

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
City Annex- 205 Fourth Street
June 06, 2022

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Summary Reports and Presentations

- [1.](#) Annual report to City of Lynden for Commission On Sexual & Domestic Violence presented by Susan Marks and Caryl Dunavan

Approval of Minutes

- [2.](#) Draft Council Minutes- May 16, 2022

Citizen Comment

Consent Agenda

- [3.](#) Approval of Payroll and Claims
- [4.](#) Award Bid for Pump Station #17 – Guide Meridian Project
- [5.](#) Second Amendment to Forge Fitness Lease
- [6.](#) Set Public Hearing for Renewal of Lynden Transportation Benefit District

Public Hearing

- [7.](#) Resolution 1048 – Adopting a Six Year Transportation Improvement Program (STIP) 2023-2028

Unfinished Business

New Business

Other Business

- [8.](#) Community Development Committee Draft Meeting Minutes of 5/18/22
- [9.](#) Public Works Committee Draft Meeting Minutes May 4 & 17, 2022
- [10.](#) Calendar

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 6, 2022	
Name of Agenda Item:	Summary Reports and Presentations	
Section of Agenda:		
Department:		
Council Committee Review:	Legal 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: None	<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	DV Commission Packet	
Summary Statement:	Annual report to City of Lynden for Commission On Sexual & Domestic Violence presented by Susan Marks and Caryl Dunavan.	
Recommended Action:	For information only.	



Inspiring and coordinating community efforts to address sexual and domestic violence

June 2022

The Commission consists of 17 government and 14 community members. Government officials are designated by government position. Community members are selected by the Mayor and the County Executive from among stakeholders/agencies in the community who have an interest in and serve people who are impacted by domestic and sexual violence.

(17) Designated Government Representatives

Term Exp.	Name	Community Position
January 31, 2023	Greg Hansen	Designated Representative-Whatcom County Cities
<i>January 31, 2023</i>	<i>Vacant</i>	<i>Designated Representative/Lummi Nation</i>
January 31, 2023	Katrice Rodriguez	Designated Representative/Nooksack Tribe
January 31, 2024	Donnell Tanksley	Selected Police Chief-Whatcom County Cities
January 31, 2024	Greg Baker	Selected Superintendent-Whatcom Co. School Districts
January 31, 2025	Annie Taylor	Area Administrator, DCYF
January 31, 2026	Diane Miltenberger	Administrator, DSHS/Community Services Office
<i>N/A</i>	<i>Vacant</i>	<i>Executive Director/Domestic Violence & Sexual Assault Services</i>
N/A	Bruce Van Glubt	Whatcom County Probation Administrator
N/A	Dave Reynolds	Whatcom County Superior Court Administrator
N/A	Erika Lautenbach	Whatcom County Health Department Director
N/A	William Elfo	Whatcom County Sheriff
N/A	Rebecca Mertzig	Bellingham Police Chief
N/A	Eric Richey	Whatcom County Prosecutor
N/A	Starck Follis	Whatcom County Public Defender
N/A	Darlene Peterson	Bellingham Municipal Court Administrator
N/A	Alan Marriner	Bellingham City Attorney

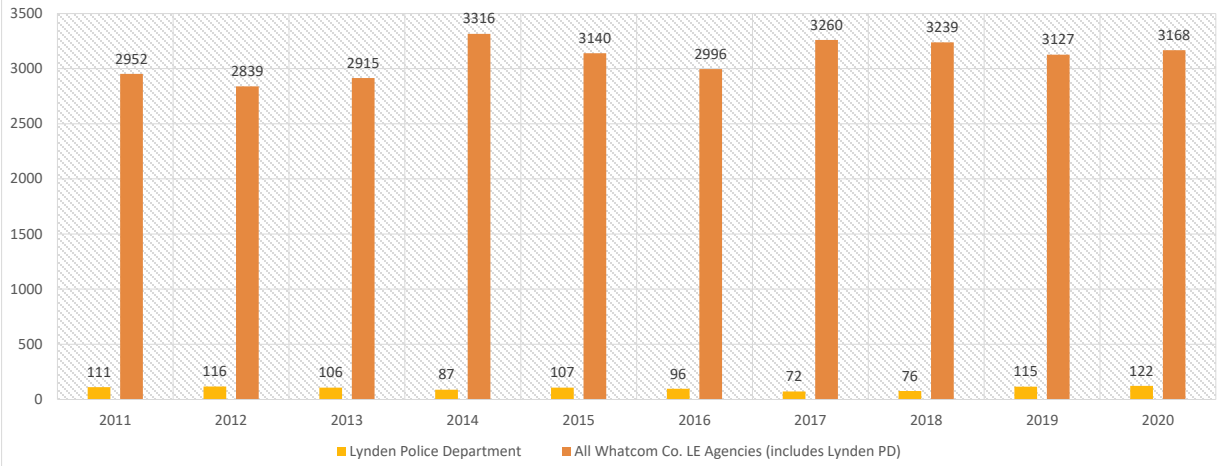
(7) County Community Appointments

Term Exp.	Name	Community Position	Agency
January 31, 2023	Garret Shelsta	Community at Large	Christ The King Church Bellingham
January 31, 2023	Moonwater	Human Service Provider	Whatcom Dispute Resolution Center
January 31, 2023	Raquel Vernola	Institution of Higher Education	Whatcom Community College
January 31, 2024	Katie Olvera	DV/SA Victim Service Provider	KPO Counseling LLC
January 31, 2025	Jessyca Murphy	Community at Large	MakeShift Project
January 31, 2026	Krista Touros	Health Care Provider	PeaceHealth
January 31, 2026	Emily O'Connor	Human Service Provider	Lydia Place

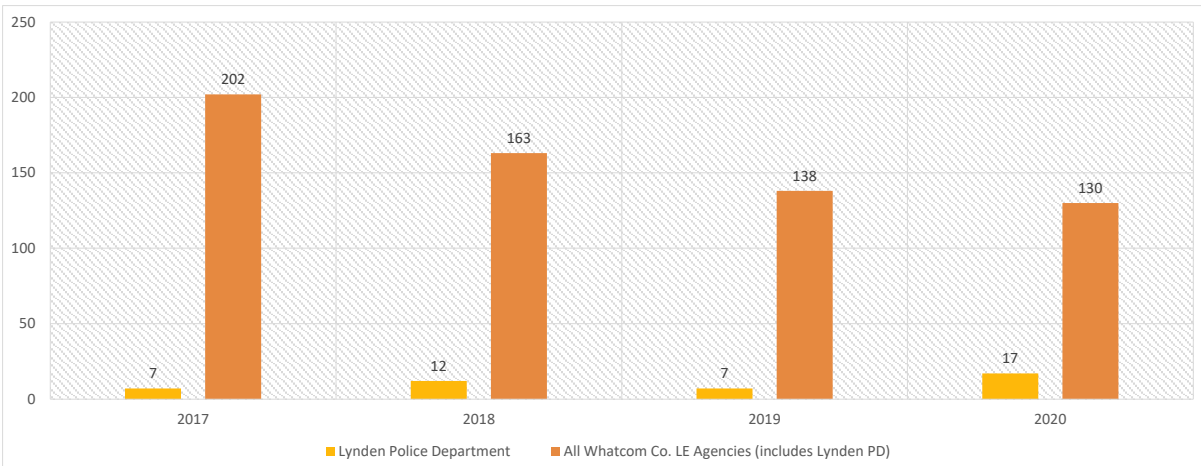
(7) City Community Appointments

Term Exp.	Name	Community Position	Agency
January 31, 2023	Christina Kobdich	Health Care Provider	Unity Care NW
January 31, 2023	Chris Roselli	Institution of Higher Education	Western Washington University
January 31, 2025	Ken Levinson	Community at Large	Nooksack Tribe
January 31, 2025	Beth Boyd	Human Service Provider	PeaceHealth/St. Joseph Medical Center
January 31, 2025	Jason McGill	DV/SA Victim Service Provider	Northwest Youth Services
January 31, 2026	Pamela Wheeler	Human Service Provider	Opportunity Council
January 31, 2026	Christina Byrne	Community at Large	Western Washington University

Lynden Police Department: domestic violence calls for service, 2011-2020



Lynden Police Department: sexual assault reports, 2017-2020



Bellingham Whatcom County Commission on Sexual & Domestic Violence

GOALS

- **Foster justice, autonomy, and well-being for survivors** and communities
- **Transform systems** to ensure prevention and responses for sexual and domestic violence that support justice, autonomy, and well-being
- **Connect institutions, stakeholders, and communities** to collectively increase understanding of sexual and domestic violence, especially the impacts and effectiveness of community responses for survivors

2022 -2023 Work Plan Activities

- Develop pilot of restorative and transformative justice responses to domestic and sexual violence.
- Support implementation of sexual assault audit recommendations for criminal legal system.
- Continue focus on survivor defendants, coordinating cross-trainings with systems partners and building referral and collaboration networks.
- Revisit community response for MMIWG2S, progress made, and next steps needed in our communities.
- Discuss overlap between housing/homelessness and DV/SA; make recommendations for community and organizational leaders.
- Lead case reviews of local intimate partner homicide cases and sexual assault cases to identify strengths and gaps in community interventions and prevention.
- Partner with schools and community organizations to support interventions and prevention for students.
- Stabilize funding and administrative structures for DV Commission operations.
- Host engaging Commission meetings to implement meaningful systems change.
- Provide prevention and intervention resources and subject matter expertise for systems and stakeholders (eg workplaces, faith communities, courts, media).

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 6, 2022	
Name of Agenda Item:	Draft Council Minutes- Regular Meeting	
Section of Agenda:	Approval of Minutes	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: N/A	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Draft Council Minutes- Regular Meeting	
Summary Statement:	Draft Council Minutes- Regular Meeting	
Recommended Action:	For Council review.	

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



May 16, 2022

1. CALL TO ORDER

Mayor Korthuis called to order the May 16, 2022 regular session of the Lynden City Council at 7:00 p.m. at the city's council chambers. This was an in-person meeting with the option to call into the meeting via telephone.

ROLL CALL

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

Members absent: Councilor Kuiken and Councilor Wohlrab absent with notice.

Staff present: Finance Director Antony Burrows, Parks Director Brent DeRuyter, Police Chief Steve Taylor, and City Clerk Pam Brown.

OATH OF OFFICE- None

SUMMARY REPORTS AND PRESENTATIONS- None

APPROVAL OF MINUTES

Councilor Kuiken moved, and Councilor Wohlrab seconded to approve the May 2, 2022, regular council meeting minutes as presented. Motion approved on 5-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, 7062 Guide Meridian #30

Cynthia thanked council members for attending the meeting in person and expressed her concern that current laws are not protecting officers. She also asked Council to better promote Police Officer Memorial Day throughout the city.

CITY OF LYNDEN

CITY COUNCIL
MINUTES OF REGULAR MEETING



2. CONSENT AGENDA

Payroll Liability to April 24 through May 7, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$363,605.06
Check Liability	\$133,839.89
Total Non-L&I Liabilities	\$497,444.95
Quarterly Liabilities	\$14,300.19
Total EFT & Other Liabilities	\$511,745.14

Payroll Liability to May 8 through May 21, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$360,543.06
Check Liability	\$1,905.15
Total Non-L&I Liabilities	\$362,448.21
Quarterly Liabilities	\$13,857.14
Total EFT & Other Liabilities	\$376,305.35

Approval of Claims – May 17, 2022

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	24612	through	24707		\$580,737.94
EFT Payments					\$11,273.40
				Sub Total	\$592,011.34
				Total Accts. Payable	\$592,011.34

Resolution No.1048- Adopting a Six Year Transportation Improvement Program 2023-2028

Department of Enterprise Services Energy Program Agreement

Councilor Bode moved, and Councilor De Valois seconded to approve the Consent Agenda. Motion passed with a 5-0 vote.

3. PUBLIC HEARING - None

CITY OF LYNDEN

CITY COUNCIL
MINUTES OF REGULAR MEETING



4. UNFINISHED BUSINESS- None

5. NEW BUSINESS- None

6. OTHER BUSINESS- None

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

The May 16, 2022, regular session of the Lynden City Council adjourned at 7:07 p.m.

Pamela D. Brown
City Clerk

Scott Korthuis
Mayor

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 6, 2022	
Name of Agenda Item:	Approval of Payroll and Claims	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	None	
Summary Statement:	Approval of Payroll and Claims	
Recommended Action:	Approval of Payroll and Claims	

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 6, 2022	
Name of Agenda Item:	Award Bid for Pump Station #17 – Guide Meridian Project	
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:		
1) Certified Bid Tabulation 2) BHC Consultants letter - Recommendation to Award		
Summary Statement:		
<p>Staff recently solicited bids for the Pump Station #17 – Guide Meridian Project. The project extends the City’s sewer system west of the Guide Meridian (SR-539) in the vicinity of Bay-Lyn Drive. The project constructs a duplex submersible sewage pump station, approximately 1,000 linear feet of force main, approximately 1,195 linear feet of gravity sewer, and 471 linear feet of water force main. It also includes installing a city-furnished standby generator and control panel, paving of the access road, and water and electrical services to the pump station. Five bids were received on May 31, 2022. BHC Consultants prepared the attached Bid Tabulation.</p> <p>The Committee concurred at their meeting on May 4, 2022, that the bid results could be forwarded directly to City Council after informing them of the results. The Public Works Committee was advised of the bids and concurred to recommend award to Colacurcio Brothers Construction Company, Inc., the lowest responsive and responsible bidder, in the amount of \$1,264,876.16, including Washington State Sales Tax. This project will be funded with water and sewer utility funds.</p>		
Recommended Action:		
<p>That City Council award the contract for the Pump Station #17 – Guide Meridian Project to Colacurcio Brothers Construction Company, Inc., in the amount of \$1,264,876.16, including Washington State Sales Tax, and authorize the Mayor to sign the contract.</p>		

BID TABULATION

Pump Station #17 City of Lynden				Engineer's Estimate		Colacurcio Brothers, Inc.		Tiger Construction, Ltd.		Equity Builders LLC		Western Refinery Services, Inc.		Strider Construction Co., Inc.	
Item No	Item Description	Unit	Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	LS	1	\$181,500.00	\$181,500.00	\$120,000.00	\$120,000.00	\$100,000.00	\$100,000.00	\$66,000.00	\$66,000.00	\$100,000.00	\$100,000.00	\$180,000.00	\$180,000.00
2	Record Drawings (\$5,000 Minimum)	LS	1	\$6,050.00	\$6,050.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
3	Site and Trench Safety	LS	1	\$91,960.00	\$91,960.00	\$10,000.00	\$10,000.00	\$18,000.00	\$18,000.00	\$22,000.00	\$22,000.00	\$50,000.00	\$50,000.00	\$150,000.00	\$150,000.00
4	Potholing	EA	18	\$1,210.00	\$21,780.00	\$200.00	\$3,600.00	\$405.00	\$7,290.00	\$1,000.00	\$18,000.00	\$500.00	\$9,000.00	\$475.00	\$8,550.00
5	Dewatering	FA	1	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00
6	Erosion and Sediment Control	LS	1	\$33,880.00	\$33,880.00	\$18,000.00	\$18,000.00	\$17,800.00	\$17,800.00	\$7,300.00	\$7,300.00	\$30,000.00	\$30,000.00	\$22,500.00	\$22,500.00
7	Removal and Replacement of Unstable Base Material	CY	10	\$121.00	\$1,210.00	\$80.00	\$800.00	\$185.00	\$1,850.00	\$100.00	\$1,000.00	\$350.00	\$3,500.00	\$100.00	\$1,000.00
8	Imported Trench Fill	TN	3,602	\$27.83	\$100,243.66	\$10.00	\$36,020.00	\$9.00	\$32,418.00	\$13.50	\$48,627.00	\$25.00	\$90,050.00	\$20.00	\$72,040.00
9	Crushed Surfacing	TN	214	\$66.55	\$14,241.70	\$28.00	\$5,992.00	\$41.50	\$8,881.00	\$20.00	\$4,280.00	\$55.00	\$11,770.00	\$75.00	\$16,050.00
10	HMA Class 1/2 PG 64-22	TN	48	\$302.50	\$14,520.00	\$257.00	\$12,336.00	\$260.00	\$12,480.00	\$258.00	\$12,384.00	\$450.00	\$21,600.00	\$250.00	\$12,000.00
11	Abandoned Water Main Removal	LF	400	\$42.35	\$16,940.00	\$19.00	\$7,600.00	\$9.00	\$3,600.00	\$20.00	\$8,000.00	\$25.00	\$10,000.00	\$8.50	\$3,400.00
12	Remove and Replace Concrete Sidewalk and Curb Ramp	SY	111	\$229.90	\$25,518.90	\$117.00	\$12,987.00	\$215.00	\$23,865.00	\$114.00	\$12,654.00	\$150.00	\$16,650.00	\$70.00	\$7,770.00
13	Remove and Replace Concrete Curb and Gutter	LF	20	\$133.10	\$2,662.00	\$72.00	\$1,440.00	\$110.00	\$2,200.00	\$217.00	\$4,340.00	\$100.00	\$2,000.00	\$375.00	\$7,500.00
14	Pump Station	LS	1	\$605,000.00	\$605,000.00	\$500,000.00	\$500,000.00	\$500,000.00	\$500,000.00	\$645,000.00	\$645,000.00	\$620,000.00	\$620,000.00	\$650,000.00	\$650,000.00
15	DI Force Main 4-in. diam	LF	1,000	\$134.31	\$134,310.00	\$85.00	\$85,000.00	\$100.00	\$100,000.00	\$121.00	\$121,000.00	\$110.00	\$110,000.00	\$100.00	\$100,000.00
16	PVC Sanitary Sewer 8-in. diam.	LF	1,195	\$121.00	\$144,595.00	\$70.00	\$83,650.00	\$90.00	\$107,550.00	\$78.00	\$93,210.00	\$60.00	\$71,700.00	\$120.00	\$143,400.00
17	DI Water Main 8-in. diam	LF	471	\$174.24	\$82,067.04	\$95.00	\$44,745.00	\$93.50	\$44,038.50	\$125.00	\$58,875.00	\$110.00	\$51,810.00	\$100.00	\$47,100.00
18	1" Service Connection	EA	1	\$2,420.00	\$2,420.00	\$1,000.00	\$1,000.00	\$645.00	\$645.00	\$700.00	\$700.00	\$1,500.00	\$1,500.00	\$750.00	\$750.00
19	HDPE Water Service 1-in. diam.	LF	63	\$39.93	\$2,515.59	\$80.00	\$5,040.00	\$17.00	\$1,071.00	\$47.00	\$2,961.00	\$35.00	\$2,205.00	\$20.00	\$1,260.00
20	Water Meter Assembly for 1-in. Service	LS	1	\$1,815.00	\$1,815.00	\$3,600.00	\$3,600.00	\$1,120.00	\$1,120.00	\$1,200.00	\$1,200.00	\$1,000.00	\$1,000.00	\$850.00	\$850.00
21	48-Inch Type 1 Manhole	EA	7	\$11,979.00	\$83,853.00	\$5,000.00	\$35,000.00	\$6,800.00	\$47,600.00	\$5,300.00	\$37,100.00	\$8,500.00	\$59,500.00	\$7,500.00	\$52,500.00
22	Bituminous Surface Treatment - New Construction	TN	86	\$266.20	\$22,893.20	\$160.00	\$13,760.00	\$200.00	\$17,200.00	\$258.00	\$22,188.00	\$500.00	\$43,000.00	\$225.00	\$19,350.00
23	Preservation, Restoration, and Cleanup	LS	1	\$49,126.00	\$49,126.00	\$5,000.00	\$5,000.00	\$30,700.00	\$30,700.00	\$23,000.00	\$23,000.00	\$15,000.00	\$15,000.00	\$12,500.00	\$12,500.00
24	Minor Change	EST	1	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00
25	Temporary Traffic Control	LS	1	\$18,150.00	\$18,150.00	\$7,000.00	\$7,000.00	\$21,700.00	\$21,700.00	\$21,000.00	\$21,000.00	\$10,000.00	\$10,000.00	\$25,000.00	\$25,000.00
SUBTOTAL BID SCHEDULE					\$1,802,251.09		\$1,162,570.00		\$1,250,008.50		\$1,380,819.00		\$1,480,285.00		\$1,683,520.00
WA State Sales Tax (8.8%)					\$158,598.10		\$102,306.16		\$110,000.75		\$121,512.07		\$130,265.08		\$148,149.76
Total Bid Schedule w/ tax					\$1,960,849.19		\$1,264,876.16		\$1,360,009.25		\$1,502,331.07		\$1,610,550.08		\$1,831,669.76

Certified Tabulation of Bids By:

BHC Consultants, LLC
1601 5th Ave #500
Seattle, WA 98101
206-505-3400



06/02/2022

Bidder Responsibility	Bidder Responsibility	Bidder Responsibility	Bidder Responsibility	Bidder Responsibility
Addenda Acknowledged? Yes	Addenda Acknowledged? Yes	Addenda Acknowledged? Yes	Addenda Acknowledged? Yes	Addenda Acknowledged? Yes
Bid Bond? Yes	Bid Bond? Yes	Bid Bond? No attached sheet	Bid Bond? Yes	Bid Bond? Yes
Bidder Quals? Yes	Bidder Quals? Yes	Bidder Quals? Yes	Bidder Quals? Yes	Bidder Quals? Yes
Rebar Inst. Sub? None	Rebar Inst. Sub? None	Rebar Inst. Sub? None	Rebar Inst. Sub? None	Rebar Inst. Sub? None
Structural Steel Sub? None	Structural Steel Sub? None	Structural Steel Sub? None	Structural Steel Sub? None	Structural Steel Sub? None
HVAC/Plumbing Sub? None	HVAC/Plumbing Sub? None	HVAC/Plumbing Sub? None	HVAC/Plumbing Sub? None	HVAC/Plumbing Sub? None
Electrical Sub? JH Kelly LLC	Electrical Sub? JH Kelly LLC	Electrical Sub? Advanced Power LLC	Electrical Sub? Mills Electric	Electrical Sub? JH Kelly LLC
Non-collusion? Yes	Non-collusion? Yes	Non-collusion? Yes	Non-collusion? Yes	Non-collusion? Yes



MEMORANDUM

Date: June 2, 2022

To: Steve Banham, P.E.
Public Works Director, City of Lynden

From: Greg Mockos, P.E.
Project Manager, BHC Consultants, LLC

CC: Sam Ferguson, EIT., BHC Consultants
Mike Kim, City of Lynden
Mark Sandal, City of Lynden

Subject: Qualifications Review/Award Recommendation
Pump Station #17

Per your request, we have reviewed the apparent low bidder's Statement of Bidder's Qualifications and their List(s) of Similar Public Works Projects. As a result of this review, we recommend the City of Lynden award a contract to Colacurcio Brothers, Inc. for construction of the Pump Station #17. The Bid Tabulation is attached for reference.

1. Completeness of Bid Submittal

We reviewed Colacurcio Brothers, Inc. submittal for completeness and conformance to the project's bid requirements. It appears that all requisite information and documentation have been included with the Colacurcio Brothers, Inc. bid submittal.

2. Bidder's Qualifications Review

The bidder's qualifications were also reviewed for general conformance with respect to the requirements defined in the Special Provisions. See the attached Experience of Bidder and Project References and Phone Discussion Notes (copies enclosed) for Colacurcio Brothers, Inc. information. Based on this information, Colacurcio Brothers, Inc. appears to be a responsible bidder as defined in the contract documents. The contacted references described having good experiences with Colacurcio Brothers, Inc. during the construction of their projects. It should be recognized that Colacurcio Brothers Inc. did not offer as a reference a project which includes a pump station similar to the one proposed in this project.

3. Recommendation of Award

Based on the above-described bid tabulation, the completeness of their bid submittal, and review of their bidder's qualifications, Colacurcio Brothers, Inc. appears to be the lowest responsible bidder for the project. Therefore, we recommend award of the project to Colacurcio Brothers, Inc. for construction of the City of Lynden Pump Station #17.

Enclosure(s):

- Bid Tabulation
- Experience of Bidder – Bidder's Qualification Form
- Phone Discussion Notes – Contractor Reference Questions for Colacurcio Brothers

CITY OF LYNDEN

EXECUTIVE SUMMARY – City Council



Meeting Date:	June 6, 2022	
Name of Agenda Item:	Second Amendment to Forge Fitness Lease	
Section of Agenda:	Consent	
Department:	Public Works	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:	Second Amendment to Forge Fitness Lease	
Summary Statement:	<p>The City entered into a five-year lease of the former City pool and recreation (formerly YMCA) building at 100 Drayton Street with Brian and Jeannie Davidson, owners of Forge Fitness, starting January 1, 2021. This lease was amended on June 8, 2021, to increase the cap for Reimbursement for Renovation (Section 6.2) to \$250,000 to allow for the replacement of the exterior siding and a portion of the roof. City Staff and the City Attorney identified additional clarifications to the lease agreement that were required that address the responsibilities of the parties for maintenance, repairs, and capital improvements. The attached amendment #2 amends sections 5 through 7 to provide clarification on the budget and approval process that the City will use for major repairs and capital improvements.</p>	
Recommended Action:	<p>That City Council approve the Second Amendment to the Forge Fitness Lease addressing repairs and capital improvements to the facility and authorize the Mayor’s signature on the Amendment.</p>	

SECOND AMENDMENT TO RECREATIONAL FACILITY LEASE AGREEMENT

This Second Amendment to Recreational Facility Lease Agreement (“Second Amendment”) is entered this ____ day of _____, 2022, by and between the City of Lynden (“City” or “Lessor”), a Washington municipal corporation, and Davidson Fitness Inc. dba Forge Fitness Lynden, Inc. (“Lessee” or “Forge Fitness”), a corporation organized under the laws of the State of Washington, (individually “Party” and together “Parties”), for the purpose of amending that certain Recreational Facility Lease Agreement entered into between the Parties on November 18, 2020.

WHEREAS, the City and Forge Fitness entered into a Recreational Facility Lease Agreement for the old YMCA building and pool therein (“Building”) on November 18, 2020 (“Lease”); and

WHEREAS, the City and Forge Fitness executed that First Amendment to Recreational Facility Lease Agreement dated June 8, 2021; and

WHEREAS, the City and Forge Fitness wish to clarify their respective maintenance and repair obligations under Section 5 of the Lease; and

WHEREAS, the City and Forge Fitness wish to recharacterize the term “Building Renovations” as “Capital Improvements” and clarify the parties’ respective obligations related to the construction of, and reimbursement for, Capital Improvements under Sections 6 and 7 of the Lease; and

WHEREAS, the foregoing recitals are a material part of this Second Amendment;

NOW THEREFORE, THE PARTIES MUTUALLY AGREE THAT:

- 1. Section 5 of the Lease shall be replaced in its entirety with the following new Section 5:

- 5. **Management and Operational Responsibility, Upkeep, and Repairs.**

- 5.1 **Management and Operation.** Lessee shall be solely responsible for management and operation of the Premises and all costs associated therewith including all costs associated with labor, materials, supplies, and equipment. Management and operation include, without limitation, all janitorial services, such as cleaning and stocking of restrooms, changing of light bulbs and fixtures as needed, cleaning of exercise equipment, and floor cleaning such as sweeping, washing, and waxing.

- 5.2 **Routine Maintenance and Repairs.** Lessee shall be solely responsible for all routine maintenance of the Premises and shall keep the Premises in good condition and repair. Routine maintenance and repairs include all tasks necessary to ensure the upkeep, and preserve the longevity of, the interior and exterior of the Building and its systems including, without limitation, boiler maintenance, painting, plumbing repairs, landscape maintenance, sidewalk cleaning and snow and ice removal, pool maintenance (such as changing filters and ensuring property chlorine levels), duct cleaning, changing oil in the air compressor, and ensuring adequate winterization.

- 5.3 **Major Repairs.** Lessee shall also be responsible for maintenance and repair of the premises. Lessor agrees to reimburse Lessee for pre-approved repairs to a Structural Element costing in excess of Fifteen Thousand Dollars (\$15,000) or significant repairs to the roof, siding, heating, ventilating, electrical, plumbing systems and pool related

systems and structures. Lessor and Lessee further agree that replacement of the “popcorn” ceiling in the pool area, the addition of pool circulation systems such as additional jets, pool deck drainage work, and replacement of wood sill plates beneath columns shall be Major Repairs. Lessor’s approval is subject to review of the necessity and estimated cost of the Major Repair, as well as available funding for the Major Repair in the City’s budget. Lessor may withhold approval of the Major Repair based on the foregoing. Lessor and Lessee agree to together conduct a semi-annual inspection of the Premises to assess the need for any Major Repairs and assist the City in establishing a budget for said Major Repairs in accordance with the statutory process for budget approval. Maintenance items and other repairs of less than \$15,000 may not be added together to achieve the \$15,000 threshold for a Major Repair reimbursement.

2. Section 6.2 of the Lease shall be replaced in its entirety with the following new Section 6.2:

6.2 Reimbursement for Capital Improvements. Lessee intends to construct permanent improvements to the Premises (“Capital Improvements”). Subject to Section 7 herein, Lessor shall reimburse Lessee for Lessee’s documented out-of-pocket expenditures for design, construction, labor, and materials, in Capital Improvements (“Capital Expenditures”). Once per calendar year, on or before January 1, 2021, and each January 1 thereafter for so long as this Lease or renewal thereof remains in effect, Lessor shall reimburse Lessee for documented out-of-pocket Capital Expenditures up to a maximum of Two Hundred Fifty Thousand Dollars (\$250,000.00) per year, following the statutory process for budget approval. This amount shall only be included and available in years when included as a part of the Annual Budget for approved projects. Lessee’s installation of a pool accessibility lift or a landing for the north exterior door shall be Capital Improvements subject to approval by Lessor in accordance with Section 7 herein, but shall not be eligible for reimbursement by Lessor.

3. Section 7 of the Lease shall be replaced in its entirety with the following new Section 7:

7. Capital Improvements. This Lease contemplates Lessee will undertake Capital Improvements to the Building.

7.1 Drawings, Designs, Plans, Specifications, Schematic Diagrams. Lessee shall provide Lessor with copies of any and all architectural drawings, designs, construction plans, specifications, schematics and other materials associated with any design of Capital Improvements not less than thirty (30) days prior to intended commencement of any construction unless parties mutually agree to shorter timeline. Construction shall not commence unless and until the Lessor has approved all such drawings, designs, plans, specifications, and schematics. Such approval by Lessor does not provide any assurance of structural integrity, or absence of defects in design, construction practice, or materials, and in no event shall Lessor be liable for said approval.

7.2 Construction. Lessee shall provide Lessor with a copy of the proposed contract for Capital Improvements and the name of the Contractor not less than thirty (30) days prior to intended commencement of any construction. Construction shall not commence unless and until the Lessor has approved the proposed construction contract and the Contractor; provided that, such approval shall not be unreasonably withheld. The Parties

acknowledge that any such construction contract shall contain indemnification and insurance provisions reasonably acceptable to Lessor, including naming the Lessor as an additional insured on any applicable insurance policies. The Lessor and its agents shall have a right to enter the Building at any time for purposes of inspecting ongoing or recently completed construction activities.

7.3 Compliance with Legal Requirements and Permits. Any and all Capital Improvements shall conform to all federal, state, and local laws, regulations, and ordinances, including without limitation all federal and state laws and regulations pertaining to access for persons with disabilities. All required permits shall be obtained prior to construction.

7.4 Capital Improvements – Public Notice and Access. Lessee shall provide at least twenty-one (21) days advance written notice to the public of any construction of Capital Improvements. Such notice shall at minimum include posting signage in the Building and on any website for the Building controlled by Lessee. During construction of Capital Improvements, Lessee shall accommodate public access to the Building in a manner to allow activities to continue to the extent feasible, and ensure the safety of all members of the public and Lessee’s employees.

7.5 Capital Improvements on Termination or Expiration of Lease. Upon termination or expiration of this Lease and any renewal hereof, all Capital Improvements shall become the sole property of Lessor.

4. All references to the term “Building Renovations” are hereby replaced with the term “Capital Improvements.”

5. All other terms of the Lease shall remain in full force and effect.

In Witness Whereof, the parties have executed this agreement on the ____ day of _____, 2022.

LESSOR (Mayor Scott Korthuis)

Date

LESSEE (Forge Fitness)

Date

Acknowledged by City Clerk:

Date

STATE OF WASHINGTON)
)
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that Scott Korthuis and Pam Brown are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it as Mayor and City Clerk of the CITY OF LYNDEN to be the free and voluntary act of such party for the uses and purposed mentioned in the instrument.

DATED: _____

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

STATE OF WASHINGTON)
)
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that _____ and _____ is the person who appeared before me, and said person acknowledged that they signed this instrument and acknowledged it as President of Forge Fitness to be the free and voluntary act of such party for the uses and purposed mentioned in the instrument.

DATED: _____

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

CITY OF LYNDEN

EXECUTIVE SUMMARY – City Council



Meeting Date:	June 6, 2022	
Name of Agenda Item:	Set Public Hearing for Renewal of Lynden Transportation Benefit District	
Section of Agenda:	Consent	
Department:	Public Works	
<u>Council Committee Review:</u>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		<u>Legal Review:</u>
		<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:		
Draft Resolution 1049		
Summary Statement:		
<p>The City of Lynden established the Lynden Transportation Benefit District (TBD) on July 16, 2012 by City Ordinance 1423 pursuant to Chapter 36.73 Revised Code of Washington. The City has used the collected TBD revenue to complete important street construction projects within Lynden, including improvements to the following streets:</p> <ul style="list-style-type: none"> • Line Road (Street and Pedestrian Improvements) • 7th Street and Alley • 5th Street and Alley • Riverview Road • 17th Street (including sidewalk improvements south of Front Street) • Parkview Drive • 17th Street (Extension to Main Street) • Foxtail Street (eliminated gap between Eastwood Way and Bradley Meadows Lane) • Benson Road (sidewalk extension to North Park Street) <p>The Transportation Benefit District can be extended every ten years with a vote of the public to renew the sales and use tax as its source of revenue, per RCW Chapter 36.73 to finance transportation capital improvements. If the renewal is approved by the voters, the sales and use tax will continue to apply to persons who shop and thereby use the roads in the City and not just to City residents. The renewed sales and use tax is estimated to generate, based on retail growth over the next ten years an average of \$750,000 of annual revenue which can only be used to fund transportation improvement projects.</p>		
Recommended Action:		
That City Council set a Public Hearing of June 20, 2022 to hear Public Comments on the renewal of the Lynden Transportation Benefit District.		

RESOLUTION NO. 1049

A RESOLUTION OF THE LYNDEN CITY COUNCIL, THE GOVERNING BOARD OF TRANSPORTATION BENEFIT DISTRICT OF THE CITY OF LYNDEN, WASHINGTON, PROVIDING FOR A BALLOT PROPOSITION TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE DISTRICT ON NOVEMBER 8, 2022 TO RENEW AND IMPOSE A TWO-TENTHS OF ONE PERCENT (.002) SALES AND USE TAX FOR THE PURPOSE OF FINANCING SOME OR ALL OF THE COSTS OF PROJECTS IDENTIFIED WITHIN THE ADOPTED TRANSPORTATION PLANS FOR A PERIOD OF TEN YEARS

WHEREAS, the City of Lynden ("City") adopted Ordinance No. 1423 on July 16, 2012, establishing the Lynden Transportation Benefit District ("TBD") pursuant to Chapter 36.73 Revised Code of Washington (RCW). And by City Ordinance No. 1524 completed the assumption of powers for the City Council to serve as the governing board of the TBD ("TBD Board"); and

WHEREAS, since the TBD was established, the City has used the collected TBD revenue to contribute to numerous street construction project within Lynden including improvement to the follow streets:

- a. Line Road (street and pedestrian improvements)
- b. 7th Street and alley
- c. 5th Street and alley
- d. Riverview Road
- e. 17th Street (sidewalk Improvements south of Front St.)
- f. Parkview Drive
- g. 17th Street (extension to Main Street)
- h. Foxtail Street (eliminated gap between Eastwood and Bradley Meadows)
- i. Benson Road (sidewalk extension to North Park St.)

WHEREAS, on June 20, 2022, after giving proper notice, the City conducted a public hearing in accordance with RCW 36.73.050; and

WHEREAS, with voter approval, the TBD may renew and continue to impose a sales and use tax upon the occurrence of any taxable activity within the boundaries of the TBD to fund transportation improvements; and

WHEREAS, the City annually updates and adopts, following a Public Hearing, a Six-Year Transportation Improvement Plan ("STIP") which identifies projects that constitute transportation improvements; and

WHEREAS, projects from the STIP that may be funded by the TBD include the maintenance, preservation, and construction of transportation projects; and

WHEREAS, the City Council, acting as the TBD Board, now desires to continue to fund and implement certain transportation improvements ("TBD Projects"), through a two-tenths of one percent (.002) sales and use tax in accordance with RCW 82.14.0455, consistent with Chapter 36.73 RCW, upon voter approval thereof; and

NOW, THEREFORE, THE CITY COUNCIL ACTING AS THE BOARD OF THE LYNDEN TRANSPORTATION BENEFIT DISTRICT, LYNDEN, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Findings; Description of the TBD Projects.

The City Council hereby finds that the best interests of the Lynden community to renew and continue the imposition of a sales and use tax of two-tenths of one percent (0.002) pursuant to RCW 36.73.040(3)(a), RCW 82.14.0455 and ESSB 5974 for the purpose of providing funds necessary to finance transportation projects. While the City Council is granted greater authority under ESSB 5974, it finds that is in the best interest of the community to renew at the same two-tenths of one percent (0.002) level.

The STIP identifies projects that constitute transportation improvements. Transportation improvements that may be funded by TBD tax receipts, include street preservation overlays, street reconstruction, traffic safety improvements, sidewalk/pedestrian repairs or construction, bike lanes, bridge and culvert repairs, and other transportation projects deemed appropriate and approved by the Board.

The cost of all necessary design, engineering, financial, legal, and other consulting services, inspection and testing, administrative and relocation expenses and other costs incurred in connection with the foregoing transportation projects shall be deemed a part of the cost of the TBD Projects.

The City Council shall determine the application of moneys available for TBD Projects. In the event that the proceeds of sales and use taxes authorized herein, plus any other money of the TBD legally available therefore, are insufficient to accomplish all of the TBD Projects, the TBD Board shall use the available funds to pay the cost of those portions of the TBD Projects deemed by the TBD Board most necessary and in the best interests of the inhabitants of the TBD. The City Council also reserves the discretion to use TBD funds as a match for other sources of funding for TBD Projects and to partially fund TBD Projects.

The City Council as the TBD Board shall determine the exact locations and specifications for TBD Projects and the timing, order, and manner of implementing or completing the TBD Projects. The TBD Board may alter, make substitutions to, and amend the TBD Project descriptions as it determines is in the best interests of the public and the TBD District consistent with the general descriptions provided above and in accordance with the material change policy adopted by the TBD Board, and the notice, hearing and other procedures described in Chapter 36.73 RCW, including RCW 36.73.050(2)(b), as necessary.

If the City Council, acting as the TBD Board, shall determine that it has become impractical to acquire, construct, or implement all or any portion of the TBD Projects by reason of changed conditions, incompatible development, costs substantially in excess of the amount of sales and use tax proceeds estimated to be available, or acquisition by a superior governmental authority, the TBD Board shall not be required to acquire, construct, or implement such portions of a TBD Project. If all of the TBD Projects have been acquired, constructed, implemented or duly provided for, or found to be impractical, the TBD Board may either dissolve the TBD in accordance with RCW 36.73 or apply the sales and use tax proceeds (including earnings thereon) or any portion thereof to other transportation improvements then identified in the STIP in accordance with the

material change policy adopted by the TBD Board and the notice, hearing and other procedures described in Chapter 36.73 RCW, including RCW 36.73.050(2)(b), as necessary.

Section 2. Proposition

It is hereby found and declared to be in the best interests of the residents within the TBD to submit to the qualified electors of the TBD the proposition to continue to impose a sales and use tax within the limitations established in RCW 82.14.0455 for ratification or rejection at an election to be held on November 8, 2022. For the purpose of providing funds necessary to pay or finance local Transportation Projects, the Whatcom County Auditor, as ex officio supervisor of elections in Whatcom County, Washington, is hereby requested to call and conduct such special election to be held within the TBD for approval or rejection, a proposition to impose a sales and use tax in the amount of two-tenths of one percent (.002)of the selling price (in the case of a sales tax), or value of the article used (in the case of a use tax). The tax is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under Chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the TBD, for a period of ten years, or until the TBD is dissolved, whichever comes first.

Upon approval of the voters of the proposition hereinafter set forth, the TBD may use proceeds of such sales and use tax for the purpose of paying or financing costs of the TBD Projects in accordance with the requirements of Chapter 36.73 RCW. The City Clerk, serving as Secretary of the TBD Board (Lynden City Council), is hereby authorized and directed to certify said proposition to said official in the following form:

**LYNDEN TRANSPORTATION BENEFIT DISTRICT
LYNDEN, WASHINGTON**

RENEWAL OF SALES AND USE TAX FOR TRANSPORTATION IMPROVEMENTS

The City Council as the Board of the Lynden Transportation Benefit District, Lynden, Washington, adopted Resolution No. 1049 concerning a sales and use tax to fund certain transportation improvements. This proposition would renew the authorization of a sales and use tax of two tenths of one percent (0.002) to be collected from all taxable retail sales within the Transportation Benefit District in accordance with RCW 82.14.0455 for a term of ten years, or until such District is dissolved, whichever is earlier, for the purpose of paying or financing costs of necessary transportation improvement projects listed and identified in the City of Lynden Six-Year Transportation Improvement Plan:

Should this proposition be approved?

Yes?

No?

Section 3. Corrections

The City Clerk, serving as the Secretary of the TBD is authorized to make necessary clerical corrections to this resolution including, but not limited to, the correction of scrivener's or clerical

errors, references, resolution numbering, section/subsection numbers and any references thereto.

Section 4. Severability.

If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional.

PASSED by the Lynden City Council, Lynden, Washington, at a regular open meeting thereof held this _____ day of _____, 2022.

This resolution shall be in full force and effect on _____ 2022.

PASSED BY CITY COUNCIL BY AN AFFIRMATIVE VOTE _____ IN FAVOR AND _____ AGAINST, THIS _____ DAY OF _____, 2022.

Mayor Scott Korthuis

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF LYNDEN

EXECUTIVE SUMMARY – City Council



Meeting Date:	June 6, 2022	
Name of Agenda Item:	Resolution 1048 – Adopting a Six Year Transportation Improvement Program (STIP) 2023-2028	
Section of Agenda:	Public Hearing	
Department:	Public Works	
<u>Council Committee Review:</u>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____	<u>Legal Review:</u> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
STIP Project List, Map, Resolution 1048		
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 (2023 to 2028). Attached are Lynden's proposed transportation improvement projects that will be submitted to the Whatcom Council of Governments and from there to the Washington State Department of Transportation (WSDOT) as part of their statewide program.</p> <p>To be eligible for funding for these projects, every city and county must prepare a planned local list of projects which ultimately is forwarded to the WSDOT by July 31 of each year for inclusion in the State's Transportation Improvement Program (STIP) list.</p> <p>The Public Works Committee reviewed the STIP projects at their May 6, 2022, meeting and recommended that City Council set a public hearing date of June 6, 2022 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 Resolution 1048 approving the program.</p>		
Recommended Action:		
That City Council approve Resolution No. 1048 adopting the 2023-2028 Six Year Transportation Improvement Program for the City of Lynden and authorize the Mayor's signature on the resolution.		

City of Lynden
2023 - 2028 Six Year
 Transportation Improvement Program
 In Priority Order Keyed to Map

Ref No.	Project	Description	Termini	Classified	Complete Street	Phase	2023 - 2028					Funding Sources (\$ in thousands)				Total
							2023	2024	2025	2026 - 2028	Local	State	TIB	Federal		
1	Main Street Bridge <i>Pepin Lite Concept</i>	Bridge and approaches	Main Street over relocated Pepin Creek (Double Ditch)	Y	Yes	PE										0
						Const	X				800	DOC 1,900			2,700	
2	Pine Street Bridge <i>Pepin Lite Concept</i>	Vehicular Bridge and approaches	Pine Street over relocated Pepin Creek (Double Ditch) <i>Developer Mitigation - incl. in Local</i>		Yes	PE 2021-2022	X				312				312	
						Const	X	X			2,864			2,864		
3	Pepin Creek Main Stem <i>Pepin Lite Concept</i>	Upstream (Pepin Lite) Phased Relocation	Main Street to East/West Creek Corridor <i>Department of Ecology potential funding. Developer Mitigation - incl. in Local</i>		NA	PE	X				734				734	
						Const	X	X	X		8,950			8,950		
4	East/West Pepin Creek Corridor <i>Pepin Lite Concept</i> (including culvert at Double Ditch)	Upstream (Pepin Lite) Phased Relocation	North end of Pepin Main Stem to Double Ditch Road <i>Developer Mitigation - incl. in Local</i>		NA	PE	X				125				125	
						Const	X	X	X		1,533			1,533		
5	Double Ditch Road	Widen/Improve to City Arterial Street Standard (40') <i>Prerequisite: Construct Cross-Culvert to the North and redirect Pepin Creek into new channel</i>	Main Street to City Limits (Pepin Parkway) <i>Connect to Future Pepin Parkway Include Water & Sewer Trunk Lines Developer Mitigation - incl. in Local</i>	pending	Yes	PE			X		387				387	
						Const				X	5,216			5,216		
6	Pepin Parkway Bridge	Pepin Parkway Arterial (Included in 2022 Design Standards) <i>Arterial Street - driveway access and parking restricted</i>	On Pepin Parkway over the relocated Pepin Creek <i>Developer Mitigation - incl. in Local</i>		Yes	PE	X				248				248	
						Const		X			2,475			2,475		
7	Pepin Parkway Arterial	Pepin Parkway Arterial (Center Median Stormwater) <i>Arterial Street - driveway access and parking restricted</i>	Benson Road to Double Ditch <i>Developer Mitigation - incl. in Local</i>	pending	Yes	PE	X				387				387	
						Const		X	X	X	5,223			5,223		
8	Benson Road	Widen to the west to avoid ditch on east. Pedestrian on west side - possible 10' separated trail <i>Arterial Street - driveway access and parking restricted Surface Transportation Block Grant (STBG)</i>	Sunrise Drive to Badger Road <i>Connect to Future Pepin Parkway Developer Mitigation - incl. in Local</i>	Y	Yes	PE	X				478				478	
						Const		X			4,306		800	5,106		
9a	Kaemingk Trail Extension - Depot to 8th Street	Trail Project Completion/Closeout (began in 2022) <i>Trail: Park Impact Fee Funds, Sidewalk: Street Funds</i>	North 8th Street to Depot Road		NA	PE 2021-2022									0	
						Const	X	X			1,000	450		1,450		

City of Lynden
2023 - 2028 Six Year
 Transportation Improvement Program
 In Priority Order Keyed to Map

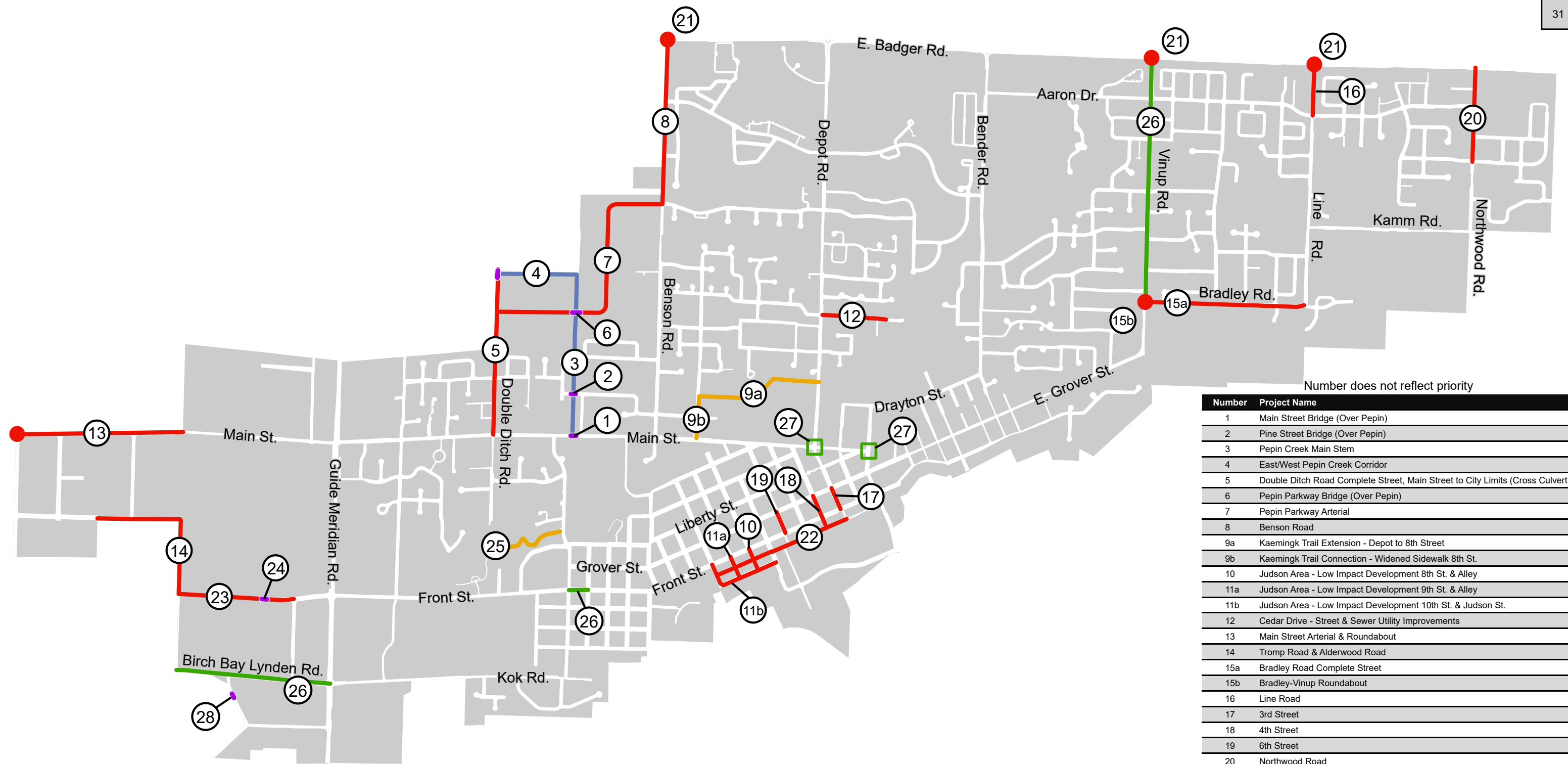
Ref No.	Project	Description	Termini	Classified	Complete Street	Phase	2023	2024	2025	2026 - 2028	Funding Sources (\$ in thousands)				Total
											Local	State	TIB	Federal	
9b	Kaemingk Trail Extension - Drayton to Main Street	Widened Sidewalk/Trail Connector on 8th Street <i>Trail: Park Impact Fee Funds, Sidewalk: Street Funds</i>	Drayton St. to Main St		NA	PE 2021-2022									0
						Const	X	X			220				220
10	Judson Area Low Impact Development - 8th Street & Alleys	Stormwater Low Impact Development <i>Ecology Stormwater Grant funded design in 2020 DOE Constr. Grant with TBD & Utility Fund Match</i>	Front St. to Judson Street E/W Alley - 7th Street to 9th Street		Yes	PE 2021									0
						Const	X				202	859			1,061
11a	Judson Area Low Impact Development - 9th Street & Alley	Stormwater Low Impact Development <i>Ecology Stormwater Grant funded design in 2020 Pending DOE Const. Grant. TBD & Utility Matching Funds</i>	Front St. to Judson and E/W Alley to 10th		Yes	PE	X				50	120			170
						Const	X				650	1,950			2,600
11b	Judson Area Low Impact Development - 10th Street & Judson Street	Stormwater Low Impact Development <i>Ecology Stormwater Grant funded design in 2020 Future DOE Const. Grant. TBD & Utility Matching Funds</i>	Front Street to 7th Street		Yes	PE	X				50	120			170
						Const		X			650	1,950			2,600
12	Cedar Drive - Street & Sewer Utility Improvements	Replace Sewer and Repair Road <i>Sewer Utility Fund Project</i>	Depot Road to 124 E Cedar		No*	PE/ROW	X				110				110
						Const	X				1,100				1,100
13	Main Street Corridor Completion	Reconstruct Street & Roundabout at Berthusen <i>Surface Transportation Block Grant (STBG) through Whatcom Council of Governments (WCOG)</i>	Intersection at Berthusen Road east 0.5 miles	Y	Yes	PE 2021					125				125
						Const	X	X			1,000		800		1,800
14	Tromp Road	Upgrade to Full City Standard <i>Planning Purposes Only Community Economic Development (CEDs) listed</i>	Front Street north to Alderwood right-of-way, then west to Curt Maberry	Y	Yes	PE				X	100				100
						Const				X	1,000				1,000
15a	Bradley Road Arterial Improvements	Upgrade to Complete Street with intersection improvements at both termini. <i>Anticipating State Commerce Funding and pursuing additional State/Federal funding</i>	Vinup Road to Line Road	Y	Yes	PE	X				250				250
						Const	X	X			1,540	2,950			4,490
15b	Bradley-Vinup Roundabout	New Roundabout replaces stop sign on Bradley <i>Pursuing State/Federal funding</i>	Eastwood (east) Ridgeway (north) Grover (south)	Y	Yes	PE	X				250				250
						Const	X	X			1,590				1,590

City of Lynden
2023 - 2028 Six Year
 Transportation Improvement Program
 In Priority Order Keyed to Map

Ref No.	Project	Description	Termini	Classified	Complete Street	Phase	Funding Sources (\$ in thousands)					Total			
							2023	2024	2025	2026 - 2028	Local		State	TIB	Federal
16	Line Road	Upgrade to Full City Standard	Aaron Drive to Badger Road (SR-546)	Y	Yes	PE				X	50				50
		<i>Planning Purposes Only</i>				Const				X	1,500				1,500
17	3rd Street	Street Reconstruction <i>Planning Purposes</i>	Grover Street to Front St <i>Historic Business District</i>	Y	Yes	PE				X	20				20
18	4th Street	Street Reconstruction/Centennial Park Integration <i>Planning Purposes Only</i> <i>Community Economic Development (CEDS) listed</i>	Grover Street to Judson Street Alley <i>Historic Business District</i>		Yes	PE				X	20				20
19	6th Street	Street Reconstruction <i>Planning Purposes</i>	Grover Street to Front St <i>Historic Business District</i>		Yes	PE				X	20				20
20	Northwood Road	Upgrade to Full City Std <i>Planning Purposes Only</i>	Brome to Badger	Y	Yes	PE				X	70				70
21	E. Badger (SR-546) Intersections w/ City Arterials	Channelization/Roundabout & Lighting <i>Planning Purposes Only</i>	Roundabouts or Intersection Improvement at Line, Vinup , & Benson Roads	Y		PE				X	500	WSDOT 500			1,000
22	Judson Street Alley	Widen and Reconstruct Relocate Utility Poles <i>Community Economic Development (CEDS) listed</i>	3rd Street to 7th Street <i>Possible Directional Restrictions</i>		?	ROW/PE				X	50				50
23	Front Street (West) Arterial	Upgrade to Full Arterial City Standard <i>Street: \$2,600,000</i> <i>Utilities: \$700,000</i>	Duffner Ditch to Tromp Road west of Guide Meridian	Y	No	CM					245				245
						Const	X	U			1,800			1,800	
24	Front St Culvert Repair/Replace <i>Culvert at Duffner Ditch</i>	Replace Flood Damaged Culvert	Duffner Ditch to Duffner Drive west of Guide Meridian	Y	No	PE 2022					50				50
						Const	X				189	1,211			1,400
25	Kaemingk Trail Extension to Dickinson Park	Paved Trail w/ 2 Bridges <i>2019 Parks & Trails Bond</i>	17th Street to existing Ridgescreek Trail		NA	PE	X				200				200
						Const		X			2,500			2,500	
26	Arterial Maintenance Overlays Classified Routes	Grind and Overlay w/ ADA Upgrades	Birch Bay Lynden Rd, Vinup Rd, Front St		NA	Const				X	4,500				4,500
27	Intersection Repairs and ADA Classified Routes	Replace Asphalt w/ Concrete, ADA Upgrades	Intersections: Main & 3rd, Main & 1st,		?	Const	X	X	X	X	4,500				4,500

City of Lynden
2023 - 2028 Six Year
 Transportation Improvement Program
 In Priority Order Keyed to Map

Ref No.	Project	Description	Termini	Classified	Complete Street	Phase	2023	2024	2025	2026 - 2028	Funding Sources (\$ in thousands)				Total
											Local	State	TIB	Federal	
28	Bay Lyn Drive Duffner Ditch Culvert	Duffner Ditch Culvert Replacement	Duffner Ditch		NA	PE		X			150				150
						Const			X			1,000			1,000
29	Miscellaneous Chip Seal/Maintenance	Miscellaneous Streets Chip/Fog seals	Various Locations		?	Const	X	X	X	X	200				200
30	Non-Motorized Facilities	Non-Motorized Facilities/ADA Sidewalks	Various Locations		NA	Const	X	X	X	X	50				50
TOTAL:											\$60,540	\$13,010	\$0	\$1,600	\$75,150



Number does not reflect priority

Number	Project Name
1	Main Street Bridge (Over Pepin)
2	Pine Street Bridge (Over Pepin)
3	Pepin Creek Main Stem
4	East/West Pepin Creek Corridor
5	Double Ditch Road Complete Street, Main Street to City Limits (Cross Culvert)
6	Pepin Parkway Bridge (Over Pepin)
7	Pepin Parkway Arterial
8	Benson Road
9a	Kaemingk Trail Extension - Depot to 8th Street
9b	Kaemingk Trail Connection - Widened Sidewalk 8th St.
10	Judson Area - Low Impact Development 8th St. & Alley
11a	Judson Area - Low Impact Development 9th St. & Alley
11b	Judson Area - Low Impact Development 10th St. & Judson St.
12	Cedar Drive - Street & Sewer Utility Improvements
13	Main Street Arterial & Roundabout
14	Tromp Road & Alderwood Road
15a	Bradley Road Complete Street
15b	Bradley-Vinup Roundabout
16	Line Road
17	3rd Street
18	4th Street
19	6th Street
20	Northwood Road
21	E. Badger Road (SR-546) Roundabout with City Arterials
22	Judson Street Alley
23	Front Street (West) Arterial
24	Front Street Culvert Repair/Replace
25	Kaemingk Trail Extension 17th Street to Dickinson Park
26	Arterial Maintenance Overlays (Various)
27	Intersection Repairs and ADA Improvements (Various)
28	Bay-Lyn Culvert Replacement

Path: \\Saturn\GIS\Projects\Public Works\TransportationImprovement\Projects\TIP2023\TIP2023Projects\TIP2023Projects.aprx

- Project Type**
- Intersection Overlay
 - Roundabout
 - Motorized
 - Road Drainage
 - Overlay
 - Non-Motorized
 - Culvert or Bridge

2023 - 2028 Transportation Improvement Projects



Updated: 02 Jun 2022

RESOLUTION NO. 1048

**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 for years 2023-2028, 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 2023-2028 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 _____, 2022.

MAYOR SCOTT KORTHUIS

ATTEST:

CITY CLERK PAMELA BROWN

APPROVED AS TO FORM:

CITY ATTORNEY ROBERT CARMICHAEL

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 6, 2022	
Name of Agenda Item:	Community Development Committee Minutes of 5/18/22	
Section of Agenda:	Other	
Department:	Planning Department	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
Draft Meeting Minutes of Community Development Committee		
Summary Statement:		
Draft CDC Minutes of 5/18/22 attached for review.		
Recommended Action:		
Council review.		



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

COMMUNITY DEVELOPMENT COMMITTEE and SPECIAL PLANNING COMMISSION MEETING

MINUTES

4:00 PM May 18, 2022

City Hall Annex Building – Council Chambers

1. ROLL CALL

City Council: Kyle Strengholt, Gary Bode, Brent Lensen, Mayor Scott Korthuis

Planning Commission: Tim Faber, Blair Scott, Hollie Lyons, Darren Johnson

Staff: Dave Timmer, Heidi Gudde

Community: Gary Vis, Mike Kooy, Ian VanRy, Tyler Bajema, Blake Starkenburg

2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting Minutes of 4/20/22 approved as presented.

3. DISCUSSION ITEMS

- a. Mixed-Use Zoning Code Amendment – Draft Code Language

Lensen gave a brief overview as to why the Community Development Committee (CDC) had asked staff to review the mixed-use provisions of the code and noted the moratorium on residential development that Council put in place at the start of the year. Since that time staff had been drafting new sections of code and giving regular updates to the CDC.

Gudde introduced the concepts of the drafted mixed-use code. This included the following points:

- Residential uses permitted on commercially zoned properties when located in close proximity to Qualified Commercial Centers and are at least one acre in size. Close proximity considered to be ¼ of a mile or less – walking distance.
- Qualified Commercial Centers have at least 20,000 square feet of retail space and 6 different entities that are open to the general public. The Historic Business District is also considered a QCC. Using this criterial the City has six Qualifying Commercial Centers:
 1. Bender Plaza
 2. Historic Business District

- 3. Fairway Center
- 4. Fair Square
- 5. Food Pavilion Plaza
- 6. Safeway Plaza
- Residential developments that meet the criteria of the Mixed-Use Centers Overlay may utilize the associated development standards. Generally, this includes:
 - No maximum density. (Density becomes limited by building height and parking requirements.)
 - Buildings that are 48 feet in height
 - Flex space requirement
 - Open space requirement
 - Opportunities to share parking with nearby commercial uses
- Small Scale Mixed-Use. Properties that have a CSL zoning but are not at least one acre in size, as drafted, can establish residential uses on upper floors and commercial on the first floor. However, residential units can be established on the first floor if they are constructed as ADA adaptable.

Related to small scale mixed use, the group discussed allowing additional units in the downtown area CSL zone – basically Main to Grover and 1st to 6th. Existing uses are mixed with commercial, churches, old single family uses, small scale multifamily, and houses that have converted to commercial. There is an opportunity for increased residential in some of these but what should it look like? Ideas were discussed regarding allowing existing single family to add units, decreased onsite parking requirements, setbacks, height restrictions...? Staff will analyze and come up with some ideas.

- Flex Space. Properties developing under Mixed-Use provisions must reserve and improve 20% of the site for semi-public plaza space. This space can be used for temporary commercial uses such as food trucks or seasonal sales or be converted into permanent commercial uses.
- Open Space. 10% of the site must be reserved for open space. This can be exclusive to the residents that live there. Some of this area might be inaccessible critical areas but still count toward the open space requirement. Language here has yet to be finalized. Discussion with the Planning Commission contemplated the use of indoor recreational spaces as counting toward this open space requirement. This might include community rooms or exercise facilities.
- Parking. The code related to parking has been updated and reviewed by both the Planning Commission and the CDC. The most significant

changes have to do with an increase in the required number of parking stalls for multi-family development.

Following this introduction the group reviewed proposed edits to LMC 19.11 through 19.51 with special attention to the following issues:

New standards that would require multi-family developments to provide shared open space on multi-family sites. This is outside of mixed-use provisions. Sites with 8 or more units would be required to provide 60 sf of open space per unit.

Addition of permitted uses list that is specific to mixed-use centers. This list is designed to include commercial uses that are compatible with residential uses and pedestrian-oriented design. It excludes uses like large scale storage, fueling stations, and vehicle-oriented designs like multi-laned bank drive-thrus.

Kooy expressed concern and asked the group to consider that some franchises prioritize locations that can have multiple lanes in their drive-thrus. Also, he noted, it can be preferable to have vehicle stacking concentrated within a two-lane split rather than wrapping around the building in a single lane.

Faber asked if open space standards drafted in the multi-family residential section would be the same requirement. Gudde noted that open space requirements would be different for the MU overlay developments. The code is drafted to require that 10% of the lot area be reserved for open space.

The group spent some time discussing how much open space should be provided for multi-family developments and what could “count” toward this requirement. Indoor open space and roof top open space was discussed. Generally, the group consensus was that open space should be outdoors. Care should be taken to provide secure space especially if children / families were to be served. Gudde noted that open space could be fenced and accessed through the residential building so that it was exclusive to tenants.

The group briefly discussed open spaces that may not be accessible such as critical areas. The conclusions seemed to indicate that accessible space is important although critical areas, as open space, do benefit residents. Currently the code is drafted to allow some overlap of requirements between critical areas and open space although work needs to be done on rewording for clarity. Blair Scott suggested that the requirement be noted as “recreational space” to indicate that it should be accessible and active.

The open space requirement is separate from the Flex space requirement. In the absence of a commercial component, flex space, at 20% of the site, must be designed improved as semi-public open space such as a plaza.

Flex space provides open area for residents and the general public but also serves as a visual amenity to the community.

While flex space is open to the public, the required open space, Gudde noted, could be gated or enclosed so that it is exclusively for the use of residents. Open space must be maintained as such in perpetuity.

The code is drafted so that flex space could be converted, 100% into a permanent commercial use. The concept is that an increased number of residents in the area will generally increase the viability of a commercial entity on the site. The flex space could be converted only to permitted commercial uses listed in the Mixed-Use Center overlay column of 19.23.020.

The group discussed the pros and cons of having this flex space convert completely into a commercial use. Gudde noted that this is a business-friendly model given that the underlying property is zoned commercial. If flex space is a permanent feature, then it may be more appropriate that subject properties simply be rezoned to a high-density residential category like RM-4.

Design characteristics of the flex space must include seating opportunities, and a couple of other features such as outdoor lighting, public art or sculptural play structures. These requirements are listed in 19.24.110(H) of the proposed mixed-use code.

Lyons asked if, since the public could use the flex space, would additional parking be required to accommodate visitors. Generally, the consensus of the group was that the flex space would likely not draw the public as a destination but may serve as a pedestrian amenity to those walking in the area or those visiting nearby businesses or the residents who live on-site. It would not be a destination in itself.

Gudde notes that the flex space is a more attractive alternative to having a gravel “build-to-suit” commercial pad sitting idle for an unknown amount of time. It can also be used for temporary or seasonal commercial uses such as food trucks or berry stands.

The goal of the flex space is to leave the opportunity for future commercial use but in a way that is attractive in the meantime. It will include up-front construction costs but not to the extent of building commercial structures that remain un-leasable.

Faber questioned the viability of flex space on smaller sites. Flex space requirements on a one-acre site (the minimum lot size for a MU project) is about 8,700. Large enough for a coffee stand but not enough for a restaurant (for example).

Staff to review potential sites throughout the city to get a better grasp on scale of required open space and flex space.

Gudde called attention to LMC 19.23.090 which includes special development conditions for retail stores greater than 50,000 sf. It prioritizes pedestrian oriented design and requires additional architectural features. This existing section can be utilized for the mixed-use center design standards.

Gudde asked that the group review the proposed revision to the Sub-area boundaries which was included as a map in the CDC / PC packet. This proposal was developed because the CDC had previously discussed the potential conflict between industrial properties and residential uses which would be introduced to commercial areas with the mixed-use code. The proposal would create a West Lynden Commerce Sub-area that would be excluded from using mixed use provisions. The intent is to reduce potential conflict between incompatible uses and to designate an area of the City exclusively for large scale commercial and industrial users.

The proposal also included a “West Lynden Gateway” Sub-area. Gudde noted this would be an interesting sub-area with many retail opportunities as well as community features like the Fairgrounds and the Cemeteries.

Lenssen expressed support of the Commerce Sub-area but suggested that the Gateway sub-area be divided into 2 so that the northern area which is primarily single family and townhomes be in their own sub-area. Gudde agreed that this was logical and had been discussed by staff. Lenssen suggested a sub-area boundary of Fishtrap Creek and the northern edge of the Farmer’s Equipment property. Staff to review and revise.

Before the conclusion of the meeting the group was asked to weigh in on the use of storage as a commercial use within a mixed-use setting. The consensus seemed to be that household storage (smaller scale) was a very useful amenity for multi-family resident and may play an important role in project development, but that flex space should not permitted to be converted into commercial storage uses and that storage uses should not be the “face” of the project or create vacant-looking spaces of use along major street frontages.

Final questions and discussions touched briefly on the commercially zoned properties that will be considered for a shift in land use and zoning. These properties do not meet the criteria for mixed-use provisions and have proven to be difficult to develop as 100% commercial. Kooy, with his partners, VanRy and Bajema, expressed interest in shifting their commercial property along the Badger Road to a multi-family zoning category with the hopes of creating affordable rentals.

Staff will be putting together the proposal for the Comp Plan amendment including the parcels which may shift land use through the month of June with plans to go to public hearing with the Planning Commission in August.

Conclusions: Staff will review and revise per feedback. Assembly of the Comp Plan amendment will begin and be brought to CDC in June or July. Some code changes related to housekeeping / code updates that the CDC has seen but the Planning Commission has not, will go to the Planning Commission on a similar schedule as the mixed-use code amendments.

- b. Reschedule June Community Development Committee. This issue was not discussed.

Next Meeting Date: June 22, 2022

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 6, 2022	
Name of Agenda Item:	Public Works Committee Meeting Minutes May 4 & 17, 2022	
Section of Agenda:	Approval of Minutes	
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:	May 4 & 17, 2022 Draft Public Works Committee Meeting Minutes	
Summary Statement:	Draft minutes for the May 4 & 17, 2022 Public Works Committee meetings.	
Recommended Action:	For Review	

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT
360-354-3446



PUBLIC WORKS COMMITTEE MINUTES

4:00 PM May 4, 2022

City Hall 2nd Floor Large Conference Room

CALL TO ORDER

- Members Present: Mayor Scott Korthuis; Councilors Gary Bode, Ron De Valois
- Members Absent: Councilor Jerry Kuiken, with notice
- Staff Present: City Administrator John Williams; Public Works Director Steve Banham; Programs Manager Mark Sandal; and Sr. Admin. Assistant Jessica King
- Public Present: Gary Vis, Dakota Stranik (Lynden Farmers Market), Leann Holleman (Forge Fitness), Bob Weeks, Don Korthuis, Bill Stoelt, and Roger Humphreys (Airport Board)

ACTION ITEMS

1. Approve Minutes from April 6, 2022

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

Action

The minutes from April 6, 2022, were approved.

2. Rec Center Pool Deck Resurfacing Proposal

Leann Holleman, an aquatics coach, presented a proposal for pool deck resurfacing in the amount of \$17,840.39 received from Elite Concrete Finishing. Holleman explained that there are currently excessive drainage issues creating standing water around the pool that need to be corrected. The Whatcom County Health Department identified this deficiency in a recent inspection. The resurfacing work includes restoring the concrete and installing a curtain drain around the pool perimeter. She explained that the Lynden Parks and Recreation District has agreed to contribute \$10,000 towards these repairs. The work would be tentatively scheduled to occur later in the summer during the annual shutdown.

Banham discussed the City’s agreement with Forge Fitness and the ability to use that as a possible mechanism to getting this work completed.

The Committee further discussed the various pool repairs needed and possible funding.

Action

The Public Works Committee concurred to recommend forwarding the proposal to City Council for Forge Fitness to contract with Elite Concrete Polishing for pool deck resurfacing.

3. Request to Bring Guide Meridian Pump Station Bids Directly to June 6 City Council Meeting

Banham stated that the final design would be coming next week, and that this project is being funded by sewer. This project is scheduled to be advertised on May 11th and 18th, with bid openings scheduled for May 31st.

Action

The Public Works Committee concurred that award for bid for the Guide Meridian Pump Station be presented directly to City Council upon Committee review of the bid tabulation.

4. Six Year Transportation Improvement Plan (STIP) 2023-2028 to May 16 City Council Meeting to Set a June 6 Public Hearing Date

Banham presented the Six Year Transportation Improvement Plan (2023-2028). The Committee discussed the project list. Banham stated that staff intends to bring the STIP to City Council on May 16 to set a Public Hearing for June 6th.

Bode discussed Judson Alley and working with Puget Sound Energy for pole relocation.

Vis requested that the 6th Street project be moved up if possible.

Mayor Korthuis talked about possibly revisiting a bond issue to move some of the construction projects. This is likely connected to the re-vote of the Transportation Benefit District.

Action

The Public Works Committee concurred to recommend forwarding the Six-Year Transportation Improvement Plan (2023-2028) to the May 16 City Council meeting to set a June 6 Public Hearing date.

5. Department of Enterprise Services Energy Program Agreement For Wastewater Treatment Plant expansion design-build contract and for Recreation Center / pool boiler replacement grant application

Banham stated that staff is proposing entering into an Interlocal Agreement with the Department of Enterprise Services for the Wastewater Treatment Plant design-build contract and for the Recreation Center pool boiler replacement grant application

Action

The Public Works Committee concurred to recommend forwarding the Interlocal Agreement with the Department of Enterprise Services to City Council for approval.

INFORMATION ITEMS

6. Pictometry Agreement ILA 2022-2023

Banham explained that this is a service provided by Whatcom County every three years. Cities enter into a cost-share partnership for the production of updated aerial images within the Pictometry program used by Lynden and other government agencies in the County. This is part of the City’s 2022 approved budget.

7. Transportation Benefit District Extension of Vote to the Public

Williams explained that the City needs to notify the Elections office by August 13, 2022, of the intent to forward a vote on the Transportation Benefit District extension. The current TBD .2% sales tax ends at the end of 2022 unless there is a vote by the public to extend another ten years.

8. West Lynden Industrial Zone Stormwater - Willamette Partnership (WID and Farm Friends) (CLASS)

Banham explained that the City is working with the local watershed improvement districts (WIDs) who have found funds to work with Willamette Partnership to facilitate stormwater improvements downstream of the city, primarily in the Bertrand Creek watershed. This work is all being done under the Interlocal Agreement that was signed between the City and the WIDs in 2021. These improvements will help industrial development within west Lynden and mitigate potential downstream impacts.

There has been an analysis of the stream and ditch that runs west of Berthusen Road and drains some of the industrial property in west Lynden. This would be a proactive project in working with the farmers and other property owners in that area.

9. Complete Streets - Annual Review

Banham stated that the Complete Streets report will be on the agenda for the next Public Works Committee meeting.

10. 2021 Accomplishments Report

Bode reviewed with the Committee the Public Works annual Accomplishments Report which highlights accomplishments and projects that were completed in 2021. The Committee was complementary of Public Works staff on the amount of work that was accomplished and appreciated this report as a reminder of that work.

11. Projects Update

Pepin Creek Relocation - SEPA comments

Banham stated that there was an appeal to the City's SEPA due to concern about future downstream stability.

6th Street Sewer CIPP (CC 6/2022)

Advertising for this project has been delayed in deference to other higher priority projects. The plan is still to advertise and construct this summer.

Grover Overlay (CC 7/2022)

Sandal explained that the original proposed timeframe for this project was to complete it before RazzFest in July; however, it may be delayed until after RazzFest. Puget Sound Energy will be completing work on Grover Street before the City's project begins.

Industrial Condensate Outfall

Boring under Hannegan Road is scheduled to start May 23rd. Lane closures will occur, but roads will not be closed.

Bender Road Emergency Waterline

Staff will be advertising via the Small Works Roster later this summer. Banham explained that the project would be on Bender Road from Badger Road to Pangborn

Road. The pipe sizing will be similar to what is there, but newer material will replace the old a/c line.

East Front Street Stabilization

Sandal explained that the final scope and budget will include permitting.

NEW BUSINESS:

12. Farmers Market Parking & Location

Dakota Stranik, Board President for the Lynden Farmers Market, introduced herself and explained the Farmers Market goals and future plans. She stated that the market is growing and wants to get more involved with the City and its events. Currently the Farmers Market is 100% volunteer run. Hours are 10:00 am to 4:00 pm on Saturdays between June 4th and September 30th. The market was closed in 2020 but reopened in 2021 and doubled their sales. There are 22 businesses signed up for the 2022 season, averaging 20 vendors at each market. Live music and food trucks also attend the market. The existing market space at Centennial Park holds 30 vendors when food trucks are parallel parked on Grover Street.

Stranik explained that the market is hoping to expand to 60 vendors and to possibly expand into the 4th Street parking lot (by the restrooms) in the future. They also talked to the Chamber of Commerce about possibly participating during a future RazzFest. Vis explained that RazzFest participation will be difficult because of the number of vendors the Chamber has signed up who need to use 4th Street and that parking lot.

The Committee discussed power requirements for vendors. Stranik explained that they currently use generators.

Stranik explained that the Farmers Market plans to have food trucks on Grover Street during the market. Banham asked if she had checked with the hair salon regarding access for client parking.

The Committee asked Public Works’ staff to work with the Farmers Market regarding signage.

13. Airport Board Presentation Regarding Pepin Creek Project & Airport Safety Area

Weeks explained recent accomplishments at the airport, including tree topping, fuel system improvements, and obtaining a grant for the runway reseal. He thanked staff and the Committee for their support.

D. Korthuis presented what he called the “Pepin Creek Airport Opportunity.” D. Korthuis discussed that the airport needs more room for hangars and a longer runway as the City grows. The airport regularly receives requests from local businesses who would like to use the airport but aren’t able to due to runway length and hangar space limitations. Lynden currently is the smallest public use airport in the Northwest. The Airport Board would like to work with the City on increasing and meeting the community’s general aviation needs. The State has funding available specifically to fund hangar construction. D. Korthuis said that there would be little or no cost to the City for these expansions.

Bode asked what type of aircraft this would accommodate, such as turbo props or Lear jets, expressing concern about noise. D. Korthuis said this would not be for jets, but for planes up to Class 3 size, which are quieter than the smaller planes.

Mayor Korthuis asked if this would increase the number of homes that can be built with the extended runway. D. Korthuis responded affirmatively, but the focus would be on adding hangar space.

The Airport Board expressed concern about the use of the runway safety area west of Benson Road for Pepin Parkway, particularly if Benson Road is going to remain open. The Board reminded the Committee that the land was purchased using a grant, with the match being provided local aviators.

D. Korthuis proposed the following improvements:

1. The airport trades the land under the current Benson road, for an equal amount of land on the West end of the airport safety area. Benson Road would be closed north and south of the airport.
2. That the city plan for (not build today) a modest 775' extension of the Lynden runway to the West, with a safety area west of this extension.
3. Zoning to allow additional hangers abutting the current safety area.

14. Tree Replacement on Bender Road

Banham stated that staff will be replacing trees on Bender Road beginning next week. The new trees will be shorter to accommodate wires and wind.

15. Landscaping in Front of Rec Center

Banham described the landscaping that needs to be done around the rec center and the funding that has been used for repairs that have already been completed.

Williams discussed that the City doesn't have a set budget for the repairs. Improvements in excess of \$15,000 need to be preapproval by City Council. Williams and Banham will be meeting with Forge Fitness to discuss further amending their lease to clarify maintenance, repair, and construction costs.

The re-siding project is under budget and the remaining funds may be used for re-establishing the landscaping around the Rec Center removed during construction.

16. Berthusen Water Association

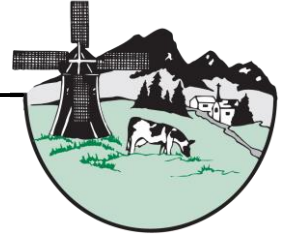
Banham stated he is currently working with the Berthusen Water Association on an updated agreement. This will be presented at a future Public Works Committee meeting.

ADJOURNMENT: The meeting was adjourned at 6:00 p.m.

NEXT MEETING: May 17, 2022

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT
360-354-3446



PUBLIC WORKS COMMITTEE MINUTES

4:00 PM May 17, 2022
City Hall 2nd Floor Large Conference Room

CALL TO ORDER

- Members Present: Mayor Scott Korthuis; Councilors Gary Bode, Ron De Valois
- Members Absent: Councilor Jerry Kuiken, with notice
- Staff Present: City Administrator John Williams; Public Works Director Steve Banham; Programs Manager Mark Sandal; and Sr. Admin. Assistant Jessica King
- Public Present: Gary Vis, John Mercer, Gary TeVelde

ACTION ITEMS

1. **Approve Minutes from May 4, 2022**

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

Action

The minutes from May 4, 2022, were approved.

2. **Amendment to Forge Fitness Agreement**

Williams discussed the agreement and the thoughts behind the amendment. This amendment would clarify the process for City approval of expenses. It also distinguishes between maintenance, repair, and capital improvements. There will be a meeting with Forge Fitness owners to review the proposed amendment.

Bode suggested that basic structural needs should be responsibility of the City as the building owners and not for Forge Fitness as the renters of the building.

Vis expressed concern about the possibility about aggregating expenses to reach the \$15,000. The Committee asked staff to review this clause about the minimum \$15,000 repair threshold.

Banham also talked about future parking needs as use grows. De Valois asked about including additional ADA parking. Banham confirmed this. The Committee discussed converting the existing basketball court blacktop area into parking in the future.

The Committee discussed potential annual budget amounts for repairs. This will be addressed as part of the 2023 budget. Williams discussed capital improvements and the \$250,000 limit and what the approval process would be for those expenses.

Action

The Public Works Committee concurred to support staff making changes to the amendment based on Committee feedback and bringing the amendment to City Council at a future date.

3. Berthusen Wholesale Water Agreement

The Committee and members of the Berthusen Water Association that were present (Mercer and TeVelde) reviewed and discussed the water agreement in detail. Both groups agreed that there were a few changes that needed to be reviewed by the attorneys before finalizing the agreement. They also discussed the current water usage and provisions to the Berthusen area community.

The Committee asked about the existing groundwater right. Mercer stated that the Water Association, in the past, wanted to maintain control over the water right, but with this agreement in place that might be something to be reconsidered.

Action

The Public Works Committee concurred that the agreement requires further review by the attorneys.

4. Transportation Benefit District Resolution

Williams discussed the renewal of the Transportation Benefit District (TBD), including the recently passed legislation and the draft Resolution. The new legislation allows for up to a 3/10th percent tax increase with voter approval.

Korthuis, Bode, DeValois, and Vis agreed that it's best to continue at the same 2/10th percent rate rather than asking voters to approve a 3/10th percent increase.

Korthuis also mentioned other measures that will be on the fall ballot including:

- a proposed ballot measure for a new EMS tax (a 29-cent per \$1,000 assessed value, 50% increase);
- a potential 2/10th percent increase for the jail in 2023;
- a potential 1/10th percent increase for childcare;
- a potential 1/10th or 2/10th percent increase for What-comm.

If all are passed, the tax rate within City limits could be 9.5 to 10%.

Committee concurred that the TBD Resolution looked good.

Action

The Public Works Committee concurred and recommended that the Transportation Benefit District Resolution be forwarded to City Council with a 2/10th percent increase.

5. Amendment to Kode Kamp Developer Agreement

Bode explained how the agreement with Kode Kamp is being used to widen Northwood Road to provide a waterline and a pedestrian trail. The Committee discussed the extent of and benefits of the widening.

Banham added that Puget Sound Energy added lighting on Northwood Road between Brome Street and Badger Road last week.

Action

The Public Works Committee concurred and supported the Mayor’s signature on the amendment to the Kode Kamp Developer Agreement.

INFORMATION ITEMS

None

NEW BUSINESS:

6. Judson Alley Truck Access Issues

Bode discussed turning radius issues with the intersection of 3rd Street and Judson Street Alley causing difficulty for semi-trucks.

The Committee discussed developing concepts for the alley to better accommodate truck traffic and future pedestrian needs with land development occurring to the south.

7. Power Source for the Farmers Market Vendors

Vis inquired about the power source available to Farmers Market vendors during the upcoming season.

Banham read an email from Dakota Stranik (Lynden Farmer’s Market) clarifying the need for electrical access, rather than generators. The Committee discussed relocating the Farmers Market to the north of the 4th Street parking lot for easier electrical access, rather than on Grover Street. Staff will contact Stranik to make that suggestion.

8. Electric Vehicle Charging Station

Vis stated there is interest in installing an electric vehicle charging station downtown. The Committee reiterated their desire for the City to not be directly involved in providing these services. Vis asked and Sandal confirmed that there is a spare conduit in the alleyway by 5th and Front Streets.

ADJOURNMENT: The meeting was adjourned at 5:32 p.m.

NEXT MEETING: June 8, 2022

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:		June 6, 2022
Name of Agenda Item:		Calendar
Section of Agenda:		Other Business
Department:		Administration
Council Committee Review:		Legal Review:
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	<input type="checkbox"/> Yes - Reviewed
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	<input type="checkbox"/> No - Not Reviewed
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Review Not Required
Attachments:		
Summary Statement:		
Recommended Action:		

June 6, 2022

Monday

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber

June 7, 2022

Tuesday

9:00 AM - 10:00 AM

Copy: Leadership Team Meeting -- Annex Council Chamber

5:00 PM - 6:30 PM

Design Review Board -- TBD

June 8, 2022

Wednesday

8:00 AM - 5:00 PM

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

4:00 PM - 6:00 PM

Public Works Committee Meeting

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 253-948-9362,,547176899#](#) United States, Tacoma

Phone Conference ID: 547 176 899#

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

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

7:00 PM - 9:00 PM

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

June 9, 2022

Thursday

7:00 PM - 9:00 PM

Planning Commission -- TBD: Virtual Meeting or Annex Council Chamber

June 10, 2022

Friday

All Day

PAYDAY
PAYDAY

June 14, 2022

Tuesday

9:00 AM - 10:00 AM

Copy: Leadership Team Meeting -- Annex Council Chamber

June 15, 2022

Wednesday

All Day

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

June 16, 2022

Thursday

2:00 PM - 4:00 PM

Technical Review Committee -- tbd

June 19, 2022

Sunday

All Day

6-19 thru 7-2 Pay Period

June 20, 2022

Monday

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber