

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
July 17, 2023

Call to Order

Roll Call

Pledge of Allegiance

Oath of Office

Summary Reports and Presentations

- [1.](#) Recognition of Promotion - Travis Lipton

Approval of Minutes

- [2.](#) Draft Council Minutes – July 3, 2023

Citizen Comment

Consent Agenda

- [3.](#) Approval of Payroll and Claims
- [4.](#) Award Bid for East Front Street Stabilization – East Site
- [5.](#) ORD-23-1670 Line of Credit Renewal

Public Hearing

Unfinished Business

- [6.](#) Amending LMC 19 RE: Patio Screening

New Business

Other Business

- [7.](#) Draft Community Development Committee Minutes- May 17, 2023
- [8.](#) Draft Public Works Committee Meeting Minutes July 5, 2023
- [9.](#) Calendar

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	07/17/2023	
Name of Agenda Item:	Recognition of Promotion – Travis Lipton	
Section of Agenda:	Summary Reports and Presentations	
Department:	Police Department	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <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:		
Summary Statement:		
Recommended Action:	Chief Taylor to present the promotion of Travis Lipton to the position of Sergeant.	

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 17, 2023	
Name of Agenda Item:	Draft Council Minutes – July 3, 2023	
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 – July 3, 2023	
Summary Statement:	Draft Council Minutes for Council review and possible approval.	
Recommended Action:	Review and approve draft minutes.	

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

July 3, 2023

1. CALL TO ORDER

Mayor Korthuis called to order the July 3, 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, Brent Lenssen, Nick Laninga, and Mark Wohlrab.

Members absent: Councilor Kuiken and Strengholt.

Staff present: City Clerk Pam Brown and City Administrator John Williams

OATH OF OFFICE - None

SUMMARY REPORTS AND PRESENTATIONS - None

APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Laninga seconded to approve the June 19, 2023, regular meeting minutes. Motion approved on 5-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

Cynthia Ripke-Kutsagoitz provided four minutes of comment on a variety of topics, some of which included code enforcement in Whatcom county, history of the flag and affirmative action.

2. CONSENT AGENDA

Payroll Liability to June 18 through July 1, 2023

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$669,134.24
Check Liability	\$0.00
Total Non-L&I Liabilities	\$699,134.24
Quarterly Liabilities	\$14,366.14

Total EFT & Other Liabilities **\$683,500.38**

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Approval of Claims – July 5, 2023

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>27759</u>	through	<u>27851</u>		\$197,698.83
EFT Payments					<u>\$72,018.48</u>
				Sub Total	\$269,717.31
				Total Accts. Payable	\$269,717.31

RES-23-1075 Request to Cancel Checks

Dickinson House, 8200 Double Ditch Road, Lease Agreement

Motion made by Councilor Bode, seconded by Councilor De Valois to approve the consent agenda as presented. Motion approved 5-0.

3. PUBLIC HEARING - None
4. UNFINISHED BUSINESS - None
5. NEW BUSINESS
6. OTHER BUSINESS
7. EXECUTIVE SESSION

The Council did not hold an executive session.

8. ADJOURNMENT

July 3, 2023, regular session of the Lynden City Council adjourned at 7:11 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 17, 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 – City Council

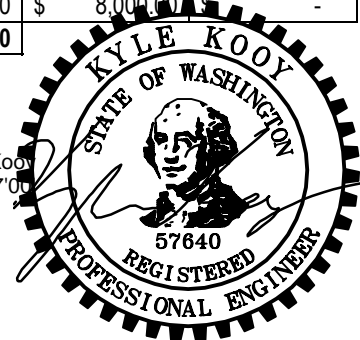


Meeting Date:	July 17, 2023	
Name of Agenda Item:	Award Bid for East Front Street Stabilization – East Site	
Section of Agenda:	Consent	
Department:	Public Works	
<u>Council Committee Review:</u>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
<u>Legal Review:</u>	<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	1) Certified Bid Tabulation 2) Reichhardt & Ebe - Recommendation to Award	
Summary Statement:	<p>Staff recently solicited bids for the East Front Street Stabilization – East Site for the repair of a failing slope. Work to be performed under this contract shall include construction of approximately 1,500 square feet of MSE wall, storm drain pipe, grinding and paving HMA, curb and gutter, guardrail, and restoration planting. Four bids were received on June 29, 2023, as shown on the attached Bid Tabulation prepared by Reichhardt & Ebe.</p> <p>The Public Works Committee at their July 5th meeting concurred to recommend award to Len Honcoop Gravel, the lowest responsive and responsible bidder, in the amount of \$270,771.75, including Washington State Sales Tax. The Engineer's Estimate was \$369,510.00.</p>	
Recommended Action:	<p>That City Council award the contract for the East Front Street Stabilization – East Site to Honcoop Gravel in the amount of \$270,771.75 including Washington State Sales Tax and authorize the Mayor to sign the contract.</p>	

423 Front Street
Lynden, WA 98264
Phone: (360) 354-3687

Called By: For:				Engineer's Estimate		1 Len Honcoop Graef, Inc. 8911 Guide Meridian Lynden, WA 98264 360-354-4763		2 DeKoster Excavating, Inc. 8631 Depot Road Lynden, WA 98264 360-815-7129		3 Stremler Gravel, Inc. PO Box 527 Lynden, WA 98264 360-354-8585		4 Western Refinery Services, Inc. 2380 Grandview Road 360-366-3303		Average (Excluding Engineer's Estimate)	Standard Deviation (Excluding Engineer's Estimate)
City of Lynden East Front Street Stabilization - East Site 300 4th Street Lynden, WA 98264															
By: Date:		CERTIFIED TABULATION OF BIDS RECEIVED													
Kyle Kooy, P.E. June 29, 2023															
Item No.	Item Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 17,364.52	\$ 17,364.52	\$ 35,000.00	\$ 35,000.00	\$ 20,000.00	\$ 20,000.00	\$ 25,591.13	\$ 7,192.06
2	SPCC PLAN	1	LS	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 250.00	\$ 250.00	\$ 800.00	\$ 800.00	\$ 512.50	\$ 194.86
3	Project Temporary Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 5,900.00	\$ 5,900.00	\$ 2,000.00	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 3,100.00	\$ 1,629.42
4	Clearing and Grubbing	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 4,035.00	\$ 4,035.00	\$ 2,686.00	\$ 2,686.00	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 3,930.25	\$ 822.85
5	Removal of Structures and Obstructions	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 6,510.00	\$ 6,510.00	\$ 4,735.00	\$ 4,735.00	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 4,686.25	\$ 1,432.36
6	Sawcut ACP	1,480	LF-IN	\$ 0.75	\$ 1,110.00	\$ 1.00	\$ 1,480.00	\$ 1.48	\$ 2,190.40	\$ 1.00	\$ 1,480.00	\$ 0.90	\$ 1,332.00	\$ 1.10	\$ 0.23
7	Sawcut PCC	5	LF-IN	\$ 5.00	\$ 25.00	\$ 15.00	\$ 75.00	\$ 62.60	\$ 313.00	\$ 35.00	\$ 175.00	\$ 13.00	\$ 65.00	\$ 31.40	\$ 19.96
8	Unsuitable Foundation Excavation Incl. Haul	240	CY	\$ 20.00	\$ 4,800.00	\$ 22.50	\$ 5,400.00	\$ 19.28	\$ 4,627.20	\$ 28.00	\$ 6,720.00	\$ 50.00	\$ 12,000.00	\$ 29.95	\$ 11.99
9	Gravel Borrow Incl. Haul	385	TON	\$ 35.00	\$ 13,475.00	\$ 25.75	\$ 9,913.75	\$ 31.46	\$ 12,112.10	\$ 22.75	\$ 8,758.75	\$ 50.00	\$ 19,250.00	\$ 32.49	\$ 10.58
10	Water	15	M GAL.	\$ 120.00	\$ 1,800.00	\$ 150.00	\$ 2,250.00	\$ 120.67	\$ 1,810.05	\$ 115.00	\$ 1,725.00	\$ 250.00	\$ 3,750.00	\$ 158.92	\$ 54.24
11	Structure Excavation Class A Incl. Haul	1,070	CY	\$ 20.00	\$ 21,400.00	\$ 22.50	\$ 24,075.00	\$ 14.78	\$ 15,814.60	\$ 30.00	\$ 32,100.00	\$ 50.00	\$ 53,500.00	\$ 29.32	\$ 13.10
12	Shoring or Extra Excavation Class A	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 2,000.00	\$ 2,000.00	\$ 15,323.25	\$ 15,323.25	\$ 3,500.00	\$ 3,500.00	\$ 2,000.00	\$ 2,000.00	\$ 5,705.81	\$ 5,586.30
13	HMA CL 1/2", PG 58H-22	195	TON	\$ 200.00	\$ 39,000.00	\$ 163.00	\$ 31,785.00	\$ 151.20	\$ 29,484.00	\$ 154.00	\$ 30,030.00	\$ 148.00	\$ 28,860.00	\$ 154.05	\$ 5.59
14	Planing Bituminous Pavement	400	SY	\$ 15.00	\$ 6,000.00	\$ 19.75	\$ 7,900.00	\$ 21.54	\$ 8,616.00	\$ 15.50	\$ 6,200.00	\$ 19.00	\$ 7,600.00	\$ 18.95	\$ 2.19
14A	Paving Fabric	40	SY	\$ 20.00	\$ 800.00	\$ 19.00	\$ 760.00	\$ 15.00	\$ 600.00	\$ 16.50	\$ 660.00	\$ 22.00	\$ 880.00	\$ 18.13	\$ 2.65
15	MSE Wall	1,500	SF	\$ 65.00	\$ 97,500.00	\$ 18.00	\$ 27,000.00	\$ 35.88	\$ 53,820.00	\$ 46.75	\$ 70,125.00	\$ 48.00	\$ 72,000.00	\$ 37.16	\$ 12.02
16	Gravel Borrow for Structural Earth Wall Incl. Haul	985	TON	\$ 40.00	\$ 39,400.00	\$ 23.50	\$ 23,147.50	\$ 21.29	\$ 20,970.65	\$ 20.50	\$ 20,192.50	\$ 50.00	\$ 49,250.00	\$ 28.82	\$ 12.28
17	Drain Pipe 6 In. Diam	25	LF	\$ 30.00	\$ 750.00	\$ 27.00	\$ 675.00	\$ 25.67	\$ 641.75	\$ 50.00	\$ 1,250.00	\$ 80.00	\$ 2,000.00	\$ 45.67	\$ 22.06
18	Underdrain Pipe 6 In. Diam	130	LF	\$ 35.00	\$ 4,550.00	\$ 16.10	\$ 2,093.00	\$ 22.36	\$ 2,906.80	\$ 25.00	\$ 3,250.00	\$ 60.00	\$ 7,800.00	\$ 30.87	\$ 17.13
19	Drain Pipe Cleanout	2	EA	\$ 1,000.00	\$ 2,000.00	\$ 525.00	\$ 1,050.00	\$ 540.00	\$ 1,080.00	\$ 850.00	\$ 1,700.00	\$ 500.00	\$ 1,000.00	\$ 603.75	\$ 142.89
20	Corrugated Polyethylene Storm Sewer Pipe 12 In. Diam.	160	LF	\$ 50.00	\$ 8,000.00	\$ 39.00	\$ 6,240.00	\$ 34.18	\$ 5,468.80	\$ 40.00	\$ 6,400.00	\$ 45.00	\$ 7,200.00	\$ 39.55	\$ 3.84
21	Adjustments to Finished Grade	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 3,650.00	\$ 3,650.00	\$ 4,578.00	\$ 4,578.00	\$ 2,000.00	\$ 2,000.00	\$ 250.00	\$ 250.00	\$ 2,619.50	\$ 1,650.45
22	Erosion Control and Water Pollution Prevention	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,495.25	\$ 1,495.25	\$ 1,200.00	\$ 1,200.00	\$ 2,500.00	\$ 2,500.00	\$ 1,798.81	\$ 495.70
23	Topsoil Type A	440	SY	\$ 15.00	\$ 6,600.00	\$ 15.00	\$ 6,600.00	\$ 9.64	\$ 4,241.60	\$ 16.50	\$ 7,260.00	\$ 18.00	\$ 7,920.00	\$ 14.79	\$ 3.15
24	Seeding, Fertilizing, and Mulching	200	SY	\$ 30.00	\$ 6,000.00	\$ 11.00	\$ 2,200.00	\$ 3.24	\$ 648.00	\$ 11.30	\$ 2,260.00	\$ 25.00	\$ 5,000.00	\$ 12.64	\$ 7.84
25	Planting Plan - Buffer Mitigation	1	LS	\$ 8,500.00	\$ 8,500.00	\$ 4,900.00	\$ 4,900.00	\$ 2,316.00	\$ 2,316.00	\$ 5,200.00	\$ 5,200.00	\$ 7,000.00	\$ 7,000.00	\$ 4,854.00	\$ 1,670.97
26	Cement Conc. Traffic Curb and Gutter	160	LF	\$ 25.00	\$ 4,000.00	\$ 60.50	\$ 9,680.00	\$ 66.90	\$ 10,704.00	\$ 65.60	\$ 10,496.00	\$ 70.00	\$ 11,200.00	\$ 65.75	\$ 3.43
27	Recessed Pavement Marker	0	HUN	\$ 25,000.00	\$ 1,250.00	\$ 147,000.00	\$ 7,350.00	\$ 160,700.00	\$ 8,035.00	\$ 154,000.00	\$ 7,700.00	\$ 17,500.00	\$ 875.00	\$ 119,800.00	\$ 59,261.24
28	Beam Guardrail Type 31-9 Ft. Long Post	180	LF	\$ 65.00	\$ 11,700.00	\$ 110.00	\$ 19,800.00	\$ 114.34	\$ 20,581.20	\$ 114.00	\$ 20,520.00	\$ 110.00	\$ 19,800.00	\$ 112.09	\$ 2.09
29	Beam Guardrail Type 31 Terminal	2	EA	\$ 5,500.00	\$ 11,000.00	\$ 5,675.00	\$ 11,350.00	\$ 5,959.57	\$ 11,919.14	\$ 5,830.00	\$ 11,660.00	\$ 5,000.00	\$ 10,000.00	\$ 5,616.14	\$ 369.72
30	Quarry Spalls	5	TON	\$ 120.00	\$ 600.00	\$ 175.00	\$ 875.00	\$ 176.20	\$ 881.00	\$ 250.00	\$ 1,250.00	\$ 150.00	\$ 750.00	\$ 187.80	\$ 37.40
31	Paint Line	110	LF	\$ 5.00	\$ 550.00	\$ 5.25	\$ 577.50	\$ 5.40	\$ 594.00	\$ 5.50	\$ 605.00	\$ 6.50	\$ 715.00	\$ 5.66	\$ 0.49
32	Pothole Existing Underground Utility	2	EA	\$ 500.00	\$ 1,000.00	\$ 500.00	\$ 1,000.00	\$ 360.00	\$ 720.00	\$ 900.00	\$ 1,800.00	\$ 800.00	\$ 1,600.00	\$ 640.00	\$ 218.63
33	Repair Existing Public and Private Facilities	1	EST	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ -
TOTAL					\$ 370,310.00		\$ 270,771.75		\$ 277,777.31		\$ 318,467.25		\$ 376,897.00		

Digitally signed by Kyle Kooy
Date: 2023.06.29 15:18:21 -0700





June 29, 2023

City of Lynden
300 4th Street
Lynden, WA 98264

Attn: Mark Sandal
Programs Manager

Re: City of Lynden
East Front Street Stabilization - East Site
Recommendation to Award

Dear Mark Sandal,

We have reviewed all construction bid proposals for the above-referenced project. Len Honcoop Gravel, Inc. provided the lowest responsive bid at \$270,771.75.

We recommend that you award the contract Len Honcoop Gravel, Inc. subject to the following:

- 1. Required project funds are available.

Sincerely,

A handwritten signature in black ink that reads 'Kyle Kooy'. The signature is fluid and cursive.

Digitally signed by Kyle Kooy
Date: 2023.06.29 14:55:21 -07'00'

Kyle Kooy, P.E.
Reichhardt & Ebe Engineering, Inc.

CITY OF LYNDEN

EXECUTIVE SUMMARY - FINANCE



Meeting Date:	July 17, 2023	
Name of Agenda Item:	Ord-23-1670 Line of Credit Renewal	
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 checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Ord-23-1670 Line of Credit Renewal Notes A & B		
Summary Statement:		
<p>Ordinance No. 1231 was approved by council on May 2, 2005. It allowed the city to have a revolving line of credit. The notes have provided interim financing for capital projects such as the Water Reservoir project (for DWSRF reimbursement), Arterial Street capital improvements, Police Station Acquisition/Remodel (prior to issuance of permanent financing), and East Lynden Sewer Sub-Basin improvement projects. Presently, outstanding balances on the line of credit consist of several funds awaiting reimbursement money. The line of credit is available to provide interim financing for Street Capital Construction projects. These projects are secured by grant and/or other intergovernmental funding on a reimbursement basis. Since 2005, Ordinance No. 1231 has been amended by Ordinance No. 1261, 1295, 1319, 1355, 1376, 1400, 1420, 1444, 1467, 1485, 1510, 1534, 1558, 1588, 1629 and 1648 each authorizing an extension of the maturity date of the notes. The City received an offer from Banner Bank to extend the maturity date of the notes from July 31, 2023 to July 31, 2024 at a rate of 5.78%, which is a 2.68% increase from the previous rate. The closing date is anticipated to be July 28, 2023.</p> <p>The City's Bond Counsel and Finance Director have reviewed this proposal prior to its review by the Finance Committee on July 17, 2023.</p> <p>The Finance Committee approved the renewal in their June 17th, 2023 meeting and has forwarded the Ordinance to the full Council.</p>		
Recommended Action:		
That the Council approve Ord-23-1670 as presented and authorize the Mayor's signature.		

ORDINANCE NO. 23-1670

**AN ORDINANCE OF THE CITY OF LYNDEN, WASHINGTON,
FURTHER AMENDING ORDINANCE NO. 1231 TO EXTEND THE
MATURITY OF THE CITY’S REVENUE BOND ANTICIPATION
NOTE, 2005A (REVOLVING) AND ITS LIMITED GENERAL
OBLIGATION BOND AND GRANT ANTICIPATION NOTE, SERIES
2005B (REVOLVING).**

WHEREAS, the City of Lynden, Washington (the “City”) adopted Ordinance No. 1231 on May 2, 2005, providing for the issuance of the City’s Revenue Bond Anticipation Note, Series 2005A (Revolving) (“Note-2005A”) and its Limited Tax General Obligation Bond and Grant Anticipation Note, Series 2005B (Revolving) (“Note-2005B” and together with the Note-2005A, the “Notes”), originally issued on May 13, 2005 and both having an original date of May 13, 2006, in the aggregate principal amount of not to exceed \$5,000,000 for the purpose of making improvements to facilities of the City, in anticipation of loans and grants specified therein; and

WHEREAS, subsequent to May 13, 2005, the City passed Ordinance No. 1261 extending the maturity and changing the interest rate, Ordinance No. 1295 increasing the maximum amount, extending the maturity and changing the interest rate, Ordinance No. 1319 extending the maturity and changing the interest rate, Ordinance No. 1355 extending the maturity and changing the interest rate, Ordinance No. 1376 extending the maturity and changing the interest rate, Ordinance No. 1400 extending the maturity and changing the interest rate, Ordinance No. 1420 extending the maturity and changing the interest rate, Ordinance No. 1444 extending the maturity and changing the interest rate, Ordinance No. 1467 decreasing the maximum amount, extending the maturity and changing the interest rate; Ordinance No. 1485 extending the maturity; Ordinance No. 1510 extending the maturity and changing the interest rate, Ordinance No. 1534 extending the maturity and changing the interest rate, Ordinance No. 1558 extending the maturity and changing the interest rate, Ordinance No. 1588 extending the maturity, and Ordinance No. 1606 increasing the maximum amount, extending the maturity and changing the interest rate; and Ordinance No. 1629 extending the maturity and changing the interest rate, and Ordinance No. 1634 increasing the maximum amount; and Ordinance No. 1648 extending the maturity and changing the interest rate and

WHEREAS, the Notes were reissued on July 27, 2022 to Banner Bank, Burlington, Washington, as successor to Skagit State Bank (the “Bank”); and

WHEREAS, the City has received a proposal from the Bank dated June 29, 2023 (the “Proposal”) to further extend the maturity of the Notes upon certain conditions; and

WHEREAS, it is now in the best interests of the City to accept the Bank’s Proposal;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, DOES ORDAIN, as follows:

Section 1. Amendment to Ordinance No. 1231. Section 3 of Ordinance No. 1231 as amended by Ordinance Nos. 1261, 1295, 1319, 1355, 1376, 1400, 1420, 1444, 1467, 1485, 1510, 1534, 1558, 1588,1606, 1629,1634 and 1648 is hereby further amended to read as follows (additions are underscored and deletions are shown as stricken):

(c) *Terms of the Note-2005A.* The Note-2005A shall be designated as the “City of Lynden, Washington Revenue Bond Anticipation Note, 2005A (Revolving),” shall be dated as of the date of its original issuance, shall be issued as a single instrument, fully registered as to both principal and interest, shall be in the denomination of not to exceed \$3,000,000; subject, however, to the further limitation that the aggregate principal amount outstanding of the Note-2005A and the Note-2005B (hereinafter authorized) may not at any time exceed the sum of \$3,000,000, shall be numbered N-1A and shall bear interest at fixed interest rate of 2.85% to May 13, 2006 and delivery, the fixed rate of 4.16% from May 13, 2006 through May 11, 2007 and the fixed rate of 3.95% from May 12, 2007 to May 13, 2008 and the fixed rate of 2.90% from May 13, 2008 to May 13, 2009 and the fixed rate of 2.75% from May 13, 2009 to May 13, 2010 and the fixed rate of 2.75% from May 13, 2010 to June 22, 2011 and the fixed rate of 2.25% from June 23, 2011 to June 26, 2012 and the fixed rate of 2.15% from June 27, 2012 to June 23, 2013 and the fixed rate of 2.05% from June 24, 2013 to July 23, 2014 and the fixed rate of 2.15% from July 24, 2014 to July 24, 2016 and the fixed rate of 2.31% from July 25, 2016 to July 27, 2017 and the fixed rate of 2.81% from July 28, 2017 to July 30, 2018 and the fixed rate of 3.75% from July 31, 2018 to July 30, 2020 and the fixed rate of 3.64% from July 31, 2020 to July 30, 2021 and the fixed rate of 2.85% from July 31, 2021 to July 30, 2022 and the fixed rate of 3.10% from July 31, 2022, and the fixed rate of 5.78% from July 31, 2023 to final maturity (computed on the basis of the actual number of days elapsed over a year of 360 days) on the unpaid principal balance and the outstanding principal balance and all unpaid and accrued interest shall be payable in full at maturity on July 31, 2024~~2023~~. The interest rate on Note-2005A is subject to adjustment as follows: if the interest on Note-2005A is subsequently determined to be no longer federally tax-exempt, then the interest rate on Note-2005A shall be adjusted to 7.87% ~~3.95%~~ effective as of the date of loss of tax-exempt status.

(d) *Terms of the Note-2005B.* The Note-2005B shall be designated as the “City of Lynden, Washington Limited General Obligation Bond and Grant Anticipation Note, 2005B (Revolving),” shall be dated as of the date of its original issuance, shall be issued as a single instrument, fully registered as to both principal and interest, shall be in the denomination of not to exceed \$3,000,000; subject, however, to the further limitations that the aggregate principal amount outstanding of the Note-2005A and the Note-2005B may not at any time exceed the sum of \$3,000,000 and that the aggregate principal amount outstanding of the Note-2005B may not exceed LGO Capacity as of the date of any Draw made thereunder, shall be numbered N-1B and shall bear interest at the fixed rate of 2.85% to May 13, 2006, the fixed rate of 4.16% from May 13, 2006 through May 11, 2007 and the fixed rate of 3.95% from May 12, 2007 to May 13, 2008 and the fixed rate of 2.90% from May 13, 2008 to May 13, 2009 and the fixed rate of 2.75% from May 13, 2009 to May 13, 2010 and

the fixed rate of 2.75% from May 13, 2010 to June 22, 2011 and the fixed rate of 2.25% from June 23, 2011 to June 26, 2012 and the fixed rate of 2.15% from June 27, 2012 to June 23, 2013 and the fixed rate of 2.05% from June 24, 2013 to July 23, 2014 and the fixed rate of 2.15% from July 24, 2014 to July 24, 2016 and the fixed rate of 2.31% from July 25, 2016 to July 27, 2017 and the fixed rate of 2.81% from July 28, 2017 to July 30, 2018 and the fixed rate of 3.75% from July 31, 2018 to July 30, 2020 and the fixed rate of 3.64% from July 31, 2020 to July 30, 2021 and the fixed rate of 2.85% from July 31, 2021 to July 30, 2022 and the fixed rate of 3.10% from July 31, 2022, and the fixed rate of 5.78% from July 31, 2023 to final maturity (computed on the basis of the actual number of days elapsed over a year of 360 days) on the unpaid principal balance, and the outstanding principal balance and all unpaid and accrued interest shall be payable in full at maturity on July 31, 2024 2023. The interest rate on Note-2005B is subject to adjustment as follows: if the interest on Note-2005B is subsequently determined to be no longer federally tax-exempt, then the interest rate on Note-2005B shall be adjusted to 7.87% ~~3.95%~~ effective as of the date of loss of tax-exempt status.

(e) *Draws.* The Notes are intended to be revolving obligations; however, the principal amount outstanding under the Notes may never exceed \$3,000,000, and provided, further, the aggregate principal amount of any Draw made under the Note-2005B (together with all other principal amounts then outstanding under the Note-2005B) may never exceed LGO Capacity as of the date of the Draw. The available principal of the Notes shall be disbursed as borrowings and re-borrowings from time to time by the Bank upon request from the City (each such disbursement herein referred to as a “Draw”). Draws shall be recorded on the Loan Draw Record attached to the respective Note, or in such other form as the City and the Bank may agree. Interest on each Draw shall accrue from the date of that Draw and shall be computed on the basis as described above on the principal amount of the Draw outstanding for the actual number of days the principal amount of the Draw is outstanding. The City hereby covenants that it will never request a Draw under the Note-2005B if the amount of that Draw, together with the principal balance then outstanding would exceed LGO Capacity. The LGO Capacity as of the date of this ordinance, pledged and committed to be available for the Note-2005B is ~~\$32,310,876~~ \$42,680,710, and the Bank may rely upon this representation until the City delivers written notice of a change in LGO Capacity.

Section 2. Bank Proposal. The City hereby approves and accepts the Bank Proposal. Upon closing, reissuance and delivery of the Notes, the City shall pay to the Bank an amount of \$650.00 for its legal review costs in connection with the reissuance of the Notes, which payment shall be made by check, wire transfer or other mutually acceptable means to the Bank.

Section 3. Information to be Provided to Bank. As long as the Notes are outstanding, the City will provide to the Bank the financial information of the City as the Bank from time to time may reasonably request, including the City’s annual financial statements/reports, audit reports, and audited financial statements, as available.

Section 4. Ordinance and Laws a Contract with the Bank. Ordinance No. 1231, as amended, and as further amended by this amendatory ordinance is passed under the authority of and in full compliance with the Constitution and laws of the State of Washington, including Title 35 of the Revised Code of Washington, as amended and supplemented. In consideration of the loans made by the Bank, evidenced by the Notes, the provisions of Ordinance No. 1231, as amended, and as further amended by this amendatory ordinance, and of said laws shall constitute a contract with the Bank, and the obligations of the City and its City Council under said laws and under Ordinance No. 1231, as amended, and as further amended by this amendatory ordinance, shall be enforceable by any court of competent jurisdiction; and the covenants and agreements herein and in the Notes set forth shall be for the equal benefit of the Bank and any permitted transferee or assignee.

Section 5. Confirmation of Ordinance No. 1231, as amended. Ordinance No. 1231, as amended by Ordinance Nos. 1261, 1295, 1319, 1355, 1376, 1400, 1420, 1444, 1467, 1485, 1510, 1534, 1558, 1588, 1606, 1629, 1634, 1648 and as further amended by this amendatory ordinance is hereby ratified and confirmed.

Section 6. Authorization of City Officials. The proper City officials are authorized to deliver new Notes to the Bank reflecting the terms of this amendatory ordinance.

Section 7. Effective Date. This ordinance shall be in effect five days after its publication as provided by law.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, _____ IN FAVOR, _____ AGAINST, AND SIGNED BY THE MAYOR THIS _____ DAY OF JULY 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 17, 2023	
Name of Agenda Item:	Amending LMC 19 re Patio Screening	
Section of Agenda:	Unfinished Business	
Department:	Community Development Department	
Council Committee Review:	<input checked="" type="checkbox"/> Community Development <input 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:		
Planning Commission and, Staff Memo regarding recommended action, Patio Heater Safety Handout, Blog Article re Patio Conversions, Commission Minutes of 5-11-23		
Summary Statement:		
<p>At the June 19th meeting the City Council considered an amendment to LMC 19.22 related to the screening of outdoor patio areas. At that meeting, testimony from one local contractor raised questions related to the ability to more fully enclose patio areas. The Council asked that the amendment be reconsidered to address this possibility and provide answers the issued raised. In response, additional information pertaining to this issue has been attached to this agenda item.</p> <p>Planning, Building, and Fire Dept staff continue to raise concerns related to the enclosing of patio areas that are attached to primary living areas and recommend screening rather than enclosing. Concerns focus on three main areas:</p> <ol style="list-style-type: none"> 1. Life safety. 2. Enforcement and the potential for ad-hoc living spaces that violate building code. 3. Maintaining outdoor areas and separation of living spaces in single-family residential zones. <p>It is relevant to note that this potential amendment was raised after a single unpermitted enclosure was cited. The code, as currently written, is clear and well utilized throughout the city.</p> <p>Similar to staff, the Planning Commission considered this issue carefully and voted to recommend a clarification of code rather than a modification that would permit enclosure.</p> <p>Staff is recommending that the Council review the attached materials. This issue will then be discussed at the July 19th CDC meeting and then returned to the City Council for action. This action generally includes the following options (1) keep the code as written and take no action on the amendment, (2) adopt the amendment as previously proposed which allows for screening but not enclosing of patios, or (3) remand the issue back to staff or the Planning Commission with specific directions regarding next steps.</p>		
Recommended Action:		
No action at this time.		

CITY OF LYNDEN

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
Heidi Gudde, Director
(360) 354 - 5532



July 12, 2023

To: City Council

RE: Enclosing Patios

Dear City Council,

This memo is written to provide you with background information related to a recent proposal to amend Chapter 19 of the Lynden Municipal Code related to the screening or enclosing of patios that are located within the rear yard of a single-family home. The reason this issue has come forward relates solely to one violation of the standard which was done knowingly at 950 Captain Bay Court. The current code has been utilized well and is clearly understood by staff, homeowners, and contractors in the city. The current standard is clear and compliance has not been an issue. The property owner at 950 Captain Bay Court and her contractor, Dale Assink, rather than come into compliance, have requested that the code be modified to allow unconditioned (non-heated) additions to homes within the rear setback.

Planning, Building, and Fire Dept staff have raised concerns about a potential change to the standard that would allow the addition of unconditioned spaces and/or the enclosure of patio areas that are attached to primary living areas. This is why the amendment presented to Council on June 19th was written as a clarification of the current standard rather than a modification that allowed enclosure. Concerns about enclosure focus on three topics:

1. Life safety.
2. Enforcement and the potential for ad-hoc living spaces that violate building code.
3. Maintaining outdoor areas and separation of living spaces in single-family residential zones.

Life safety concerns relate to dangers associated with carbon monoxide poisoning, increased fire risk, and egress. Outdoor grilling on patio spaces is common and with the rising popularity of smokeless fire pits even campfires have moved to patio spaces. In addition, a wide variety of patio heaters are available for consumers to extend the usability of their patio spaces. While all of these amenities make outdoor living spaces more enjoyable, they can become dangerous when used in an enclosed area. The example cited by Mr. Assink of the property at 950 Captain Bay Court (shown here) includes a gas grill inside a patio. This patio was fully enclosed with glass and overhead glass-paneled doors after a building permit for covering the patio was approved and finalized.

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Heidi Gudde, Director

(360) 354 - 5532



Grilling in and heating enclosed spaces that are attached to a living space exposes the inhabitants of the house to serious dangers. Gas leaks, carbon monoxide poisoning, and



fires are concerning when the space is connected to the home and sleeping quarters. Even ash from a previous fire can quickly become a house fire when located in or near a residence.

Additionally, retrofitted enclosed patios may create access concerns. In the Captain Bay Court example, the patio does not have a man-door but only overhead doors as a means of egress. If the door connecting to the home was inadvertently locked and an individual or child is not able to open an overhead door, then the patio becomes a space without an exit.

Ad-hoc living areas becomes likely when patios are enclosed. Although unconditioned spaces such as garages and enclosed porches are not designed for living area, they are often the first spaces to be converted when a home’s inhabitants are looking for additional room. The City of Lynden code accommodates the reality of garage conversions by requiring outdoor parking areas and including attached garages within a building envelope. Similarly, if the city allowed unconditioned enclosed patio spaces the stage is set for an expansion of living area and a reduction of yard space. A quick internet search shows many do-it-yourself examples of converting your covered patio to become an extension of your home. If a patio or porch is allowed to be enclosed as unconditioned space, then it’s quite natural for it to evolve to heated (conditioned) space even if it was not constructed with this intent. The result is a space which is not built to code,



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likely not meet the energy code, and may be a liability to the owner and future owners of the home.

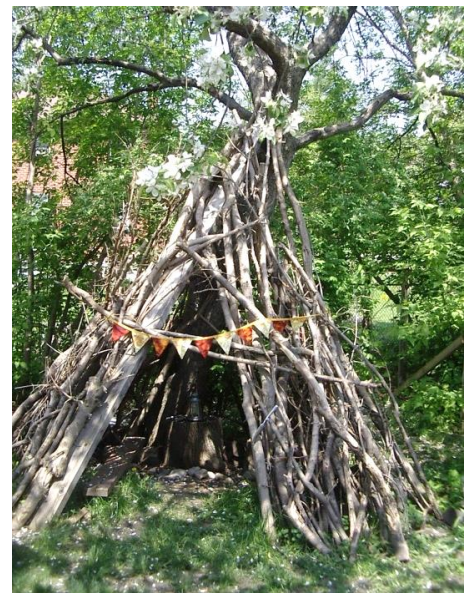


Before: Exterior view of an example of a covered patio as currently permitted within a rear yard.



After: The same patio after enclosure. View from the interior after a conversion to an extension of living space.

Yard area is compromised when outdoor spaces are enclosed. One of the benefits of traditional single-family zoning is open yard area associated with each home. Yards are created by minimum required setbacks associated with the primary residence. These limit how much of the lot can be covered by the primary structure. In most zones in the City of Lynden a rear yard setback is 30 feet with the setback for a covered, but open, patio set at 18 feet. These setbacks serve to maintain open area for recreational uses but also to create separation between living units.



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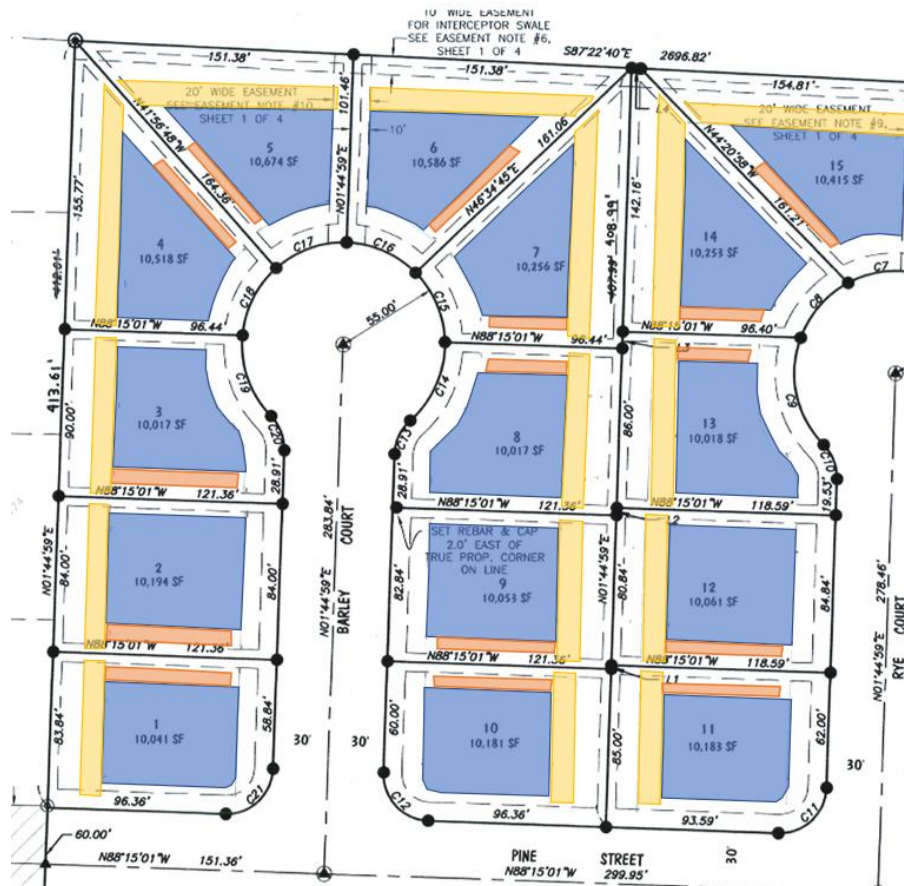
The City of Lynden has continually placed children and families as a top priority. Maintaining private and safe outdoor spaces for play, gardening, trees and plants for existing and future families is part of this legacy and becomes even more important when lots sizes are reduced due to development costs.

Unlike building codes and fire codes the setbacks associated with zoning are based somewhat on aesthetics but are not completely arbitrary as they consider typical lot sizes and the area remaining. If rear yards are compromised by enclosed extensions of the living space then open space is reduced. The map below shows the building envelope in blue and the area for potential encroachment (currently allowed as open covered patios) in yellow.

The orange area shows the permitted encroachment of garages into side yards. If the standard is changed to allow for enclosed space to cover both the blue and yellow areas you can see that a majority of the lot becomes built out.

- Current Home Envelope
- Permitted Garage Encroachment
- Permitted Covered but Open Patio Encroachment

Outdoor patio space is desirable and it is likely that after this homeowner completes their patio enclosure they will look to add additional covered but open patio space to their yard and continue to expand the built-out area on their lot. In other words, the first patio becomes enclosed and then a second, open patio, is attached to the first. This is essentially what is playing out with this request. In 2018, the City updated the code to allow "covered" patio space into the rear setback. Many people



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Heidi Gudde, Director
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have since used this update and built their patios according to code. At the time of that update, there was significant discussion on how people would use the covered patio space and whether they would then start pushing to enclose that space. Five years later, this contractor is now pushing to enclose that space and reduce the rear setback.

At the June 19th meeting Mr. Assink noted that rear yards can include accessory structures which reduce open space. He showed the Council a sketch of an accessory structure which could cover the majority of his rear yard. Unfortunately, while this structure was shown with accurate setbacks the portrayal that it was a permitted structure was inaccurate. Accessory structures must meet height, lot coverage, and design standards. He is correct, that while aesthetically a detached accessory structure does fill up a property’s open space, by code they are intended to be smaller, less imposing structures than the primary building.

Accessory structures can be constructed within rear yards, and these may include enclosed sheds or shops, greenhouses, or gazebos with open or glass walls. There is a demand for those types of separated, detached structure within the city. However, the character of a resident’s activity in a detached accessory structure is different because these spaces are not an extension of the home. It is intentionally separate space that is used as an accessory to the living area rather than an expansion of the living area. As a result, if a fire danger or carbon monoxide risk is created in an enclosed accessory structure it does not pose the same threat to sleeping inhabitants as it would if connected immediately to living areas.



Accessory structures are usually added to a property after the initial build is completed and most additions are modest. If, however, the rear setback is modified to allow unconditioned spaces to expand from the primary structure then it is likely the new construction will include full build-out of this space as contractors take full advantage of the building envelope and build homes as large as they can be permitted – regularly bumping up against each edge of the building envelope. The result will be larger homes and neighborhood with less open yard space.

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We trust that this memo responds to the questions raised by Mr. Assink at the June 19th meeting. These issues were discussed at length at multiple Community Development Committee meetings as well as at the Planning Commission hearing – all of which Mr. Assink attended.

Although this issue may seem relatively minor when compared to larger land use issues, staff is concerned that it will have a significant impact on the character of the City’s single-family neighborhoods. As a result, staff and the Planning Commission continue to recommend that the patios encroaching into rear yards remain open, outdoor spaces and not become enclosed extensions of the primary residence.

Sincerely,

Heidi Gudde, Community Development Director

Ted Brouwer, Building Official

Mark Billmire, Fire Department Chief

CITY OF LYNDEN



PLANNING COMMISSION

Tim Faber, Chairman
(360) 354 - 5532

July 3, 2023

Dear Lynden City Council,

This letter is written at the request of City Administration and Planning Staff. It is meant to provide you with additional information related to the proposed amendment to LMC 19.22 regarding the screening of patios located with rear setbacks of single-family homes. This issue was brought to the Planning Commission for review and public testimony on May 11, 2023. I was Chair of this meeting and can provide additional insights into what consideration was made as the group came to the final recommendation.

At the May 11th meeting the Commission received comments from one contractor, Mr. Assink, and the property owner he is representing. Mr. Assink was very forthcoming in noting that he was granted a permit to cover his client’s patio on Captain Bay Court but, after the permit was finalized, continued to enclose the patio with glass and overhead doors. He stated that he understood this was not permitted per code but was hoping he could influence a change by working beyond the scope of his permit.

The Commission agreed that Mr. Assink had created a beautiful sunroom. The group considered if a variance or waiver could be pursued for patios enclosed with quality construction techniques. Ultimately we decided that there were too many subjective variables and that granting variances could create inconsistencies between residences – the merit of which would be difficult to decipher in future years. Ultimately, while the Commission considered the testimony and the example that Mr. Assink brought forward, I encouraged the commission members to separate this one example from the larger issue.

The proposed code amendment requires that patios remain outdoor, open spaces. The Commission agreed that if code was revised to allow enclosure of patios it would lead to an expansion of living spaces in a way that is permanent and impactful to the character of our single-family neighborhoods. If the setback is changed we, can and should expect that many homeowners will be enclosing their patios, and creating safety hazards... thinking they can still barbecue in a glass enclosed space, by maybe opening a window or two... heaters likely could be installed in retrospect to make the space more comfortable, with no regard to meeting energy codes etc...

The group discussed options by which a patio could become enclosed yet feel as if it was open and outdoor space. This led to a discussion about the potential difficulties with regulating glass and glazing. The group discussed different types of glazing that can be utilized noting that most window have some tint and glazing can even be mirrored and reflective and then loses it’s open and transparent nature. It was concluded that sunroom spaces could be permitted per the

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PLANNING COMMISSION

Tim Faber, Chairman

(360) 354 - 5532

code but should be included within the current setbacks. Backyard setbacks are provided to encourage private outdoor family activity space, privacy and creating a "green corridor" landscaping or the ability to see distant vistas. If we allow patios that encroach the rear yard setbacks, or in essence reduce the rear yard setbacks, this has the potential of blocking neighbors views if tinted or reflective glass is used.

Discussion of setbacks led to a discussion of accessory structures which are permitted within rear yards. The Commission understands that a property owner is able to create accessory structures that could "fill up" a back yard, reduce yard space, and eliminate the "openness" between homes. Mr. Assink pointed out that the code would allow him to build a sunroom that was detached from the home but not attached to the home. When asked why he didn't he stated that it was because he wanted it to be part of the home. The Commission generally concluded that bringing living spaces closer to each other is different than constructing unoccupied accessory structures.

Commission Conclusions: Key considerations for the Planning Commission related to maintaining outdoor spaces in our single-family zones and the separation of living spaces. The Commission was not in favor of reducing rear yard setbacks and increasing the area occupied by a home. The Commission discussed different methods by which enclosed patios could still look and feel like outdoor spaces such as glass panels, but ultimately concluded that enclosing the space would lead to an expansion of living space because of glazing techniques and numerous options available for heating the space. A homeowner can still construct and enjoy a space like this with proper planning and designing a space like this within the current setbacks.

We discussed the possibility of a variance for some high-quality projects but decided that too many subjective variables would be at play, and it would be difficult to develop a criteria by which some homeowners would be able to expand their homes into the rear yards and others would not. This, the Commission concluded, would ultimately lead to a revision in setbacks as you would need to allow everyone to do what you allow for one. The commission was not in favor of reducing setbacks, as not everyone would take advantage of using that reduced setback for an enclosed deck or sun room traditionally homeowners build their homes to the setback and the process starts all over again... even closer to the back fence.

As it related to Mr. Assink's project the group concluded that the patio, as permitted per the approved building permit, would remain a very useful and beautiful space even without glass enclosure and overhead doors.

This is how the Commission came to the recommendation to clarify code to allow for flexible screening options and railings but no enclosure of covered patio spaces that are located within rear yards. Planning Commission believes allowing the enclosure of decks will open a pandoras

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PLANNING COMMISSION
Tim Faber, Chairman
(360) 354 - 5532

box to allow many different types of fenestrations to be used, reducing neighborhood aesthetics if not regulated appropriately, reduce open greenspace corridors and neighbor's backyard privacy.

I understand that council may request the planning commission to re-consider this proposed code amendment. I would ask that if this is the case, that council clearly identifies the reason(s) for this re-consideration. I think it would be good for the planning commission to hear thoughts on how the concerns noted above could be mitigated.

Thank you for considering our conclusions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Faber', written in a cursive style.

Tim Faber
Planning Commission Chairman

CITY OF LYNDEN

PLANNING DEPARTMENT
360-354-5532



PLANNING COMMISSION MEETING MINUTES 7:00 PM May 11, 2023 City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Blair Scott, Jim Kaemingk, Darren Johnson.

Absent: Khush Brar and Hollie Lyons with notice.

Staff Present: Gudde, Planning Director, Timmer, Planner and Samec, Planner

3. APPROVAL OF MINUTES

A. March 9, 2023 Kaemingk / Johnson / 2nd 4-0

4. PUBLIC HEARINGS

A. Amendment to LMC 19.22 re: Screening of Patios

Gudde addressed the Commission and gave a brief overview of the amendment to 19.22.

Planning staff are bringing forward a code amendment to clarify to the city’s code on covered residential patios located within the residential design standards of the zoning code.

Historically, the city required that all roofed portions of a home be constructed within the building envelope. The result is that many homes were constructed up to the permitted rear setback line without providing covered outdoor spaces.

Because covered outdoor spaces are highly desirable to most people, about 5 years ago, the city amended the residential code to allow roof structures to extend from the home and encroach into the rear yard setback provided that the structure remained open on three sides and maintained an 18-foot rear setback. These conditions of construction are meant to preserve outdoor yard spaces on residential lots and to prevent ad-hoc home additions that may become unsafe living spaces that lack ventilation, fail to meet energy code, or pose a fire danger.

Since adoption, many homes, both existing and new, have taken advantage of the amendment and have added roofs over outdoor living spaces. Screening or sheltering patio areas can also add to the usability of an outdoor space which has led to the discussion about what sort of screening or enclosure is permitted. When discussed at Council committee it was determined that Council asked that these outdoor spaces remain open but that the code better clarify the options for securing with railings or sheltering from sun, wind, or visibility.

Planning staff has drafted language to clarify the intent and has provided examples of screening that would meet the standards of the proposed code. The Planning Commission is asked to consider the proposal in light of aesthetics, safety, and consistency with the goals of residential zones and make a recommendation to the City Council.

Brief discussion regarding changing setbacks (beyond the required rear yard setback) to allow enclosed patios. Commission was not supportive of that idea.

In opposition

Dale Assink, Pine Creek Construction on behalf of property owner at 950 Captain Bay Court, Lynden.

Assink stated that in 2020 he had a covered patio (appx 19-feet from rear setback) inspected and approved. After inspection, took it a step further and made it into a sunroom. Assink shared photos of the structure. Assink would like to ask the Commission to consider enclosed patios having the same setback as a covered patio.

The benefits of the enclosed structure makes the patio usable year around and cuts down on sound pollution which enhances the use of outdoor spaces without effecting your neighbors.

Assink stated that they are non-compliant under the code. It was his decision to enclose the patio and wanted to make a stand. Encourage the committee to take a close look to allow everyone to do the same. Assink stated that he would like to invite the Commission to visit.

Kaemingk stated that he took a tour of the site, and the patio is very nice. Is changing the setback the only way we can allow this type of space? Allowing enclosed patios presents potential concerns with energy efficiency, health and safety. Not to mention that it would be difficult to enforce. Changing the setback is the cleanest way to do that. Writing code for every scenario is difficult.

Faber stated that a lot of times radiant heaters are installed in enclosed spaces / patios. At what time does the energy code kick in? There are a lot of regulations and compliance required to enforce something like that.

Gudde reminded the Commission that enclosed structures are permitted, however, they must be located within the setbacks required for the home.

Faber talked about concerns with installing a heater after the fact.

Assink, if I submitted a permit for this same structure detached 7-feet from the property line would it be permitted? Gudde replied, yes, however, it is unattached from the house and does not present the same concerns to the “attached” home.

Timmer asked Assink why he did not detach the structure? Assink stated that they did not want that, we wanted it to access the room from the house.

Discussion about reducing the setbacks: Is the Commission looking to change that?

Faber stated, a rear setback is to provide space between houses. Each property has a 30-foot rear yard setback which creates a feel of open space, privacy and a bit of separation.

Scott, is there a compromise that we can make since the lots are getting smaller? Gudde replied, the homes being built now regardless of the lot size are building out to the full extent of the building envelope. As lots get smaller, maintaining a rear yard setback is important for space and privacy. Lot coverage and impervious coverage also plays a part.

Faber, if someone wants a sunroom then they should design their home as such. There are many ways to do so, even in a remodel. If enclosing the space is that important to your lifestyle, then design it into your home and be compliant. Faber appreciates the requirement for a rear yard setback and is not in favor of changing the setbacks.

Kaemingk asked is there an avenue to get a variance? Gudde stated, yes, through the Hearings Examiner and one would have prove a hardship and that there is a reason for the special exception.

Johnson asked what happens when we make a recommendation tonight with regards to Mr. Assink's structure. The Commission's recommendation will move forward to Council for a final decision. Fines will continue to accrue until a decision is made and or compliance is met.

Faber asked the Commission again if there was any desire to change the setbacks? Kaemingk stated that he would like to find a way to make this work, but is not in favor of changing the setbacks.

Lois what is the difference in having an open patio or having glass around the patio? I'm not any closer to my neighbor than I would be if I was just sitting on the deck without glass? Faber, the current code requires that the structure be open on 3 sides.

Assink, I would like someone to explain the thought behind the setback for a structure as an out building vs a building attached to the house. Timmer replied, it's a question of scale, when you add it on to a structure it makes the entire building look larger and then you are changing the sense of scale of the building on the lot. That is why we have setbacks.

Gudde added, what staff has been asked to do regarding this topic will not make this structure compliant, we are only clarifying code.

Scott, the code was already revised some time ago to allow covered patios (open on 3 sides) 18-feet from the property line, if we continue to compromise over and over again what will we end up with?

Regardless of how nice Mr. Assink’s enclosure is, a decision should not be made on aesthetics it must be made on code and/ or whether or not you are interested in changing the setbacks.

Johnson, it is a very nice structure, however it is important to defend the setbacks as we are not interested in changing them.

Kaemingk stated that the glass and garage doors would need to come out for them to comply. With that said, they could add a railing with glass below and screen the rest to enclose.

Gudde stated, if its attached to the primary home we need to pay close attention as it could affect the integrity of the home and to health and safety.

Faber, Scott and Johnson agree to uphold code and agree with the recommendation as proposed. Kaemingk understands the code but feels for the owners.

Scott motioned to close the public hearing. Seconded by Kaemingk and the motion passed, 4-0.

No further comments from the Commission.

Scott motioned to recommend approval to the Lynden City Council of the proposed amendment to LMC 19.22, regarding patio enclosures and screening. Seconded by Johnson, and the motion passed 4-0.

B. Amendment to LMC 19.23 re Revision of Small-scale Mixed-Use Provisions to include for the South Historic Business District (SHBD)

Timmer addressed the Commission and gave a brief overview of the amendment to 19.23 regarding small-scale mixed-use provisions for the South Historic Business District.

The second minor code amendment being brought to the Commission for this evening is a revision to the recently adopted Mixed-Use Overlay code updates. Ordinance 1657 adopted these updates to encourage thoughtful mixed-use development in logical areas of the city near established commercial centers.

While the bulk of the Mixed-Use Overlay code is focused on larger scaled projects, some provisions were also made for small scale mixed-use within the core of the city – the Central Lynden Subarea. The CSL zones near downtown already function as mixed-use

areas where there are existing single-family, multi-family, and commercial uses in the same neighborhood. The small scale mixed-use provisions that were included in Ord 1657 permit additional residential units on already existing residential parcels as a way to provide further density in this area. These provisions were limited to the CSL zone in the Central Lynden Subarea (the CSL zone directly north of downtown).

Since adoption, City staff has realized that a small number of properties (approximately 5) that are within the South Historic Business District – the small subarea directly south of downtown - would also benefit from the small-scale mixed-use provisions in LMC 19.23.110. This proposed amendment adds the CSL zone in the SHBD to the areas of the City where the small-scale mixed-use provisions are applicable. The 5 parcels would now become eligible to utilize the small scale mixed use provisions.

The Commission agrees that the amendment makes sense and is a good thing.

No further comments from the Commission.

Johnson motioned to recommend approval to the Lynden City Council of the proposed amendment to LMC 19.23 regarding small scale mixed-use provisions for the South Historic Business District. Seconded by Scott, and the motion passed 4-0.

C. Public Participation Plan for the 2025 Comprehensive Plan Update

Gudde addressed the Commission and gave an overview regarding the 2025 Comp Plan Update / Public Participation Plan.

Planning Staff is asking for the Planning Commission’s review and for public comment on a Public Participation Plan (PPP) for the 2025 update to the City’s Comprehensive Plan.

The goal of the PPP is to communicate a framework by which the city will invite participation in the shaping of the city’s Comprehensive Plan. The PPP is a required element when completing a periodic update to this long-range planning document. This and other steps are guided by the State legislation on Growth Management (State code reference RCW 36.70A). The State has also required that the city identify and seek input from any vulnerable populations and overburdened communities. Specific definitions of these groups are included in the State code and the PPP. The city will also invite tribal participation throughout the process.

Staff is interested in hearing from the Commission on their ideas of who could be considered stakeholders and / or representatives for vulnerable populations or overburdened communities within the City of Lynden.

Commissioner Discussion

Faber, can we amend this document at any time? Gudde stated absolutely, this is our document, we can amend as we see fit. Faber, this is a good starting point and will only get more populated as we go.

It is very important that we reach the immigrant population as they are definitely part of the community and their voice needs to be heard. Scott stated, getting the word out on “nextdoor.com” seems to be working well in other areas maybe we could try that.

Gudde reviewed:

- The goals of the public participation plan.
- Briefly discussed the scope of work, important planning considerations and desirable planning considerations. Helps to give the City guidance.
- Public Participation Program Structure (techniques, strategies, public involvement, workshops, hearings, website, coordination meetings with county, news releases etc.)
- Preliminary Schedule

The Commission agreed that the PPP looks good. No further comments from the Commission.

Johnson motioned to approve Planning Commission Resolution #23-02 and recommend approval to the Lynden City Council of the proposed Public Participation Plan for the update to the City’s Comprehensive Plan. Seconded by Kaemingk, and the motion passed 4-0.

Scott asked about the vacant lot on the south side of Main Street. Gudde stated that lots is part of an exchange agreement that the City has with the property owner. The parcel will likely remain vacant as it is encumbered by critical areas.

5. ADJOURNMENT

Motion to adjourn by Scott / Second by Johnson. Meeting adjourned at 9:00 pm.



OUTDOOR HEATER SAFETY

Many restaurants, schools, offices, and other businesses have been using outdoor spaces to stay open and running amidst the COVID-19 pandemic. As temperatures begin to drop, portable outdoor appliances are increasingly being used to heat outdoor areas, particularly those where it is too cool to comfortably sit or stand. Restaurants with outdoor seating areas, in particular, are relying on heaters to extend the outdoor dining season as long as possible. This fact sheet includes information to help ensure that propane heaters and electric heaters for outdoor heating are used safely and in accordance with NFPA® 1, *Fire Code* (2018 edition).

Propane Patio Heaters For More: See NFPA 1, Subsection 69.3.13

For patio heaters that use integral LP-Gas containers with a capacity greater than 1.08 lb (0.49 kg), NFPA 1 requires that the heaters be listed by an organization acceptable to the authority having jurisdiction (AHJ).

Propane heaters need to be used in accordance with their listing and manufacturer instructions. Prior to using a propane heater, refer to the manufacturer's instructions for information such as the following:

- Necessary clearances from the heating element
- Proper ventilation required
- Proper inspection, cleaning, and maintenance procedures
- Lighting and shutdown procedures
- Where the heater can and cannot be used (for example, heaters cannot be used in enclosed locations)
- Procedures for properly storing heaters

The restrictions for using propane heaters are also based on the occupancy in which they are used. For example, in assembly occupancies, such as restaurants with 50 or more occupants, heaters cannot be located within 5 ft (1.5 m) of the exits.

Regardless of where they are used, if a heater uses propane hoses, they must be as short as possible, visible, and protected from damage.

GENERAL SAFETY TIPS

- Keep anything that can burn at least 3 ft (1 m) away from heating equipment.
- Turn off all portable heaters when the area in which they are used is not occupied.

In addition, the installation, modification, and maintenance of a fixed liquid propane system needs to be performed by a qualified person in accordance with NFPA® 58, *Liquefied Petroleum Gas Code*.

Storage of Propane Cylinders For More: See NFPA 1, Section 69.5

Where propane heaters are used, special attention must be paid to ensure that the cylinders are stored properly when not in use. NFPA 1 requires the following:

- Cylinders must not be stored inside a building.
- Cylinders in storage must be placed in a location with minimal potential for physical damage, tampering, or exposure to excessive temperature increases.
- Cylinders must not be stored on the roof.

Additionally, cylinders that are stored outside must be located a minimum of:

- 5 ft (1.5 m) away from any doorway or opening in a building frequented by the public where occupants have at least two means of egress



OUTDOOR HEATER SAFETY *CONTINUED*

- 10 ft (3 m) away from any doorway or opening in a building or section of a building that has only one means of egress
- 20 ft (6.1 m) away from any automotive service station fuel dispenser

Electric Patio Heaters

For More: See NFPA 1, Section 11.1, & Subsection 11.5.3

Portable electric heaters must be placed in locations where they cannot be easily overturned. The heaters must also be listed by a qualified electrical testing laboratory.

Electric heaters need to be used in accordance with their listing and manufacturer instructions. Prior to using an electric heater, refer to the manufacturer's instructions for information such as the following:

- Necessary clearances from the heating element
- Installation and wiring requirements
- Proper inspection, cleaning, and maintenance procedures

The use of electric heaters also requires special attention as to how they are powered. Some of the power restrictions include the following:

- Electric heaters should be used only where they can be plugged directly into the appropriate receptacles or extension cords of adequate current capacity.
- Multiplug adapters and extension cords must not be used in place of permanent wiring.
- Extension cords must be plugged directly into an approved receptacle, power tap, or multiplug adapter and must, with the exception of approved multiplug extension cords, serve only one portable appliance.

- Extension cords must be grounded when servicing grounded portable appliances.
- Extension cords must be maintained in good condition without splices, deterioration, or other damage.
- For installations that are not deemed temporary structures, extension cords and flexible cords cannot be affixed to structures; extended through walls, ceilings, floors, or under doors or floor coverings; or be subjected to environmental or physical damage.

This information is intended to clarify the major requirements for outdoor heaters to help ensure that heating appliances are being used properly. Facility managers and owners must check with the AHJ for specific requirements and final approval.



Learn More

As the world grapples with the COVID-19 pandemic, NFPA continues to provide key resources and information addressing emergency planning, building, and fire and life safety issues. New resources are being added as the crisis evolves and challenges emerge.

- ▶ Visit [nfpa.org/coronavirus](https://www.nfpa.org/coronavirus) to access the latest NFPA resources.
- ▶ Get free digital access to NFPA 1 at [nfpa.org/1](https://www.nfpa.org/1).



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LET'S PROTECT IT TOGETHER.®

This material contains some basic information of NFPA® 1, *Fire Code*. It identifies some of the requirements in NFPA 1 as of the date of publication. This material is not the official position of any NFPA Technical Committee on any referenced topic which is represented solely by the NFPA documents on such topic in their entirety. For free access to the complete and most current version of all NFPA documents, please go to [nfpa.org/docinfo](https://www.nfpa.org/docinfo). The NFPA makes no warranty or guaranty of the completeness of the information in this material and disclaims liability for personal injury, property, and other damages of any nature whatsoever, from the use of or reliance on this information. In using this information, you should rely on your independent judgment and, when appropriate, consult a competent professional.

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The 9 Best Smokeless Fire Pits for Every Outdoor Gathering

Creating a cozy and inviting outdoor space is easier than you think.

BY [RACHEL KLEIN](#), [BRADLEY FORD](#) AND [DANNY PEREZ](#) PUBLISHED: APR 21, 2023



Trevor Raab

Most likely, you want [a fire pit](#) that [adds ambiance](#) to your outdoor space, provides warmth on chilly evenings, and maybe even grills up some tasty meals. What you don't want is a ton of smoke that leaves your eyes watering and your clothes smelling like a weekend camping trip. What you're looking for is a smokeless fire pit.

These modern appliances safely contain fire, foster complete combustion of your fuel with minimal smoke, and come in a variety of sizes and styles to suit your outdoor décor. While smokeless fire pits for your backyard are a relatively recent development, smokeless fires have been burning for years.

Native Americans employed the Dakota Fire Hole to create hot fires that would burn in windy conditions and not spread. It consisted of two holes in the ground

connected by a tunnel: building a fire in one hole causes the rising heat to draw cool air through the tunnel from the other hole. This constant flow of air fueling the fire creates a hot fire that burns close to 100 percent of the wood—similar to the modern smokeless fire pits that pull air from the bottom or size to fuel your fire and leave a minimum mess.

The Best Smokeless Fire Pits

BEST OVERALL

1



Breeo X Series 24 Smokeless Fire Pit

\$599 AT HOME DEPOT

[Read more](#)

BEST BUDGET

2



Inno Stage Smokeless Fire Pit

\$84 AT AMAZON

[Read more](#)

EASIEST TO CLEAN

3



Tiki Patio Fire Pit

\$395 AT AMAZON

[Read more](#)

BEST MID-SIZE

4



Solo Stove Bonfire 2.0 Smokeless Fire Pit

\$345 AT AMAZON

[Read more](#)

BEST RUSTIC STYLE**5****Titan Great Outdoors Steel Near-Smokeless Fire Pit**

\$270 AT AMAZON

[Read more](#)

SHOW MORE

What to Consider

First, manage your expectations regarding smokeless fire pits. While good ones are nearly completely smokeless visually, they still produce exhaust gasses so expect some of that campfire smell, especially if it's breezy. For the same reason, you might occasionally get a face full of invisible smoke if you're in the wind.

Keep in mind, not all smokeless fire pits are safe to use on decks or other combustible surfaces, so consider buying a heat shield or [fire pit mat](#).

Most smokeless fire pits burn wood. You'll want to use seasoned wood—that means it has had time to dry out over six or more months. Wood that's still green or wet will burn more slowly and may produce smoke even if you use it in a smokeless fire pit.

Some models, like the [Tiki](#) we tested, are also designed to burn wood pellets.

Whatever fuel you use, you'll burn through it more quickly in a smokeless fire pit due to the constant stream of air feeding the fire. The upside of this is that, when the wood burns this hot and completely, you have less ash to clean up.

How We Selected

We first examined a range of smokeless fire pits we wanted to test in person and those we wanted to further research based on other expert reviews. We loaded them with seasoned oak firewood and started fires in each of our test units, gauging how easy they were to load and feed to maintain a continuous burn.

Once they were burning, we walked toward each pit until we could feel noticeable heat, then circled them to see how even the distribution was and how much it was affected by wind. We also looked at them through a Flir infrared camera to see if there were any concerning hot spots on the fire pits' bodies.

Lastly, we let the fires burn down to ash so we could determine how easy clean-up was after the blaze. We also noted things like whether or not the pits were easy to carry or move around, as well as their weight and dimensions.

Some of these fire pits—the Titan and Blue Sky models—we haven't had the chance to test yet. We evaluated them based on their features, reviews that customers have left on retailer sites, and the experience and insights we've gleaned from using similar pits. They're promising enough to warrant inclusion here and give you more options for fitting the fire pit in with your home. Read on for our reviews and right now, there's a [flash sale on Solo Stove smokeless fire pits](#) just in time for [Father's Day](#).

Advertisement - Continue Reading Below



Remodeling Your Home With An Enclosed Porch Conversion

If your family is growing and you find that you need additional space, if your home has an enclosed porch, you're in luck! Converting your three-season porch into a finished heated room can not only provide you with the space you need, but it can also be a simpler and more cost-effective way to gain that extra room!

Remodeling your porch offers plenty of advantages. First, since it's already existing, there is no loss of yard space like you'd have with an addition. Plus, you'll have fewer zoning issues as it's an existing structure, and much of the structural work is already in place.

Assessing Your Existing Porch



This 4-season, heated & cooled sunroom, started as the back screened porch on a home. The old porch was removed, and totally re-built on top of the original foundation.



A screened porch was demo'd and a 4-season sunroom with a 16' Andersen patio door installed in this contemporary porch conversion project.

You have many options when remodeling your porch. There are a couple of concerns that you should speak with your design-build remodeler about. First, you want to make sure that remodeling your porch will not detract from the

style of your home. This is especially important if you're enclosing a porch on some bungalows or Victorians, as it can affect the home's much sought after charm. Your design-build contractor can work with you to make sure that your new structure will be architecturally compatible.

Side porches can easily be converted into a home office, play space for the kids or a den/family room. If your porch is located on the rear of your house, it's ideal for adding space for an extended kitchen. With new insulation and energy efficient windows, and porch can be converted into a light-filled Florida room (a sunroom or 3-season room) that can provide you with plenty of year-round enjoyment.

You'll need to examine the existing structure before you start. While much of the infrastructure may be in place, you will need to carefully consider the foundation to make sure that it's capable of supporting the finished structure. Also, you need to consider the cost of:



A 3-season room connected to the home with a folding hinged patio door, it uses a gas fireplace for occasional winter heating.

- **Insulation:** Insulating walls and ceilings may be necessary. How much and what type of insulation you use depends in part on the existing structure and your planned use for the space.
- **Replacement Windows:** Your design-build contractor can determine if the existing window frames are usable, which can reduce costs. Remember to match your homes existing windows to make sure your new porch fits into your homes architectural style.
- **Plumbing:** The location of your new room to existing plumbing will significantly

impact the difficulty and cost of installing plumbing if needed.

Electrical: If electrical service exists on your existing porch, you may still need to update your electrical service to meet your local building codes.

- **Drywall, flooring, and millwork**

- **Heating and Cooling:** This is an important consideration. While your home may have systems that can easily accommodate an additional room, you may need to supplement the HVAC for this room. Baseboard heating could be one option, however, although it's easy to install, baseboard heating can be expensive to operate on an ongoing basis. Consider adding a fireplace, pellet stove, or wood stove for heat. New models are efficient, look great, and can quickly heat a large space during our cold Madison, Wisconsin winters.

Even with these elements in the mix, converting an existing porch into a usable space can be more cost-effective than adding an addition to gain usable space.

Avoiding Some Common Pitfalls



This screened porch was converted to a 3-season room with a fireplace, the perfect way to enjoy the pool and backyard view!

While enclosing your porch to create usable space is a cost-effective solution there are a couple of pitfalls you'll need to watch out

for. Here in Madison, Wisconsin our winters can be particularly harsh. Your design-build contractor will understand the local weather conditions and take these into account when designing your space. Insulation and energy efficient windows are an important consideration here in Madison, and if you're planning on connecting your new room to your home, you'll need to make sure that it is as energy efficient as the rest of your home.

The foundation is another area that is critical when it comes to converting your porch into usable space. The depth of your foundation must be able to handle the additional weight of the porch's roof, walls, and windows, Failure to

properly inspect the foundation can result in leaking or failure. Often, a porch's foundation will be shallower than your house's foundation. Adding to the structure without proper foundation prep can result in cracking in both the foundation and the roof where it meets the house. This can end up costing you big money for repairs and may affect your ability to sell at a later date.

Finally, the building codes dictate improvement projects like enclosing a porch. Your design-build contractor should be up to date on all of your local building codes and will take care of permitting and building inspections. You need to be prepared for some additional costs. Local building codes require permits for any updates to electrical, plumbing, and HVAC. Failure to follow building codes can result in your home being unsellable in the future.

Remodeling your porch and creating additional living space can add value and functionality to your home. Make sure that you discuss your project thoroughly with your design-build contractor before construction begins. They can help you to create a space that will seamlessly match your home's existing architecture and can provide you with all the additional space your family needs!

View our Porch Design Projects

- **Front & Back Ranch Home Porch Additions** - [Extending The Living Space Into The Outdoors](#)
- **Three Season Porch Renovation** - [A Cathedral Ceiling Porch Remodel in Nakoma, Madison](#)
- **Two Story Porch Solution** - [A Small Deck is Remodeled Into a Screened In Three Season Addition](#)
- **Screen Porch To Sunroom** - [A DeForest, Wisconsin Screen Porch Is Remodeled Into A Sunroom Addition](#)



This article was updated by Abe Degnan on 11/1/2022.

Degnan Design-Build-Remodel

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 5, 2023	
Name of Agenda Item:	Community Development Committee Minutes of 5-17-23	
Section of Agenda:	Other	
Department:	Planning Department	
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 type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	Draft CDC Minutes of 5-17-23	
Summary Statement:	Draft CDC minutes attached for review.	
Recommended Action:	Council review.	

CITY OF LYNDEN



PLANNING DEPARTMENT
Heidi Gudde – Planning Director
(360) 354 - 5532

COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM June 21, 2023
2nd Floor Conference Room, City Hall

1. ROLL CALL

Council Members: Kyle Strengholt, Gary Bode, Mayor Scott Korthuis

Staff: John Williams, Heidi Gudde

Guests: Gary Vis

2. APPROVAL OF MINUTES

- Community Development Committee Meeting Minutes of 5/17/23 were approved as presented.

3. DISCUSSION ITEMS - Special Events

Process Improvement for Special Events was discussed by the Committee. Williams introduced the topic and gave background information on this item as recently there have been calls to revise this process. The group reviewed the data collected by Dave Timmer including examples of how other cities are handling special events.

Common special events in the City – not including park rentals – are typically 5k races, business or restaurant events. Issues discussed included fees, type of events, closing streets, garbage collection, and insurance for events occurring on City property. Conclusions which came from the discussion:

- The committee discussed a threshold, such as 60 people, to trigger the requirement for a security plan when the application comes through.
- Arterial streets closed only for regional / community events (Farmers Day Parade) with approval of the City Council. Most collector /minor streets can be closed administratively for commercial events or block parties. These side streets can be closed administratively by City Administrator or his/her designee however, administrative closures in the HBD are limited to 4th between Front and Grover. Other street closures in the HBD and all arterials must go to Council for approval.

- Insurance requirements will be added to code with current rates. These currently appear on the application but are not mentioned in code. The group concluded that the Cit’s insurance carrier could likely recommend an amount.
- No damage deposits supported by the Committee.
- No fee currently collected or supported by the Committee.
- Violations related to special event permits to be added to our civil penalties.
- Keep animal prohibition except true support animals.
- One application should collect all events for a given year from a single entity but no roll-over from year to year is supported. Annual permit is required.
- Keep dance permit separate from the special events permit.

Action Item: Use discussion notes to begin a redline draft of the new code section.

4. INFORMATIONAL ITEMS

- Update on Pending Annexations in Lynden were discussed.

Action Item: Town hall type of meeting recommended staff led with Mayoral support. Provide information about what annexation would mean for us.

- Recent Legislation on Parking requirements for Existing Mixed-use Projects

Gudde confirmed that the State of WA passed legislation which prohibits the city from requiring parking in certain circumstances. Specifically, when existing buildings, that are eligible for mixed-use provisions, convert from commercial to residential uses. The city’s code is expected to reflect this change within 6 months of our 2025 Comp Plan Update.

The group asked if this included circumstances where the building is expanded. Gudde was not able to answer that definitively but noted that additional guidance on this legislation is expected from the Dept of Commerce later this summer.

Next Meeting Date: July 19, 2022

CITY OF LYNDEN

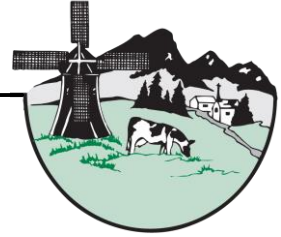
EXECUTIVE SUMMARY



Meeting Date:	July 17, 2023	
Name of Agenda Item:	Public Works Committee Meeting Minutes July 5, 2023	
Section of Agenda:	Other Business	
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:		
July 5, 2023 Draft Public Works Committee Meeting Minutes.		
Summary Statement:		
Draft minutes for the July 5, 2023 Public Works Committee meeting.		
Recommended Action:		
For Review		

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT
360-354-3446



PUBLIC WORKS COMMITTEE MINUTES

4:00 PM July 5, 2023

City Hall 2nd Floor Large Conference Room

CALL TO ORDER

- Members Present: Councilor Gary Bode (no quorum)
- Council Present: Councilors Brent Lenssen and Kyle Strengholt
- Members Absent: Councilors Ron DeValois and Jerry Kuiken with notice
- Staff Present: Mayor Scott Korthuis; City Administrator John Williams; Public Works Director Jon Hutchings; Programs Manager Mark Sandal; and Sr. Admin. Assistant Jessica King
- Public Present: Gary Vis, Betty VanDyken, Robert Hicks, Lori Sipma, Kushdip Brar, Elisah Wright, Devin Crabtree, David Vos, Marty Gehring, Candy Hoksbergen

ACTION ITEMS

1. **Approve Minutes from June 7, 2023**

Bode said approval of the June minutes will be delayed until the August meeting.

Action

The Committee postponed approval of the minutes until the August meeting.

2. **WWTP Maintenance Building Cost Estimate**

Hutchings distributed a summary of the design-build decisions to be considered for the WWTP Maintenance Building project. He reviewed justifications for a design-build process. A design-build proposal would allow for a fixed cost, and fixed delivery period, any issues would the contractor's responsibility through the entire process instead of the City's. He explained that this project would free up space required for the WWTP plant upgrades and eliminate the need for downtown storage space. He noted that a Public Works Trust Fund loan application will be submitted July 7th.

Under the current design-build proposal, the total project cost is \$6.4M for four bays and \$6.8M for five bays. These cost estimates include both the design and build components along with construction management and overhead. He also said that the City still needs to pay Trane \$467,000 for the 30% design whether the City moves forward with the build portion or not. Bode clarified that the City owns the design regardless of whether the contract with Trane is continued.

The Committee indicated a preference for the design-bid-build approach as it could save money overall. Korthuis suggested that staff do further research on that option.

Action

The Public Works Committee concurred and recommended that staff do further research on the costs for a design-bid-build option for the WWTP Maintenance Building.

3. Award Bid for East Front Street Stabilization

Len Honcoop Gravel was the lowest responsive and responsible bidder.

Action

The Public Works Committee concurred to recommend that City Council award the bid for the East Front Street Stabilization project to Len Honcoop Gravel in the amount of \$270,771.75.

INFORMATION ITEMS

4. Report on Pending Business:

Jansen Art Center Trees

Hutchings said that Banham met with the Jansen Art Center representatives to discuss the trees. The City is waiting on plans from the Jansen Art Center before approving their request for street trees.

Landfill Lease Amendment

Hutchings said that this is still being worked on and staff plans to meet with Becerra soon.

Community Center Parking Agreement Amendment

Hutchings said this had been completed and given to Mr. Herman.

5. Request for Flashing Lights or Advanced Warning Signs at Depot Road and Homestead Boulevard Intersection

Action

The Public Works Committee concurred and requested to have staff evaluate signage and place traffic counters in the area to monitor vehicle speeds.

6. Stormwater – Fecal Coliform Counts

Vis asked if a DNA test could be done on the fecal coliform to see what the source was. Hutchings said this was something that could be done if the City wanted to pay for it and he will work on getting costs for this with Exact Scientific Services in Ferndale.

Action

The Public Works Committee concurred and requested that staff obtain cost estimates for DNA testing of fecal coliform.

7. WSDOT Culvert Replacement Detour Route

Hutchings reminded the Committee that this work will be done after the fair.

8. PeaceHealth Construction Update

9. Projects Update

NEW BUSINESS:

10. 406 & 408 Front Street Parking Proposal

Hicks, owner of the New Crescent Building at 406 and 408 Front Street and the business Hats Off, presented a proposal for exclusive use of the City's 4th Street parking lot to support their business and future residents. He requested three permitted parking spots on 4th street to meet his off-street parking requirements and accommodate the three residential apartments that are in the final phase of his construction.

Lenssen and Bode explained to Hicks that there's a cost for this request so that there's also a return for the taxpayers. They explained there would also need to be a reasonable schedule for permitted parking times. Bode said it would be a similar agreement to the Wes Herman/Woods' Coffee parking agreement with a certified monetary value showing that they are renting the public property from the City.

Action

The Public Works Committee concurred and agreed to work with Mr. and Mrs. Hicks on an agreement for use of the 4th Street parking lot.

11. Fluoride Discussion in City Water

Bode noted that several guests have attended today's meeting to express their concern about fluoride in the municipal water supply. In addition, Bode also expressed that he is against the addition of fluoride in the municipal water supply. He stated that Lynden began adding it in 1959 [this needs to be verified]. Hutchings distributed the 2022 Consumer Confidence Report that lists the amount of fluoride, among other chemicals, in City water.

VanDyken, Hoksbergen, Brar, Wright, Crabtree, and Strengholt each spoke against the addition of fluoride in the municipal water supply.

VanDyken suggested that fluoride should only be prescribed, and that Lynden takes away the right to have the option.

Sipma has concerns about children as it relates to the fluoride.

Brarr expressed concerns that one size does not fit all for the dosage. She expressed concern about the consent and the liability and suggested that the residents should be surveyed for their opinion.

Wright, a former Navy nurse, spoke regarding the information on the MSDS sheet she obtained from the Water Treatment Plant. She expressed concern about the fluoride exposure to infants and the vulnerable population.

Crabtree said he was chief water operator of Whatcom County, also had previously worked for Alcoa. He said that he personally saw the effects of fluoride with the people that he worked and the surrounding farmlands.

Hoksbergen asked why the City is using an industrial waste product in the water and is it true that employees wear hazmat suits when adding chemicals to the water. She expressed concern about her family’s health and exposure to fluoride. Bode said that yes, employees do wear hazmat suits to work with the fluoride

Strengholt said that he thought the reason fluoride was added to the water supply was to help community members who don’t have access to dental care. Strengholt said that he personally had fluorosis markings on his teeth from exposure.

Bode discussed the difference between the medical fluoride after that and the industrial fluoride. He asked does natural fluoride have the same effects as the added fluoride.

Vis asked if there was research to compare dental health between those who drink the fluoridated water from Lynden and Lummi Nation to other non-fluoridated areas of Whatcom County.

Lenssen requested that staff provide MSDS sheet on all chemicals added to the municipal water supply.

Action

The Public Works Committee concurred and requested that staff provide MSDS sheets for all chemicals used in water treatment for municipal distribution, the initial source and annual cost (including system maintenance and labor) of fluorosilicate acid, and the dosing system used to add fluoride to the water. Additionally, the Committee requested research between communities with and without fluoridated drinking water.

12. Cedar Drive Neighborhood

Vos requested an update on the Cedar Drive project, expressing frustration about the length of time it was taking to get the project started. Sandal said that staff are reviewing design issues, noting that there is a property boundary dispute between two neighbors that is directly related to the proposed location of a pump station.

The Committee discussed the need for a pump station and whether the project could move forward without one.

Action

The Public Works Committee concurred to have staff review the need for pump station and follow up at a future Public Works Committee meeting.

13. Airport Open House July 29th

Hutchings reminded everyone that the Airport Open House is Saturday, July 29th. The event is open to the public. Airport Board members will attend the next Public Works Committee meeting to introduce themselves and give a follow-up to the event.

ADJOURNMENT: The meeting was adjourned at 5:58 pm.

NEXT MEETINGS: August 9, 2023

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 17, 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.	

July 17, 2023

Monday

4:00 PM - 5:00 PM

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

7:00 PM - 9:00 PM

Copy: City Council Meeting -- Annex Council Chamber

July 18, 2023

Tuesday

9:00 AM - 11:00 AM

Small Cities Meeting -- City Hall 1st Floor Large Conference Room

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.

4:30 PM - 5:30 PM

Copy: Civil Service Meeting -- City Hall 1st Floor Large Conference Room

July 19, 2023

Wednesday

8:00 AM - 5:00 PM

Possible Jury Trial -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room

4:00 PM - 6:00 PM

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

July 25, 2023

Tuesday

9:00 AM - 10:00 AM

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

July 26, 2023

Wednesday

8:30 AM - 5:00 PM

Court -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room

August 1, 2023

Tuesday

9:00 AM - 10:00 AM

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

August 3, 2023

Thursday

2:00 PM - 4:00 PM

TRC -- City Hall 2nd Floor Large Conference Room

August 7, 2023

Monday

7:00 PM - 9:00 PM

Copy: City Council Meeting -- Annex Council Chamber