

CITY OF LYNDEN



Mayor
Scott Korthuis

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

Online (Microsoft Teams) City Council Meeting
City Hall - 300 Fourth Street
April 19, 2021

Members of the public may join the city council meeting telephonically by dialing 1-253-948-9362. You will then be prompted to enter the Conference ID 681 840 497#. It is necessary to enter the # symbol after entering the numerals.

To join the city council meeting via computer please contact the city clerk at 360-255-7085 before 5 p.m. the day of the council meeting and provide an email address so a meeting invitation can be emailed to you.

If you would like to speak before council, please contact the city clerk before 12:00 noon on Thursday prior to the council meeting so that you can be added to the agenda. The time allotted to speak is up to 4 minutes. You can speak to any topic that is not on that night's agenda.

Unscheduled public comments will not be taken at council meeting until further notice.

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Approval of Minutes

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

Items from the Audience

Scheduled

Unscheduled (20 Minutes)

Audience members may address the Council on any issue other than those scheduled for a public hearing or those on which the public hearing has been closed. Prior to commenting, please state your name, address, and topic. Please keep comments under 4 minutes.

Consent Agenda

- [2.](#) Approval of Payroll and Claims
- [3.](#) Introduction of the 2022 Budget Calendar
- [4.](#) Resolution No. 1035 – Local Government Investment Pool Authorization
- [5.](#) 2021 Chamber of Commerce Events
- [6.](#) Request to Reject Bid for WWTP Utilidor Repairs

Public Hearing**Unfinished Business****New Business**

- [7.](#) Agreement for Land Use Hearing Examiner services

Other Business

- [8.](#) Public Safety Draft Minutes- April 1, 2021
- [9.](#) Calendar

Executive Session**Adjournment**

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 19, 2021	
Name of Agenda Item:	Draft Council Minutes- Regular Meeting	
Section of Agenda:	Approval of Minutes	
Department:	Administration	
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 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- Regular Meeting	
Summary Statement:	Draft Council Minutes- Regular Meeting	
Recommended Action:	For Council review.	

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



April 05, 2021

1. CALL TO ORDER

Mayor Korthuis called to order the April 5, 2021 regular session of the Lynden City Council at 7:00 p.m. held through an online web-based meeting platform (Microsoft Teams).

ROLL CALL - None

Members present: Mayor Scott Korthuis and Councilors, Gary Bode, Ron De Valois, Jerry Kuiken, Nick Laninga, Kyle Strengholt and Mark Wohlrab.

Members absent: Councilor Brent Lenssen absent with notice.

Staff present: Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin, and City Attorney Bob Carmichael.

OATH OF OFFICE- None

APPROVAL OF MINUTES

Councilor Wohlrab moved and Councilor Kuiken seconded to approve the March 15, 2021 regular council minutes as presented. Motion approved on a 6-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled- None

Unscheduled - None

2. CONSENT AGENDA

Payroll information is unavailable at this time because of the finance department's transition to a new payroll system (Caselle)

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Approval of Claims – April 6, 2021

Manual Warrants No.	<u>21755</u>	through	<u>21762</u>		\$69,430.86
EFT Payment Pre-Pays					\$243,084.18
				Sub Total Pre-Pays	\$312,515.04
Voucher Warrants No.	<u>21606</u>	through	<u>21753</u>		\$194,718.01
EFT Payments					<u>\$0.000</u>
				Sub Total	\$194,718.01
				Total Accts. Payable	\$507,233.05

Remand of Site-Specific Rezone 20-05- O & S Farms

On March 15, 2021, the City Council remanded the Site-Specific Rezone application 20-05 to the Planning Commission for reasons specified in the attached order.

The rezone application was submitted by Ashley Gosal, on behalf of Fishtrap Creek LLC. The request would shift the property located at 8035 Guide Meridian from Commercial Services – Regional (CSR) to Commercial Services – Local (CSL).

The City's Land Use Code includes the criteria by which site specific rezones can be approved. These are addressed in the application. The Committee's review concluded with a recommendation for approval of the site-specific rezone given that the aforementioned code revisions and the changes to the retail market marked a change condition as described in the approval criteria (LMC 17.19.050).

The Planning Commission considered the rezone request at a public hearing on January 28, 2021. The hearing concluded with a recommendation to the City Council to deny the rezone request. After the Planning Commission decision, the Planning Department received a letter from legal counsel for the applicant. The letter outlines concerns related to the January 28th hearing. Per RCW 42.30.140(2) the City Attorney recommended that these concerns be discussed in executive session. The resulting decision was to remand the item to the Planning Commission for a new open public hearing as detailed in the document included in the council packet.

Ordinance No. 1623 Site-Specific Rezone 20-04 – Lagerwey/Kode Kamp Vista

On March 15, 2021, the City Council voted to approve Site Specific Rezone 20-04 for the Lagerwey / Kode Kamp Vista property. The approval will shift the property from a residential zoning category of RS-100 to a Residential -Mixed Density zoning (RMD). The ordinance and findings of fact related to the Council's approval is included in the packet.

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Preliminary Plat Approval – Kode Kamp Long Plat

Jeff Palmer, on behalf of Northwood Partners LLC, applied for the subdivision of approximately 28 acres located at the northeast corner of Kamm Road and Northwood Road into 92 lots. Proposed lot sizes, consistent with the newly assigned RMD zoning category, range from the 6,000 square foot to well over 10,000 square feet.

The applicant has indicated a desire to maintain all the lots for single family detached homes except for 5 lots which would be used for duplexes. Pedestrian accommodations will be made interior to the plat in the form of sidewalks and, on Northwood Road, widened roadway shoulder that is delineated by a curb and flexible lane markers. City Council voted to approve the preliminary long plat for Kode Kamp Vista on March 15, 2021. The Findings of Fact document is included in the council packet.

Councilor Kuiken moved and Councilor Wohlrab seconded to approve the Consent Agenda. Motion approved on a 6-0 vote.

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Ordinance No. 1622 – Park Impact Fees

The City of Lynden adopted Ordinance 1197 setting the fee schedule for Park Impact Fees in 2004. Fees were set at \$936.00 per house at that time and have not been updated since.

The updated Park and Trail Master Plan was adopted and updated on Dec. 21, 2020 and the Parks Department was mandated to study costs and level of service relating to maintaining and developing our parks system in a manner that would fund a portion of the acquisition and development through the use of park impact fees that more closely related to actual costs for acquisition and development.

A cost-of-living index has been added to the fees so they will be updated annually rather than have to return every couple of years to have fees increased. Parks committee has reviewed the ordinance and recommends forwarding the ordinance to full council for approval.

Councilor De Valois moved and Councilor Laninga seconded to approve Ordinance No. 1622 amending the Unified Fee Schedule for the purpose of updating Park and Trail Impact fees and authorize the Mayor's signature. Motion approved on a 6-0 vote.

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Select Hearing Examiner

At its March 1, 2021 meeting, the City Council adopted Ordinance 1516 which created the position of Hearing Examiner. The ordinance included language that required the City Council itself to select the Hearing Examiner. Council decided to use a process where a committee comprised of Councilmembers, the Mayor and staff vetted the applicants, selected its preferred candidate, then advanced that recommendation to the full City Council.

Shortly after Council adopted Ordinance 1516, staff circulated a Request for Proposals and received back three well-qualified responses. The vetting committee met with the three candidates (two in-person, one of them remotely) on March 29, 2021. Councilmembers and the Mayor unanimously selected Rajeev Majumdar as its preferred candidate. His entire response to the RFP is included in the council packet.

Councilor Kuiken moved and Councilor De Valois seconded to direct the staff to complete the hiring process to employ Rajeev Majumdar as Lynden's Hearing Examiner. Motion approved on a 5-0 vote.

6. OTHER BUSINESS

Council Committee Updates

Councilor Wohlrab reporting Public Safety Committee discussion of the following:

- OT reports for both Fire and Police Departments show reduction in hours
- Fire Department continues to experience "stacked" calls
- Remodel of Station 75 is progressing well
- Chief Taylor submitted a 2020 Review Report, some of these highlights will be posted to Lynden Watch as well as some Fire Department highlights

Councilor De Valois recognized City Public Works Street Crew employee Chris Libolt for rendering assistance to a motorist in distress this week.

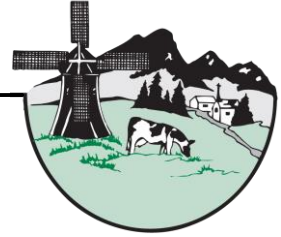
Mayor Korthuis announced to Council that he will seek re-election as Mayor in 2020.

7. EXECUTIVE SESSION

Council recessed into executive session at 7:11 p.m. concerning a matter of land acquisition. The executive session is expected to last 10 minutes and a decision is expected.

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



The Council meeting reconvened at 7:21 p.m.

Councilor Bode moved and Councilor Wohlrab seconded to authorize the Mayor and the City Attorney to prepare purchase and agreement and Title Report pursuant to purchasing the Erdmann property for \$200,000.00. Motion approved on a 6-0 vote.

8. ADJOURNMENT

The April 5, 2021 regular session of the Lynden City Council adjourned at 7:21 p.m.

Pamela D. Brown, MMC
City Clerk

Scott Korthuis
Mayor

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 19, 2021	
Name of Agenda Item:	Approval of Payroll and Claims	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	None	
Summary Statement:	Approval of Payroll and Claims	
Recommended Action:	Approval of Payroll and Claims	

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 19, 2021	
Name of Agenda Item:	Introduction of the 2022 Budget Calendar	
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:		
Proposed 2022 Budget Calendar		
Summary Statement:		
<p>As required by RCW, there are several budget preparation deadlines as the City moves forward in preparing its year 2022 Budget. Attached is the proposed 2022 budget calendar for Council review.</p> <p>These dates are for the review of the full Council, and if no objection, they will be presented for the Council's approval at the May 3, 2021 Council meeting. Upon approval this calendar will be distributed as presentation dates to the satellite agencies, as well as to City departments.</p> <p>This calendar was reviewed earlier by the Finance Committee at their April 19th meeting.</p>		
Recommended Action:		
Information only.		

2021 Date Requirements

Steps in Budget Preparation

Tuesday, July 20	Meeting with Department Leaders to launch 2022 budget process. Satellite Agencies requested to prepare estimates of revenues/expenditures. Six-year capital plans distributed to Dept. Heads.
Thursday, August 5	Estimates of revenues/expenditures, initiatives and six-year capital plans due to Finance Dept.
Thursday, August 19	Initial budget review with Mayor.
August 19 - 26	Mayor reviews and approves initiatives.
Friday, August 27	Mayors approved initiatives sent to Departments and Satellites.
Thursday, September 9**	Final budget to be filed with Finance Director.
Thursday, September 23**	Final budget presented to Mayor/City Administrator.
Monday, October 4**	Mayor provides the City Council with current information and estimates of revenues from all sources, as adopted in the budget for 2021.
Monday, October 18**	Mayor presents 2022 budget message to Council, and provides the Council with the proposed preliminary budget for 2022.
Wednesdays, October 20 and October 27**	Finance completes public notice of filing of preliminary budget and notice of public hearing on preliminary budget.
Monday, Nov 1 – 7:00 PM**	Preliminary budget hearing for public; Set Public Hearing for 2022 property tax levy.
Wednesday Nov 3 & Nov 10**	Public notice of hearing setting property tax levy.
Monday, November 15***	Setting property tax levy.
Wednesday, Nov 24 & Dec 1**	Public notice of final hearing for proposed 2022 budget.
Monday, December 6 – 7:00 PM**	Final public hearing on proposed 2022 budget.
Monday, Dec 6– Monday, Dec 20**	Adoption of 2022 budget by City Council.

** Required by RCW, ***Property Tax Levy must be completed prior to November 30, 2021.

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 19, 2021	
Name of Agenda Item:	Resolution No. 1035 – Local Government Investment Pool Authorization	
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:		
Resolution No. 1035 – Local Government Investment Pool Authorization		
Summary Statement:		
<p>The Legislature created a trust fund to be known as the public funds investment account (commonly referred to as the Local Government Investment Pool (LGIP)) for the contribution and withdrawal of money by an authorized governmental entity for purposes of investment by the Office of the State Treasurer.</p> <p>From time to time it may be advantageous to the authorized governmental entity, City of Lynden, the “governmental entity”, to contribute funds available for investment in the LGIP.</p> <p>Any contributions or withdrawals to or from the LGIP made on behalf of the governmental entity shall be first duly authorized by the City of Lynden, the “governing body” or any designee of the governing body pursuant to this resolution, or a subsequent resolution.</p> <p>The governing body and any designee appointed by the governing body with authority to contribute or withdraw funds of the governmental entity. The current LGIP authorization needs to be updated along with the designee appointed by the governing body. Resolution No. 1035 accomplishes these requirements.</p> <p>The Finance Committee reviewed this resolution earlier today and approved it for review by the full Council.</p>		
Recommended Action:		
To adopt Resolution No. 1035 and authorize the Mayor’s signature.		

RESOLUTION NO. 1035

A RESOLUTION AUTHORIZING INVESTMENT OF CITY OF LYNDEN MONEY
IN THE LOCAL GOVERNMENT INVESTMENT POOL
CITY OF LYNDEN, WASHINGTON

WHEREAS, pursuant to Chapter 294, Laws of 1986, the Legislature created a trust fund to be known as the public funds investment account (commonly referred to as the Local Government Investment Pool (LGIP)) for the contribution and withdrawal of money by an authorized governmental entity for purposes of investment by the Office of the State Treasurer; and

WHEREAS, from time to time it may be advantageous to the authorized governmental entity, City of Lynden, the “governmental entity”, to contribute funds available for investment in the LGIP; and

WHEREAS, the investment strategy for the LGIP is set forth in its policies and procedures; and

WHEREAS, any contributions or withdrawals to or from the LGIP made on behalf of the governmental entity shall be first duly authorized by the City of Lynden, the “governing body” or any designee of the governing body pursuant to this resolution, or a subsequent resolution; and

WHEREAS the governmental entity will cause to be filed a certified copy of said resolution with the Office of the State Treasurer; and

WHEREAS the governing body and any designee appointed by the governing body with authority to contribute or withdraw funds of the governmental entity has received and read a copy of the prospectus and understands the risks and limitations of investing in the LGIP; and

WHEREAS, the governing body attests by the signature of its members that it is duly authorized and empowered to enter into this agreement, to direct the contribution or withdrawal of governmental entity monies, and to delegate certain authority to make adjustments to the incorporated transactional forms, to the individuals designated herein.

NOW THEREFORE, BE IT RESOLVED that the governing body does hereby authorize the contribution and withdrawal of governmental entity monies in the LGIP in the manner prescribed by law, rule, and prospectus.

BE IT FURTHER RESOLVED that the governing body has approved the Local Government Investment Pool Transaction Authorization Form (Form) as completed by City of Lynden and incorporates said form into this resolution by reference and does hereby attest to its accuracy.

BE IT FURTHER RESOLVED that the governmental entity designates the City Finance Director, as the “authorized individual” to authorize all amendments, changes, or alterations to the Form or any other documentation including the designation of other individuals to make contributions and withdrawals on behalf of the governmental entity.

BE IT FURTHER RESOLVED that this delegation ends upon the written notice, by any method set forth in the prospectus, of the governing body that the authorized individual has been terminated or that his or her delegation has been revoked. The Office of the State Treasurer will rely solely on the governing body to provide notice of such revocation and is entitled to rely on the authorized individual’s instructions until such time as said notice has been provided.

BE IT FURTHER RESOLVED that the Form as incorporated into this resolution or hereafter amended by delegated authority, or any other documentation signed or otherwise approved by the authorized individual shall remain in effect after revocation of the authorized individual's delegated authority, except to the extent that the authorized individual whose delegation has been terminated shall not be permitted to make further withdrawals or contributions to the LGIP on behalf of the governmental entity. No amendments, changes, or alterations shall be made to the Form or any other documentation until the entity passes a new resolution naming a new authorized individual; and

BE IT FURTHER RESOLVED that the governing body acknowledges that it has received, read, and understood the prospectus as provided by the Office of the State Treasurer. In addition, the governing body agrees that a copy of the prospectus will be provided to any person delegated or otherwise authorized to make contributions or withdrawals into or out of the LGIP and that said individuals will be required to read the prospectus prior to making any withdrawals or contributions or any further withdrawals or contributions if authorizations are already in place.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, ____ IN FAVOR ____ AGAINST AND SIGNED BY THE MAYOR THIS ____ DAY OF APRIL 2021.

MAYOR

Scott Korthuis

ATTEST:

Pam Brown
City Clerk

APPROVED AS TO FORM:

Robert Carmichael
City Attorney

CITY OF LYNDEN

EXECUTIVE SUMMARY – City Council



Meeting Date:	April 19, 2021	
Name of Agenda Item:	Chamber of Commerce 2021 Events	
Section of Agenda:	Consent	
Department:	Public Works	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	Chamber of Commerce 2021 Events	
Summary Statement:	<p>Gary Vis, the Chamber of Commerce Director, presented the list of 2021 events to the Public Works Committee at their meeting on April 7, 2021. The Committee reviewed the events and concurred to recommend approval by City Council.</p>	
Recommended Action:	That City Council approve the Chamber of Commerce 2021 events.	



April 4, 2021

Mayor Scott Korthuis
Gary Bode
Ron Devalois
Gerald Kuiken
Nick Laninga
Brent Lenssen
Kyle Strengholt
Mark Wolrahb

City of Lynden Mayor and Councilmembers
300 Fourth St.
Lynden, Washington 98264

Dear Mayor Korthuis and members of the Council,

The Lynden Chamber of Commerce, in partnership with the City of Lynden, annually organizes and promotes various events within the Lynden community. These events are viewed by many individuals, both within the community and visitors alike, as symbolic of the commitment of the City of Lynden and the members of the Lynden Chamber of Commerce to maintain the delicate balance between sustainable growth and preserving the best of our small-town heritage.

After a very unique experience in 2020, with the cancellation of most events, save for the Lighted Christmas Parade, which was heavily modified with record attendance, the Lynden Chamber of Commerce, and a community ready to have normalcy return to our community, especially via traditional gatherings such as our own produced events, the festivals and events tentatively included by the Lynden Chamber of Commerce Events for the 2021 Event Calendar are as follows:

- Whatcom Home and Garden Show
- Spring Craft and Antique Show
- Whatcom County Youth Fair
- International Plowing Match
- **Farmers Day Parade, Saturday June, 5**
- Loyal Order of Camels Fishing Derby
- **Northwest Raspberry Festival: July 16-17, Downtown**
- Antique Tractor Show and Threshing Bee
- Northwest Washington Fair
- Lynde 500
- Puget Sound Toy Tractor Show

- Model Railroad Show
- Lynden Music Festival
- Fall and Craft and Antique Show
- **Lighted Christmas Parade: December 4, NWWF, Fairway Center, Downtown.**

As many event organizers are working through a myriad of confusing and often contradictory guidance from various Washington State agencies, there were no exact dates included above, other than those events which we ourselves produce. We anticipate further clarity as the festival season progresses, and remain hopeful that most, if not all, community celebrations will occur in a manner and format that has traditionally been used. We are very aware that modifications, due to ever changing guidance, interpretations of mandates, and even individual perspectives from various enforcement agents, are not only likely, but expected. Our hope is that due diligence and a proactive approach both by those same State agencies and event producers will minimize unexpected challenges.

The 2021 events organized by the Lynden Chamber of Commerce, with assistance from the City of Lynden, are scheduled to include the following dates, times and street closures:

- The Lynden Farmers Day Parade: Saturday, June 5; 5:00 a.m.
 Street Closure: Front St. from 3rd to 17th; 3rd from Front to Grover, Grover from Front to B.C.
 All side streets from 3rd to B.C. between Front and Grover
 4th St. and 7th St. Parking lots
 8Request Riverview closed to through traffic
 *Request closure of new street on Front near 11th
- The Northwest Raspberry Festival: Friday, July 16 and Saturday July 17
 Street & Lot Closure: Thursday, July 15th, Beginning at 6:00 p.m. Wednesday, July 17th
 Parking lots at 7th St. and north of Front between 5th and 6th
 East parking area on 4th between Front St. and Grover
 East Parking area on 5th between Front St. and Grover
 6th St. from Front to alley with access for Post Office delivery

 Street Closure: Friday, July 16th, Front St. from 3rd to 7th Beginning at 4:00 a.m.
 All side streets from 3rd to 6th from Front to Grover
 4th, 5th and 7th Street parking lots
 East side of 7th Street north of Front to Grover
- Street Closure: Saturday, July 17th, Front Street 3rd to B.C. Beginning at 5:00 a.m.
 All side streets from Front to BC, from Front to alley (access for emergency vehicles will be maintained at 7th, 10th and B.C.)
 4th, 5th and 7th Street parking lots
 *Request closure of new street off Front near 11th
 *Request Riverview closed to through traffic
- The Northwest Lighted Christmas Parade: Saturday, December 4
 Front St. from 3rd to 19th beginning at 4 p.m.
 18th St. from 17th to Front

Emergency vehicle access will be maintained at 7th, B.C. Avenue, 17th and 18th

*Request closure of new street of Front near 11th

*Request Riverview closed to through traffic

Physical assistance provided by the City of Lynden includes:

- Use, placement and removal of barricades
- Use and placement of “No Parking” signs
- Street cleaning pre- and post- event
- Assistance with pick up, set up and return of various event-related infrastructure
- Banner placement

The Lynden Chamber of Commerce continues to maintain communication prior, during and post-events with City of Lynden Fire, Parks, Planning, Police and Public Works departments as needed. The Lynden Chamber will continue to work with various city departments to ensure the best possible experience for event attendees as well as citizens of the community in regards to traffic-related issues. As has occurred in prior years, the Lynden Chamber of Commerce will work with City of Lynden agencies to communicate with outside entities, such as the WTA, WSDOT and WCFD 21 in communicating street closures and increased or irregular traffic patterns.

The Lynden Chamber of Commerce will submit a \$5 million per/ \$20 million aggregate insurance policy listing the City of Lynden as secondary insured, exceeding the City of Lynden policy.

In conjunction with these and various other community events, banners promoting these activities are placed along Front St. at two locations; just east of Sixth and Front and at the intersection of 19th and Front. By City of Lynden ordinance, banners may be placed 2 weeks prior to an event and must be removed within the week following an event. The Lynden Chamber will coordinate placement of these banners with the City of Lynden Public Works street crew. It is anticipated that the following timeframe will be utilized:

Week of May 10 to 14: Farmer Day Parade; 6th and 19th

Week of June 24 to June 28: Northwest Raspberry Festival, 6th and 19th

Week of July 21 to 25: Puget Sound Antique Tractor and Machinery Association; 6th and 19th

Week of August 2 to 6: Lynden Pioneer Museum Lindy 500; 6th

Week of November 1 to 5: Lynden Lighted Christmas Parade; 6th and 19th

The Lynden Chamber of Commerce has worked with various entities to streamline the placement and removal of banners in addition to requesting the banners be constructed to a standard 30' x 3, riveted and double stitched.

The Lynden Chamber continues to assist community non-profit and other non-commercial entities transition from over-street banners to the light pole banners. Our efforts will continue, utilizing both Chamber funding sources as well as funds provided to the Chamber from the City of Lynden.

The Lynden Chamber of Commerce staff continues working in partnership with numerous organizations and businesses in providing advice, coordination, material and services for events throughout the community. We are anticipating working with over 40 various groups this year alone, utilizing Chamber staff expertise and knowledge in addition to physical chamber resources such as signs, costumes, canopies and other event related infrastructure.

We look forward to continuing our successful and mutually beneficial partnership with the City of Lynden, community entities, schools and others whose efforts and energy each contribute to the unique and special events that make Lynden such a wonderful place to live, work and play.

Sincerely,

Gary Vis
Executive Director
Lynden Chamber of Commerce

- CC: Steve Banham
Steve Taylor
Mark Billmire
Anthony Burrows
Heidi Gudde
Vern Meenderinck
Mike Martin

CITY OF LYNDEN

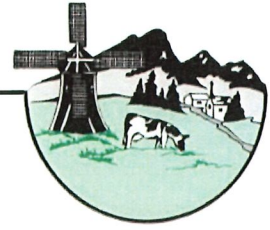
EXECUTIVE SUMMARY – City Council



Meeting Date:	April 19, 2021	
Name of Agenda Item:	Request to Reject Bid for WWTP Utilidor Repairs	
Section of Agenda:	Consent	
Department:	Public Works	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:	Strider Construction Bid	
Summary Statement:	<p>Staff solicited bids from eight companies on the City’s Small Works Roster in March 2021 to rehabilitate and waterproof the underground utilidor at the Wastewater Treatment Plant. The project would remediate groundwater intrusion and leakage into the structure.</p> <p>The City budgeted \$50,000 in 2021 for this work and so it was well within the \$350,000 small works project limitation.</p> <p>The City received only one bid, from Strider Construction, in the amount of \$105,439.00.</p> <p>After review of the bid from Strider Construction, staff is recommending rejecting the single bid by Strider Construction. This would allow staff to review the project scope and budget with the intent of providing additional budget funds and resoliciting in 2022.</p>	
Recommended Action:	That City Council reject the Strider Construction’s bid in the amount of \$105,439.00, including taxes, and direct staff to resubmit the project with the 2022 Wastewater budget and rebid the project for Utilidor Repairs early in 2022 if included in the budget.	

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT
Steve Banham, Public Works Director
(360) 354 - 3446



SMALL WORKS ROSTER PROJECT BID SUBMITTAL FORM WWTP Utilidor Repair

Company Name: Strider Construction Co., Inc.
Company Address: 4721 Northwest Drive
Bellingham, WA 98226
Contact Person: Kyle Gebhardt
Contact Phone: (360) 380-1234 Cell Phone: (360) 303-8520
E-mail address: bids@striderconstruction.com City Business License #: 1728

Scope of Work: Scope of Work outlined in City of Lynden Request for proposals

<u>Bid Item</u>	<u>Amount \$</u>
All Work.....	97,000.00
Sales tax (8.7%):	8,439.00
TOTAL BID PRICE:	105,439.00

**Small works roster projects shall not exceed \$350,000.00 per RCW 39.04.155 (2)*

Bidder's Signature:  Date: 3/26/2021
Kyle J. Gebhardt, P.E., Vice-President



CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	April 19, 2021	
Name of Agenda Item:	Agreement for Land Use Hearing Examiner services	
Section of Agenda:	New 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 type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:	Agreement for Land Use Hearing Examiner services with Whatcom Law Group, P.S.	
Summary Statement:	<p>The City Council recently agreed to hire Rajeev Majumdar who is a partner in the Whatcom Law Group, as Lynden’s first Land Use Hearing examiner. The Council is now asked to approve the attached contract for his services. The important terms contained in the document are identical to the ones contained in the proposal that accompanied his resume. Significantly they include a flat reimbursement of \$1,800 for each appeal hearing; \$1,400 for each hearing that does not involve an appeal, an a \$200/hour charge for matters the City requests but fall outside the specific scope of the contract. A Cost of Living Adjustment (COLA) equal to the COLA applied to the City’s non-represented workforce will be applied annually commencing in 2022. The contract is effective through December 31, 2024 with renewable terms. There are adequate funds in the 2021 budget to support this agreement.</p>	
Recommended Action:	Approve the contract with Whatcom Law Group for Land Use Hearing Examiner services.	

**City of Lynden
Contract for Land Use Hearing Examiner Services**

This Agreement (“Agreement”) is entered into this _____ day of _____, 2021 between the City of Lynden, a Washington municipal corporation (“City”), and Whatcom Law Group, P.S. (“WLG”), a professional services corporation, (together, the “Parties”), for the purpose of providing the Land Use Hearing Examiner services outlined herein, commencing the _____ day of _____, 2021.

WHEREAS, WLG is in the business of providing legal services; and

WHEREAS, the City desires to contract with WLG for the provision of land use hearing examiner services, and WLG agrees to contract with the City for same;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the Parties as follows:

TERMS

1. Services. WLG agrees to provide the City with the following services:

- a. Fulfill all the functions of Hearing Examiner for the City as set forth in the Lynden Municipal Code's Ordinance 1615, pursuant to any applicable rules of procedure approved by the City Council.
- b. Cooperate with the City's efforts to respond to public record requests in identifying responsive records and providing such records to City staff or providing the City with an exemption log that identifies clearly all the records that were not provided, either in whole or in part, together with an explanation as to why the record was withheld.
- c. Actively avoid *ex-parte* contact with any applicant, opponent, or appellant, as well as avoid engagement on any matters that could result in an actual, potential, or perceived conflict of interest or its ability to fulfill this Agreement.
- d. Provide feedback to the City on issues with the process or the code and their implementation.

2. Designation of Land Use Hearing Examiner. Rajeev D. Majumdar, a partner at WLG, is hereby designated as the Hearing Examiner. Roger L. Ellingson, a partner at WLG, shall serve as Hearing Examiner *pro tem* at such times as Mr. Majumdar is unavailable to serve as Hearing Examiner. In the event Mr. Majumdar and Mr. Ellingson are both unavailable to serve as Hearing Examiner in a given matter, WLG will assist the City in identifying another qualified Hearing Examiner *pro tem*.

3. Clerical Support. To support WLG’s provision of land use hearing examiner services, the City agrees to complete the following tasks free of charge:

- a. Deliver a complete and up-to-date case file including all correspondence, exhibits, and a written staff report(s) to the Hearing Examiner at least ten (10) days prior to hearing, whenever possible, as well as maps and such other exhibits as may be necessary regarding each matter to be heard.
- b. Make all required copies of relevant correspondence, notices and hearing exhibits, keep and maintain all official files and records of the hearings, perform all other activities necessary to administratively process said material, and provide them to the Hearing Examiner as needed, including current updates up to the time of each hearing.
- c. Schedule all hearings after conferring with Hearing Examiner's availability.
- d. Send out and/or publish public notices of hearings.
- e. Mail written Findings, Conclusions, and Recommendations or Decisions and any notices of appeal rights.
- f. Respond to public records requests when addressed to Hearing Examiner, involving Hearing Examiner, or related to Hearing Examiner's cases or duties herein.
- g. Provide support for responses to public or media inquiries or requests referred directly to the Hearing Examiner.
- h. Furnish a hearing room, speaking system, and an audio/video recording system. The City shall make that recording available to the Hearing Examiner to review online within 12 hours of the hearing.
- i. Identify, advise, and provide copies to the Hearing Examiner of any changes or enactments to all pertinent Ordinances, Resolutions, and Policies as well as applicable and current State/Federal Statutes and Administrative Codes.

4. Fees. In consideration for the services described in Section 1, the City agrees to pay WLG for such services as follows:

- a. Flat rate reimbursement of \$1,800.00 for each appeal hearing. This flat rate fee shall include up to 9 hours of attorney time as well as any support, travel time, and mileage.
- b. flat rate reimbursement of \$1,400.00 for each hearing that does not involve an appeal. This flat rate fee shall include up to 7 hours of attorney time as well as any support, travel time, and mileage.
- c. Hours worked in excess of the hours included in the flat rate fees, other services requested by the City not contemplated by any contract, or for administrative matters with the City, shall be reimbursed at the rate of \$200.00 per hour. Rates will be billed

in 1/10th of an hour increments, but never be less than 2/10ths of an hour on any given day.

- d. No additional travel time shall be billed.
- e. No additional support staff time shall be billed.
- f. The City shall reimburse expenses incurred in the course of carrying out the duties of Hearing Examiner, including but not limited to postage and copies.

5. Billing. WLG shall the City for services provided on a monthly basis. All invoices shall indicate thereon the rate and item or matter. Where fees are billed pursuant to §4(c) the amount of time and the item or matter on which such time was spent will appear on the invoice (broken down to the nearest 1/10th of the hour). The City shall tender payment for invoices within thirty (30) days after receipt by the City.

6. Relationship of Parties. The Parties intend that this Agreement shall create an independent contractor relationship between WLG and the City. WLG shall not be an agent, employee, servant, or representative of the City for any purpose whatsoever, and no employee of WLG will be entitled to any benefits of City employment. WLG will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants and/or sub-contractors during the term of this Agreement.

7. Term. WLG shall provide the services described in Section 1 from the effective date of this Agreement through December 31, 2024; provided that, this Agreement shall be automatically renewed for up to two (2) additional three-year terms, unless either party provides the other with six (6) months prior written notice that it wants the Agreement to expire at the end of the term. Notwithstanding the foregoing, the fees established in Section 4 will be adjusted based on the average cost of living adjustment (“COLA”) received by City non-represented employees during any present or future term, commencing with any 2022 COLA so received.

8. Termination.

- a. Termination Upon Party’s Option. Either Party shall have the option to terminate this Agreement at any time. Termination shall be effective upon ninety (90) days written notice to the other party.
- b. Termination for Cause. If WLG refuses or fails to provide the services described in Section 1, or to complete such work in a manner unsatisfactory to the City, then the City may, by written notice to WLG, give notice of its intention to terminate this Agreement. After such notice, WLG shall have twenty-one (21) days to cure, to the satisfaction of the City or its representative. If WLG fails to cure to the satisfaction of the City, the City shall send WLG a written termination letter which shall be effective upon deposit in the United States mail to WLG’s address as stated below.

- c. Rights Upon Termination. In the event of termination, the City shall only be responsible to pay for all services satisfactorily performed by WLG to the effective date of termination, as described in the final invoice to the City.
- d. Renewal. If the date of termination of this Agreement passes without the execution of a similar contract by the Parties that renews the Agreement herein and if, in that event, the parties continue to perform according to this contract’s terms, then the terms of this Agreement shall control the duties and obligations of the parties until they execute a new written agreement.

9. Nondiscrimination. In the hiring of employees for the performance of work under this Agreement or any subcontract hereunder, WLG, its subcontractors or any person acting on behalf of WLG shall not, by reason of race, religion, color, sex, marital status, national origin or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

10. Compliance with Laws. In the performance of work under this Agreement, WLG shall comply with all federal, state and municipal laws, ordinances, rules and regulations that are applicable to WLG’s business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

11. Assignment and Subcontracting. WLG shall not assign or subcontract any portion of the services described in Section 1 without the prior written consent of the City.

12. Indemnification/Hold Harmless. To the extent permitted by law, the City agrees to hold harmless and indemnify WLG and its employees from and against all claims, suits, actions, and costs arising from acts or omissions on the part of the City or WLG in the good faith performance of its duties under the terms of this Agreement.

13. Malpractice Insurance. WLG shall furnish to the City and file with the City Clerk and at all times during the existence of this Agreement, maintain in full force and effect, at its own cost and expense, a professional malpractice insurance policy, with a minimum liability of \$1,000,000 per occurrence/\$2,000,000 aggregate. Failure to maintain coverage with the limits provided herein shall be a material breach of this Agreement and cause for termination at any time. A policy naming Mr. Majumdar, among other named in the policy, shall be considered compliance with this provision. A Certificate of Insurance containing the aforementioned minimum limits shall be provided to the City prior to the signing of this Agreement. Written notice of cancellation or reduction in coverage shall be delivered to the City thirty (30) days in advance of the effective date thereof. Any company from which said professional malpractice insurance is obtained shall be approved by the state insurance commissioner pursuant to Title 48 RCW, and shall have at least an A or A+ Best Rating.

14. Written Notice. Communication between WLG and the City shall be addressed to the regular place of business of each party.

In the case of WLG, all communications shall be sent to:

Rajeev D. Majumdar
Whatcom Law Group, P.S.
P.O. Box 1258
Blaine, WA 98231-1258

In the case of the City, all communications shall be sent to:

City of Lynden,
City Clerk
323 Front Street,
Lynden, WA 98264.

15. Governing Law. This Agreement shall be governed by the laws of the State of Washington.

16. Non-Waiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements or options, and the same shall be and remain in full force and effect.

17. Remedies for Breach. All remedies available in law and equity shall be available in the event of a breach of this Agreement. In the event legal action is initiated by either Party against the other, the prevailing party shall be entitled, in addition to all other amounts to which it is otherwise entitled by this Agreement, to its reasonable attorney's fees and costs, including those incurred on appeal.

18. Venue. This Agreement has been and shall be construed as having been made and delivered within the State of Washington, and it is mutually agreed that this Agreement shall be governed by the laws of the State of Washington and that any action in law or equity concerning this Agreement shall be instituted and maintained only in the Whatcom County Superior Court, Bellingham, Washington.

19. Complete Agreement. This Agreement constitutes the entire agreement between the City and WLJ. This Agreement may be modified in writing only, upon mutual agreement of the Parties.

In Witness Whereof, the parties enter into this Agreement, mutually agree on above terms, are authorized to execute this Agreement and the parties have executed this Agreement on the day and year indicated.

WHATCOM LAW GROUP, P.S.

CITY OF LYNDEN

Rajeev D. Majumdar
Managing Partner

Scott Korthuis
Mayor

STATE OF WASHINGTON)
) §
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that Scott Korthuis is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of Lynden to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

NOTARY PUBLIC in and for the State of WA. My
commission expires _____.

STATE OF WASHINGTON)
) §
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that Rajeev Majumdar signed this instrument and acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it for Whatcom Law Group, P.S. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

NOTARY PUBLIC in and for the State of WA. My
commission expires _____

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 19, 2021	
Name of Agenda Item:	Public Safety Draft Minutes- April 1, 2021	
Section of Agenda:	Other Business	
Department:	Police	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input checked="" 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:	Public Safety Draft Minutes- April 1, 2021	
Summary Statement:	Public Safety Draft Minutes- April 1, 2021 attached for review.	
Recommended Action:	For Council review.	

CITY OF LYNDEN

POLICE DEPARTMENT

Steve Taylor, Police Chief

(360) 354-2828



Public Safety Committee Meeting Minutes

Online (Microsoft Teams)

4:00 PM April 01, 2021

Call to Order

Roll Call

Members present: Mayor Scott Korthuis and Councilors Mark Wohlrab and Gerald Kuiken

Members absent: Councilor Brent Lenssen

Staff present: City Administrator Mike Martin, Chief Mark Billmire, Chief Steve Taylor, Lieutenant Russ Martin, HR Manager Kim Clemons, and Support Services Manager Holly Vega

Approval of Minutes

1. **Approval of March 4, 2021 meeting minutes**

The minutes from the March 4, 2021 meeting were approved.

Committee Items

2. **Public Safety Overtime - February 2021**

Fire Dept had 160 hours of overtime in March and 257 hours volunteer time.

Police Dept had 269.5 hours in March, comprised mostly from shift coverage due to 2 officers being on leave (extended medical and military), also 1st quarter range training.

Fire Department Items

3. **Fire Monthly Report - March 2021**

Chief Billmire presented the monthly report for March, a busy month with 172 total calls, 23% overlapping. Some return to normal on the prevention and inspection program as well as public education and school tours, which were done at the school rather than the station. Response time up about 1 minute since the move to Badger Rd.

Police Department Items

4. **Police Monthly Report - March 2021**

Chief Taylor presented the monthly report for March noting call volume and statistics remained steady. Clarification was provided on the Supreme Court ruling on drug possession, that police can enforce drug dealing, but not simple possession. The officer on extended medical leave is tentatively scheduled to return to work on light duty.

5. Police 2020 Year in Review

Included in the packet was 'Lynden Police Department 2020 Year in Review' highlighting notable events.

Added Items

6. Follow up on Westview neighborhood speeding concern

This will be discussed at the next Public Works Committee meeting next week.

Adjournment

Meeting adjourned at 4:26 p.m.

DRAFT

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 19, 2021	
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 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:	Outlook Calendar	
Summary Statement:	See next page.	
Recommended Action:	None	

April 19, 2021

Monday

3:00 PM - 4:00 PM

Finance Committee Meeting -- Microsoft Teams Meeting
Finance Committee Meetings are being held via Teams due to COVID precautions

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 253-948-9362,,752440887#](#) United States, Tacoma

Phone Conference ID: 752 440 887#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

4:00 PM - 5:00 PM

Parks Committee -- City Hall 1st Floor Large Conference Room

7:00 PM - 9:00 PM

City Council Meeting -- To Be Determined

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 253-948-9362,,681840497#](#) United States, Tacoma

Phone Conference ID: 681 840 497#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

April 20, 2021

Tuesday

4:00 PM - 5:00 PM

Civil Service Meeting -- City Hall 1st Floor Large Conference Room or ONLINE
Please see information below for Online or Telephonic attendance.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 253-948-9362,,937395866#](#) United States, Tacoma

Phone Conference ID: 937 395 866#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

April 21, 2021

Wednesday

All Day

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

4:00 PM - 5:30 PM

Community Development Committee Mtg -- City Hall 2nd Floor Conf Room

7:00 PM - 8:30 PM

Board of Adjustment -- City Hall 2nd Floor Large Conference Room

April 22, 2021

Thursday

10:00 AM - 11:00 AM

Meeting: Heidi/Mike -- Mike's Office

April 22, 2021 Continued

Thursday

7:00 PM - 9:30 PM

Planning Commission Meeting -- TBD

April 23, 2021

Friday

10:00 AM - 11:00 AM

Meeting: Steve/Mike -- Mike's Office

April 26, 2021

Monday

9:00 AM - 10:00 AM

Meeting: Vern/Mike -- Mike's Office

April 27, 2021

Tuesday

8:30 AM - 9:30 AM

Leadership Team Meeting -- To Be Determined

April 28, 2021

Wednesday

All Day

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

9:00 AM - 10:00 AM

Meeting: Mark/Mike -- Mike's office

May 3, 2021

Monday

7:00 PM - 9:00 PM

City Council Meeting -- To Be Determined

