvements

Staff recently solicited bids for the Northwest Washington Fairgrounds (Fair) Stormwater Improvements. The project includes the installation of approximately 1,000 feet of new storm pipe, two large infiltration facilities, and other conveyance components on the Fairgrounds property at 1775 Front Street. All work occurs within the private parcel, within City-owned easements.

This project is being primarily funded through a State Department of Ecology (Ecology) Grant. Nineteen (19) bids were received on November 17, 2022, as shown on the attached Bid Tabulation prepared by Herrera Environmental Consultants. There was some question about bids including a list of Minority-Owned and Women-Owned Business Enterprise (MBE/WBE) subcontractors the bidder anticipates using for the project, per an Ecology bid insert.

There is no requirement to use any MBE/WBE subcontractors, and the City's agreement with Ecology prohibits awarding the contract based on MBE/WBE participation. This list was not included by 16 of the 19 bidders, including the three lowest. Upon review by the

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CITY COUNCIL MINUTES OF REGULAR MEETING



City attorney, it was determined that this irregularity was “not material” and so the City has the authority to award to the lowest bidder.

At the Public Works Committee meeting on November 9, 2022, the committee concurred that the bid results could be forwarded directly to City Council after being informed of the results. Based on the engineer recommendation and legal review staff is recommending waiving the possible irregularity and award to DeKoster Excavating, the lowest responsive and responsible bidder, in the amount of \$660,000.23, including Washington State sales tax.

Motion made by Councilor Kuiken, seconded by Councilor Bode to approve the consent agenda as presented. Motion approved 7-0.

Mayor Korthuis thanked Aaron Apps for his service to the Design Review Board and the residents of Lynden.

3. PUBLIC HEARING

Ordinance No. 1655 - Comprehensive Plan Amendment (CPA) 22-02 JD Bargaen

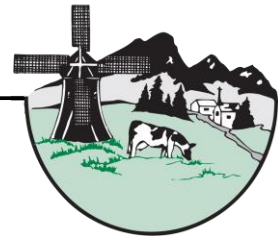
The proposal for Comprehensive Plan Amendment 22-02 is brought forward by Lesa Starkenburg-Kroontje representing JD Bargaen Industries, LLC. On September 22, 2022 the Planning Commission held a public hearing to consider the application. Subsequent to the hearing, the amendment was sent to the Department of Commerce for review. That comment period has expired without remark.

The application details the desire to shift a portion of a vacant property, adjacent to the affiliated Lynden Door manufacturing campus from a commercial to an industrial land use category. This shift would be consistent with the parcels to the north and east. A corresponding rezone application is moving through the approval process with this Comprehensive Plan Amendment. If approved the Amendment and the Rezone applications would eliminate the split zoning currently on the subject parcel and create a cohesive Industrial (ID) zoning throughout.

The application details why the ID zoning is the best fit for the future expansion of the Lynden Door operations. Staff and the Planning Commission have recommended approval of this map amendment. Tonight, public comment will be taken regarding the shift in land use from commercial to industrial. The corresponding site-specific rezone request is also being considered on the Council’s new business agenda. No additional public comment is taken specifically on the rezone as that record is closed.

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Mayor Korthuis opened the hearing at 7:15 P.M.

Lesla Starkenburg-Kroontje addressed a Scribner's error in Ordinance No. 1655 and with this correction stated her support of council adoption of the ordinance. Mayor Korthuis closed the hearing at 7:17 P.M.

Public hearing held on the Comprehensive Land Use Amendment item only.

Ordinance No. 1655, JD Barga Comprehensive Plan Amendment 22-02 and Rezone 22-01

The proposal for Rezone 22-01 is brought forward by Lesla Starkenburg-Kroontje representing JD Barga Industries, LLC in cooperation with Comprehensive Plan Amendment (CPA) 22-02. This property is located north of Front Street and south of the existing Lynden Door campus (Parcel 400224 332215 0000). The details of this

application and the Planning Commission's recommendation were described in association with the Public Hearing for CPA 22-02.

Motion by Councilor Lenssen, seconded by Councilor Strengholt to approve and authorize the Mayor's signature on Ordinance No. 1655 which amends the Land Use Map within the City's Comprehensive Plan and rezones the subject parcel from CSR and IBZ zoning to an ID zoning category. Motion approved with a 7-0 vote.

Ordinance No. 1656, City-led CPA 22-01 and Rezone

The proposal for CPA 22-02 represents an initiative brought forward by the Planning Department primarily in response to the moratorium on mixed-use development. It captures a number of updates to the Comp Plan which can be briefly summarized as follows: Zoning Map Updates:

1. Recognizing a new overlay category of "Mixed-Use".
2. Revising 6 parcels in the East Lynden Sub-area from a Commercial designation to a Residential designation.
3. Shifting the zoning of 3 North Lynden Sub-area parcels from Commercial to Residential designations.
4. Shifting 7 parcels in the West Lynden Sub-area from commercial designation to an industrial designation. Future Land Use Map Updates: Revision to Future Land Use designations within the Urban Growth Area (UGA) south of the Birch Bay Lynden Rd.

This would affect the zoning options for these parcels when, and if, they come into the City via annexation. It would not have an immediate effect (rezone) the properties at this time. Sub-Area Map and Text Amendment: In support of the new Mixed-Use provisions, this is a proposal to alter the boundaries of some sub-areas located on the western end of the City and to create a new sub-area called the "West Lynden Gateway Sub-Area".

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On September 22, 2022, the Planning Commission held a public hearing to consider these amendments. The Commission recommended approval of the amendment but asked that the Council consider revising the proposal to the Future Land Use map so that all of the privately owned UGA property south of the Birch Bay Lynden Rd be brought into the City with a low-density residential designation and that no industrial zoning be assigned in this area.

Based on property owner feedback and existing industry in this area, staff continues to recommend the proposal as presented with approximately 40 acres (8 parcels) of industrial land use near the intersection of Berthusen and Birch Bay Lynden Rds. The Council will be asked to make a final determination on this point.

Mayor Korthuis opened the hearing at 7:20 P.M.

There were no comments.

Mayor Korthuis closed the hearing at 7:20 P.M.

Motion by Councilor Lenssen, seconded by Councilor Strengholt to approve Ordinance No. 1656, amending the City's sub-areas, the zoning map, and the Comprehensive Plan text to accommodate a mixed-use planning initiative, and additionally amending the Future Land Use Map with designations of privately owned UGA properties, south of the Birch Bay Lynden Road, shifting to low density residential with the most western 40 acres assuming an industrial land use designation. Motion approved with a 7-0 vote.

Ordinance No. 1657, Mixed-Use Overlay and Amendments to LMC 17, 18, and 19

Ordinance No. 1657 represents a response to the City's moratorium on residential construction within CSL zoning categories, otherwise known as mixed-use development, which was enacted on December 20, 2021 with Ordinance No. 1642.

Over the course of the last year, Planning staff have worked with stakeholders, the Community Development Committee and the Planning Commission to develop mixed-use provisions which consider scale and location of mixed-use developments to better serve the good of the community and the original intent of the mixed-use code. This initiative also captures other Planning Department initiatives with updates to the parking code, the manufactured home zone, as well as various housekeeping and clarifications throughout Chapters 17, 18, and 19.

On September 22, 2022, the Planning Commission held a public hearing to consider these amendments. The Commission recommended approval of the amendment with three suggested revisions:

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CITY COUNCIL MINUTES OF REGULAR MEETING

1. That the Residential Design Criteria requirement for a minimum 4:12 pitched roof remain with the option to seek a waiver with the Design Review Board rather than be deleted as a residential standard as proposed. LMC 19.22.030(C)(4).
2. That a parking requirement for studio apartments be added at a rate of 1.5 parking stalls per unit rather than 2 stalls as currently proposed. LMC 19.51.040.
3. That body piercing and tattoo studio uses remain as outlined in the current code – permitted only within the CSR zone. LMC 19.23.020.

Staff has amended the proposed ordinance to include recommendations 1 and 3 but, per the feedback from the Community Development Committee, has not incorporated recommendation number 2.

Mayor Korthuis opened the hearing at 7:41 P.M.

Gary Vis, Chamber of Commerce Director, Lynden spoke in favor of item #2 which is related to the parking requirement

Mayor Korthuis closed the hearing at 7:43 P.M.

Motion by Councilor Lenssen, seconded by Councilor Bode to approve Ordinance No. 1657, amending Chapters 17, 18, and 19 with the inclusion of PC recommendations 1 and 3 as previously described, with an effective date of January 1, 2023 and authorize the Mayor’s signature on the document. Motion approved with a 7-0 vote.

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS

Project Zebra, Premier Packing Conditional Use Permit

Premier Packing through their agent, JP Slagle, has applied for a Conditional Use Permit (CUP) to allow the use of food processing to occur on property with a zoning designation of Industrial Business Zone (IBZ). (Initially this project was submitted under the name “Project Zebra”). The subject property is 11.8 acres located at 603 Curt Maberry Drive. Surrounding properties are utilized for similar industrial uses and agriculture.

The proposal details the construction of a 194,250 square foot facility which would receive frozen fish and seafood to be processed and packaged for retail sale. The Conditional Use Permit also requests the ability to expand to include an additional 74,000 square feet in the future and to exceed a maximum building height of 45 feet by five feet to allow the building to reach a maximum building height of 50 feet.

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The application came before the Planning Commission at an open public hearing on November 17, 2022. The resulting Commission resolution recommended approval per the following conditions:

1. Prior to issuance of the building permit, a sewer discharge study to the City’s system is required to verify impact, treatment loads, and pipe size. (Be advised, this study will require 3rd party review.)
2. Roof-mounted condenser units must be screened from view so that mechanical equipment is not visible from public streets.
3. That the Conditional Use Permit be evaluated annually as described by code, for compliance with the performance standards of LMC 19.25.040, especially as it relates to noise and smell. The Planning Commission Resolution and staff review documents are included in the packet for Council review.

Motion by Councilor Lenssen, seconded by Kuiken to approve the Conditional Use Permit 22-02, which authorizes the use of food processing on an IBZ zone and permits additional building height subject to the conditions outlined in the Planning Commission Resolution 22-07. This motion authorizes the Mayor’s signature on the Finding of Fact and Conclusion of Law. Motion approved with a 7-0 vote.

6. OTHER BUSINESS

Webpage Development- CivicPlus Annual Agreement for Service

The Parks Department, Finance Department, and IT proposed and reviewed the ability to update and modify the city’s website with the capability to update schedules, take online payment and handle rental services in a more streamlined approach. The current system is out of date and needs to be updated to satisfy the requests of the auditors. This will help the management team alleviate the flood of phone calls and email requests for more assistance from park users.

CivicPlus has offered a proposal for annual service to monitor the system, provide assistance, and streamline payment and schedule portals. The Parks Committee reviewed the updated proposal and recommended forwarding it to full Council for approval.

Motion by Councilor De Valois, seconded by Councilor Wohlrab, to approve the Service Agreement proposal from CivicPlus and authorize the Mayor’s signature on the agreement. Motion approved with a 7-0 vote.

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CITY COUNCIL MINUTES OF REGULAR MEETING

Councilor Bode (Public Works Committee) reported discussion of:

- Upcoming health department inspection program
- FEMA funded ditch cleaning
- NW WA Fair bid award
- Fishtrap Creek bank erosion

Councilor Strengholt (Finance Committee) reported discussion of:

- Approved Claims and Payroll
- Sales tax revenue remain strong
- Update on the various fund amounts

Councilor De Valois (Parks Committee) reported discussion of:

- **CivicPlus subscription for payment of facility rentals**
- **Benson Park design project and Rotary Club interest in assisting with the project**
- **Champion cherry tree in Dickinson Park**
- **Glenning Street park design planning**
- **Berthusen Park signage and automatic mechanism for opening the gate to the park**
- **Trail signage**
- **Hiring progress for the open Park position**

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

The December 19, 2022, regular session of the Lynden City Council adjourned at 8:10 P.M.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	January 3, 2023	
Name of Agenda Item:	Berthusen House Lease	
Section of Agenda:	Consent	
Department:	Parks	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Parks <input type="checkbox"/> Other: _____	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:	Lease Document	
Summary Statement:	Lease renewal for the house located at Berthusen Park.	
Recommended Action:	Authorize the Mayor to sign the lease document for the City owned property.	

LEASE AGREEMENT

Berthusen Park House

1. RENT, TERM, AND DESCRIPTION OF PREMISES

This lease, executed on this ____ day of ____, 2022, by and between the **CITY OF LYNDEN**, as Landlord, and **Nancy Norris**, as Tenant, to lease the house and immediately surrounding property located at 8837 Berthusen Rd., Lynden, Washington (the "Premises"), on a monthly basis, beginning the 1st day of January, 2023 and ending the 31st day of December, 2024. The rent due under this lease is \$1,300.00 per month, plus leasehold excise tax, (currently set at 12.84%)

2. CHARACTER OF OCCUPANCY

Tenant shall be liable for rent and/or damages due under this lease and the performance of its terms and donations.

3. LATE RENT CHARGES

Rent is due and payable on the fifth day of each month. An additional \$2.00 per day will be added after the 6th of the month. Late rent charges, if not paid, accrue as rent owed.

4. CONDITION OF RENTAL PROPERTY

Tenant accepts the Premises as inventoried and agrees that those portions of the premises accessible and available to her are in acceptable condition. The Tenant accepts responsibility for any damages to the Premises caused by herself, her family, and her business or social guests.

The Tenant further agrees to the following:

- (a) To maintain the Premises in a clean and safe manner.
- (b) To remove from the Premises all rubbish, garbage and other waste in a clean and safe manner.
- (c) To keep grass mowed and flower beds clean around the Premises.
- (d) The Tenant hereby covenants and agrees to pay all the charges for utilities, including but not limited to, heat, electrical, telephone, and all other utilities which shall be used for the Premises. Normal residential water and sewer (septic) shall be provided without charge to the Tenant. Tenant agrees to be solely responsible for payment of said services and agrees to indemnify, defend, and hold harmless Landlord from any and all claims for payment for provision of such services.
- (e) The Tenant shall not make any alterations, additions or improvements on the Premises without the prior written consent of the Landlord. If the Tenant performs any alterations or installs any improvements on the Premises with the consent of the Landlord, such work shall be at Tenant's own expense (except general maintenance and repair), and Tenant shall comply with all laws governing such construction. Any permanent alterations, additions or improvements remain the property of the Landlord at such time as this agreement is terminated.
- (f) To be legally responsible for any destruction, defacement, damage, impairment, or removal of any part of the premises caused by an act or omission of the Tenant or by any person or animal or pet on the premises at any time with the express or implied permission or consent of the Tenant.

5. ASSIGNMENT AND SUB-LEASE

None of the Tenant's rights hereunder may be assigned or sub-let without the prior written consent of the Landlord.

6. DEFAULT

Should the Tenant fail to pay rent as it becomes due, this lease may be terminated at the option of the Landlord by giving three (3) days written notice to the Tenant. Should the Tenant fail to comply with any term, provision, condition, or the rules and regulations, now or subsequently published by the landlord, other than the payment of rent as prescribed, the landlord shall give notice in writing to the Tenant of such default and if the breach is not corrected within fourteen (14) days from the date of delivery of said notice to the Tenant's rental property, the lease is terminated thirty (30) days after the delivery of said notice. In the event of termination of this lease as herein provided, Tenant will immediately give peaceful possession of the rental property to the landlord, remove all Tenants' property from the premises and leave premises reasonably clean. If Tenant fails to surrender the premises, the landlord may, at her option, proceed to evict the Tenant, bring suit for the entire amount of the lease, or take action in default for the non-payment of rent. In case of default landlord may recover balance of rent due on lease plus any applicable attorney fees.

7. RIGHT OF ACCESS

The landlord, or their agents may, upon giving reasonable notice to the Tenant, enter the rental property during reasonable hours to inspect the premises, make necessary or agreed repairs, or to exhibit the rental property to prospective purchasers, mortgagors, Tenants, workmen or contractors.

8. NON-LIABILITY OF LANDLORD

The landlord shall not be liable for any injury to the Tenant, her family, her employees, or agents, her business or social guests or for any loss of or damage to goods and chattels resulting from any defect in the premises or any equipment installed or located therein: and the Tenant shall indemnify the landlord and hold her harmless from any and all claims for such injury or damage. If any employee or agent of the landlord shall, at the request of the Tenant, render any service or do any act for or on behalf of or at the direction of the Tenant, which act or service is not required by the term of this lease to be rendered by the Landlord or Tenant, then in any and all such cases such employee or agent of the landlord becomes wholly the agent of Tenant and the landlord shall not be liable in any manner for damage to property, or injury, or death to persons arising out of or in connection with the insurance on personal belongings in sufficient amount to cover value.

9. LEASE BINDING

This lease shall be binding on the landlord and Tenant and on their respective heirs, personal representatives and assigns, provided, however that this paragraph shall not be construed as permitting any assignment or transfer that is prohibited by paragraph 5. Should landlord request, Tenant shall provide a copy of lease agreement and all documents pertaining to the lease.

10. DESTRUCTION OF PROPERTY

In the event that the property is partially destroyed, the lease is binding although rent is abated at the time of destruction. If property is destroyed, the landlord has the option to repair or terminate lease without liability.

11. HOLDOVER PROVISION

Tenant must notify landlord of her intention to renew this lease 30 days prior to its expiration date; provided that, nothing herein provides Tenant with a right to renew the lease. A new lease must be signed for a mutually agreed period of time if the Tenant intends continuing occupancy.

12. EARLY TERMINATION

Tenant may terminate this lease without penalty upon 30 days' notice at any time prior to its expiration date.

13. ABANDONED PROPERTY

Upon lease termination and surrendering possession of the rental property to the landlord the Tenant or at the completion of the rental term or by any other means, any property remaining in or about the rental property shall be assumed by the landlord to be abandoned property and may be disposed of in accordance with laws of the state.

14. POSSESSION

It is the landlord's intent that the Tenant shall have possession of the rental property on the date of the beginning of the lease term.

15. RELATIONSHIP OF THE PARTIES

The parties agree that they are each independent entities operating pursuant to the terms and conditions of this Agreement. No agent, employee, servant or representative of any party shall be deemed to be an employee, agent, servant or representative of any other party for any purpose. Each party will be solely and entirely responsible for its acts and for the acts of its agents, employees, and servants during the term of this agreement

16. EXTENT OF AGREEMENT

This Agreement contains all of the terms and conditions agreed upon by the parties. The parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement.

17. VENUE STIPULATION

This Agreement has been and shall be construed as having been made and delivered within the State of Washington and it is mutually understood and agreed by the parties hereto that this Agreement shall be governed by the laws of Washington, both as to interpretation and performance. Any action in law, suit in equity, or judicial proceeding, for the enforcement of this Agreement, or any of the provisions contained therein, shall be instituted and maintained only in the Whatcom County Superior Court, Bellingham, Washington.

THIS IS TO ACKNOWLEDGE THAT I/WE UNDERSTAND THE ABOVE AND HAVE RECEIVED A COPY OF THIS LEASE AGREEMENT.

LANDLORD (Mayor Scott Korthuis)

Date

TENANT (Nancy Norris.)

Date

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	January 3, 2023	
Name of Agenda Item:	Approval of Payroll and Claims	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input 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:	None	
Summary Statement:	Approval of Payroll and Claims	
Recommended Action:	Approval of Payroll and Claims	

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	January 3, 2023	
Name of Agenda Item:	Draft Parks Committee Minutes December 19, 2022	
Section of Agenda:	Other Business	
Department:	Parks	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
ES-Draft Parks Committee Minutes December 19, 2022		
Summary Statement:		
See Next page		
Recommended Action:		
For Council Review		

CITY OF LYNDEN



PARKS DEPARTMENT
Brent De Ruyter, Parks Director
(360) 354 - 6717

PARKS COMMITTEE MINUTES December 19, 2022

1. ROLL CALL:

Members Present: Mayor Korthuis, Councilors Ron DeValois, Nick Laninga and Mark Wohlrab

Staff Present: City Administrator John Williams,

Guest: Lynden Youth Sports President Rich Waldemar

2. ACTION ITEMS:

A. Approval of Parks Committee Minutes- November 21, 2022

Wohlrab motioned to approve the November 21, 2022, minutes Laninga approved the motion.

Action: The Parks Committee Minutes from November 21, 2022, were approved.

3. INFORMATION ITEMS:

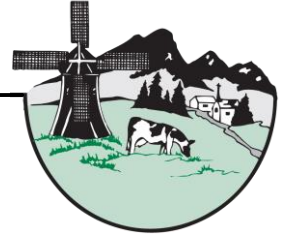
A. SHKS Information on the Benson Barn Project

- Bi-weekly check-in Update and Discussion on South Wall Design Ideas

B. Updates on Parks and Trails projects

- **Benson Park**
Profitable Meeting with SCJ Alliance with more design plan information and pricing elements coming in January
Benson Barn being used for bridge “pre-drilling” and windmill renovation
Encouraging meeting with Rotary Club Admin revealed interest in turf project
- **Dickinson**
Gate secured with Box for Fire Dept. and “Champion Cherry Tree” update
- **Glennig**
Sign will be put up on site with Design Plan Drawing soon
Fence and Backstop Removal will begin if weather permits
- **Berthusen Park**
Sign is installed and receiving final estimates for an automated gate
- **Trails**
Trail speed painting and Park Rules Signs are installed at all sites

CITY OF LYNDEN



PARKS DEPARTMENT
Brent De Ruyter, Parks Director
(360) 354 - 6717

C. Budget Updates

Found a used pickup for 2023 to help with new position coverage in the fleet
Additional Parks Maintenance Employee recruitment has been advertised

4. ITEMS ADDED

A. Lynden Youth Sports- Rich Waldemar

LYS President Rich Waldemar presented to Parks Committee that he was alerted that the city can no longer be the support or scheduling staff for LYS without further agreement in place.

After some discussion, the Committee wished to continue the relationship with them, and City Administrator will be in touch to develop the necessary process.

B. Civic Plus

Parks Committee went over the Council added item for the Civic Plus scheduling program and the urgency to expedite is due to a \$7k savings by signing before the end of the year.

Action: Motion to approve and send to council Mark motion, Nick 2nd

Adjourned: 4:36 PM.

NEXT MEETING-Tuesday, January 17(note change for holiday), 2023—4:00 PM

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	January 3, 2023	
Name of Agenda Item:	Calendar	
Section of Agenda:	Other Business	
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: N/A
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	Calendar	
Summary Statement:	Calendar	
Recommended Action:	Not an action item, information only.	

January 3, 2023

Tuesday

9:00 AM - 10:00 AM

Leadership Team Meeting -- City Hall 1st Floor Large Conference Room

5:00 PM - 6:30 PM

Design Review Board -- TBD

7:00 PM - 9:00 PM

Copy: City Council Meeting -- Annex Council Chamber

January 4, 2023

Wednesday

4:00 PM - 6:00 PM

Community Development Committee -- City Hall 2nd Floor Large Conference Room

January 5, 2023

Thursday

2:00 PM - 4:00 PM

Technical Review Committee Meeting -- TBD

2:00 PM - 4:00 PM

TRC -- City Hall 2nd Floor Large Conference Room

January 9, 2023

Monday

7:00 PM - 9:00 PM

Park and Trail Advisory -- Annex South East Conference Room

Park & Trail Advisory Committee meets the 2nd Monday in: January, April, July, August, and October

January 10, 2023

Tuesday

9:00 AM - 10:00 AM

Leadership Team Meeting -- City Hall 1st Floor Large Conference Room

January 11, 2023

Wednesday

4:00 PM - 6:00 PM

Copy: Public Works Committee -- City Hall 2nd Floor Large Conference Room
First meeting of the year will be held on January 11 instead of January 4.

7:00 PM - 9:00 PM

Parks & Rec District Meeting -- Annex South East Conference Room

January 12, 2023

Thursday

7:00 PM - 10:00 PM

Planning Commission -- Annex Council Chamber

January 16, 2023

Monday

All Day

Martin Luther King Day -- United States

January 17, 2023

Tuesday

10:00 AM - 11:00 AM

Copy: Airport Board Meeting -- City Hall 2nd Floor Large Conference Room
Welcome Board Members & Guests,

The Airport board meeting will be in person at City Hall, 2nd Floor Conference room. The meeting takes place the third Tuesday of each month at 10:00 A.M.

4:00 PM - 5:00 PM

Copy: Parks Committee Meeting -- City Hall 1st Floor Small Conference Room

7:00 PM - 9:00 PM

Copy: City Council Meeting -- Annex Council Chamber