



Mayor
Scott Korthuis

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

City Council Agenda - Regular Meeting
City Hall Annex, 205 4th Street
April 15, 2019

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Approval of Minutes

1. April 1, 2019 Regular Council Minutes

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. Resolution 999 - Six Year Transportation Improvement Program (STIP) 2020-2025, Set Public Hearing Date

Public Hearing

4. Ord 1579 Vacation of Right-of-Way – Division Street

Unfinished Business

5. Resolution No. 998 – Amending the City of Lynden Travel Policy

New Business

6. Award Contract for Lynden YMCA Pool Resurfacing
7. Smarsh Text Records Retention Contract

Other Business

- 8. Calendar
- 9. Draft Public Works Committee Meeting Minutes – April 3, 2019

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	4/15/2019	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Department:	Administration	
Contact Name/Phone:	Pam Brown 360.255.7085	
Council Committee Review:		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Other: N/A	
Attachments:		
Draft Minutes- April 1, 2019		
Name of Agenda Item:		
Draft Minutes- April 1, 2019		
Summary Statement:		
See next page.		
Recommended Action:		
For Council review.		

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



April 1, 2019

1. CALL TO ORDER

Mayor Korthuis called to order the April 1, 2019 regular session of the Lynden City Council at 7:00 p.m. at the Lynden City Hall Annex.

ROLL CALL

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

Members absent: Councilor Brent Lenssen absent with notice.

Staff present: City Clerk Pam Brown and City Administrator Mike Martin.

OATH OF OFFICE - None

APPROVAL OF MINUTES

Councilor De Valois moved and Councilor Wohlrab seconded that the minutes of March 18, 2019 be approved as presented. Motion approved on a 6-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled: None

Nonscheduled:

Martie Busse, 415 Cascade Way, Lynden

Mrs. Busse addressed Council to make them aware that residents in her neighborhood were using the street as storage space for open trailers full of discarded items. She provided multiple pictures of full trailers parked along the street, at several locations. City Administrator Mike Martin spoke with Mrs. Busse and scheduled a meeting with her for the next morning.

Dick Vandenberg, 983 Van Dyk Road, Lynden

Mr. Vandenberg provided Council with copies of two letters, one dated March 19, 2019 written by Mayor Korthuis regarding his Latecomers request and the other, a letter Mr. Vandenberg wrote, also dated March 19, 2019 which was written in response to Mayor Korthuis' letter. Mr. Vandenberg commented that he wanted to ensure that Council had seen the correspondence.

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

Lynn Templeton, 602 Fairview Drive

Mr. Templeton addressed Council with concerns about the trailer park property located just behind the Lynden High School sports field. He said one of the properties looks as if it was blown up. The property doesn't have walls or a roof. It doesn't seem that anyone is living but it's quite shocking to see.

2. CONSENT AGENDA

Approval of Payroll Disbursed – March 16-31, 2019

Paychex EFT	\$251,883.15
City of Lynden EFT	\$62,592.59
Warrant Liability	\$71,173.82
	<hr/>
	\$385,649.56

Approval of Payroll Disbursed (Police Retro) 3/29/2019

Paychex EFT	\$69,515.16
City of Lynden EFT	\$15,600.16
Warrant Liability	\$0.00
	<hr/>
	\$85,115.32

Approval of Claims – April 3, 2019

Manual Warrants No. <u>72735</u>	through	<u>72737,</u>	
		<u>72741</u>	\$19,627.73
EFT Payment Pre-Pays			\$284,276.35
			<hr/>
			Sub Total Pre-Pays
			\$303,904.08
Voucher Warrants No. <u>72742</u>	through	<u>72764</u>	\$59,446.92
EFT Payments			<u>0.00</u>
			Sub Total
			\$59,446.92
			<hr/>
			Total Accts. Payable
			\$363,351.00

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

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS- None

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



5. NEW BUSINESS - None

6. OTHER BUSINESS

Council Committee Updates

Councilor Strengholt reporting for the Community Development Committee, involving the discussion of:

- Homeless issues in Whatcom County
- The KOMO news special titled *Death of Seattle*
- Park & Trail Master Plan and the community survey
- YMCA facilities, funding options and the upcoming Bond scheduled for Fall 2019
- Pepin Creek Zoning: Berk Consulting
- Density Options
- The Pepin Creek project are moratorium
- Airport zoning

Councilor Kuiken also thanked audience member, Kathy Strafford for the information she provided concerning homelessness in our area.

Councilor Kuiken thanked staff member Dave Timmer for the exceptional work he did with the Parks Plan survey.

Carol Frazey, Whatcom County Council Member At Large, attended the meeting. She briefly introduced herself and stated she was available to discuss any concerns or answer questions for the remainder of the meeting.

7. EXECUTIVE SESSION

Council recessed into executive session at 7:20 p.m. to discuss a potential acquisition of real estate. It was anticipated that the executive session would last approximately 10 minutes total and that a decision would not be made.

The Council meeting reconvened at 7:27 p.m.

8. ADJOURNMENT

The April 1, 2019 regular session of the Lynden City Council adjourned at 7:27 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	4/15/2019	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Department:	Finance	
Contact Name/Phone:	Anthony Burrows (360) 354-2829	
Council Committee Review:		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	
Attachments:		
None		
Name of Agenda Item:		
Approval of Payroll and Claims		
Summary Statement:		
<p>RCW 42.24.180 sets forth the conditions for issuance of warrants or checks before Council approval. The auditing officer and the City officers designated to sign the warrants shall have an official duty for the faithful discharge of his or her duties.</p> <p>The City Council has adopted contracting, hiring, purchasing, and disbursing policies that implement effective internal controls; and shall provide for its review of the documentation supporting claims paid for its approval of all warrants issued in payment of claims and/or payroll at regularly scheduled public meetings within one month of issuance.</p> <p>The City Council shall require that if, upon review, it disapproves some claims and/or payroll, the auditing officer and the officer designated to sign the warrants or checks shall jointly cause the disapproved claims to be recognized as receivables and to pursue collection diligently until the amounts disapproved are collected or until the City Council is satisfied and approves the claims and/or payroll.</p> <p>The Finance Committee and/or full City Council may stipulate that certain kinds or amounts of claims and/or payroll should not be paid before the City Council has reviewed the supporting documents.</p>		
Recommended Action:		
Approve the payment of City Payroll and Claims.		

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	4/15/2019	
Name of Agenda Item:	Resolution 999 - Six Year Transportation Improvement Program (STIP) 2020-2025, Set Public Hearing Date	
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:		
STIP Project List, Map, Proposed Resolution 999		
Summary Statement:		
<p>By law, a public hearing must be held for City Council to consider comments regarding the City's Six Year Transportation Improvement Program (2020 to 2025). Attached are Lynden's proposed transportation improvement projects that will be submitted to the Washington State Department of Transportation (WSDOT) as part of their statewide program.</p> <p>In order to apply for funding for these projects, every city and county must prepare a planned local projects listing and forward it to the WSDOT by July 31, 2019 for inclusion in the State Transportation Improvement Program (STIP) list.</p> <p>The Public Works Committee reviewed the STIP projects at their April 3, 2019 meeting and recommended that City Council set a public hearing date of May 6, 2019 at 7:00 p.m. at the Lynden City Hall Annex, to hear comments on the City's Six-Year Transportation Improvement Program.</p> <p>After the hearing is closed, the Council may pass the resolution approving the program.</p>		
Recommended Action:		
That City Council set a public hearing date of May 6, 2019 at 7:00 p.m., at the Lynden City Hall Annex, to hear comments on the City's Six Year Transportation Improvement Program.		

City of Lynden
2020-2025 Six-Year
 Transportation Improvement Program
 List by Project then
 Phase Year

Project	Description	Termini	Phase Year	Funding Sources				Total	Map Reference #
				Local	State	TIB	Federal		
7th Street	Reconstruct to City Standard	Riverview Road to Grover	Const 2020	400,000		200,000		600,000	1
17th Street Extension	New Construction	North of Village Drive to Main Street	PE 2020-2021	50,000				50,000	4
			Const 2022	800,000				800,000	4
Benson Road	Upgrade to Full City Standard Preliminary Engineering	Benson Lane to Badger Road	PE 2021	150,000				150,000	3
			Const 2025	4,200,000				4,200,000	3
Bradley Road	Upgrade to Full City Standard <i>Planning Purposes Only</i>	Vinup Road to Line Road	PE 2020	30,000				30,000	9
			Const 2022	1,500,000				1,500,000	9
Cedar Drive	Low Impact Design for reconstruction	Depot Road to 124 E Cedar	PE 2020	90,000				90,000	18
City Trail	Sidewalk and Trail Construction	North 8th Street to Depot Road	PE 2019	100,000			0	100,000	16
			Const 2020-2021	1,600,000				1,600,000	16
Downtown Street Reconstruction	Street Reconstruction <i>Planning Purposes</i>	3rd, 4th, 6th Streets & Alleys between Front Street & Grover Street	PE	15,000				15,000	6
Judson, 8th-10th Streets Low Impact Development	Low Impact Design Ecology funds	8th to 10th Streets between Front and Judson. Including Judson	PE 2020		60,000			60,000	17

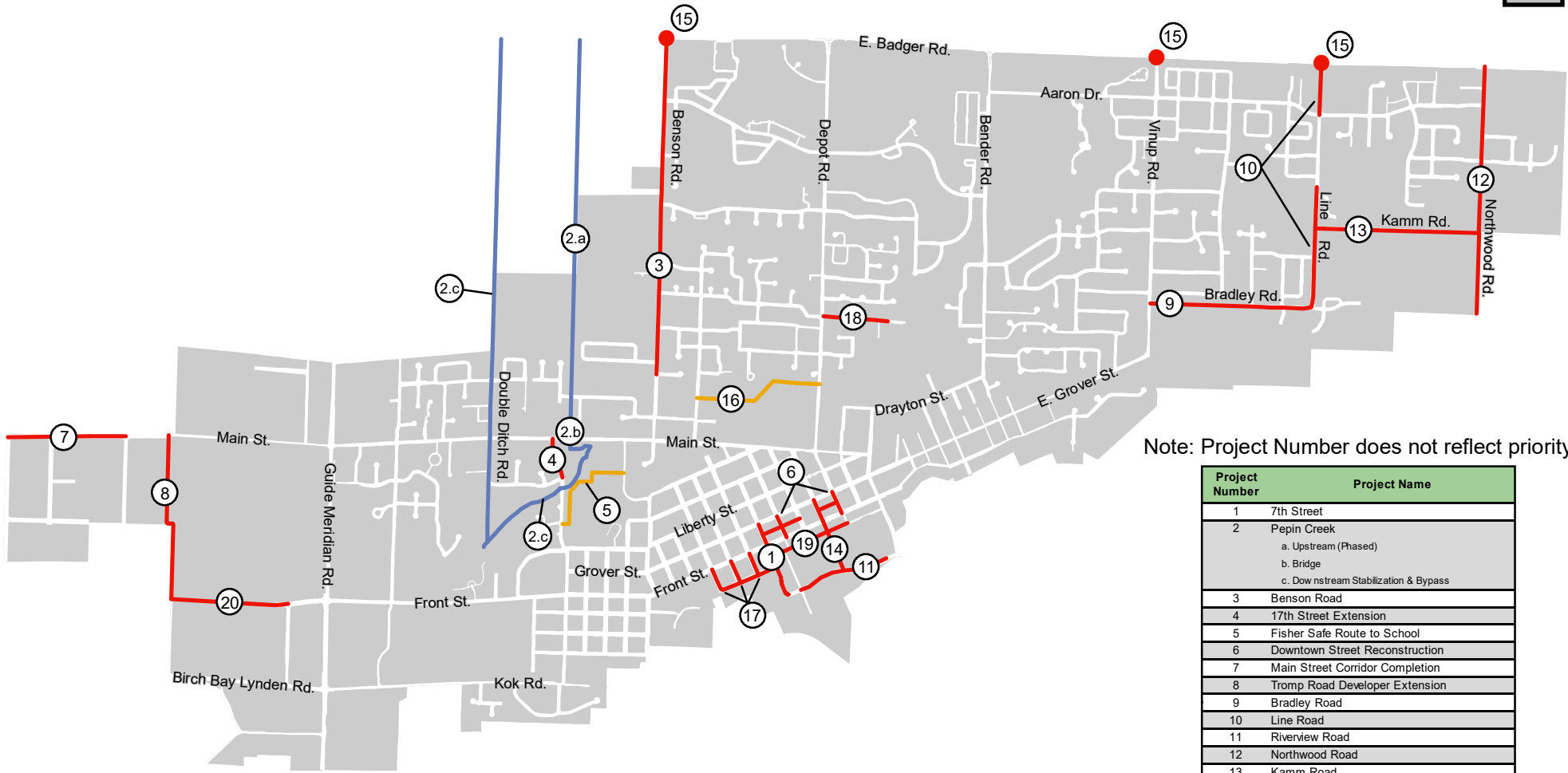
City of Lynden
2020-2025 Six-Year
 Transportation Improvement Program
 List by Project then
 Phase Year

Project	Description	Termini	Phase Year	Funding Sources				Total	Map Reference #
				Local	State	TIB	Federal		
Judson Street Alley	Widen and Reconstruct to Improve Safety Relocate Utility Poles	3rd Street to 7th Street	RW/PE 2020	50,000				50,000	19
Kamm Road	Upgrade to Full City Std <i>Planning Purposes Only</i>	Line Road to Northwood	PE 2022	70,000				70,000	13
Line Road	Upgrade to Full City Standard	Bradley Road to Badger Road (less school frontage)	PE 2020	50,000				50,000	10
	<i>Planning Purposes Only</i>		Const 2022	1,500,000				1,500,000	10
Main Street Corridor Completion	Street Re-Construction	Berthusen Road east 0.5 miles	PE 2020	100,000			75,000	175,000	7
			Const 2023	1,800,000				1,800,000	7
Miscellaneous Chip seals/Maintenance	Miscellaneous Chip seals	Various Locations	Const 2020-2025	200,000				200,000	
			Const 2020-2025	500,000				500,000	
Non-Motorized Facilities	Non-Motorized Facilities	Various Locations	PE 2020	50,000				50,000	
Northwood Road	Upgrade to Full City Std <i>Planning Purposes Only</i>	South City limits to Badger	PE 2022	70,000				70,000	12
Pepin Downstream	Downstream/Bypass	South of Main Street	PE		593,000		0	593,000	2-C
			RW/Const 2020/2021	1,000,000	2,902,600		0	3,902,600	2-C
Pepin Main St Bridge	Bridge and approaches	Main Street over Double Ditch/Pepin Creek	PE 2020-2021		385,000			385,000	2-B
			Const 2020-2021	60,000	2,166,000			2,226,000	2-B

City of Lynden
2020-2025 Six-Year
 Transportation Improvement Program
 List by Project then
 Phase Year

Project	Description	Termini	Phase Year	Funding Sources				Total	Map Reference #
				Local	State	TIB	Federal		
Pepin Upstream	Upstream Phased Extension	Main Street north to airport	PE 2020-2021	100,000				100,000	2-A
			Const 2024	6,750			43,250	50,000	2-A
Riverview Road	Construct to Full City Standard	Hannegan Road to 6th Street	Const 2020	40,000			260,000	300,000	11
S 4th Street	Upgrade to Full City Standard <i>Planning Purposes Only</i>	Grover Street to River Road Extension	Plan 2020	10,000				10,000	14
SR-546 Intersection w/ City Arterials	Upgrade Lighting & Channelization / Roundabout <i>Planning Purposes Only</i>	Intersections	PE		WSDOT				15
Tromp Road Developer Extension	Upgrade to Full City Standard <i>Planning Purposes Only</i>	Front Street to Main Street	PE 2022	100,000				100,000	8
			Const 2025	1,000,000				1,000,000	8
West Front Street	Upgrade to Full City Standard <i>Planning Purposes Only</i>	Duffner Drive to Tromp Road	PE 2020	180,000				180,000	20
			Const 2020-2021	2,000,000				2,000,000	20

TOTAL		\$17,821,750	\$6,106,600	\$200,000	\$378,250	\$24,506,600
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Note: Project Number does not reflect priority

Project Number	Project Name
1	7th Street
2	Pepin Creek
	a. Upstream (Phased)
	b. Bridge
	c. Downstream Stabilization & Bypass
3	Benson Road
4	17th Street Extension
5	Fisher Safe Route to School
6	Downtown Street Reconstruction
7	Main Street Corridor Completion
8	Tromp Road Developer Extension
9	Bradley Road
10	Line Road
11	Riverview Road
12	Northwood Road
13	Kamm Road
14	S. 4th Street Revitalization
15	SR-546 Intersections w/ City Arterials
16	Depot to 8th Trail Extension
17	Judson St. Low Impact Development
18	Cedar Dr. Low Impact Development
19	Judson Street Alley
20	Front St. (From S. Duffner Dr. to Tromp Rd.)
	Miscellaneous Overlays/Maintenance
	Non-Motorized Facilities (Sidewalks & Trails)

Path: \\Saturn\gis\Projects\Public Works\Transportation Improvement\Projects\TIP2020\TIP2020Projects8.5x11\withlist.mxd

Project Type

- Motorized
- Non-Motorized
- Non-Motorized Road Drainage

2020 - 2025 Transportation Improvement Projects



RESOLUTION NO. 999

**A RESOLUTION ADOPTING A SIX (6) YEAR TRANSPORTATION
IMPROVEMENT PROGRAM (STIP)
FOR THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON**

WHEREAS, the City of Lynden is required to prepare a Six (6) Year Transportation Improvement Program (STIP); and

WHEREAS, a report has been prepared and submitted by the City Public Works Director for a Six (6) Year Transportation Program, copies of which are on file in the office of the City Clerk;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Lynden, Washington, as follows:

SECTION 1: That the aforesaid Six (6) Year Transportation Improvement Program be adopted as the official Six (6) Year Transportation Improvement Program of the City of Lynden, Washington.

SECTION 2: That the City Clerk and the City Public Works Director are hereby directed to file a copy of this resolution with the State of Washington Department of Transportation.

SECTION 3: 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, regardless of whether any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if for any reason this Resolution is declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

ADOPTED by the City Council of the City of Lynden, Whatcom County, Washington, on the _____ day of _____, 2019 and signed and approved by the Mayor on the same date.

MAYOR SCOTT KORTHUIS

ATTEST:

CITY CLERK PAMELA BROWN

APPROVED AS TO FORM:

CITY ATTORNEY ROBERT CARMICHAEL

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 15, 2019	
Name of Agenda Item:	Ord 1579 Vacation of Right-of-Way – Division Street	
Section of Agenda:	Public Hearing	
Department:	Planning Dept	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Ordinance 1579, Division Street Vacate Exhibit, TRC Report for Vacate Application 19-01		
Summary Statement:		
<p>The Technical Review Committee (TRC) has reviewed Vacate Application 19-01 submitted by Tim Van Dyke and recommends approval of Ordinance 1579. The ordinance vacates a 5 foot strip of the Division Street right-of-way which fronts the eastern edge of the parcel located at 612 Drayton Street. The City will retain utility easement rights over this 5 foot area.</p> <p>The purpose of the vacate is to increase the size of the lot to reach a minimum lot area of 8000 square feet necessary to accommodate a second unit as permitted under the its current RM-2 zoning. Currently the parcel accommodates one single family home. As required, an appraisal of the property has been conducted and the applicant is prepared to compensate the City for the determined value of \$1800.</p> <p>Staff is aware that a vacations can set a precedence for street standards which are less than the standard 60 foot width. Justification for a vacate on Division Street is tied to the unique character of the street. It is a street which dead-ends at the railroad tracks. Crossings of the railroad tracks are provided on nearby Bender Road, Nooksack Avenue and 1st Street. The total length of this dead-end section of Division is less than 400 feet. It is substandard and is not currently scheduled for improvement. Additionally, other rights-of-way in this neighborhood with similar narrow widths. Future requests, if they arise, should be compared to similar criteria.</p> <p>Facilitating the construction of an additional unit at 612 Drayton Street will not significantly affect the level of service on adjacent streets and is consistent with the City’s zoning and infill goals.</p>		
Recommended Action:		
Motion to approve Ordinance 1579 vacating five feet of right-of-way on the west side of Division Street abutting 612 Drayton Street, accepting the appraised value, and authorizing the Mayor’s signature on the document.		

ORDINANCE NO. 1579

AN ORDINANCE VACATING A PORTION OF DIVISION STREET WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

WHEREAS, the City of Lynden heretofore declared its intention to vacate a portion of Division Street (“the vacation”); and fixed the date of the April 15, 2019 as the date for a public hearing on the vacation; and

WHEREAS, notices were duly mailed on March 18, 2019 and published in the Lynden Tribune on March 20, 2019, and posted in accordance with RCW 35.79.020; and

WHEREAS, no adjoining property owner submitted a protest to the vacation; and

WHEREAS, on April 15, 2019, the City Council of the City of Lynden did convene and hold a public hearing on the vacation and has determined to grant the same; and

WHEREAS, the Lynden City Council has determined that future development to be served by the rights-of-way described in Section 1 (below) and shown on Exhibit A (attached) will be limited, that the portion of the right-of-way to be vacated is not needed by the City, and that the public is best served with the described rights-of-way in private ownership; and

WHEREAS, the City Council has determined that the portion of Division Street described in Section 1 and shown on Exhibit A will not be extended, and will not serve as a connector street to other, more widely traveled streets; and

WHEREAS, the City Council has determined that this partial street vacation complies with the requirements of RCW 35.79.035(1)(c);

WHEREAS, the City Council accepts the appraised value of \$1800.00 as determined by certified appraiser Tom Follis as of December 12, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, as follows:

Section 1: That the following described portion of said Division Street right-of-way are hereby vacated:

A PORTION OF THE NE ¼ OF THE NE ¼ OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M. THE WESTERLY FIVE FEET OF DIVISION STREET ABUTTING LOT 5, BLOCK 40, HAWLEY’S ADDITION TO LYNDEN. LOCATED WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY WASHINGTON.

COMMONLY DESCRIBED AS: The five feet of right-of-way on the west side of Division Street abutting 612 Drayton Street, Lynden.

Section 2: That a certified copy of this ordinance be sent to the Auditor of Whatcom County, Washington, and recorded by said Whatcom County Auditor.

Section 3: This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, otherwise as provided by law, five days after the date of its publication.

PASSED by the City Council this _____ day of _____, 2019. Signed and approved by the Mayor this _____ day of _____ 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

State of Washington
County of Whatcom

Signed by Mayor Scott Korthuis and attested by Mike Martin before me on this ___ day of _____, 2019.

NOTARY PUBLIC, in and for the
State of Washington, residing at

CITY OF LYNDEN



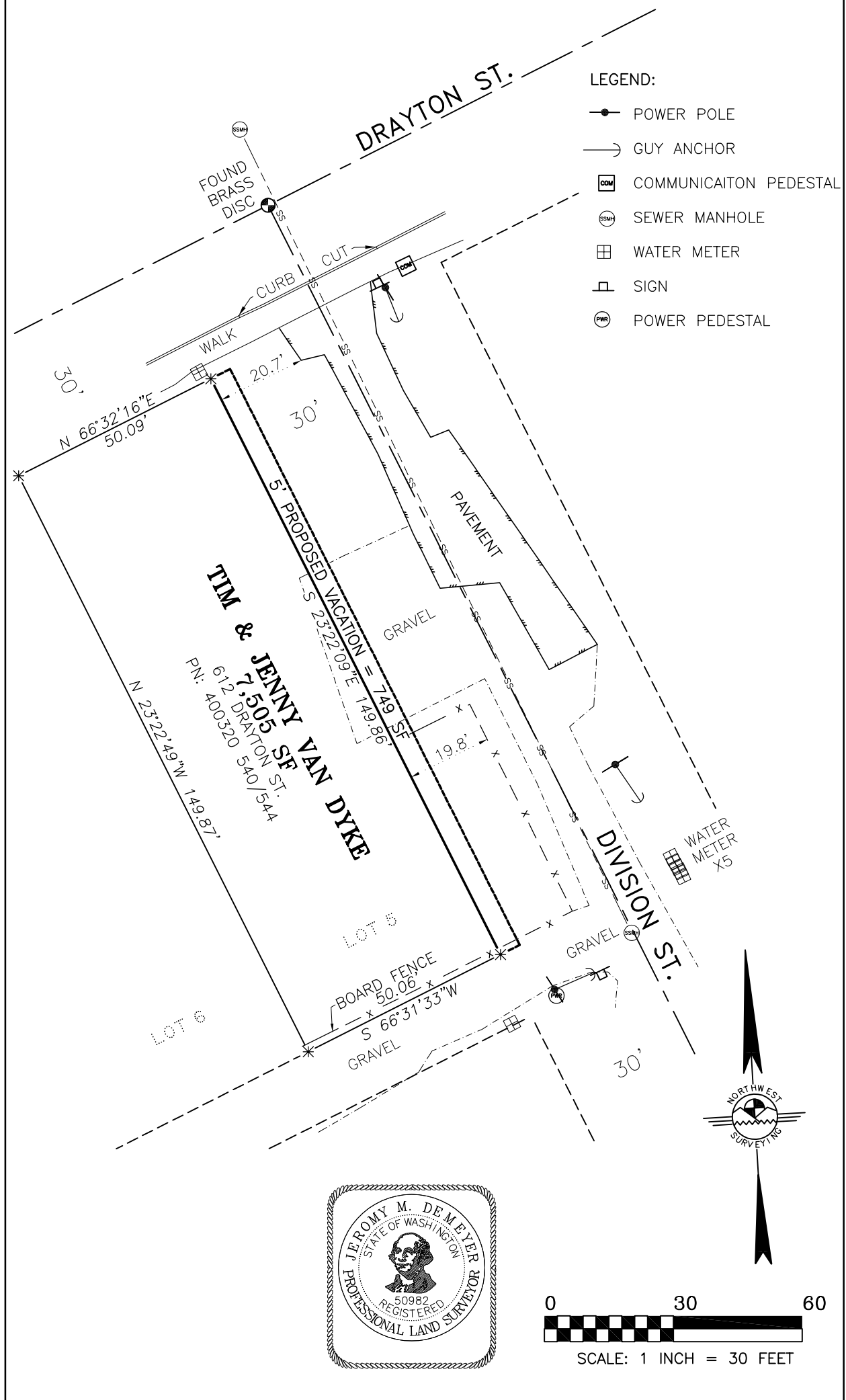
TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	April 2, 2019
Project Name:	Vacate #19-01, Van Dyke
Applicant:	Tim Van Dyke
Property Owner:	City of Lynden
Site Address:	Division Street (612 Drayton Street)
Zoning Designation:	RM-2
Application Type:	Street Vacate
Parcel Size:	7,505
Hearing Type:	Quasi-Judicial
Hearing Objective:	To determine whether the City of Lynden should vacate the right-of-way
Date application determined complete:	March 14, 2019
Date of Publication:	March 20, 2019
SEPA Determination:	SEPA Exempt per WAC 197-11-800(i)
Project Description:	The applicant is seeking the vacation of 5-feet along the west side of Division Street, abutting 612 Drayton Street parcel.

1. This property located at the corner of Drayton Street and Division Street is zoned RM-2 multi-family. The current parcel size of 7,505 square feet. Applicant Tim Van Dyke has expressed interest in building a second unit, however, in order to do so the zoning calls for a minimum of 8,000 square feet of land. Acquiring the vacated piece will allow him the necessary square footage required to add a second unit.
2. The right-of-way property in question is 5-feet in width by 149.86 feet in length totaling approximately 749.3 square feet. Staff reviewed alternate scenarios including vacating the public alley at the south frontage of the lot and determined that the partial vacation of Division Street is the best scenario for maintaining the function of all right-of-ways.
3. At this time, the right-of-way is not necessary for transportation circulation or public safety access.
4. Verify existing utilities within the right-of-way. Easements must be retained over any utilities, maintenance of the utilities and accesses.
5. The appraisal submitted with the application dated December 12, 2018, was performed by Tom Follis and is complete. The total value of the right-of-way has been determined to be \$1800.00.

DIVISION STREET VACATION

PORTION OF THE NE 1/4, NE 1/4 SECTION 20,
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.
WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON



CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 15, 2019	
Name of Agenda Item:	Resolution No. 998 – Amending the City of Lynden Travel Policy	
Section of Agenda:	Unfinished Business	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Resolution No. 998 – Amending the City of Lynden Travel Policy City of Lynden Travel Policy with changes		
Summary Statement:		
<p>It is the intent of the City of Lynden (City) to reimburse City employees for all necessary and reasonable travel and related expenses incurred while on City business.</p> <p>The City’s Travel Policy established the guidelines for reimbursement of travel expenses. The purpose of this policy is to provide consistent application and use of travel funds and vehicle usage. The City desires to modify and update the Travel Policy to current rates and standards.</p> <p>Some minor changes were made to increase the efficiency of the approval process, clarify guidelines for tips and gratuities; and other allowable expenses. The key change was made to the per diem rate for meals and incidentals, it was increased from \$38 per day to the current 2019 GSA standard rate of \$55 per day.</p> <p>The Finance Committee reviewed the proposed changes at their March 18th meeting and approved the changes for review and approval of the full Council. A summary of the intended changes was introduced by Finance Committee Chairman Kuiken at the March 18th City Council meeting.</p>		
Recommended Action:		
That the City Council approve Resolution No. 998 as written and authorize the Mayor’s signature.		

CITY OF LYNDEN

POLICY TITLE: TRAVEL POLICY

PROPOSED BY: FINANCE

DATE APPROVED BY COUNCIL: [April 2019](#)

Supersedes: [May 2002](#)

1.0 POLICY

It is the policy of the City of Lynden to reimburse city employees for all necessary and reasonable travel and related expenses incurred while on authorized City business. Reimbursement for travel by private vehicle within the City ~~or up to 8 miles beyond~~ shall not be allowed unless specifically approved through contractual agreement (LMC 2.36).

2.0 PURPOSE

- 2.1 The purpose of this policy is to provide for the consistent application and use of travel funds and vehicle usage and to provide guidelines for authorization and reimbursement of travel expenses.
- 2.2 Employees may incur expenses while conducting official City business or enhancing professional skills and qualifications through attending schools, training programs, conferences, or professional meetings. These expenses may be reimbursed in accordance with the provisions of this policy.

3.0 APPLICABILITY

- 3.1 Department Heads are responsible for disseminating the above information to other affected personnel within their respective departments. This policy supersedes any and all other policies previously issued concerning travel, training, subsistence and incidental cost reimbursements.

4.0 PROCEDURES

- 4.1 City employees shall submit a completed Travel Authorization Form to ~~the City Administrator~~ their Department Head for prior approval for all travel and related expenses. All claims for reimbursement shall be certified by the employee on a City of Lynden Travel and Miscellaneous Expense Form and shall be submitted to the Finance Department, through the appropriate Department Head, no later than thirty (30) days for employee reimbursement or fifteen (15) days for City credit card purchases after completion of the travel or authorized activity, for purpose of statutory audit. Expense reports for Department Heads must be approved by the City Administrator or City Administrator designee. Expense reports for all other employees must be approved by the employee's Department Head or Department Head designee. Any deviations from policy or exceptions requested on any expense report must be specifically identified on the report and proper approval obtained as outlined in this policy prior to submission of the report to the Finance Department.

5.0 ALLOWABLE EXPENSES

- 5.1 Reasonable expenses incurred during attendance at conferences or training programs shall be reimbursed as authorized in the following sections. Where receipts are required, they must be submitted in an orderly manner with the expense report.
- 5.2 No claim for reimbursement unless excepted below shall be paid unless it is accompanied by bonafide vendor receipts. Such receipts must show the date, a description of the purchase, vendor identification and amount paid. Credit card receipts are required when a credit card is used and must reflect the detail of the purchase as well as any tip paid. Any tip paid on a credit card purchase must not be more than ~~15%~~ 20% of the purchase, excluding tax. Specific rules for the documentation of a reimbursement or allowable travel expenditure are included below.

5.3.1 Transportation

- A. In general, a City vehicle should be used for officially approved travel. However, when a City vehicle is not available or practical to use, an employee, with the advance approval of their Department Head, may utilize a private vehicle and claim reimbursement at the per mile equivalent according to the prevailing IRS mileage rate. Reimbursement shall be allowed for official travel mileage determined on the basis of the distances shown on a current highway map or by odometer readings, starting point to be the employee's official work place. Mayor or City Administrator advance approval will be required for Department Head private vehicle use.

- B. All employees utilizing their personal vehicle for official travel purposes should have on file with the city proof of their current liability insurance coverage prior to approval. In the event of an accident or claim involving a personal vehicle used for official purposes, the employee's liability insurance policy will provide coverage.
- C. Transporting family members or others not involved in official city business, while on official city business, is a personal decision and the City will not provide excess liability protection to the non-business passengers in the event of an accident.
- D. When two or more employees are traveling together, reimbursement for mileage will be payable only to the owner of the vehicle used. When completing the Travel Expense Form, list the names of all employees that traveled in the same vehicle.
- E. When it is less expensive than private vehicle reimbursement, a common carrier (air travel, bus, rail) may be used for travel. All tickets must be purchased using the city corporate charge card. The City reimburses cost of travel at the lowest round trip coach fare rate. Receipt required. All major airlines are deemed to meet City employee travel needs. Employee preference is allowed. The City will not incur extra cost in order to accommodate frequent flyer programs. If travel plans are cancelled, it is the responsibility of the department to immediately notify the Finance Department so payment will not be made on the unused ticket. Finance is not responsible for returning tickets.
- F. The cost of a rental car will be handled on an exception basis and must be approved, in advance and in writing, by the Mayor or City Administrator.

5.3.2 Lodging

- A. Allowable lodging expenses include the basic commercial lodging cost and any applicable sales taxes and/or hotel/motel taxes. The allowable reimbursement rate is the actual lowest available rate for the minimum nights required to attend the function—, with preference given to conference based hotel offerings. Room rates will not include lodging for non-employees. Employees are to attach detailed lodging receipts to the Travel Expense Form for all lodging reimbursement.
- B. Reimbursement for lodging expenses is not to be authorized when an employee does not incur lodging expenses at a commercial lodging facility.
- C. Purchase of Lodging Accommodations: The preferred method of purchasing lodging accommodations while on official City business is through the use of the corporate charge card. Employees are to attach lodging receipts to the Travel Expense Form for all lodging reimbursement.

- D. 50-Mile Rule: Reimbursement for lodging expenses incurred at a lodging facility within fifty (50) miles of the closer of either the employee's official residence or official work place is not allowed except under one of the following three conditions. All require prior approval as outlined in this policy.
1. An overnight stay in commercial lodging to avoid having an employee drive back and forth for back-to-back late night/early morning official City business.
 2. When the health and safety of travelers is of concern.
 3. When an employee can demonstrate that staying overnight is more economical to the City.

5.3.3 Meals

- A. Reimbursement for subsistence expenses incurred at an employee's official work place or official residence is prohibited.
- B. For qualifying functions (conventions, training, professional meetings, conferences, seminars ~~and overnight assignments~~), reimbursement will be limited to a per diem amount of ~~\$38~~ \$55. ~~when the employee does not use a city credit card. No receipt required.~~
- C. The per diem amount will be reduced by the per diem for any meals provided by the conference, seminar, training or similar function. **Reimbursement for subsistence expenses is not to be authorized when an employee does not incur expenses for meals because they are furnished.**
- D. Employees are required to report start and end times of qualifying functions to compute eligibility for reimbursement.
- E. For qualifying functions ~~not~~ requiring overnight stays (conventions, training, professional meetings, conferences, seminars), including days of travel to and from overnight stays, per diem is not allowed per IRS guidelines. Employees are limited to reimbursement for actual expenses, not to exceed the per diem rates for individual meals as stated in this policy. Receipts are required for reimbursement. These reimbursements will be taxable to the employee and will be processed thru payroll. If the employee chooses to use a city credit card for meals, actual expenses will be paid. Any expense exceeding the per diem rate must be reimbursed to the city or deducted from reimbursements owed to the employee.
- F. Employees must be in travel status during department determined meal times to qualify for meal cost reimbursement. The taxability of any meal or

meal ~~related~~ related reimbursement will be determined at time of reimbursement by Finance Department.

- G. To qualify for breakfast, an employee must be in travel status for at least 1 hour before their official starting time or away from home the previous night. The maximum allowable rate for breakfast is ~~\$9.00~~ \$13.00, including tip.
- H. The department lunch meal period is your regularly scheduled lunch meal period. To be reimbursed for lunch, an employee must be in travel status during their entire regularly scheduled lunchtime. The maximum allowable rate for lunch is ~~\$11.00~~ \$14.00, including tip.
- I. To qualify for dinner reimbursement, an employee must be in travel status at least 2 hours after the regularly scheduled quitting time. The maximum allowable rate for dinner is ~~\$18.00~~ \$23.00, including tip.
- J. For weekends and holidays, the employee's regular work schedule will be used to determine meal times for reimbursement.
- K. Regular per diem reimbursement is not provided when:
 - 1. Meals ~~and/or lodging are~~ is furnished by the city or host facility visited.
 - 2. The cost of meals are included in the pre-paid registration fee for a qualifying function (meeting, conference, or convention).
- L. Subsistence payments are not required to be reduced or eliminated due to meals served on airlines. Similarly subsistence payments are not required to be reduced for continental breakfasts included in the registration fee of a qualifying function (meeting, conference or convention).

5.3.4 Telephone

For qualifying functions, calls are limited to City offices. Receipt required. Reimbursement for mobile telephone calls are limited to City business. Receipt required.

5.3.5 Tips and Gratuities

Tips and gratuities cannot exceed the maximum rate of ~~15%~~ 20% of the allowable amount before tax on the meals when either a city credit card is used or actual reimbursements. Receipt required for both credit card and/or actual reimbursements.

5.3.6 Miscellaneous Travel Expenses

Miscellaneous Travel expenses essential to the transaction of official city business are reimbursable to the employee. Reimbursable expenses include, but are not limited to (detailed receipts required):

- A. Taxi fares, motor vehicle rentals, parking fees, and ferry and bridge tolls.
- B. Registration fees required in connection with attendance at approved conventions, conferences, and official meetings.
- C. Charges for necessary facsimile (FAX) services.
- D. The cost of personal care attendant services which are required by disabled employees in order for them to travel will be allowed as a miscellaneous travel expense. Such costs may include fees and travel expenses of the attendant. The Mayor or City Administrator will set the maximum reimbursement for attendant services.

5.3.7 Other Food Expenses

The reasonable cost of food and beverage items related to the listed situations are allowable provided that such have been allocated in the appropriate budget:

- A. Cost for meals of interviewers and staff involved in assessment center or daylong interviews.
- B. Cost of coffee and other refreshments at appropriate ceremonies such as facility openings, swearing-in ceremonies, commendations and the like.
- C. Cost of working lunches, working dinners, coffee and other refreshments at City facilities such as with council committees and the like.
- D. Cost of meals and/or refreshments at employee and volunteer recognition events.
- E. Cost of meals, coffee and other refreshments at training sessions or organizational/working sessions with other municipal, county, state officials or City recognized committees. ~~Departmental staff meetings are excluded.~~

6.0 Disallowed Expenses

Certain travel expenses are considered as personal and not essential to the transaction of official city business and therefore not reimbursable. Such non-reimbursable expenses include, but are not limited to:

Valet services, entertainment expenses, radio or television rental, and other items of a similar nature. Valet services are defined as the hiring of a personal attendant who takes care of the individual's clothes, or helps the individual in dressing, etc. The prohibition against valet services for general travelers is not to be considered as a prohibition against the use of a personal care attendant required by a disabled employee under the provisions above.

1. Taxi fares, motor vehicle rental, and other transportation costs to or from places of entertainment and other similar facilities. In addition, transportation expenses between an employee's official residence and official work place are not allowable.
2. Costs of personal trip insurance (such as personal accident insurance, personal effects insurance and extended liability insurance), and medical and hospital services.
3. Personal telephone calls of an employee.
4. Any tips or gratuities associated with the personal expenses. This includes tips associated with the procurement of lodging.

7.0 Prohibited Reimbursable Expenses

As noted in previous sections, reimbursement for the purchase of personal items, including cold remedies, aspirin, etc., and expenses associated with recreation, gifts, and alcoholic beverages are specifically prohibited. Expenses for spouses, guests or family members are not reimbursable.

8.0 Persons Authorized to Incur Expenses

The intent of this policy is to provide guidelines and procedures for reimbursement of expenses incurred as a result of carrying out City business. The authority to incur such expenses shall be based on budgetary constraints and the circumstances wherein the conduct of City business warrants the occurrence of an expense.

9.0 Granting Exceptions

The City Administrator or City Administrator's designee has the authority to grant specific exceptions to this policy when such is determined to be in the best interest of the City. The City Administrator or City Administrator's designee may approve such an expense by signing the report in which it is contained provided that the report identifies the expense as an exceptional expense.

10.0 Fiscal Restraints

Notwithstanding any of the provisions of this policy, the City Administrator may deny reimbursement of any expense which, in the City Administrator's sole opinion, should be disallowed because of fiscal restraints placed on the City.

11.0 Forfeiture of Claim

- A. The failure to fully and timely comply with this policy may result in the forfeiture of the right to reimbursement or payment for any expenses claimed. In the event that a claim is rejected for failure to comply with the requirements of this policy, the amount of the claim may be withheld from the employee's paycheck at any time subsequent to 30 days after the City Administrator's determination.
- B. The deduction amount may not exceed 50% of the net take-home pay. The deductions may continue until the entire balance plus any additional penalties and fees are satisfied. The additional obligations may include, but are not limited to, utility bills, court fines, and fees.

12.0 Violation

Violation of the requirements of this policy shall constitute a basis for employee discipline.

~~PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, _____ IN FAVOR _____ AGAINST, AND SIGNED BY THE MAYOR THIS 6TH DAY OF MAY, 2002.~~

MAYOR

ATTACHMENT A: DEFINITIONS/GLOSSARY

Authorized Travel Status – That period of time when the employee is in authorized travel status away from the official work place.

Coffee and Light Refreshment – For City travel regulation purposes, coffee encompasses any non-alcoholic beverage, such as tea, soft drinks, juice, or milk. For City travel regulation purposes, a light refreshment is an edible item that may be served between meals. Examples of such items are doughnuts, sweet rolls, pieces of fruit or cheese, etc.

Commercial Lodging Facility – A public establishment selling lodging accommodations to travelers. A motel, hotel, rented furnished house, “bed and breakfast” inn or house, or rented furnished apartment with rent paid on a daily basis, or prorated on a weekly or monthly basis.

Common Carrier – A person or company that transports passengers or goods for a fee.

Continental Breakfast – A breakfast generally consisting of juice, breakfast bread, and a hot beverage (typically coffee or tea). Fruit is sometimes included as part of the price or as a prices option.

Employee - Shall mean both uniformed and non-uniformed personnel employed by the City.

Expense Report – City of Lynden Travel and Miscellaneous Expense Form.

Economical – Direct financial, work-related costs that occur at the least cost to the city and for which the city is responsible to pay.

Lodging – Sleeping accommodations; rented room(s) in a hotel, motel, or bed and breakfast. See “Commercial Lodging Facility.”

Most Direct Road Miles – The road miles as calculated using either:
The distances listed between the highway markers shown on the official Washington State Highway map produced by the Washington State Department of Transportation.
The actual odometer reading.

Official Residence – The city, town, or other location where an employee maintains a residence which is used as a primary domicile by the employee. Determinations by the Department Head or authorized designee regarding an employee’s official residence are to be based on items such as voter registration, ownership, or long-term rental of a personal residence, and the permanent address carried in the employee’s personnel file.

Official City Business – Those activities performed by an official or employee of the city or authorized volunteer.

Official Work Place – The location where the traveler’s primary place of work is performed.

Original Receipt – An itemized bill or invoice issued by a hotel, motel, or bed and breakfast establishment indicating amounts paid for lodging, telephone calls, food, other services, and taxes. Indicates the establishment name.

Per Diem Expenses – Those costs covering meal expenses while in travel status and paid by the day.

Seminar - Shall mean seminar, workshop, school, class, and conference.

Transportation Expenses – Those costs covering a) travel by commercial carriers such as bus, train or airplane; b) travel by privately owned motor vehicles; c) travel by rental motor vehicle; d) or some combination of a), b), and/or c).

Traveler – A person in travel status who is on official City business.

Volunteer Workers – Persons performing services for the city, or attending seminars, conferences, or meetings at the invitation of the city, but who are not city employees.

RESOLUTION NO. 998

A RESOLUTION AMENDING THE CITY OF LYNDEN, WASHINGTON
TRAVEL POLICY DATED MAY 2002

WHEREAS, it is the intent of the City of Lynden (City) to reimburse City employees for all necessary and reasonable travel and related expenses incurred while on City business; and

WHEREAS, the City's Travel Policy established the guidelines for reimbursement of travel expenses; and

WHEREAS, the purpose of this policy is to provide consistent application and use of travel funds and vehicle usage; and

WHEREAS, the City desires to modify the Travel Policy to current rates and standards; and

WHEREAS, the foregoing recitals are material findings and declarations of the City Council;

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

Section A: City of Lynden Travel Policy dated May 2002 is amended as stated in the attached Exhibit A. Underlined text indicates insertions and strike-outs indicate deletions:

Section B: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. 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 ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section C: This ordinance 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 _____, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 15, 2019	
Name of Agenda Item:	Award Contract for Lynden YMCA Pool Resurfacing	
Section of Agenda:	New Business	
Department:		
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:		
Proposal Comparison and Award Recommendation		
Summary Statement:		
<p>Staff solicited Requests for Proposals that included qualification and pricing for the Lynden YMCA pool resurfacing project. Three submittals were received (see attached Proposal Comparison). References were checked and a review team of three City staff members and three YMCA staff members reviewed the submittals and concurred that Anderson Poolworks has the qualifications and experience to provide the best value for this repair. Staff is also recommending including bid alternative 2 for repair of piping on the east side of the pool (\$4,075).</p> <p>This project is funded by the Lynden Regional Parks & Recreation District, the Whatcom County YMCA and the City.</p> <p>The Public Works Committee concurred at their April 3rd meeting that staff could forward the results and recommendation directly to City Council for approval, upon review of the submittals and follow up on the reference checks.</p>		
Recommended Action:		
That City Council Award the contract for the Lynden YMCA Pool Resurfacing to Anderson Poolworks in the amount of \$202,325.00, including tax, for the base bid and bid alternative 2.		

Lynden YMCA Pool Resurfacing
Proposal Comparison and Award Recommendation

Bidder Name	Orca Pacific, Inc.	Anderson Poolworks	Taylor's Backyard Center
Address City, State, Zip	280 44th St NW Auburn, WA 98001	9500 SW Boeckman Rd Wilsonville, OR 97070	1071 Van Dyk Rd. Lynden, WA 98264
Completed Bid Form	X	X	X
Bidder Identificatoin	X	X	X
Statement of Bidder's Qualificatoin (WA State Contractor's License)	X	X	X
Subcontractor's List	X	X	X
Non-Collusion Affidavit Certificate	X	X	X
Certification of Compliance with Wage Payment Statutes	X	X	X
Description of Work and 4-Week Timeframe	July 1 to August 2	July 1 to August 1	July 1 to August 1
Plaster Manufacturere's Product Literature	Universal White Cement Finest Finish Island Series (emailed)	Universal White Cement Finest Finish Commercial Quartz (emailed)	Universal White Cement Finest Finish Commercial Quartz
Pool Resurfacing References (Min. 3)	X	X	X
Addendum #1 Acknowledged	X	via email	via email
Base Bid #1: Mobilization	\$ 35,001.40	\$ 22,900.00	\$ 19,783.40
Base Bid Item No. 2: Plastering	\$ 70,002.80	\$ 83,800.00	\$ 118,700.40
Base Bid Item No. 3: Tile Installation	\$ 35,001.40	\$ 58,370.00	\$ 59,350.20
Base Bid Item No. 4: Water Quality Monitoring	\$ 17,500.70	\$ 20,200.00	\$ 9,891.70
Base Bid Item No. 5: Project Close-Out	\$ 17,500.70	\$ 12,980.00	\$ 9,891.70
Total Base Bid (including sales tax)	\$ 175,007.00	\$ 198,250.00	\$ 217,617.40

check: \$ 175,007.00 \$ 198,250.00 \$ 217,617.40

Alternate Bid Item No. 1: Alternate Plaster Material	\$ 10,000.00	\$ 2,800.00	\$ (4,866.50)
Alt #1 Notes:	Commercial Quartz same as base bid plaster for Anderson and Taylor	Krystalkrete	Krystalkrete
Alternate Bid Item No. 2: Pool Piping Repair	\$ 15,000.00	\$ 4,075.00	\$ 16,342.10
Unit Price No. 1: Coping Replacement	\$ 200.00	\$ 41.03	\$ 271.75

Combined Average Proposal Evaluator Scores (out of 100 pts)

74	90	49
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Highest Value and Recommended Award

Comparative Prices:	\$ 200,007.00	\$ 202,325.00	\$ 233,959.50
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above incl. Alt #1 & Alt #2

above incl. Alt #2

above incl. Alt #2

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 15, 2019	
Name of Agenda Item:	Smarsh Text Records Retention	
Section of Agenda:	New Business	
Department:	Finance/IT	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Smarsh Services Contract		
Summary Statement:		
<p>Washington State Law has established record retention requirements for all public records. Official City emails are considered part of the public records. State law now also recognizes all texts on City phones the same as any email and part of the public record that needs to be retained.</p> <p>In order to comply with retention requirements regarding all texting on City phones, the City is intending to enter into an annual contract (attached) with the Smarsh Company. Smarsh is an information services company that specializes in the retention of text data. Smarsh would be the City's contracted repository for all text messages on City phones.</p> <p>The Finance Committee reviewed the proposed contract this afternoon at their April 15th meeting and discussed it with the City's IT Manager Nic Meiner regarding the necessity of this service. The Finance Committee gave its approval to send the contract forward for the review and approval of the full Council.</p>		
Recommended Action:		
That the City Council approve the contract with Smarsh as written and authorize the Mayor's signature.		

Order Form (#Q039230)(Service Account Number:)

Client Information

Company	Name	City of Lynden, WA		
	Address	300 4th St	City	Lynden
	State	WA	Zip/Postal Code	98264-1905
Primary Contact <i>(Authorized User)</i>	Name	Nicholas Miener	Title	Network Administrator
	Phone		Email	mienern@lyndenwa.org
Technical Contact <i>(if different)</i>	Name		Title	
	Phone		Email	
Billing Contact	Name	Nicholas Miener	Title	Network Administrator
	Phone		Email	mienern@lyndenwa.org
	Address	300 4th St	City	Lynden
	State	WA	Zip	98264-1905
Quote Date	01/07/2019 10:18:17		Quote Expiration	02/06/2019
Smarsh Sales Executive	Ryan Bakken		Term of Agreement	12 Months
Activation Date	Upon Grant of Access to Service		Import Billing	In Arrears
			Setup Fee Billing	Upon Contract Execution

Services and Fees

	Rate per Quantity	Minimum Quantity	Minimum
Pro Cloud Plan SMG 50 - Annual	\$600.00	1	\$600.00
SMG Setup Fee	\$600.00	1	\$600.00
SMG 50 - Capture & Archive - Annual	\$97.72	68	\$6,645.00
SMG 50 - Capture & Archive Premium Adj - Annual	\$28.00	68	\$784.00
Extended Retention Fee - Annual	\$2.50	0	\$0.00
Recurring Subtotal			\$8,029.00
One-Time Subtotal			\$ 600.00

Notes Overage above included Capture & Archive quantity is \$140 per connection.

Terms & Conditions

On a date following the execution of this Order Form, Smarsh will provide Client with access to the applicable Service ("Activation Date"). Service Descriptions are available at www.smarsh.com/legal. The Services are subject to Smarsh Service Agreement-General Terms located here: www.smarsh.com/legal/ServiceAgreement. Notwithstanding anything to the contrary in the Agreement, this Agreement will be governed by and construed in accordance with the laws of the State of Washington, without regard to conflict/choice of law principles. Any arbitration or proceeding arising under this Agreement will be brought exclusively in the state or federal courts located in the State of Washington.

Notwithstanding anything to the contrary in the Agreement, the parties Agree that Client shall only be required to indemnify Smarsh to the extent Client is allowed to indemnify any entity under the laws applicable to Client.

The Smarsh Service Agreement – General Terms, the Service Specific Terms, and this Order Form are, collectively, the "**Agreement**." The Services will auto-renew pursuant to the terms of the Agreement.

For AT&T Mobility subscribers, your signature below represents your acceptance of the AT&T Wireless Terms and Conditions available at www.smarsh.com/legal/ATT as they apply to AT&T messages that are archived by Smarsh.

"**Plan Fees**" are the Fees charged for access to the Connected Archive. "**Capture & Archive Fees**" are the Fees that are charged for capture and archive of a bundle of Connections within the Connected Archive Service. "**Capture Fees**" are the per-Connection Fees that are charged for the capture of Connections by the Connected Capture Service. "**Professional Services Fees**" are the Fees that charged for hourly, monthly, or flat rate professional services. The Platform Fees, the Capture & Archive Fees, and the Capture Fees, as applicable, are invoiced on a monthly or annual basis, as specified in this Order Form. Client agrees that the Recurring Subtotal above is Client's minimum commitment during the Term of the Agreement. Smarsh will invoice Client for any usage over the minimum commitment at the Overage rate indicated in this Order Form.

If not priced above, data import and conversion Fees and storage Fees for data from Connected Capture or other capture mechanisms are as follows:

Data Imports	\$10/GB
Import Data Conversion fees	\$3/GB
External Capture Data Storage – Annual	\$2.50/GB

Smarsh self-certifies to the EU-U.S. Privacy-Shield. We provide information about our GDPR compliance at www.smarsh.com/legal/GDPR, and a list of Smarsh sub-processors is available at www.smarsh.com/legal/subprocessors.

By _____

Name: _____ Title: _____ Date: _____

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	4/15/2019	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Department:	Administration	
Contact Name/Phone:	Pam Brown 360.255.7085	
Council Committee Review:		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Other: N/A	
Attachments:		
Outlook Calendar		
Name of Agenda Item:		
Calendar		
Summary Statement:		
See next page.		
Recommended Action:		
None.		

April 15, 2019

Monday

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3:00 PM - 4:00 PM

Finance Committee Meeting -- City Hall 1st Floor Large Conference Room
Visit WWW.LYNDENWA.ORG to view the agenda

4:00 PM - 5:00 PM

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

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room

April 16, 2019

Tuesday

9:00 AM - 11:00 AM

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

9:30 AM - 10:30 AM

Airport Board Meeting -- City Hall 2nd Floor Large Conference Room

April 17, 2019

Wednesday

9:00 AM - 5:00 PM

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

4:00 PM - 6:00 PM

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

5:00 PM - 6:30 PM

Board of Adjustment Meeting -- Annex South East Conference Room

7:00 PM - 8:30 PM

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

April 18, 2019

Thursday

10:00 AM - 12:00 PM

County Fire Operations Committee Meeting -- Annex Council Chamber

April 18, 2019 Continued

Thursday

10:00 AM - 11:00 AM

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

12:00 PM - 1:00 PM

Lunch & Learn (To Be Determined) -- Police Training Room

Please be aware that these dates may change – hopefully not – but we may need to be flexible sometimes.

Pam

April 19, 2019

Friday

8:30 AM - 9:30 AM

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

April 23, 2019

Tuesday

8:30 AM - 9:30 AM

LT Meeting -- City Hall 1st Floor Large Conference Room

April 24, 2019

Wednesday

9:00 AM - 10:00 AM

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

10:00 AM - 11:00 AM

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

April 25, 2019

Thursday

9:00 AM - 10:00 AM

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

7:30 PM - 9:30 PM

Planning Commission Meeting -- Annex Council Chamber

April 26, 2019

Friday

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

11:00 AM - 12:00 PM **Check0In Heidi/Mike -- Mike's Office**

April 30, 2019

Tuesday

4:30 PM - 5:30 PM **Civil Service Meeting -- City Hall 1st Floor Large Conference Room**

May 1, 2019

Wednesday

9:00 AM - 5:00 PM **Court -- Annex Council Chamber; Annex East Training Room; Annex South East Conference Room; Annex North East Conference Room**

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

May 2, 2019

Thursday

9:00 AM - 10:30 AM **Technical Review Committee -- City Hall 2nd Floor Large Conference Room**

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

4:00 PM - 5:00 PM **Public Safety Committee Meeting -- Police Training Room**

May 3, 2019

Friday

8:30 AM - 9:30 AM **Check In-Mike/Anthony -- Mike's Office**

May 6, 2019

Monday

41

7:00 PM - 9:00 PM

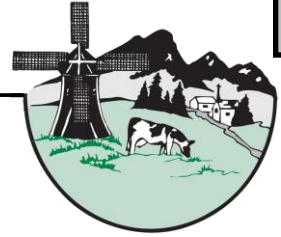
Council Meeting -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 15, 2019	
Name of Agenda Item:	Draft Public Works Committee Meeting Minutes – April 3, 2019	
Section of Agenda:	Other Business	
Department:	Public Works	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	April 3, 2019 Draft Public Works Committee Minutes	
Summary Statement:	Draft minutes for the April 3, 2019 Public Works Committee meeting.	
Recommended Action:	For Review.	



PUBLIC WORKS COMMITTEE MINUTES

4:15 PM April 3, 2019

City Hall 2nd Floor Large Conference Room

1. ROLL CALL

Members Present: Mayor Scott Korthuis; Councilors Gary Bode, Ron De Valois and Jerry Kuiken

Staff Present: City Administrator Mike Martin; Public Works Director Steve Banham; Programs Manager Mark Sandal; and Sr. Admin. Assistant Heather Sytsma

Public Present: Gary Vis, Jon Olson

2. ACTION ITEMS

A. **Approve Minutes from March 6, 2019**

De Valois motioned to approve the minutes, and Kuiken seconded the motion.

Action

The minutes from March 6, 2019 were approved.

B. **Consider Moving July 3rd meeting to July 10th Due to July 4th Holiday**

The Committee agreed that rescheduling the July Public Works Committee meeting to the 10th would work with other meetings on the City calendar. Kuiken noted he will not be attending the July meeting as he will be on vacation.

Action

The Public Works Committee concurred to reschedule the July 3rd Public Works Committee meeting to July 10th.

C. **Approval to Set Public Hearing Date for Six-Year Transportation Improvement Plan (STIP) for May 6, 2019**

Sandal explained that he did not remove Riverview Road from the STIP since the project is not closed out and wetland plant establishment may go into 2020.

Korthuis asked why Front Street, West of Guide Meridian isn't on the list. Banham stated that staff will add it to the list.

Action

The Public Works Committee concurred to recommend approval to City Council of the Six Year Transportation Improvement Plan and requested to set a Public Hearing date for May 6, 2019.

D. Authorization to Forward YMCA Pool Repair RFP/Bid Award Recommendation Directly to City Council for Approval After Final Review and Reference Checks are Complete – Bids Due April 3rd at 11:00 a.m. and Preliminary Results Will Be Brought to Meeting for Review and Discussion

Banham stated that staff received three proposals today at 11 a.m. for the YMCA Pool Repair project. Evaluation will occur on Monday, April 8th. Proposals were between \$175,000 and \$217,000, but the proposals will also be reviewed by a joint City/YMCA Review Committee and the award recommendation will be made based on the evaluation criteria established in the request for proposals.

Banham said there will need to be a budget increase for this work, as the proposals all came in higher than estimated. He explained that staff also requested bids for some additive bid items that could be repaired during this project.

The intent is to bring the recommendation to the City Council meeting on April 15th. All firms have selected July 1 to August 1 timeframe for the work, and staff would like to get the project awarded as soon as possible. Banham stated he is hopeful that this can move forward, provided that additional funds can be established. Bode requested an email noting which bidder staff would like to choose to perform the work and their reasons why.

Action

The Public Works Committee concurred to forward the YMCA Pool Repair RFP/Bid Award Recommendation to City Council for approval after final review and reference checks are complete, and after emailing the Public Works Committee Members staff's recommendation for the award.

3. INFORMATION ITEMS

A. Lyndale Glass Concerns with 7th Street and 6th to 7th Street Alley Project

Banham presented a letter from Lyndale Glass which details concerns they have about the City's proposed 7th Street Project and 6th to 7th Street Alley project. Their main concern is they receive many deliveries via semi-trailer each week, which block or limit access to the alley and the parking lot.

Banham stated that based on these and other related discussions, staff is recommending the entrance stay on Front Street rather than using 7th Street next to the alley. This avoids some of the alley conflicts that occur with access from 7th Street and makes the entrance easier to find for trucks that regularly unload next to Lyndale Glass that also need to use half the alley. Traffic would flow from Front Street, through the parking lot, with a west-bound only exit to 7th Street. Additionally, the liquor store and the post office receive deliveries and regularly have trucks in the alley.

Banham stated that leaving the entrance on Front Street simply shifts the four parking spaces that would have been in that location to the area of the parking lot near the alley.

Lyndale glass requested some of the angle spaces on 7th Street be designated "Loading Zone" during certain hours for ease of deliveries and loading their trucks for work. Banham explained that the parking spaces north of the alley could be a loading zone for a maximum of 30 minutes.

Banham relayed the concern he had heard about the lack of RV and longer vehicle parking downtown, noting that this is something that should be kept in mind as future parallel parking is converted to diagonal parking.

B. Continue Discussion Regarding Request to De-Privatize Island Green Way

The Committee discussed private streets and their history, noting that this discussion regarding de-privatizing Island Green Way (IGW) is a continuation from the March 6th Public Works Committee meeting.

Korthuis asked Mr. Olson why he and his neighbors want the street made public. Mr. Olson stated the main reason is for snow plowing during inclement weather: the plow goes past IGW on Depot Road and blocks the entrance to the neighborhood but does not go through the neighborhood. Banham explained that snow plow routes receive priority, noting that smaller local/neighborhood roads are generally the last to be plowed. He added that customer complaints can increase when neighborhood roads are plowed due to blocked driveways. Korthuis stated that IGW is mainly concerned that their entire roadway was blocked off due to plowing Depot Road (a snow route). Banham stated that this can probably be corrected during future events.

A question was raised about maintenance of water lines on private streets and Banham stated if a waterline needs replacement, the City would still come in and perform repairs and repair any damage to the roadway associated with the water line work. This is due to the City having utility easements for the public utilities. However, the street itself is the homeowner's responsibility.

De Valois asked how close to City standards the street is. Banham stated that it is built fairly close to City standards. Sandal stated that it does have the correct amount of asphalt, but is a little short on gravel base, and it only has a sidewalk on one side.

The Committee discussed other private streets.

Banham stated that one consideration is to determine who uses the street. Is it a private street used as a thru-street by the general public, or is it used solely by the residents of that street.

Mr. Olson noted that the residents would like to gift the street to the City if possible. Sandal noted that each property owner might then have to gift each of their sections of street to the City, as their property lines go to the center of the street, which would result in all properties needing to be re-surveyed and new property lines established. The process could get expensive for everyone involved.

The Committee directed staff to not block the street entrance with the snow plow during future snow events. The Committee and staff also stated they will continue to try and figure out how to remedy the private-versus public-street issue in the City.

C. Update on Homestead Sidewalks

Banham stated he has nothing further to report on this since the last meeting. Vis noted that the worst areas are marked with paint. Banham stated these will be the first phase of replacements. Homestead will remove the sidewalk panels and the tree roots, and the City will replace the sidewalks. Homestead will then re-landscape the area.

D. Projects:**1. 17th Street Extension**

Banham stated the scope and budget have been developed. Staff is still in discussion with Bill and Adria Cummins, owners of the property adjacent to the future street, regarding the potential impact this project will have on their property to the east.

Sandal informed that with this project, the waterline from Double Ditch Bridge north to Main Street will be upgraded to a 12-inch line per the Water Comp Plan.

2. Water Treatment Plant Demo Surplus Equipment Sale Update

Banham stated that staff will offer the public an opportunity to submit a sealed bid to City Hall on Tuesday, April 16th for anything that was left after the first surplus sale on March 30th. The Ad will be in next week's Lynden Tribune.

4. ITEMS ADDED:**A. Wastewater Treatment Plant Outfall Design**

Banham stated that staff would like to go to bid next week in order to maximize the amount of time the contractor has to work within the fish window. He would like the authority to take the bid award to the first Council meeting in May, after notifying the Public Works Committee of the bid results. Bode requested that the Committee be notified of the bid award recommendation.

B. Pine Street – New area that goes through Bogaard Property

Korthuis asked why there is a "Dead End" sign on Pine Street even though the road goes through. Sandal said Bogaard didn't originally own that property and was not going to make it a through-street with his plat and has not yet dedicated the property to the City. Sandal suggested a sign stating, "End of Maintained Road". Korthuis requested to have the sign removed and not replaced with anything. He requested that staff contact Mr. Bogaard to have the property dedicated to the City.

The meeting was adjourned at 5:30 p.m.