

# CITY OF LYNDEN



Mayor  
Scott Korthuis

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

Regular City Council Meeting  
205 Fourth Street, Lynden, WA, 98264  
September 08, 2020

Council members will participate in this meeting remotely through an online web-based meeting platform. Per Washington State Proclamation 20-28 in-person attendance at public meetings is prohibited at this time.

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 716 443 886 #. 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- Not held during online meetings.**

## **Roll Call**

## **Oath of Office**

## **Approval of Minutes**

- [1.](#) Draft Council Minutes- August 17, 2020
- [2.](#) Draft Special Council Meeting Minutes- CDC Meeting July 22, 2020

## **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**

- [3.](#) Approval of Payroll and Claims
- [4.](#) Resolution No. 1025 - Request to Cancel Warrant #75054
- [5.](#) Berthusen Park Restroom Project Contract Award
- [6.](#) Award Contract for Airport Pavement Maintenance Project

## **Public Hearing**

- [7.](#) Ordinance No. 1607 - Extension of the Pepin Creek Moratorium

## **Unfinished Business**

### **New Business**

- [8.](#) Contracted Special Counsel for Upcoming Land Use Hearings

### **Other Business**

- [9.](#) Draft Parks Committee Minutes August 17, 2020
- [10.](#) Calendar

## **Executive Session**

## **Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 9, 2020	
<b>Name of Agenda Item:</b>	Draft Council Minutes- Regular Meeting	
<b>Section of Agenda:</b>	Approval of Minutes	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<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	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	Draft Council Minutes- Regular Meeting	
<b>Summary Statement:</b>	Draft Council Minutes- Regular Meeting	
<b>Recommended Action:</b>	For Council review.	

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



August 17, 2020

### 1. CALL TO ORDER

Mayor Korthuis called to order the August 17, 2020 regular session of the Lynden City Council at 7:00 p.m. held through an online web-based meeting platform (Microsoft Teams).

### ROLL CALL

Members present: Mayor Scott Korthuis and Councilors, Ron De Valois, Gerald Kuiken, Brent Lenssen, Nick Laninga, and Kyle Strengholt.

Members absent: Councilor Gary Bode

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, IT Network Administrator Nic Miener, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Police Chief Steve Taylor, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin, and City Attorney Bob Carmichael.

***\*Councilor Mark Wohlrab joined the meeting at approximately 7:09 p.m.***

**OATH OF OFFICE- None**

### APPROVAL OF MINUTES

***Councilor Lenssen moved and Councilor Kuiken seconded to approve August 7, 2020 special council meeting, and August 3, 2020 regular council minutes as presented. Motion approved on a 5-0 vote.***

### ITEMS FROM THE AUDIENCE

**Scheduled:** Cameo Besherse, 1508 Grover Street, Lynden, WA

Cameo Besherse, shared with Council what she and her friends have experienced in the city of Lynden while marching and holding signs in support of Black Lives Matter. Cameo stated that while many of the public reactions were negative, she has seen some improvement and a willingness to discuss the topic from people, and a difference in public reaction between the July and August events. She reminded council that the group is aware that

# CITY OF LYNDEN



CITY COUNCIL  
MINUTES OF REGULAR MEETING

changing the world takes a lot of work and a lot of people. That is why her group is focusing on what they can do to work through the problems within the Lynden community, in an effort to bring people together and make everyone feel welcome and know that black lives, indigenous lives and people of color’s live matter too.

### Unscheduled- None

## 2. CONSENT AGENDA

### Approval of Payroll Disbursed – August 1 through August 15, 2020

Paychex EFT .....	\$277,050.13
City of Lynden EFT .....	\$62,272.95
Warrant Liability .....	\$59,886.59
<b>Subtotal</b>	<b>\$399,209.67</b>
Paychex EFT Liability	\$7,584.39
<b>Total EFT &amp; Other Liabilities</b>	<b>\$406,794.06</b>

### Approval of Claims – August 17, 2020

Manual Warrants No.	<u>19931</u>	through	-		\$240.00
EFT Payment Pre-Pays					\$5,896.86
				Sub Total Pre-Pays	\$6,136.86
Voucher Warrants No.	<u>19951</u>	through	<u>20070</u>		\$1,079,273.23
EFT Payments					\$0.00
				Sub Total	\$1,079,273.23
				Total Accts. Payable	<b>\$1,085,410.09</b>

Young Long Plat (Double Ditch Road) Request to Cash Out Water Improvements on Double Ditch Road instead of Installing Water Main

Faith Community Church Waterline Easement

***Councilor Kuiken moved and Councilor Strengholt seconded to approve the Consent Agenda. Motion approved on 6-0 vote. (Councilor Mark Wohlrab joined the meeting at approximately 7:09 p.m.)***

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



### 3. PUBLIC HEARING

To help the City of Lynden protect its IT systems and secure the data it needs to operate, the city conducted a performance audit designed to identify opportunities to improve IT security.

This audit answered the following questions:

- Does the city have vulnerabilities in its IT environment that could lead to increased risk from external or internal threats?
- Do the city's IT security practices align with selected security controls?

The city is required to have a public hearing to provide the public with notice of the audit.

Michael Hjermsstad from the Washington State Auditor's Office gave a brief overview of the program and the audit process conducted on the behalf of the City of Lynden.

Mayor Korthuis opened the Public Hearing at 7:15 p.m.

There were no comments provided to council.

Mayor Korthuis closed the Public Hearing at 7:15 p.m.

### 4. UNFINISHED BUSINESS - None

### 5. NEW

#### Set Public Hearing Date for Ordinance No. 1607- Extension of the Pepin Creek Moratorium

The Pepin Creek moratorium has been in place since September of 2016. It was established in recognition of significant constraints associated with what is now known as the Pepin Creek Subarea.

Earlier this year the City Council approved the Pepin Creek Sub-Area Plan that addresses circulation, open space and assigned land use and zoning within the area. Because of the significant infrastructure improvements associated with the creek re-alignment and the improvement of Benson and Double Ditch Roads, Council has recognized that work must be undertaken in a phased approach. Given this approach, the engineering team, Public Works, and Planning departments are developing a plan which decreases the overall infrastructure cost associated with the creek realignment. This plan has become known as Pepin Lite. Pepin Lite is largely consistent with the concepts of the approved sub-area plan but focuses on portions of the sub-area already within the City and under moratorium. Cost estimates for this

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



version of the creek realignment project has been reduced from approximately \$36 million to \$17 million.

Using these estimates, a consultant team is developing a strategy for the financial assessment. Work in this area has been somewhat slowed by the disruptions of COVID-19. It is estimated that results of the mitigation study will be completed by the end of September 2020 and a subsequent course of action brought to the Council for approval.

As these final elements are defined and executed, City staff recommends that the Council set a public hearing date of September 8, 2020 to consider an additional 6 months of moratorium.

***Councilor Lenssen moved and Councilor Strengholt seconded to set a public hearing date of September 8, 2020 to consider a 6-month extension of the existing moratorium of development on those properties previously identified within the Pepin Creek Sub-Area. Motion approved on 6-0 vote.***

### Planning Commission Application of Karen Timmer

The Mayor has appointed a new member, Karen Timmer, to fill a vacancy on the Planning Commission. The position recently opened when Lynn Templeton stepped down from the position. Karen is a local real estate agent who has lived and worked in the Lynden area for years. Her depth of knowledge of the City and the real estate market will be an asset to the Planning Commission.

Title 2.08 of the Lynden Municipal Code describes the position: The Commission consists of seven members. Commission members are selected without respect to political affiliations and serve without compensation. At the time of appointment and throughout his term of office, the primary residence of each member of the Planning Commission must be within the city limits of Lynden. The term of office for each member is 4 years.

***Councilor De Valois moved and Councilor Laninga seconded to confirm the appointment of Karen Timmer to the Lynden Planning Commission for a term beginning September 2020 and expiring September 2024. Motion approved on 6-0 vote.***

### IT Department (Exempt) – Out of Schedule Compensation and Costing Policy

To recognize the work of the city's IT Department exempt employees that are required beyond traditional work schedule to meet department needs and emergency events. To cost this expense to appropriate departments when implemented.

***Councilor Strengholt moved and Councilor Lenssen seconded to approve and accept the IT Department (Exempt) – Out of Schedule Compensation and Costing Policy. Motion approved on 6-0 vote.***

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



### 6. OTHER BUSINESS

#### Council Committee Updates

Councilor Strengholt reporting for the Finance Committee which involved discussion of:

- Review of overtime
- Sales tax for online sales are healthy for the month of May
- Review of LTAC and Satellite agencies' budget requests
- Utility bill due dates will be moved to the last day of the month beginning September 30, 2020

Councilor De Valois reporting for the Parks Committee which involved discussion of:

- Heusinkveld Barn improvements
- Berthusen restroom on schedule
- Pump track is open and well used
- Misbehaving kids at Bender fields

Councilor Lenssen thanked Lynn Templeton for the time he served on the Planning Commission and welcomed Karen Timmer to the Commission. He also notified council that the Community Development Committee meeting is canceled for August.

Councilor Wohlrab reporting for the Public Safety Committee which involved discussion of:

- Possible 10-day NW Fair schedule for 2021
- Request from Heather Brown and Jetje Williams for council to consider issuing a statement that would affirm that Lynden stands for racial equality
- Review OT
- Fire department monthly report and station remodel
- Drive up COVID testing at Bender Fields
- Promotion of 2 police corporals
- Lynden Watch growth and hits for social presence was almost 100,000

Councilor Strengholt asks city administration to consider uploading the council meeting recordings to the city's Municode webpage. City Administrator assure Councilor Strengholt that it could be done and with a minimal amount of cost.

### 7. EXECUTIVE SESSION

Council did not hold an executive session.



# CITY OF LYNDEN

CITY COUNCIL  
MINUTES OF REGULAR MEETING



## 8. ADJOURNMENT

The August 17, 2020 regular session of the Lynden City Council adjourned at 7:40 p.m.

\_\_\_\_\_  
Pamela D. Brown, MMC  
City Clerk

\_\_\_\_\_  
Scott Korthuis  
Mayor

DRAFT

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 8, 2020	
<b>Name of Agenda Item:</b>	Special Council Meeting (CDC Meeting) Minutes of 7-22-2020	
<b>Section of Agenda:</b>	Approval of Minutes	
<b>Department:</b>	Planning Department	
<b>Council Committee Review:</b>	<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: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Draft Special Council Meeting Minutes (Community Development Committee) of July 22, 2020		
<b>Summary Statement:</b>		
Draft Special Council Meeting (CDC) Minutes of 7-22-2020 attached for review. These minutes pertain to a meeting that focused on an initiative to install a Hearing Examiner for some appeal, variance, and land use applications.		
<b>Recommended Action:</b>		
Council review and approval.		

# CITY OF LYNDEN



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

**Special Council Meeting**  
**Special Planning Commission**  
**COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES**

4:00 PM July 22, 2020  
Virtual and 1st Floor Conference Room, City Hall

**ROLL CALL**

**Council:** Mayor Scott Korthuis, Kyle Strengholt, Mark Wohlrab, Brent Lenssen, Gary Bode

**Planning Commission:** Tim Faber, Diane Veltkamp, Gerald Veltkamp, Nikki Turner, Bryan Korthuis

**Staff:** Mike Martin, Heidi Gudde, Korene Samec, City Attorney Bob Carmichael

**DISCUSSION ITEMS**

**Initiative to Utilize a Hearing Examiner (HE)**

BL introduced the topic. City attorney to present an amendment to LMC to add a hearing examiner to the city’s application review. Staff and the attorney’s office has put some time into this initiative. Reviewed the options that the Council has regarding the proposal. Introduced Bob Carmichael.

*(Summary of Bob Carmichael’s presentation.)*

BC began by clarifying that the purpose of the meeting was not so much to make a presentation but to provide context on the issue and take questions from the Council and staff members. Discussion on this topic of a hearing examiner begin in the City of Lynden a couple years ago. Bob described his wide variety of experience in working with an HE. Also, local familiarity as he has worked with nearly every HE in Whatcom and Skagit counties.

Initial draft of the ordinance is lengthy, but focus should be on Section 1 which outlines what the HE would do for Lynden and why the City would employ an HE. The following pages of the ordinance are implementation of those items. BC noted that the ordinance is currently draft and belongs to the Council. It should be reviewed with the understanding that it can be shaped to be a better fit for the City as the Council sees fit.

Section 1 of the ordinance is divided into two parts. The first, section 040 (B), shows what the HE would decide on and make a final decision. These decisions are not appealable to the Council or any other group in the City. Generally, these are items like appeals, decisions about dangerous dogs, etc.

The second part, subsection C, lists items that the HE would hear and make a decision that is appealable to the City Council. These are more substantive. These decisions go to the Council if the HE's decision is appealed. This category includes conditional use permits, site specific rezones, decisions by the Public Works Director, Shoreline Decisions, to name a few.

The amendment aims to shift some quasi-judicial items from the Planning Commission to the HE. However, legislative ordinances (policy decisions) would be exclusively heard by the Planning Commission and then the City Council. These include code amendments, Comp plan amendments, long range planning decisions – the policies that shape the City's growth. Additionally, quasi-judicial items such as subdivisions such as long plats and PRDs still would remain with the Planning Commission.

The purpose behind the initiative is to address some of the recent changes we have seen in Lynden. This includes more frequent appeals and more involvement of attorneys in land use actions such as those filed in 2015, 2017 and another that is currently pending. These appeals are time consuming and usually related to details of a permit rather than the growth policies of the City. Usually, in other jurisdictions, 9 times out of 10 these detailed appeals are reviewed and decided on by a HE. The current process typically requires the use of multiple attorneys which makes the process inefficient and expensive for the City.

The City's decisions about approval generally occur when the code and the associated criteria are written. Approvals hinge on these points while appeals generally hinge on permit details - technical legal issues.

In BC's opinion communities are better off leaving technical issue to appointed individuals who have been trained and educated to apply the code in an objective manor – to do so consistently over time and have experience in running a hearing including sustaining or overruling objections. This greatly increases the efficiency, effectiveness, and consistency in the implementation of the City's code.

BC noted to the group that the appointed HE is answerable to the City. If an appointed HE is not a good fit for the City then another HE could be appointed. The ordinance is drafted so that the mayor appoints HE but it could also be written so that the Council chooses the HE. It is done in multiple ways.

Because an HE reviews the application against criteria of the City's code and details the decision, the decisions of the HE are usually final. BC noted that it is very unusual to see a HE's decision overturned. This is not because the officials aren't involved but because the HE almost always makes the right decision based on legal criteria. Some issues are more subjective than others but most of the time the HE can deduce the right decision based on the code's set criteria – not opinion. The Council is not losing control in this way as they are still involved in the process. Decisions that are appealable to the Council can be overturned by the Council but must be based on criteria. "What I want" or "what most people want" is not the criteria for approval or overturning an item. It is based on criteria because the hearing body is acting as a "quasi-judge". Approval is based on an application meeting the criteria. The code which sets these criteria is always under the jurisdiction of the Council.

An appeal beyond the Council decision is also available. Land Use Petition Act (LUPA) would allow an appeal to go to Superior Court. Following the criteria of the code prevents challenges at this level. Using a trained professional who is experienced in applying the facts to the law, decreases the chances of having to defend a LUPA in court. Although the Planning Commission is a great group they are not trained in these fields. When decisions are challenged the City then needs to hire an attorney to defend the Planning Commission.

BC concluded by stating that he wanted to the Council and PC to understand his position and support for the HE.

*(Discussion)*

RDV asked for BC's opinion regarding statements that the HE may be taking away authority of the Council. BC reiterated that the Council is ultimately responsible for the criteria set in code – by which permits are reviewed. This authority stays with the Council. The Council also has the ability to maintain review of items if the applicable quasi-judicial items are appealed and routed to the Council after an HE decision.

The Council will not hear items that are successfully decided (without appeal) by the HE.

GB asked about the choosing of the HE. The amendment is drafted to show that the appointment of the HE is done by the Mayor subject to the Council's approval. However, this could be amended to have the HE selected by the Council.

BL asked if the HE would work under a contract. And, if by contract, could it be cancelled at anytime. BC responded that the terms of the contract have not been written. If the Council wanted the contract to be approved and signed by Council the contract could be written that way. BC said you could put any termination provision in the contract then find someone who is willing to sign that contract.

BC noted that the HE will be a very part time position. There will not be many Lynden applications that he/she will hear. The City will be finding someone who may be the HE for a number of other jurisdictions.

BL asked about the number of hours this HE would work. BC responded that he had not talked with Heidi about that and didn't have an answer to that questions. BL asked if the City, at one time, had \$35,000 set aside for an HE. The Mayor and HG noted this amount was \$20,000. HG noted that the funds set aside were partly intended to establish the HE position and not necessary a running expense. Research into the issue showed that jurisdictions used a variety of contracts to retain a HE. Some are on retainer and some are paid per item heard. The City has had appeals in 2015, 2017, and now a 2020 appeal. Typically about 2-3 Conditional Use Permits per year, about 1 site specific rezone per year. Many decisions would never or rarely be appealed. HG noted that some attending the in the meeting, such as Kyle Strengholt, had been through an appeal as a Planning Commissioner (2015) but also as a City Council member (2017).

Kyle agreed that the HE is a good thing for the City. That the appeals that came forward can be a liability to the City and a big time ask of volunteers. KS expressed support for a process that included the Mayor hiring and council approving the HE position. And, then the council able to dismiss. However, noted that this process may not be fair to the Mayor.

BL agreed with KS. Also, added that the Planning Commission may play a role in vetting the HE position. That the citizenry should participate in the hiring and firing.

DVK agreed that the HE should see appeals. She has experienced a number of appeal hearings herself. She also wanted to hear from other Planning Commissioners.

TF expressed support for HE to hear appeals but thought that Shoreline Substantial Development (SSD) permits and Site Specific Rezones should stay with the Planning Commission. But, issues with more technical aspects such as appeals and potentially Conditional Use permits should go to the HE. In his opinion there is value in having the SSDs and site specific rezones stay with the Planning Commission.

KS asked if appeals to a Planning Commission items could go to the HE afterwards. BC noted that the Council has a lot of latitude in creating the process but they should be wary of adding too many steps to the process. An appeal of the Planning Commission's recommendation could go to the HE but then, we'd expect, it would also go to Council. This would be a lot of steps.

BC noted that Shoreline Permits in Lynden, to date, have not been contentious or complicated however, by nature, shoreline permits are very technical issues. The group will recall the review of the shoreline master plan with the oversight by the Department of Ecology.

BC discussed Site Specific Rezones. This could reasonably go with the HE but a strong case for this staying with the Planning Commission could be made as zoning has a strong impact on the shape of the community.

BC encouraged the group to leave Shoreline permits and Conditional Use permits with the HE. Almost every jurisdiction that Bob knows has a HE reviewing these.

SK noted that the “low hanging fruit” could be an initial step of adding some applications at first and then adding other later – once the City is more familiar with the process.

BL leaning toward having an HE take on appeals but recommended that we review code sections in Chapter 19 before releasing additional processes to the HE. This sort of review was done in the past with a number of individuals participating. He believes this would be fair to do before additional applications go to the review of the HE. Noted that the group consensus seemed to be that appeals and some others would go to the HE.

Next steps will include the amendment would go to the Planning Commission and they could finalize their recommendation there. HG confirmed that the amendment would be put into an ordinance and brought forward through the hearing process.

HG noted that another important change is that the HE could take over the role of the Board of Adjustment and the Board of Appeals. Additionally, the petition process that exists in the code is another area that should be cleaned up as soon as possible. BL confirmed this was his understanding as well.

DVK confirmed support for HE to see appeals, petitions and replace the boards noted previously. Asked that the code be reviewed step by step before additional applications are reviewed by the HE. Believed that adding additional reviews later would be easier than trying to remove them from the HE’s review.

BC confirmed that a phase approach to adding applications to the HE review is possible. BC noted that it is not uncommon for an appeal to move along with another land use application. Asked if the group preferred that the appeal go to the HE and the other applications go to the Planning Commission or do the applications stay together and go to the Planning Commission.

DVK said that issues related to SEPA have not come to the Planning Commission in the past and rely on staff to make these determinations. Do the appeals of SEPA decisions need to be resolved before coming to the Planning Commission? Or, do the application(s) and the appeal stay together. BC noted that keeping them together is more efficient.

Final conclusions: Staff and BC's office will work on a redline that will amend the draft so that SSD's, CUP's and site-specific rezones remain with the Planning Commission for now. The appeals and petitions that are currently drafted to go to the HE remain as proposed. The redline will also come forward with a solution regarding the separation or combining of appeals with other land use applications.

Special meeting of the Planning Commission portion closed.



## Downtown Business Association (DBA) Sign Proposal

BL raised the issue of a recent sign proposal brought forward by the Downtown Business Association (DBA) for the new planter at the northeast corner of Front and 7<sup>th</sup> Street. As there is no formal process for DBA signs on City property the CDC discussed the proposal. GB and Gary Vis (Chamber) expressed support for the sign. Mock-up of the sign in the new planter was displayed. The group discussed whether or not the sign should coordinate with other entrance signs in the City – such as those by Front and the Guide Meridian – or the Wayfinding program that was initiated by the County. The CDC concluded that the DBA could establish their own unique branding identity. And, that the sign and the location were agreeable and could be installed as long as it avoided any underground utilities.

Mayor Scott Korthuis adjourned the Special meeting of the City Council at 5:18pm.

### COMMUNITY DEVELOPMENT COMMITTEE MEETING / SPECIAL COUNCIL MEETING / SPECIAL PLANNING COMMISSION MEETING MINUTES

#### Special Council Meeting

4:00 PM July 22, 2020

1<sup>st</sup> Floor Conference Room, City Hall

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Heidi Gudde, Planning Director

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Scott Korthuis, Mayor

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



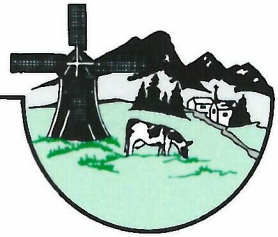
<b>Meeting Date:</b>	September 8, 2020	
<b>Name of Agenda Item:</b>	Approval of Payroll and Claims	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Finance	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	None	
<b>Summary Statement:</b>	Approval of Payroll and Claims	
<b>Recommended Action:</b>	Approval of Payroll and Claims	

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	September 8, 2020	
<b>Name of Agenda Item:</b>	Resolution No. 1025 - Request to Cancel Warrant #75054	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Finance	
<b>Council Committee Review:</b>	<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: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Resolution No. 1025 Copy of Warrant No. 75054; supporting cancellation memos.		
<b>Summary Statement:</b>		
<p>RCW 39.56.040 states that any registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as is such warrants had never been issued; and</p> <p>Warrant No. 75054 has not and will not be presented for payment and should be canceled.</p>		
<b>Recommended Action:</b>		
The City Council give consent approval of Resolution No. 1025 and authorize the Mayor's signature.		



## Memo

**To:** Anthony Burrows cc: Linde Schreifels  
**From:** Linda Handy  
**Date:** April 15, 2020  
**Re:** VOID Claims Warrant #75054

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• **TO BE VOIDED WITH CONSENT OF CITY COUNCIL**

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Please void **warrant #75054** payable to Whatcom County Treasurer (v# 2791) dated 4/7/2020 in the amount of \$10,047.44. This was a duplicate invoice entry error. The invoice had already been processed as a pre-pay check on 4/1/2020. It was then paid again in the small run of April.

Please void the warrant and transaction # 29190535.

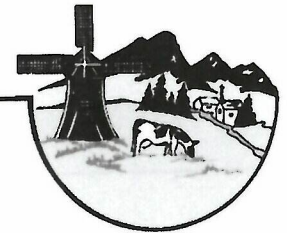
The warrant is being held in the Finance safe until the void request has gone through city council & the process is complete.

Thank you,

LH

# CITY OF LYNDEN

FINANCE DEPARTMENT



COPY

**Whatcom County  
 Countywide EMS Fund  
 Monthly Remittance**

Date: 3/31/2020

Receipt #	Total Amount Received	Multiplier	Remittance Amt to WC	Net to City
23988/11	15,070.41	66.67% \$	10,047.44	\$ 5,022.97

Warrant #: Coding: 001/005 52220.4128

Remittance Address:

Whatcom County Treasurer  
 ATTN: Cashiers  
 PO Box 5268  
 Bellingham, WA 98227-5268

CITY OF LYNDEN	
DEPARTMENT HEAD APPROVAL <i>LWS</i>	DATE <i>4/3/20</i>
MAR 31 2020	
FUND/	DEPT/
BARS # <i>as coded above</i>	

# CLAIMS FILE COPY

04/07/2020

\*\*\*\$10,047.44\*\*

\*\*Ten Thousand And Forty Seven DOLLARS Forty Four CENTS\*\*

W.C. Treasurer  
PO Box 5268  
Bellingham, WA 98227-5268

NOT NEGOTIABLE

NOT NEGOTIABLE

W.C.	2791	14	04/07/2020	00075054	10,047.44	1/1
REFERENCE NO.	YOUR INVOICE NUMBER		INVOICE DATE	AMOUNT PAID	DISCOUNT	NET AMOUNT
29190535	3/2020		03/31/2020	10,047.44	0.00	10,047.44

CLAIMS  
**COPY**  
FILE  
COPY

RESOLUTION NO. 1025

A RESOLUTION BY THE CITY OF LYNDEN, WASHINGTON  
REQUESTING THE CANCELLATION  
OF WARRANT NO. 75054

WHEREAS, RCW 39.56.040 states that any registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as is such warrants had never been issued; and

WHEREAS, it has been brought to the attention of the City Council that Warrant No. 75054 has not and will not be presented for payment; and

WHEREAS, documentation has been provided that the payment due was paid on an invoice; and

NOW, THEREFORE, BE IT ORDAINED BY the City Council of the City of Lynden as follows:

Section A: That Warrant No. 75054, in the amount of \$10,047.44, issued April 7, 2020 from Fund 001 be canceled.

Section B: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact than any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this resolution should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section C: This resolution shall take effect and be in force from and after its passage by the Council and after its approval by the Mayor, if approved, otherwise, as provided by law and five (5) days after the date of its publication.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, \_\_\_\_ IN FAVOR \_\_\_\_ AGAINST AND SIGNED BY THE MAYOR THIS \_\_\_\_ DAY OF SEPTEMBER 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	September 8, 2020	
<b>Name of Agenda Item:</b>	Berthusen Park Restroom Project Contract Award	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Public Works	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>		
1) Reichhardt & Ebe Engineering letter - Recommendation to Award 2) Certified Bid Tabulation		
<b>Summary Statement:</b>		
<p>Staff recently solicited bids for the Berthusen Park Restroom Project. One bid was received from Tiger Construction, Ltd. on August 20, 2020. Reichhardt and Ebe Engineering (R&amp;E) prepared the attached Bid Tabulation.</p> <p>After review, R&amp;E determined Tiger Construction’s bid to be both responsive and responsible. R&amp;E recommends that the contract be awarded to Tiger Construction, Ltd. in the amount of \$119,996.10, which includes Washington State Sales Tax.</p> <p>The Parks Committee was advised of the bid results and supported awarding the contract to Tiger Construction, Ltd., as their bid was both responsive and responsible. The Committee concurred that the bid results could be forwarded directly to City Council after informing them of the results.</p>		
<b>Recommended Action:</b>		
That City Council award the contract for the Berthusen Park Restroom Project to Tiger Construction, Ltd. in the amount of \$119,996.10 including tax and authorize the Mayor to sign the contract.		





August 20, 2020

City of Lynden  
300 4<sup>th</sup> Street  
Lynden, WA 98264

Attn: Mark Sandal  
Program Manager

Re: City of Lynden  
Berthusen Park Restrooms

**Recommendation to Award**

Dear Mark,

We have reviewed all construction bid proposals for the above referenced project. Tiger Construction, Ltd. provided the lowest responsive bid at \$119,996.10 (including tax).

We recommend that you award the contract to Tiger Construction, Ltd subject to the following:

1. Required project funds are available.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nathan Zylstra', written over a horizontal line.

Nathan Zylstra, P.E  
Reichhardt & Ebe Engineering, Inc.

# R&E Reichhardt & Ebe

ENGINEERING INC

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

Called By: For:	City of Lynden <b>BERTHUSEN PARK RESTROOMS</b> 300 4th Street Lynden, WA 98264 CERTIFIED TABULATION OF BIDS RECEIVED	Bidder's Name Address	Engineer's Estimate	Tiger Construction, Ltd PO Box 368 Everson, WA 98247 360-966-7252	Average (Excluding Engineer's Estimate)	Standard Deviation (Excluding Engineer's Estimate)
By: Date:	Nathan Zylstra, P.E. August 20, 2020					

Base Bid									
Item No.	Item Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount		
1	Mobilization	1	LS	\$ 10,000.00	\$ 10,000.00	\$10,000.00	\$ 10,000.00	\$10,000.00	\$ -
2	SPCC Plan	1	LS	\$ 500.00	\$ 500.00	\$500.00	\$ 500.00	\$500.00	\$ -
3	Temporary Chain Link Fence	1	LS	\$ 3,000.00	\$ 3,000.00	\$1,000.00	\$ 1,000.00	\$1,000.00	\$ -
4	Clearing and Grubbing	1	LS	\$ 5,000.00	\$ 5,000.00	\$2,800.00	\$ 2,800.00	\$2,800.00	\$ -
5	Removal of Structures and Obstructions	1	LS	\$ 1,000.00	\$ 1,000.00	\$3,500.00	\$ 3,500.00	\$3,500.00	\$ -
6	Building Removal	1	LS	\$ 7,500.00	\$ 7,500.00	\$5,000.00	\$ 5,000.00	\$5,000.00	\$ -
7	Gravel Borrow Incl. Haul	90	TON	\$ 30.00	\$ 2,700.00	\$30.00	\$ 2,700.00	\$30.00	\$ -
8	Water	5	M GAL.	\$ 80.00	\$ 400.00	\$115.00	\$ 575.00	\$115.00	\$ -
9	Structural Excavation Class B	40	CY	\$ 100.00	\$ 4,000.00	\$60.00	\$ 2,400.00	\$60.00	\$ -
10	Crushed Surfacing Top Course	18	TON	\$ 50.00	\$ 900.00	\$50.00	\$ 900.00	\$50.00	\$ -
11	Crushed Surfacing Base Course	75	TON	\$ 50.00	\$ 3,750.00	\$50.00	\$ 3,750.00	\$50.00	\$ -
12	Gate Valve 1 In.	2	EA	\$ 500.00	\$ 1,000.00	\$370.00	\$ 740.00	\$370.00	\$ -
13	Water Service Pipe 1 In. Diam.	135	LF	\$ 50.00	\$ 6,750.00	\$25.00	\$ 3,375.00	\$25.00	\$ -
14	Connect to Existing Water Service	3	EA	\$ 1,000.00	\$ 3,000.00	\$164.00	\$ 492.00	\$164.00	\$ -
15	PVC Sanitary Sewer Pipe 4 In. Diam.	60	LF	\$ 50.00	\$ 3,000.00	\$18.50	\$ 1,110.00	\$18.50	\$ -
16	Sewer Cleanout	2	EA	\$ 500.00	\$ 1,000.00	\$555.00	\$ 1,110.00	\$555.00	\$ -
17	Erosion Control and Water Pollution Prevention	1	LS	\$ 1,750.00	\$ 1,750.00	\$1,650.00	\$ 1,650.00	\$1,650.00	\$ -
18	Sod Installation Incl. Topsoil	90	SY	\$ 25.00	\$ 2,250.00	\$40.00	\$ 3,600.00	\$40.00	\$ -
19	Landscape Restoration	1	EST	\$ 2,500.00	\$ 2,500.00	\$2,500.00	\$ 2,500.00	\$2,500.00	\$ -
20	Buffer Enhancement Planting	1	LS	\$ 3,500.00	\$ 3,500.00	\$1,650.00	\$ 1,650.00	\$1,650.00	\$ -
21	Cement Conc. Sidewalk	18	SY	\$ 100.00	\$ 1,800.00	\$130.00	\$ 2,340.00	\$130.00	\$ -
22	Electrical System	1	LS	\$ 7,300.00	\$ 7,300.00	\$6,000.00	\$ 6,000.00	\$6,000.00	\$ -
23	Pothole Existing Underground Utility	6	EA	\$ 500.00	\$ 3,000.00	\$450.00	\$ 2,700.00	\$450.00	\$ -
24	Repair Existing Public and Private Facilities	1	EST	\$ 5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00	\$ -
25	Building Delivery Access Modifications	1	EST	\$ 10,000.00	\$ 10,000.00	\$10,000.00	\$ 10,000.00	\$10,000.00	\$ -
26	Precast Concrete Flush Restroom Building Plumbing	1	LS	\$ 7,500.00	\$ 7,500.00	\$35,000.00	\$ 35,000.00	\$35,000.00	\$ -
Sub Total					\$ 98,100.00		\$ 110,392.00		
Sales Tax		8.7%			\$ 8,534.70		\$ 9,604.10		

**Total** \$ 106,634.70 \$ 119,996.10



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 8, 2020	
<b>Name of Agenda Item:</b>	Airport Pavement Maintenance Project Contract Award	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Public Works	
<b>Council Committee Review:</b>	<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: _____
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>		
1) Precision Approach Engineering letter - Recommendation to Award 2) Certified Bid Tabulation		
<b>Summary Statement:</b>		
<p>Staff recently solicited small works contract bids for the Airport Pavement Maintenance Project, which is 95% funded through a WSDOT Aviation grant. A single bid was received from CR Contracting, LLC on September 2, 2020. Precision Approach Engineering prepared the attached Bid Tabulation which compares the bid with the Engineer's Estimate.</p> <p>After review, Precision Approach Engineering determined CR Contracting, LLC bid to be both responsive and responsible. Precision Approach Engineering recommends that the contract be awarded to CR Contracting, LLC in the amount of \$103,309.02 which includes Washington State Sales Tax.</p> <p>The City Council previously approved Resolution 1020 authorizing acceptance of WSDOT grant funding. Because of COVID-19, the WSDOT grant award was delayed. Staff is bringing this 2020 budgeted project directly to City Council intending to allow the contractor to complete the work before the end of summer.</p>		
<b>Recommended Action:</b>		
<p>That City Council award the contract for the Airport Pavement Maintenance Project to CR Contracting, LLC in the amount of \$103,309.02 including tax and authorize the Mayor to sign the contract after finalizing the WSDOT Aviation Construction Grant Agreement.</p>		



September 2, 2020

City of Lynden  
Attn: Steve Banham, Public Works Director  
300 4<sup>th</sup> Street  
Lynden, WA 98264

**SUBJECT: RECOMMENDATION TO AWARD  
LYNDEN MUNICIPAL AIRPORT – CITY OF LYNDEN  
AIRPORT RUNWAY PAVEMENT MAINTENANCE  
PROJECT SWR2020-09 / WSDOT AVIATION PROJECT NO. LYN-01-20**

Dear Mr. Banham:

Enclosed is the bid tabulation for the SWR2020-09 Airport Runway Pavement Maintenance project at Lynden Municipal Airport. One (1) bid proposal for the above-referenced project was opened and read on Wednesday, September 2, 2020. We have reviewed the bid package submitted to the City of Lynden. The apparent responsive low bidder is **C.R. Contracting LLC.**

A summary of the bid tabulation results is shown below:

<b>SWR2020-09 AIRPORT RUNWAY PAVEMENT MAINTENANCE</b>	<b>C.R. CONTRACTING LLC.</b>
BASE BID SCHEDULE (Incl WSST)	\$ 96,950.07
ADDITIVE BID SCHEDULE A (Incl WSST)	\$ 6,358.95
<b>GRAND TOTAL (Incl WSST)</b>	<b>\$ 103,309.02</b>

It is our opinion that **C.R. Contracting LLC.**, submitted a complete bid proposal that is in compliance with the bid document. The bid amount proposed by **C.R. Contracting LLC.**, is in conformance with industry standards and current trends in the construction market. In addition, no bid informality has been found that would be cause for rejection of the proposal.

Accordingly, we recommend that the City consider awarding a contract to include the Base Bid and Additive Bid A Schedules to **C.R. Contracting LLC.**, contingent upon the receipt of Washington State Department of Transportation (WSDOT) Aviation Division supplemental grant agreement funding. Concurrence and approval will need to be obtained from WSDOT Aviation prior to final selection of the bid schedules to be awarded and execution of the construction contract.

Sincerely,

**PRECISION APPROACH ENGINEERING, INC.**

Ed Addicks, P.E.  
Project Manager

Enclosed: Bid Tabulation

cc: Eric Johnson/WSDOT [Eric.Johnson@wsdot.wa.gov](mailto:Eric.Johnson@wsdot.wa.gov)

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## BID TABULATION

LYNDEN MUNICIPAL AIRPORT - CITY OF LYNDEN  
 PROJECT SWR2020-09 AIRPORT RUNWAY PAVEMENT MAINTENANCE  
 WSDOT - Aviation Project No. LYN-01-02

Bid Opening Date & Time: September 2, 2020 @ 1:30 p.m.

BASE BID SCHEDULE				ENGINEER'S ESTIMATE		C.R.Contracting, LLC (apparent low bidder)	
Bid Item	Description	Unit	Quantity	Unit Price	Total	Unit Price	Total
1	Construction Surveying and Staking	LS	1	\$4,000.00	\$ 4,000.00	\$9,500.00	\$ 9,500.00
2	Mobilization	LS	1	\$15,000.00	\$ 15,000.00	\$14,500.00	\$ 14,500.00
3	Preparation of Existing Pavement Surfaces for Surface Treatments and other Miscellaneous	LS	1	\$5,750.00	\$ 5,750.00	\$9,875.00	\$ 9,875.00
4	Asphalt Surface Treatment; Runway, With Aggregate	SY	11650	\$4.25	\$ 49,512.50	\$2.57	\$ 29,940.50
5	Pavement Markings, White/Yellow, 2-Coat, 1st Coat, Fall 2020	SF	8750	\$1.75	\$ 15,312.50	\$1.45	\$ 12,687.50
6	Pavement Markings, White/Yellow, 2-Coat, 2nd Coat, Spring 2021	SF	8750	\$1.75	\$ 15,312.50	\$1.45	\$ 12,687.50
<b>TOTAL OF EXTENDED UNIT PRICE ITEMS AND LUMP SUM ITEMS LISTED ABOVE</b>					<b>\$ 104,887.50</b>		<b>\$ 89,190.50</b>
<b>WASHINGTON STATE SALES TAX:</b>				<b>8.7%</b>			<b>\$ 7,759.57</b>
<b>GRAND TOTAL</b>					<b>\$ 114,012.71</b>		<b>\$ 96,950.07</b>

ADDITIVE BID SCHEDULE A				ENGINEER'S ESTIMATE		C.R.Contracting, LLC (apparent low bidder)	
Bid Item	Description	Unit	Quantity	Unit Price	Total	Unit Price	Total
A-1	Pavement Crack Sealing	LS	3,900	\$2.00	\$ 7,800.00	\$1.50	\$ 5,850.00
<b>TOTAL OF EXTENDED LUMP SUM ITEMS LISTED ABOVE</b>					<b>\$ 7,800.00</b>		<b>\$ 5,850.00</b>
<b>WASHINGTON STATE SALES TAX:</b>				<b>8.7%</b>			<b>\$ 508.95</b>
<b>TOTAL ADDITIVE BID SCHEDULE A</b>					<b>\$8,478.60</b>		<b>\$6,358.95</b>

Toal Bids				ENGINEER'S ESTIMATE		C.R.Contracting, LLC (apparent low bidder)	
BASE BID SCHEDULE, including Washington Sales Tax					<b>\$114,012.71</b>		<b>\$96,950.07</b>
ADDITIVE BID SCHEDULE A, including Washington Sales Tax					<b>\$8,478.60</b>		<b>\$6,358.95</b>
<b>GRAND TOTAL - ALL BID SCHEDULES (Including Washington Sales Tax)</b>					<b>\$122,491.31</b>		<b>\$103,309.02</b>

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 8, 2020	
<b>Name of Agenda Item:</b>	Ord 1607 - Extension of the Pepin Creek Moratorium	
<b>Section of Agenda:</b>	Public Hearing	
<b>Department:</b>	Planning Department	
<b>Council Committee Review:</b>	<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: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Ord 1607 Extending the Moratorium, Exhibit A – Map of Moratorium Area, Pepin Lite Summary Graphic, Revised Projection of Pepin Lite Unit Counts, Revised Area Calculations per Pepin Lite		
<b>Summary Statement:</b>		
<p>The Pepin Creek moratorium has been in place since September of 2016. It was established in recognition of significant constraints associated with what is now known as the Pepin Creek Sub-area.</p> <p>Earlier this year the City Council approved the Pepin Creek Sub-Area Plan that addresses circulation, open space and assigned land use and zoning within the area. Because of the significant infrastructure improvements associated with the creek re-alignment the Council has recognized that work must be undertaken in a phased approach. Given this approach, the engineering team, Public Works, and Planning departments are developing a revised creek re-alignment plan which decreases the overall infrastructure cost.</p> <p>Using revised engineering estimates and final unit counts associated with the revised approach, City staff and a consultant team are developing a strategy for the financial assessment. Results of the assessment conclusions will be used to define the next steps toward lifting the moratorium on development. Conclusions and recommendations will be brought to the City Council a little later this fall. As these final elements are defined and executed, City staff recommends that the Council set a public hearing date of September 8 to consider an additional 6 months of moratorium.</p>		
<b>Recommended Action:</b>		
Motion to approve Ordinance 1607 extending until March of 2021 the existing moratorium of development on those properties previously identified within the Pepin Creek Sub-area and authorize the Mayor’s signature on the document.		

**ORDINANCE NO. 1607**

**INTERIM ORDINANCE EXTENDING THE MORATORIUM ON SUBDIVISION AND PLANNED RESIDENTIAL DEVELOPMENT APPLICATIONS AND CERTAIN BUILDING PERMIT APPLICATIONS FOR PROPERTY LOCATED WITHIN THE PEPIN CREEK PROJECT AREA**

**WHEREAS**, on August 19, 2013, the City of Lynden (“City”) adopted the April 2009 Amendment to the January 1992 Stormwater Management Plan identifying the “Pepin Creek” project (“Pepin Creek Project” or “Project”); and

**WHEREAS**, the Pepin Creek Project includes the relocation and combination of surface water flows from Double Ditch and Benson Ditch between Badger Road and Main Street into one “new” watercourse known as Pepin Creek; and

**WHEREAS**, the general vicinity of the Pepin Creek Project has experienced instances of extreme flooding in recent years, causing hundreds of thousands of dollars in property damage, closing and damaging public roads and infrastructure, cutting residents off from emergency access, and damaging agricultural land; and

**WHEREAS**, the Pepin Creek Project is designed to implement a new drainage pattern to protect public roads and public road infrastructure, substantially reduce flooding, facilitate improved storm water control, and provide the ancillary benefit of natural fish and wildlife habitat; and

**WHEREAS**, the City has completed acquisition of several properties necessary to accommodate the new Pepin Creek corridor; and

**WHEREAS**, the City must continue to undertake numerous complex and detailed planning, funding, design, permitting, construction and other associated issues to complete the Pepin Creek Project (“Pepin Creek Project Issues”); and

**WHEREAS**, Pepin Creek Project Issues include without limitation:

- corridor design and permitting for the Pepin Creek Project;
- locating and increasing stormwater capacity and coordinating the associated street and utility infrastructure locations;
- design and permitting options associated with necessary downstream bank stabilization associated with the Pepin Creek Project;
- identifying financing and equitable allocation of system construction costs; and

**WHEREAS**, the Council has adopted, on October 16, 2017, Resolution No. 975, which is a Resolution of Intent outlining the strategies and corresponding timeline to resolve Pepin Creek Project Issues; and

**WHEREAS**, that area of the city believed to be affected by Pepin Creek Project Issues at this time and for purposes of this Ordinance include without limitation the area shown on Exhibit A (“Pepin Creek Project Area”), which is incorporated herein; and

**WHEREAS**, Ordinance No. 1509, *An Ordinance of the City of Lynden to provide Annexation to the City of Lynden* adopted on June 6, 2016 (“Ordinance No. 1509”), annexed property in the Pepin Creek Project Area into the City of Lynden; and

**WHEREAS**, Ordinance No. 1509 included a clause stating that the “City has identified the need for the completion of the Pepin Creek project prior to development” of the property annexed into the City; and

**WHEREAS**, except as set forth herein, property development within the Pepin Creek Project Area will likely disrupt the City’s ability to effectively address Pepin Creek Project Issues; and

**WHEREAS**, the adoption of land use and zoning regulations is a valid exercise of the City's regulatory authority and is specifically authorized by RCW 35A.63.100; and

**WHEREAS**, Ordinance No. 1513, *Ordinance Establishing an Emergency Moratorium on Subdivision and Planned Residential Development Applications and Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on September 19, 2016; and

**WHEREAS**, Ordinance No. 1514, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on October 17, 2016; and

**WHEREAS**, Ordinance No. 1525, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on April 17, 2017; and

**WHEREAS**, Ordinance No. 1538, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on October 16, 2017; and

**WHEREAS**, Ordinance No. 1555, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on May 7, 2018; and

**WHEREAS**, Ordinance No. 1562, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building*



*Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on September 17, 2018; and

**WHEREAS**, Ordinance No. 1577, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on March 4, 2019; and

**WHEREAS**, Ordinance No. 1591, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on September 3, 2019; and

**WHEREAS**, Ordinance No. 1604, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on March 2, 2020; and

**WHEREAS**, the City held a public hearing on this proposed Ordinance 1607 on the 8<sup>th</sup> day of September 2020; and

**WHEREAS**, a continuation of the moratorium on development in the Pepin Creek Project Area is required to allow for proper planning and implementation of the Pepin Creek Project; and

**WHEREAS**, adoption of this ordinance extending the moratorium to assure that Pepin Creek Project Issues are resolved consistent with the Project addresses a public emergency and shall qualify as a public emergency ordinance; and

**WHEREAS**, the public emergency ordinance is necessary to protect the public health, safety, and welfare of the community, and public property; and

**WHEREAS**, this public emergency moratorium ordinance, as provided in RCW 35.A.12.130, when passed by a majority plus one of the whole membership of the council, is effective upon adoption; and

**WHEREAS**, the foregoing recitals are a material part of this Ordinance;

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

Section 1. Findings of Fact. The City Council adopts the above “WHEREAS” recitals as findings of fact in support of this Ordinance. The Council may adopt additional findings in the event that additional evidence is presented to the City Council.

Section 2. Moratorium Established For New Subdivisions. The City shall not accept applications for any new subdivisions (including both short plats and long plats) or for any new planned residential developments for property located in whole or in part in the

Pepin Creek Project Area, for a period of one hundred eighty (180) days, or until the City adopts a replacement ordinance, whichever comes first, pursuant to RCW 36.70A.390 and RCW 35A.63.220.

Section 3. Moratorium Established For Certain Building Permit Applications. The City shall not accept building permit applications in the Pepin Creek Project Area for new structures intended for human occupancy or for additions to existing residential structures of more than fifty percent (50%) in square footage, for a period of one hundred eighty (180) days, or until the City adopts a replacement ordinance, whichever comes first, pursuant to RCW 36.70A.390 and RCW 35A.63.220.

Section 4. Resolution of Pepin Creek Project Issues. During the term of this interim ordinance the City shall work on resolving the following issues.

- A. Corridor Design. The Pepin Creek Project Area has demonstrated stormwater capacity deficiencies. The City must complete an analysis and design of a new stormwater system with adequate capacity to fully accommodate basin flow. This would also include locating the street and utility infrastructure to function with that new system.
- B. Downstream Stabilization. The existing Double Ditch channel downstream from Main Street to the confluence with Fishtrap Creek presently has unstable banks. The City intends to identify corrective options, including necessary design, permitting, and funding, and consider construction implementation of corrective options.
- C. Financial Strategy. The City must develop a financing plan and method for equitable allocation of system construction costs and responsibilities among property owners in the Pepin Creek Project Area.

Section 5. If the provisions of this Ordinance are found to be inconsistent with other provisions of the Lynden Municipal Code, this Ordinance shall control.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. This Ordinance shall take effect immediately.

PASSED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, AND APPROVED BY THE MAYOR on the \_\_\_\_\_ day of September 2020,

\_\_\_\_\_  
**M A Y O R**

ATTEST:

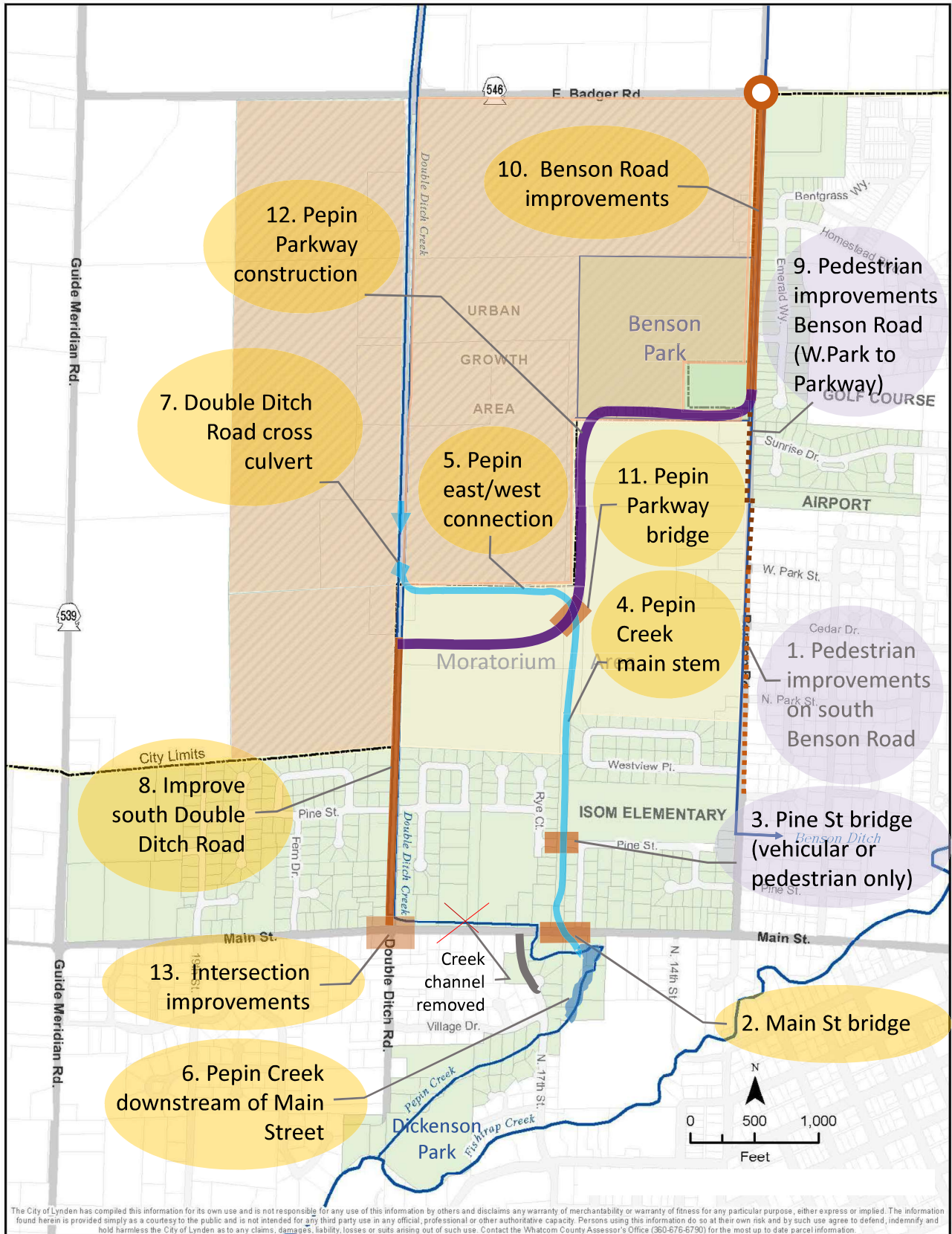
\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO FORM:

CITY ATTORNEY

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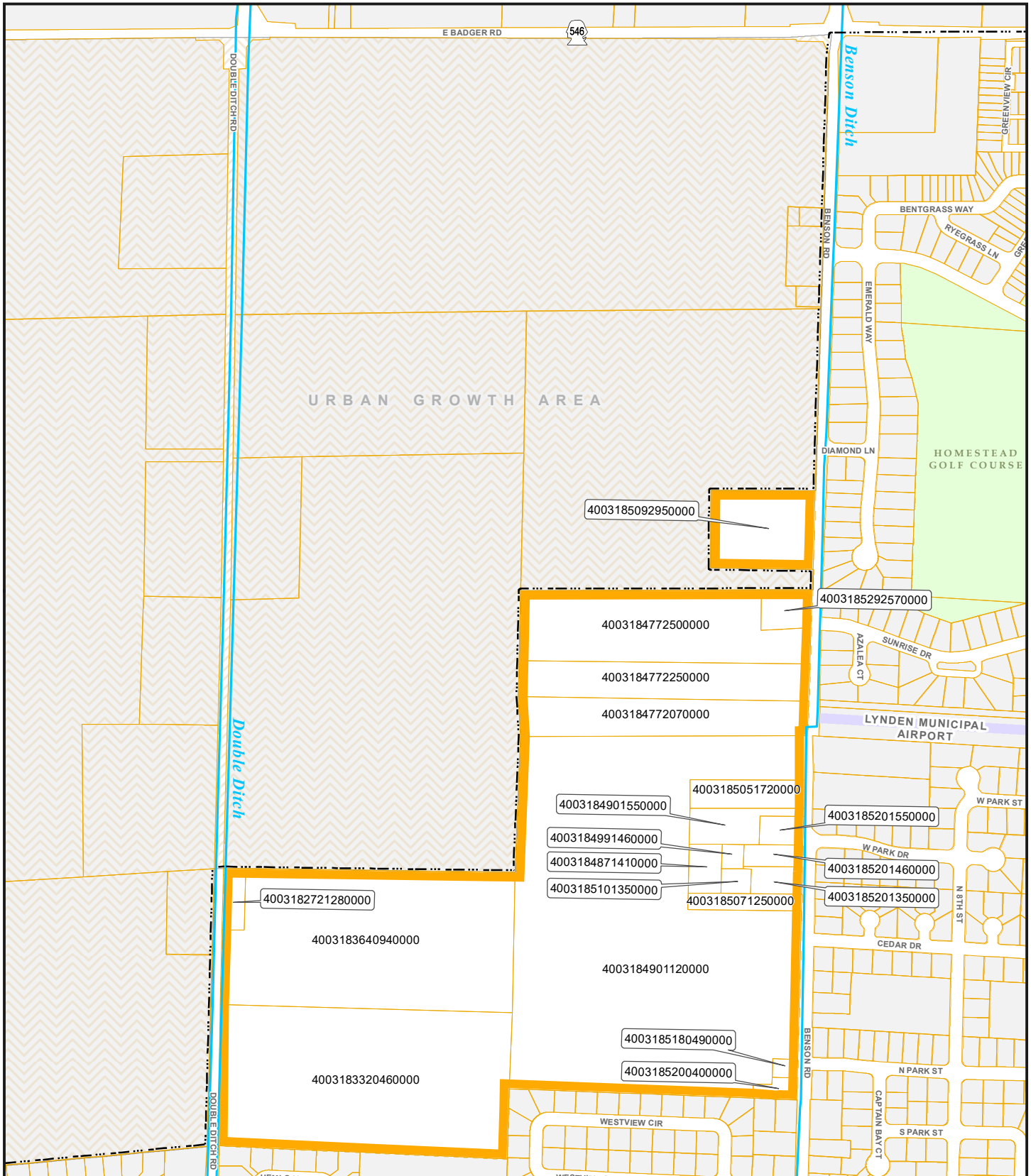
# Pepin Lite: Fully Improved



The City of Lynden has compiled this information for its own use and is not responsible for any use of this information by others and disclaims any warranty of merchantability or warranty of fitness for any particular purpose, either express or implied. The information found herein is provided simply as a courtesy to the public and is not intended for any third party use in any official, professional or other authoritative capacity. Persons using this information do so at their own risk and by such use agree to defend, indemnify and hold harmless the City of Lynden as to any claims, damages, liability, losses or suits arising out of such use. Contact the Whatcom County Assessor's Office (360-676-6790) for the most up to date parcel information.

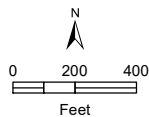
# Exhibit A

## Properties Located within Pepin Creek Project Area



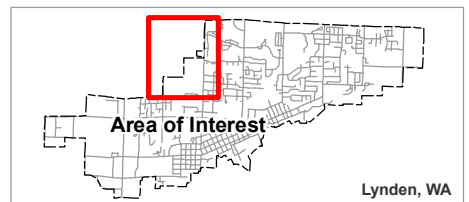
**Map Key**

- Properties in Pepin Creek Project Area
- Property Boundaries
- City Limit
- Urban Growth Area (Unincorporated)
- Waterway



Updated: September 19, 2016

Doc. Path: \\Saturn\gis\Projects\Public Works\PeppinCreek\ExhibitA\COPY2.mxd



Lynden, WA

# CITY OF LYNDEN



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

## Planning Department Memorandum

**From:** Heidi Gudde, Planning Director  
**Date:** August 17, 2020  
**Re:** Pepin Lite Unit Count - Berk Consulting

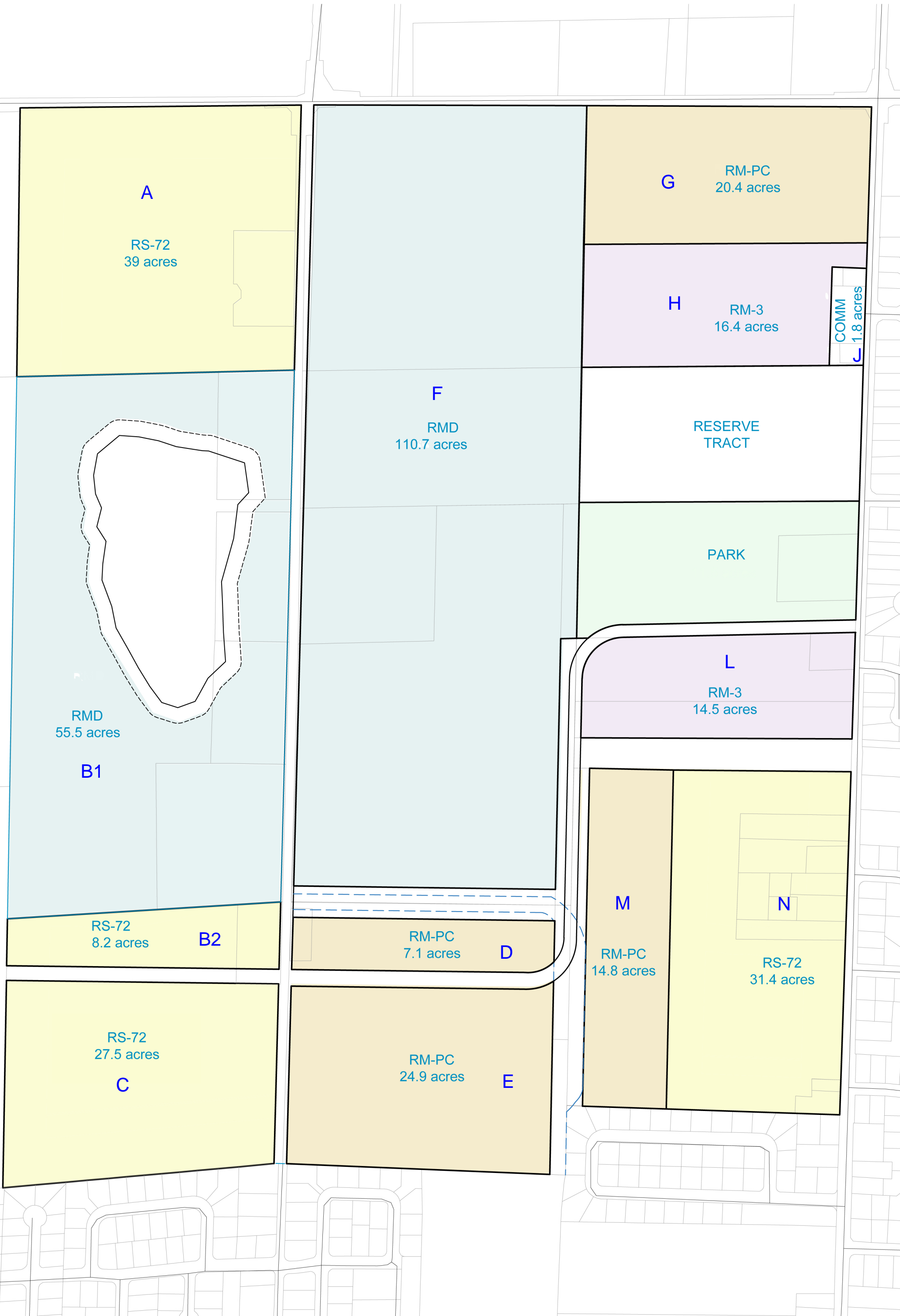
Fewer roads results in an increase in developable area, which bumps capacity up a bit. Here is the development potential for the entire subarea:

	Developable Acreage	Theoretical Minimum	Theoretical Maximum	Analysis Max	Theoretical Midrange
RS-72	93.37	0	467	373	373
RMD	127.07	0	1,271	953	635
RM-3	27.19	0	435	307	205
RM-PC	59.14	0	710	532	355
Commercial Overlay RM-3	1.58	0	25	0	13
<b>TOTAL</b>	<b>306.77</b>	<b>0</b>	<b>2,882</b>	<b>2,166</b>	<b>1,569</b>

Here are the results for areas currently within City limits (area under moratorium):

	Developable Acreage	Theoretical Minimum	Theoretical Maximum	Analysis Max	Theoretical Midrange
RS-72	27.63	0	138	111	111
RMD	0.00	0	0	0	0
RM-3	12.76	0	204	153	102
RM-PC	41.18	0	494	371	247
Commercial Overlay RM-3	0.00	0	0	0	0
<b>TOTAL</b>	<b>81.58</b>	<b>0</b>	<b>837</b>	<b>634</b>	<b>460</b>

- **Theoretical Minimum.** Theoretical minimum is based on minimum required zoning
- **Theoretical Maximum.** Theoretical maximum is based on maximum allowed zoning. This includes the commercial overlay developing as residential uses under RM-3.
- **Analysis Max.** This was formerly the city midrange- or the density level the City was likely to see. It is now the analysis max because it exceeds the theoretical midrange. It is an average between the theoretical max and the theoretical midrange- approximately 75% development capacity. It assumes development of the commercial overlay for commercial uses.
- **Theoretical Midrange.** This was formerly the analysis max, before minimum zoning was changed to 0. Theoretical midrange is the average between theoretical max and theoretical min. It assumes the commercial overlay developing as residential uses under RM-3.



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 8, 2020	
<b>Name of Agenda Item:</b>	Contracted Special Counsel for Upcoming Land Use Hearings	
<b>Section of Agenda:</b>	New Business	
<b>Department:</b>	Planning Department	
<b>Council Committee Review:</b>	<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: _____
	<b>Legal Review:</b> <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Engagement Letter – Special Counsel to City of Lynden Planning Commission, Engagement Letter – Special Counsel to the City of Lynden City Council		
<b>Summary Statement:</b>		
<p>Pending land use applications and a subsequent appeal to staff’s determination on the environmental review have warranted the need to provide special counsel to the City’s Planning Commission.</p> <p>Jon Sitkin, of Chmelik Sitkin &amp; Davis, has been selected to provide counsel to the Planning Commission. Mr. Sitkin has represented the Commission on previous occasions.</p> <p>Brad Furlong, of Buri Funston Mumford Furlong, has been selected to provide counsel to the City Council.</p> <p>Engagement letters for each representation have been included in the package for Council review.</p>		
<b>Recommended Action:</b>		
Motion to accept the engagement letters associated with Special Counsel for the Planning Commission and City Council as described in the attached documents.		



August 24, 2020

City of Lynden  
Attn: Mike Martin for the City Planning Commission  
City Administrator  
300 4<sup>th</sup> Street  
Lynden, WA 98264

RE: **Engagement Letter – Special Counsel to City of Lynden Planning Commission**

Dear Mike:

We are pleased to issue this Engagement Letter to the Planning Commission for the City of Lynden (the “City”). Unless we are instructed differently, it will govern the relationship between our firm and the Planning Commission for all legal services we provide to the City.

This Engagement Letter explains the terms and conditions of our agreement to provide legal services, our client service practices, and our billing procedures. These terms, practices, and procedures will apply to the City’s account unless the City has reached a different written understanding with us. If the City agrees to our practices and procedures, there is no need to sign or return this letter. We will assume that this letter meets with the City’s approval unless we hear otherwise.

**PERSONNEL**

I will be assigned primary responsibility for ensuring that the City’s legal needs are met. Additional lawyers may assist or replace others in rendering appropriate legal services. We attempt to assign lawyers and other personnel on the basis of their experience and expertise, the nature and scope of the issues, and the time constraints imposed by the matter. For example, we will have a young lawyer or a paralegal assist on a case where that assistance will provide a savings to our clients. This way, we can provide the most efficient and cost-effective service.

**SCOPE OF REPRESENTATION**

Chmelik Sitkin & Davis P.S. represents the City of Lynden as Special Counsel representing the City of Lynden Planning Commission related to the pending matters before the City Planning Commission related to the Cedarbrook Proposal. Our Attorney-Client relationship is with the Planning Commission, an agency of the City. We understand that the City Administrator is serving as the staff intermediary for the City Planning Commission. We understand that our invoices will be sent to your attention for processing and payment by the City. Our client contact shall be the City Planning Commission, the City Administrator, and if necessary on procedural matters, the City’s General Counsel.

We do not represent any individual council members or employees, nor the City as an entity. If we provide an opinion on the potential outcome of an issue, it is an expression of our best professional judgment, not a guarantee. In the course of our representation, we will be applying the law in effect at the time our services are rendered. Those laws may change after we have completed a particular project for the Planning Commission.

**CONFIDENTIALITY**

The Rules of Professional Conduct, which govern all attorneys in the state of Washington, mandate that we keep confidential all aspects of our representation of the Planning Commission. This obligation continues even after we conclude our representation and the attorney/client relationship ends.

It is important to understand that any information communicated to us by the City Planning Commission is confidential unless the City Planning Commission instructs us otherwise. However, any communications from an individual Planning Commission member is not privileged from disclosure to the other Planning Commission members. Therefore, if we have a communication with one Planning Commission member we will, if asked, share that communication with the other Planning Commission members.

**BASIS FOR LEGAL FEES**

Legal services rendered by our firm are generally charged at an hourly rate. Each attorney and paralegal are assigned billing rates for various stages and types of matters and records his or her time for each. Because hourly rates vary among lawyers and paralegals, each statement will reflect the hours worked on the City's matters. Those rates are reviewed periodically and may be changed without notice based upon determinations of the value of the services performed by each attorney and paralegal. All time is accounted for in increments of 1/10 of an hour. Like all our municipal clients, we cap our lawyers' fees at \$275.00 per hour. For those lawyers with rates above \$275.00 per hour the rate is capped. For lawyers with hourly rates less than \$275.00 per hour the regular rate applies.

**COSTS**

It is our policy to serve the City through the most effective support systems available, while at the same time allocating the cost of such systems to those clients who make the greatest use of them. Therefore, in addition to fees for legal services, we bill for duplications, court filing fees, deposition or transcript fees, consultants or expert witnesses, messengers, postage, travel expenses, and other out-of-pocket costs incurred on behalf of the City of Lynden.

Although all such expenses are the City's responsibility, Chmelik Sitkin & Davis P.S. will generally, for administrative ease, advance payment to these third parties. We may forward invoices to the City for direct payment when the amounts are large.

It is our policy, when possible, to advise the City in advance of any large or non-routine expenses which may be incurred on the City's behalf.

**RETAINER**

We do not require a retainer from our municipal clients.

**INVOICES AND PAYMENTS**

We have the ability to create any number of separate invoices. Each invoice can reflect a control number assigned by the client. Typically, we create a separate invoice for each matter. This allows the City to allocate legal costs against the appropriate project or account. In addition, we typically maintain a “general” file for those one-time questions or short matters that really do not justify a separate invoice.

Please contact us if the City needs us to code our invoices in any particular fashion. We want to make sure that our invoices are presented in a format that is most usable to the City.

Chmelik Sitkin & Davis P.S. typically bills on a monthly basis, and payment is due upon receipt of the invoice. We reserve the right to add a late payment charge of 12% per annum to account balances not paid within sixty days of the invoice date.

If the City ever has any questions or concerns about an invoice, please call us. We are anxious to discuss any client billing concerns. The City will not be billed for any time spent discussing these matters.

**CONFLICTS OF INTEREST**

In some instances, a conflict of interest may develop between two clients. In such a case we do not represent either client on that matter unless both clients consent in writing to our representation. Frankly, conflicts are rare in our representation of cities.

**TERMINATION OF ATTORNEY/CLIENT RELATIONSHIP**

We serve at the pleasure of the City Planning Commission for the City of Lynden. The City can terminate our representation at any time without any notice period and for any reason or no reason. In such an event we will fully cooperate in concluding our representation and transitioning any ongoing matters to another lawyer.

We retain the right to cease performing legal services and to terminate our legal representation of the City of Lynden Planning Commission at any time upon written notice to the City. The reasons for withdrawal are sometimes mandated by ethical rules including, among other reasons, unanticipated conflicts of interest, non-payment of legal fees and expenses, failure to disclose material facts, or actions contrary to our advice. If we find it necessary to withdraw from representation, we will give the City prompt written notice and assist in the orderly transition of the Planning Commission’s legal representation to other counsel that the City selects.

**QUESTIONS**

One of our goals is to ensure that legal services are delivered effectively and efficiently, and that all invoices are accurate and understandable. Please direct any questions about services or billing practices to the lawyer responsible for the City's account. We encourage the City to discuss any questions the City may have with one of our attorneys at the inception of any matter and whenever the City has questions during the course of that engagement.

**CONCLUSION**

We understand that we are in a customer service profession and that the City of Lynden has selected this firm for important matters. We pride ourselves on developing a solid working relationship with our clients; therefore, we solicit the City's input, good or bad. We encourage the City to tell us about any concerns the City has now or at any time in the future. Again, thank you for selecting our firm.

Sincerely,

CHMELIK SITKIN & DAVIS P.S.

  
Jonathan K. Sitkin

JKS/kab  
Encls.  
Cc: Bob Carmichael

### CLIENT PRIVACY POLICY NOTICE

Attorneys, like other professionals who advise on personal financial matters, are required by federal law to inform their clients of their policies regarding privacy of client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by this new law. Following these professional standards, Chmelik Sitkin & Davis P.S. has always protected your right to privacy.

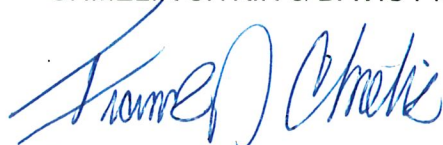
In the course of providing our clients with certain legal advice and services, we may receive significant personal financial information from our clients. All information that we receive from you is held in confidence and is not released to people outside the firm, except as agreed to by you or as required under applicable law.

Chmelik Sitkin & Davis P.S. retains records relating to professional services that it provides so that it is better able to assist you with your professional needs and in some cases to comply with professional guidelines. In order to guard your nonpublic personal information, we maintain physical, electronic, and procedural safeguards that comply with our professional standards.

If you have any questions, please feel free to call your attorney at (360) 671-1796. Your privacy and our professional responsibility are always top priorities at Chmelik Sitkin & Davis P.S.

Sincerely,

CHMELIK SITKIN & DAVIS P.S.



Frank J. Chmelik

**CHMELIK SITKIN & DAVIS P.S.  
HOURLY RATES FOR ATTORNEYS AND PARALEGALS  
STANDARD RATE**

<b>ATTORNEY</b>	<b>INITIALS</b>	<b>RATE</b>
FRANK J. CHMELIK	FJC	\$340
JONATHAN K. SITKIN	JKS	\$340
RICHARD A. DAVIS	RAD	\$340
LES E. REARDANZ	LER	\$325
KATHERINE D. DEETS	KDD	\$310
SETH A. WOOLSON	SAW	\$310
HOLLY M. STAFFORD	HMS	\$310
T. TODD EGLAND	TTE	\$290
MATT T. PAXTON	MTP	\$270
TIM D. SCHERMETZLER	TDS	\$260
ALLI M. BEARD	AB	\$230

<b>PARALEGALS</b>	<b>INITIALS</b>	<b>RATE</b>
JENNIFER A. BRUMFIELD	JAB	\$150

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 8, 2020	
<b>Name of Agenda Item:</b>	Draft Parks Committee Minutes August 17, 2020	
<b>Section of Agenda:</b>	Other Business	
<b>Department:</b>	Parks	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Draft Parks Committee Minutes August 17, 2020		
<b>Summary Statement:</b>		
See Next Page		
<b>Recommended Action:</b>		
For Council Review		



**PARKS AND REC. DISTRICT COMBINATION COMMITTEE MINUTES**

August 17, 2020

**1. ROLL CALL:**

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

**Rec. District Commissioners Present:** Ron Van Soest, Rick Lair, and Bob Johnson, TJ Timmermans, and Harvey Pelleboer

**Staff Present:** City Administrator Mike Martin; Parks Director Vern Meenderinck; and Park Admin. Assist. Nancy Norris

**Guest Present:** Tim Faber King Architecture

**2. ACTION ITEMS:**

**A. Approval of Parks Committee Minutes- July 20,2020**

Laniga motioned to approve the minutes, and DeValois seconded the motion, everyone present concurred.

***Action: The Parks Committee and Rec District Minutes from July 20, 2020 were approved.***

**B. Decision on Trail Names-Tabled from last meeting**

After a brief discussion both Committee agreed there should be only one name for the City Trail instead of multiple trail names.

***Action: De Valois motioned having all Trails within the City be known as Jim Kaemingk Sr. Trail, no other Trail names. Mr. Pelleboer 2<sup>nd</sup> the motion everyone present concurred. Motion stands approved.***

**C. Approve privacy fence funds for Rena Rudy on 17<sup>th</sup>St.**

Use bond funds for a fence along the new sidewalk, which will be part of the trail section to Dickinson Park.

***Action: Laninga Motioned to make an exception to allow the City to install a privacy fence per the request of the property owner. The funding for this fence would be paid for from the trail bond funds.***

***Mr. Pelleboer 2<sup>nd</sup> the motion everyone present concurred. Motion stands approved.***

**D. Benson Barn report and proposal- direction forward?**

King Architecture presented updated estimates for the renovation of the barn with 3 design options and 2 different options for the size of the lobby.

***Action: After much discussion both Committees agreed that the main hall of the barn be renovated first. The parking, restrooms, and kitchen will be added in phases as the Park is developed.***



# CITY OF LYNDEN

## PARKS DEPARTMENT



**E. Draft Parks Master Plan for review.**

Comments and notes were received, no additional comments or discussion needed.

***Action: All additional comments received will be forwarded to Planning for the final draft.***

**F. Berthusen Restroom report on progress- permit status**

The Shoreline permits were approved. The bid went out for bid Aug. 5 no one showed up for the pre bid to site prep and demo the existing restroom. Pre bid meeting was set for Aug 13 and the Bid opening would have been August 20, 2020. Reichhardt & Ebe will send out notices to Contractors off the City's Small works roster.

***Action: Parks Committee approved going to council for approval if it meets the engineer estimate and recommends accepting the bid.***

**G. Decision on whether to lease out rental space at Benson Rd.**

The machine shop at Benson Park has 2 large open stalls and 4-5 small open stalls. Rent out one of the stalls, 2 large 4-5 small stalls. The renter of the house uses one stall and the park tractor is parked in another. An individual asked if they could store their RV in one.

***Action: After some discussion, the Parks Committee choose not to lease out the building stalls at Benson Park.***

**3. INFORMATION ITEMS:**

**A. Rec. District updates- no comment**

**B. Pump track**

The pump track is open and being well used. The sod will be installed later this Fall.

**C. Hooligans at Bender**

This continues to be an ongoing problem. This group of 10-15 teenage middle schoolers have no respect for people, they harass park users, and destroy park property. They hang out at the park from mid-day till late into the night. They are well behaved when the police show up after the police leave this group goes back to being obnoxious. A few weeks ago, two individuals were caught with a significant amount of drugs and drug paraphernalia.

***Action: The Polices will be patrolling the area undercover.***

**D. Art wall progress- No report at this time.**

**E. Irrigation controller at Bender puked- 38 years old**

Ordered replacement at \$2,165, which can be expanded for optiflow Which will result in substantial savings in the future.

# CITY OF LYNDEN

## PARKS DEPARTMENT



#### 4. ITEMS ADDED:

##### A. Trail Development

The City has applied for a grant to complete the section of trail between Depot to North 8<sup>th</sup> St. The goal is to begin on this section of trail in 2021

##### B. Youth Sports Leagues Field Use

Leagues are wanting to have games this fall and are asking for the fields to be set up. Per the governor's mandates sports teams will not be allowed to play games until phase 4.

Vern asked if the leagues/coordinators could paint and set up the fields for games.

***Action: Committee members denied this request stating liability reasons. The fields are to remain closed to league games and tournaments for the remainder of the year. Team Practices are allowed per the Governors mandates.***

##### C. Skate Park and Spray Park

With the new pump track community members are pushing for a skatepark and spray park.

***Action: Both Committees would support the development of these parks. The City and Rec. District would be willing to provide approved park property. Private funding and development would come from the community, like the Rotary Sports Park and Pump Track.***

Adjourned 6:19

#### NEXT MEETING DATES

Parks Committee: September 21, 2020

Rec. District; September 9, 2020

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 9, 2020	
<b>Name of Agenda Item:</b>	Calendar	
<b>Section of Agenda:</b>	Other Business	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<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
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	Outlook Calendar	
<b>Summary Statement:</b>	See next page.	
<b>Recommended Action:</b>	None	

**September 7, 2020**

Monday

All Day

Labor Day -- United States

**September 8, 2020**

Tuesday

8:30 AM - 9:30 AM

Leadership Team Meeting -- Annex Council Chamber  
LT in Annex until further notice.

7:00 PM - 9:00 PM

Copy: Tuesday-Sept. 8 Council Meeting -- Microsoft Teams Meeting  
Reminder: Because of the Labor Day Holiday the first council meeting in  
September is **Tuesday**, September 8<sup>th</sup>.

---

[Join Microsoft Teams Meeting](#)

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

Conference ID: 716 443 886#

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

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**September 9, 2020**

Wednesday

All Day

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

9:00 AM - 10:00 AM

Check-In Mark/Mike -- Mike's Office

4:15 PM - 6:00 PM

Public Works Committee Meeting -- City Hall 2nd Floor Large Conference Room

**September 9, 2020 Continued**  
Wednesday

7:00 PM - 9:00 PM                      **Rec. District Meetings -- Annex South East Conference Room**

**September 10, 2020**  
Thursday

7:00 PM - 10:00 PM                      **City of Lynden Virtual Planning Commission -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room; City Hall 2nd Floor Large Conference Room; City Hall 1st Floor Large Conference Room**

7:30 PM - 9:30 PM                      **Planning Commission -- Annex Council Chamber**

**September 11, 2020**  
Friday

10:00 AM - 11:00 AM                      **Check-In Steve/Mike -- Mike's Office**

11:00 AM - 12:00 PM                      **Check-In Heidi/Mike -- Mike's Office**

**September 14, 2020**  
Monday

9:00 AM - 10:00 AM                      **Check-In Vern/Mike -- Mike's Office**

**September 16, 2020**  
Wednesday

**All Day**                                      **Jury Trial -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room**

2:00 PM - 3:30 PM                      **Wellness/LEAF Committee Meeting -- City Hall 1st Floor Large Conference Room**

7:00 PM - 8:30 PM                      **Board of Adjustment -- City Hall 2nd Floor Large Conference Room**

**September 17, 2020**

Thursday

9:00 AM - 11:00 AM

Technical Review Committee Meeting -- City Hall 2nd Floor Large Conference Room

**September 18, 2020**

Friday

8:30 AM - 9:30 AM

Check In-Mike/Anthony -- Mike's Office

**September 21, 2020**

Monday

4:00 PM - 5:00 PM

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