

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
Annex - 205 Fourth Street
October 17, 2022

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Summary Reports and Presentations

Approval of Minutes

1. Draft Council Minutes- October 3, 2022

Citizen Comment

Consent Agenda

2. Approval of Payroll and Claims
3. Resolution No. 1054 - Set Public Hearing - 2023 Revisions to the Engineering Design and Development Standards Project Manual
4. Resolution No. 1055-Support 2022 Countywide EMS Levy

Public Hearing

5. Substitute Ordinance 1658-Interim Zoning Provisions on Community Residential Facilities and Emergency Interim Ordinance 1650-Zoning Provisions on Community Residential Facilities

Unfinished Business

New Business

6. Agreement for Probation Services (2023-2025)
7. Introduction of the 2023 Preliminary Budget and the Mayor's Budget Message

Other Business

[8.](#) Draft Public Works Committee Meeting Minutes from October 5, 2022

[9.](#) Calendar

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	October 17, 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



October 3, 2022

1. CALL TO ORDER

Mayor Korthuis called to order the October 3, 2022 regular session of the Lynden City Council at 7:00 p.m. at the city's council chambers.

ROLL CALL

Members present: Councilors Gary Bode, Gerald Kuiken, Brent Lenssen, Nick Laninga, Kyle Strengtholt, and Mark Wohlrab

Members absent: Councilor De Valois absent with notice.

Staff present: Finance Director Anthony Burrows, Police Chief Steve Taylor, Public Works Director Steve Banham, City Administrator John Williams, City Clerk Pam Brown, and City Attorney Bob Carmichael.

OATH OF OFFICE - None

SUMMARY REPORTS AND PRESENTATIONS – None

APPROVAL OF MINUTES

Councilor Wohlrab moved, and Councilor Laninga seconded to approve the September 15, and September 22, 2022 special council meeting minutes and the September 19, 2022 regular council meeting minutes. Motion approved on 6-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

- **The Public Safety forum was well attended, and Police Chief Taylor represented the City in a respectful manner.**
- **Asks that the statue of Phoebe Judson be cleaned.**
- **Voiced concern over the availability of guns in homes.**
- **Concerned about the anti-republican reading materials available through the Lynden Library.**

CITY OF LYNDEN



CITY COUNCIL
MINUTES OF REGULAR MEETING

2. CONSENT AGENDA

Payroll Liability to September 11 through September 24, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$345,267.19
Check Liability	\$0.00
Total Non-L&I Liabilities	\$345,267.19
Quarterly Liabilities	\$13,281.97

Total EFT & Other Liabilities	\$358,549.16
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Approval of Claims – October 4, 2022

Manual Warrants No.	=	through	=		\$367,134.44
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$367,134.44
Voucher Warrants No.	24852	through	24967		\$316,995.13
EFT Payments					\$1,458,559.97
				Sub Total	\$1,775,555.10
				Total Accts. Payable	\$2,142,689.54

Set the Public Hearing date to Consider Ordinance No. 1650, Interim Zoning Ordinance Regarding Community Residential Facilities

On September 15, 2022, the City Council held a special meeting to consider an emergency interim zoning ordinance pertaining to the prohibition of the establishment of community residential facilities within 500 feet of the City’s schools and within 300 feet of other community residential facilities.

Pursuant to RCW 36.70A.390 and RCW 35A.63.220 the City Council rapidly adopted temporary zoning controls during the time in which permanent regulations are being developed. Subsequently, the City Council has 60 days within which to hold a public hearing to accept public comment on this issue. Drafting and review of the final ordinance on community residential facilities continues with Committee review expected in mid-November and early December. Public hearing with the Planning Commission in late December. State review at the start of 2023 and Council hearing in early March. The interim zoning ordinance will be discussed at the October 17th Council hearing. Considerations will include the extension of the interim ordinance to a full six months

Motion made by Councilor Bode, seconded by Councilor Kuiken to approve the consent agenda as presented. Motion approved 6-0.

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



3. PUBLIC HEARING

Ordinance No. 1652- Amend Lynden Municipal Code Section 13.24 Stormwater Management Systems

Staff has identified revisions needed to Lynden Municipal Code Section 13.24 Stormwater Management Systems. The code currently refers to Ecology's 2012 Stormwater Management Manual for Western Washington; however, the 2019 Manual is the current edition. The proposed Ordinance amends the Lynden Municipal Code to clarify that the 2019 Ecology Stormwater Management Manual is to be used for stormwater system design in Lynden as required by the City's current National Pollution Discharge Elimination System (NPDES) Phase II Permit.

City Council set a Public Hearing date of October 3, 2022 based on Public Works Committee review of the draft ordinance at their September 7, 2022 meeting. The Public Hearing provides an opportunity for the public to comment on the proposed revisions to Lynden Municipal Code Section 13.24 Stormwater Management Systems. After the hearing is closed, the Council may pass Ordinance No. 1652 approving the change.

Mayor Korthuis opened the hearing at 7:0. There were no comments. Mayor Korthuis closed the hearing at 7:07

Councilor Bode moved, and Councilor Strengholt seconded, after hearing no public comment, to approve Ordinance No. 1652 amending LMC Section 13.24 Stormwater Management Systems and authorize the Mayor's signature on the Ordinance. Motion approved on 6-0 vote.

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Mayor's Status of the 2022 Budget- The same as what was sent over by Anthony Per statute RCW 35.33.135, in preparation for the 2023 Preliminary Budget Review on October 17, 2022 the Mayor provides the City Council with an updated status regarding the current 2022 Budget. Mayor Korthuis read the Status of the 2022 Budget into the record and the written document has been made a part of the official council packet. ***For information only.***

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



6. OTHER BUSINESS

Councilor Lenssen reporting for the Community Development Committee:

- Parking issue discussion
- Update timeline for the transitional housing ordinance
- Buildable land report provided by Whatcom County
- 2023 planning department budget
- The city's new website is expected to be "live" in November and there are hopes that the improvements will allow the public more access to business matters addressed by city staff.

7. EXECUTIVE SESSION

Council did not have an executive session.

8. ADJOURNMENT

The October 3, 2022, regular session of the Lynden City Council adjourned at 7:17

Pamela D. Brown
City Clerk

Scott Korthuis
Mayor

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	October 17, 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 – City Council



Meeting Date:	October 17, 2022	
Name of Agenda Item:	Resolution No. 1054 - Set Public Hearing - 2023 Revisions to the Engineering Design and Development Standards Project Manual	
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 No. 1054	
Summary Statement:	<p>The Engineering Design and Development Standards Project Manual was originally adopted by City Council on April 5, 2004 and was last updated on January 1, 2022. These standards are required by the State's Growth Management Act and include street, water, sewer, and storm drainage standards to be used for all new and replacement construction.</p> <p>In response to inquiries, changes in technology, and the feedback from customers, additions, deletions and/or clarifications have been made to the project manual. The manual also addresses access issues, permitting processes and procedures, and includes various forms necessary in the development process. Staff is updating the Manual annually and presents Resolution No. 1054 along with a list of revisions for Council review.</p> <p>The Public Works Committee reviewed the updates at their October 5, 2022, meeting and recommended that City Council set a Public Hearing for November 7, 2022, to hear comments on the proposed revisions.</p>	
Recommended Action:	That City Council set a Public Hearing date of November 7, 2022, to hear comments on Resolution No. 1054 - 2023 Revisions to the Engineering Design and Development Standards Project Manual.	

RESOLUTION NO. 1054

A RESOLUTION REVISING THE ENGINEERING DESIGN AND DEVELOPMENT STANDARDS PROJECT MANUAL FOR THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON AMENDING RESOLUTION NO. 1026

WHEREAS, the City of Lynden, Whatcom County, Washington last adopted the Design and Development Standards Project Manual in January 2022; and

WHEREAS, the Design and Development Standards Project Manual has been reviewed by staff and the Public Works Committee and are recommended to be updated as follows:

LIST OF REVISED TEXT BY DIVISION

DIVISION 2 APPLICANT CHECKLIST

Project Information Updated first line to track project by name rather than project number.
Section 2.A. Updated deposit language to include ‘Whichever is greater’ deposits.

DIVISION 3 CONSTRUCTION PLAN REQUIREMENTS

Section 3.1.G Added as-built requirements for a table of installed underground utilities.
Section 3.2 Added Licensed Professional Land Surveyor requirement for all civil site plans.

DIVISION 4 STREET DESIGN STANDARDS

Section 4.15 Added requirement for specific approval for use of parallel curb ramps.
Section 4.16.F Added buffer grass planting requirements.

DIVISION 5 SITE ACCESS/DRIVEWAYS

Section 5.2.B Updated allowable access points for commercial or industrial properties, and clarification of location and separation of access points.
Section 5.2 Clarification of access point requirements on State Routes.
Section 5.4.A-D Updated clearances to reference table 5-1.
Section 5.5.A.1-2 Updated clearances to reference table 5-2.
Table 5-2 Updated Minimum corner clearances for residential properties for signalized and top controlled intersections.

DIVISION 6 WATER DESIGN STANDARDS

Section 6.2.A Clarified detector tape and tracer wire requirements.
Section 6.3.J Added Ford VBH76-12-11-66-NL as an acceptable meter setter.

DIVISION 7 SEWER DESIGN STANDARDS

Section 7.1 Clarified most recent edition of WSDOE Criteria for Sewage shall be used, and provided a link to the online version.
Section 7.2.O Clarified when sanitary sewer main testing shall occur.
Section 7.2.Q Clarified sewer crossing requirements.

Section 7.4.D Added detector tape requirement.

DIVISION 8 STORM DRAINAGE AND EROSION CONTROL

Section 8.1 Updated the adopted Stormwater Management Manual for Western Washington to the 2019 version.

Section 8.5.7.C Added section to clarify requirements for storm drainage for gas stations, garbage enclosure roofs, and dumpster roof structures.

DIVISION 9 STANDARD FORMS

No updates.

DIVISION 10 PERMIT APPLICATIONS

No updates.

LIST OF REVISED FIGURES BY DIVISION:

*Note: Some figures have been renumbered.

DIVISION 4 STREET DESIGN STANDARDS

Figure 4-7

- Removed shoulder dimensions from limestone trail section.

Figure 4-15

- Updated figure to reference most recent WSDOT figure.

Figure 4-17

- Updated figure to reference most recent WSDOT figure.

Figure 4-23A/4-23B

- Updated figure to reference most recent WSDOT figure.

Figure 4-37

- Updated to a square concrete collar for casting.

Figure 4-39

- Updated fence post base.

Figure 4-42

- Updated Bioswale geometry and added scupper clarification

DIVISION 5 SITE ACCESS/DRIVEWAYS

Figure 5-5

- Added note 8 to clarify concrete and base thicknesses.

DIVISION 6 WATER DESIGN STANDARDS

Figure 6-11

- Added tracer wire note and graphic for polyethylene service lines.

Figure 6-12

- Added tracer wire note and graphic for polyethylene service lines.

Figure 6-15

- New Figure for service manifold.

Figure 6-18

- Updated figure to reference most recent WSDOT figure.

DIVISION 7 SEWER DESIGN STANDARDS

Figure 7-13

- Updated figure to reference most recent WSDOT figure.

DIVISION 8 STORM DRAINAGE AND EROSION CONTROL

Figure 8-1

- Updated figure to reference most recent WSDOT figure.

Figure 8-10

- Updated figure to reference most recent WSDOT figure.

Figure 8-11

- Updated figure to reference most recent WSDOT figure.

Flow Chart 8-1

- Updated flow chart to match 2019 SWMMWW.

Flow Chart 8-2

- Updated flow chart to match 2019 SWMMWW.

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

Section 1: That the aforesaid revisions to the Project Manual be adopted into the official 2023 Design and Development Standards Project Manual for the City of Lynden, Whatcom County, Washington.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

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, 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, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 4: This resolution shall be in full force and effect on January 1, 2022.

PASSED BY THE CITY COUNCIL of the City of Lynden, Whatcom County, Washington, on the ____ day of _____ 2022 and signed and approved by the Mayor on the same date.

MAYOR SCOTT KORTHUIS

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	October 17, 2022	
Name of Agenda Item:	Resolution No. 1055-Support 2022 Countywide EMS Levy	
Section of Agenda:	Consent	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Resolution No. 1055	
Summary Statement:	<p>A resolution in support of the passage of the 2022 EMS levy on the November ballot which provides for long term, stable and dedicated funding for countywide Emergency Medical Services. This resolution has been reviewed by the Public Safety Committee and is forwarded to the full Council for consideration.</p>	
Recommended Action:	Council approve Resolution No. 1055 and authorize the Mayor to sign the resolution.	

Resolution No. 1055

RESOLUTION OF SUPPORT FOR COUNTYWIDE EMERGENCY MEDICAL SERVICES (EMS) LEVY, PURSUANT TO RCW 84.52.069

WHEREAS, EMS is a complex, coordinated response and emergency medical care system, that requires people and agencies, to perform an essential role as part of a coordinated, and seamless system of emergency medical care; and

WHEREAS, the EMS system has evolved over 40 years, and has transitioned into a tiered level of service; and

WHEREAS, Fire districts and agencies provide first responder services and Basic Life Support (BLS) ambulance service and Bellingham Fire Department, and Fire District 7 provide Advanced Life Support (ALS) ambulance service; and

WHEREAS, the Countywide Emergency Medical Service system serves all of Whatcom County including Bellingham, Blaine, Ferndale, Everson, Lynden, Nooksack, and Sumas; and

WHEREAS, the existing EMS property tax levy is due to expire at the end of 2022; and

WHEREAS, emergency medical services are essential to the people in our community, and stable funding is a practical solution for providing EMS services at current levels, meeting future demands, and sustaining the system into the future; and

WHEREAS, the Whatcom County Emergency Medical System Oversight Board (EOB) recommended a funding strategy and levy rate that will support and sustain a countywide EMS system; and

WHEREAS, the EOB formally endorsed the same 29½ cent EMS levy that was proposed six years ago; and

WHEREAS, the EOB formally endorsed a plan that will maintain and enhance the current level of service and continue the programs currently in place through 2029. These include:

- ALS and BLS services for local fire and emergency response departments.
- Programs that support functions and services across the entire EMS system.
- Maintaining sustainable reserves.
- Providing the funding for five ALS Units.
- Providing BLS support through training programs, equipment exchange program, a common Electronic Patient Care Reporting Software, and direct funding to districts for BLS expenses.

- Continues an administrative support system to manage the system effectively and efficiently.

NOW, THEREFORE, BE IT RESOLVED by the Lynden City Council that it supports the passage of the 2022 EMS levy on the November ballot which provides for long term, stable and dedicated funding for countywide Emergency Medical Services.

APPROVED this 17th day of October, 2022.

MAYOR SCOTT KORTHUIS

ATTEST:

CITY CLERK PAMELA D. BROWN

APPROVED AS TO FORM:

CITY ATTORNEY ROBERT A. CARMICHAEL

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	October 17, 2022	
Name of Agenda Item:	Ord 1650 and 1658 – Interim Zoning Ordinance regarding Community Residential Facilities	
Section of Agenda:	Public Hearing	
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:		
Ord 1658 (a revision of Ord 1650), Map illustration of CRF buffers from schools		
Summary Statement:		
<p>On September 15, 2022, the City Council adopted Ord 1650, an interim zoning ordinance pertaining to the prohibition of community residential facilities within 500 feet of the City’s schools and within 300 feet of other community residential facilities. Pursuant to RCW 36.70A.390 and 35A.63.220, this was done to rapidly adopt temporary zoning controls during the time in which permanent regulations are being developed.</p> <p>As no public hearing was held at that time, tonight’s meeting will include a public hearing in order to accept public comment on these provisions. This is required within 60 days of the original passage of the interim ordinance. The Council may consider revising, ending, or extending the temporary zoning provisions based on public comment and staff recommendation.</p> <p>Legal counsel can support the extension of the ordinance but has proposed minor revisions which are being presented as substitute Ord 1658. It should be noted that the intent of the substitute ordinance is the same, but the document now clarifies the definition of a “recovery residence”, it references cities with similar separate regulations, and has been updated a few other minor revisions. These changes are shown as strike-through / underlined format with the agenda packet.</p> <p>Ord 1658 proposes to extend the interim zoning provisions to the middle of March 2023. This extension will provide time for additional public input on the document, and staff research into the housing needs of the community. A draft, for public review, will go to Council Committees in mid-November and early December. Public hearing on the final provision, with the Planning Commission, is expected in mid to late December. After the State’s review, the final Council hearing can be slated for early March.</p>		
Recommended Action:		
Motion to approve and authorize the Mayor’s signature on Ord 1658 which amends Ord 1650 and extends its date of effectiveness through March 15, 2023.		

ORDINANCE NO. 1658 ~~1650~~

ORDINANCE OF THE CITY OF LYNDEN ESTABLISHING AN INTERIM ZONING ORDINANCE ON THE LOCATING OF COMMUNITY RESIDENTIAL FACILITIES WITHIN 500 FEET OF ALL COMMUNITY SCHOOLS AND 300 FEET OF OTHER COMMUNITY RESIDENTIAL FACILITIES

WHEREAS, the City of Lynden (“City”) notes that House Bill 1220 (“E2SHB 1220”), passed by the Washington State Legislature in May 2021, compels municipalities to support efforts to provide indoor emergency housing, indoor emergency shelters, transitional housing, and permanent supportive housing consistent with Chapters 35.21 and 35A.21 RCW; and

WHEREAS, for the purposes of this **emergency** interim zoning ordinance (“Ordinance”), these four types of facilities identified in E2SHB 1220 as well as all facilities which may be considered recovery residences, sober living homes, or halfway homes, including without limitation accredited approved recovery residences registered pursuant to RCW 41.05.760, are collectively referred to herein as “Community Residential Facilities” or “CRFs”; and

WHEREAS, E2SHB 1220 also states that reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance to protect public health and safety as it relates to CRFs; and

WHEREAS, the Lynden City Council (“City Council”) desires to establish reasonable standards for the safe operation and appropriate siting of CRFs within the City of Lynden so as to protect public health and safety for both facility residents and the broader community; and

WHEREAS, the City’s zoning regulations have not yet been updated to address E2SHB 1220’s emphasis upon municipal support for the establishment of CRFs; and

WHEREAS, the City does not presently have in place any spacing requirement regulations governing CRFs; and

WHEREAS, a new ordinance is currently being drafted which will provide comprehensive zoning regulation of CRFs in a manner consistent with E2SHB 1220; and

WHEREAS, the City Council has recently received a large volume of public comments expressing concern and opposition to the potential siting of CRFs in close proximity to schools for children within the community; and

WHEREAS, additional time is needed to develop comprehensive zoning regulations for CRFs—including careful consideration of regulations on the spacing of such facilities related to schools per public concerns, and each other; and

WHEREAS, if short-term action is not taken now, new CRFs may either vest or obtain nonconforming status prior to the development and adoption of the forthcoming comprehensive zoning regulations, thereby interfering with and potentially undermining the development of a meaningful comprehensive and permanent ordinance reasonably regulating occupancy, spacing, and intensity of use of CRFs in the City; and

WHEREAS, the City’s development of reasonable comprehensive zoning regulations pertaining to CRFFR occupancy, spacing, and intensity of use is necessary prior to establishment of new CRFs in order to protect the public health, safety, welfare, property, and peace in the City; and

WHEREAS, the City notes that a number of Washington municipalities have adopted spacing requirements between CRFs and schools, including the City of Kent and City of Federal Way (both imposing 1,000-foot spacing restrictions) as well as the City of SeaTac (imposing a 1,750-foot spacing restriction); and

WHEREAS, this interim Ordinance does not prohibit building permit applications for or the locating of CRFs in any zone of the City, but rather imposes limited interim spacing requirements for CRFs pending adoption of comprehensive zoning regulations applicable to CRFs; and

WHEREAS, an interim zoning ordinance adopted pursuant to RCW 36.70A.390 and RCW 35A.63.220 is a means for local governments to rapidly adopt temporary zoning controls during the time in which permanent regulations are being developed and enacted; and

WHEREAS, RCW 36.70A.390 and RCW 35A.63.220 authorize the enactment of an interim zoning ordinance without holding a public hearing as long as a public hearing is held within at least sixty (60) days of its adoption; and

WHEREAS, at a special city council meeting on September 15, 2022, an emergency interim zoning ordinance was adopted by the City Council under Ordinance No. 1650; and

WHEREAS, the City Council held a public hearing at its regular meeting on October 17, 2022 to consider the extension of Ordinance No. 1650; and

WHEREAS, the City Council finds that adoption of this substitute Ordinance extending Ordinance No.1650, with the minor modifications to the findings as provided herein, is in the best interest of the City; and

WHEREAS, the adoption of this Ordinance will provide the City with the time necessary to develop and finalize comprehensive zoning regulations applicable to CRFs while

simultaneously addressing immediate public concerns as to the proximity of CRFs to community schools; and

WHEREAS, the City Council concludes that it has the authority to establish an ~~emergency~~ interim zoning ordinance; and

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

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

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

Section 2. CRF Minimum Spacing Requirements Established. No proposed Community Residential Facility shall be located within 500 feet of a Community School or within 300 feet of another approved Community Residential Facility.

Section 3. Community School Defined. “Community School” as used herein shall refer to any elementary school, middle school, or high school located within the City of Lynden.

Section 4. Measurement Standard. For the purposes of the spacing requirement established herein, distance shall be measured in a straight line between the closest property line of the proposed Community Residential Facility and the closest property line of the Community School or other approved Community Residential Facility.

~~Section 5. Public Hearing Required. The City Council shall hold a public hearing within sixty (60) days from the date of this Ordinance on this or a substitute ordinance that addresses interim zoning regulations applicable to Community Residential Facilities.~~

~~Section 6. Emergency Situation. Based on the findings herein, the City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the City Council as required by RCW 35A.12.130.~~

Section 67. Duration. This Ordinance shall be in effect for six (6) months from September 15, 2022 and may be renewed for one or more successive six-month periods pursuant to RCW 36.70A.390 and RCW 35A.63.220.

Section 78. Conflict with Other LMC Provisions. If the provisions of this Ordinance are found to be inconsistent with other provisions of the Lynden Municipal Code, this Ordinance shall control.

Section 89. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, clause, or phrase of this Ordinance.

Section ~~910~~. Effective Date. This Ordinance shall take effect five (5) days after the date of its publication. —Ordinance 1650 shall remain in effect until the effective date of this substitute Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, AND APPROVED BY THE MAYOR ON THIS ____ DAY OF OCTOBER, 2022.

Scott Korthuis, Mayor

ATTEST:

Pamela Brown, City Clerk

APPROVED AS TO FORM:

ROBERT CARMICHAEL, City Attorney

ORDINANCE NO. 1658

ORDINANCE OF THE CITY OF LYNDEN ESTABLISHING AN INTERIM ZONING ORDINANCE ON THE LOCATING OF COMMUNITY RESIDENTIAL FACILITIES WITHIN 500 FEET OF ALL COMMUNITY SCHOOLS AND 300 FEET OF OTHER COMMUNITY RESIDENTIAL FACILITIES

WHEREAS, the City of Lynden (“City”) notes that House Bill 1220 (“E2SHB 1220”), passed by the Washington State Legislature in May 2021, compels municipalities to support efforts to provide indoor emergency housing, indoor emergency shelters, transitional housing, and permanent supportive housing consistent with Chapters 35.21 and 35A.21 RCW; and

WHEREAS, for the purposes of this interim zoning ordinance (“Ordinance”), these four types of facilities identified in E2SHB 1220 as well as all facilities which may be considered recovery residences, sober living homes, or halfway homes, including without limitation accredited approved recovery residences registered pursuant to RCW 41.05.760, are collectively referred to herein as “Community Residential Facilities” or “CRFs”; and

WHEREAS, E2SHB 1220 also states that reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance to protect public health and safety as it relates to CRFs; and

WHEREAS, the Lynden City Council (“City Council”) desires to establish reasonable standards for the safe operation and appropriate siting of CRFs within the City of Lynden so as to protect public health and safety for both facility residents and the broader community; and

WHEREAS, the City’s zoning regulations have not yet been updated to address E2SHB 1220’s emphasis upon municipal support for the establishment of CRFs; and

WHEREAS, the City does not presently have in place any spacing requirement regulations governing CRFs; and

WHEREAS, a new ordinance is currently being drafted which will provide comprehensive zoning regulation of CRFs in a manner consistent with E2SHB 1220; and

WHEREAS, the City Council has recently received a large volume of public comments expressing concern and opposition to the potential siting of CRFs in close proximity to schools for children within the community; and

WHEREAS, additional time is needed to develop comprehensive zoning regulations for CRFs—including careful consideration of regulations on the spacing of such facilities related to schools per public concerns, and each other; and

WHEREAS, if short-term action is not taken now, new CRFs may either vest or obtain nonconforming status prior to the development and adoption of the forthcoming comprehensive zoning regulations, thereby interfering with and potentially undermining the development of a meaningful comprehensive and permanent ordinance reasonably regulating occupancy, spacing, and intensity of use of CRFs in the City; and

WHEREAS, the City’s development of reasonable comprehensive zoning regulations pertaining to CRF occupancy, spacing, and intensity of use is necessary prior to establishment of new CRFs in order to protect the public health, safety, welfare, property, and peace in the City; and

WHEREAS, the City notes that a number of Washington municipalities have adopted spacing requirements between CRFs and schools, including the City of Kent and City of Federal Way (both imposing 1,000-foot spacing restrictions) as well as the City of SeaTac (imposing a 1,750-foot spacing restriction); and

WHEREAS, this interim Ordinance does not prohibit building permit applications for or the locating of CRFs in any zone of the City, but rather imposes limited interim spacing requirements for CRFs pending adoption of comprehensive zoning regulations applicable to CRFs; and

WHEREAS, an interim zoning ordinance adopted pursuant to RCW 36.70A.390 and RCW 35A.63.220 is a means for local governments to rapidly adopt temporary zoning controls during the time in which permanent regulations are being developed and enacted; and

WHEREAS, RCW 36.70A.390 and RCW 35A.63.220 authorize the enactment of an interim zoning ordinance without holding a public hearing as long as a public hearing is held within at least sixty (60) days of its adoption; and

WHEREAS, at a special city council meeting on September 15, 2022, an emergency interim zoning ordinance was adopted by the City Council under Ordinance No. 1650; and

WHEREAS, the City Council held a public hearing at its regular meeting on October 17, 2022 to consider the extension of Ordinance No. 1650; and

WHEREAS, the City Council finds that adoption of this substitute Ordinance extending Ordinance No.1650, with the minor modifications to the findings as provided herein, is in the best interest of the City; and

WHEREAS, the adoption of this Ordinance will provide the City with the time necessary to develop and finalize comprehensive zoning regulations applicable to CRFs while simultaneously addressing immediate public concerns as to the proximity of CRFs to community schools; and

WHEREAS, the City Council concludes that it has the authority to establish an interim zoning ordinance; and

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

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

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

Section 2. CRF Minimum Spacing Requirements Established. No proposed Community Residential Facility shall be located within 500 feet of a Community School or within 300 feet of another approved Community Residential Facility.

Section 3. Community School Defined. “Community School” as used herein shall refer to any elementary school, middle school, or high school located within the City of Lynden.

Section 4. Measurement Standard. For the purposes of the spacing requirement established herein, distance shall be measured in a straight line between the closest property line of the proposed Community Residential Facility and the closest property line of the Community School or other approved Community Residential Facility.

Section 6. Duration. This Ordinance shall be in effect for six (6) months from September 15, 2022 and may be renewed for one or more successive six-month periods pursuant to RCW 36.70A.390 and RCW 35A.63.220.

Section 7. Conflict with Other LMC Provisions. If the provisions of this Ordinance are found to be inconsistent with other provisions of the Lynden Municipal Code, this Ordinance shall control.

Section 8. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, clause, or phrase of this Ordinance.

Section 9. Effective Date. This Ordinance shall take effect five (5) days after the date of its publication. Ordinance 1650 shall remain in effect until the effective date of this substitute Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, AND APPROVED BY THE MAYOR ON THIS ___ DAY OF OCTOBER, 2022.

Scott Korthuis, Mayor

ATTEST:

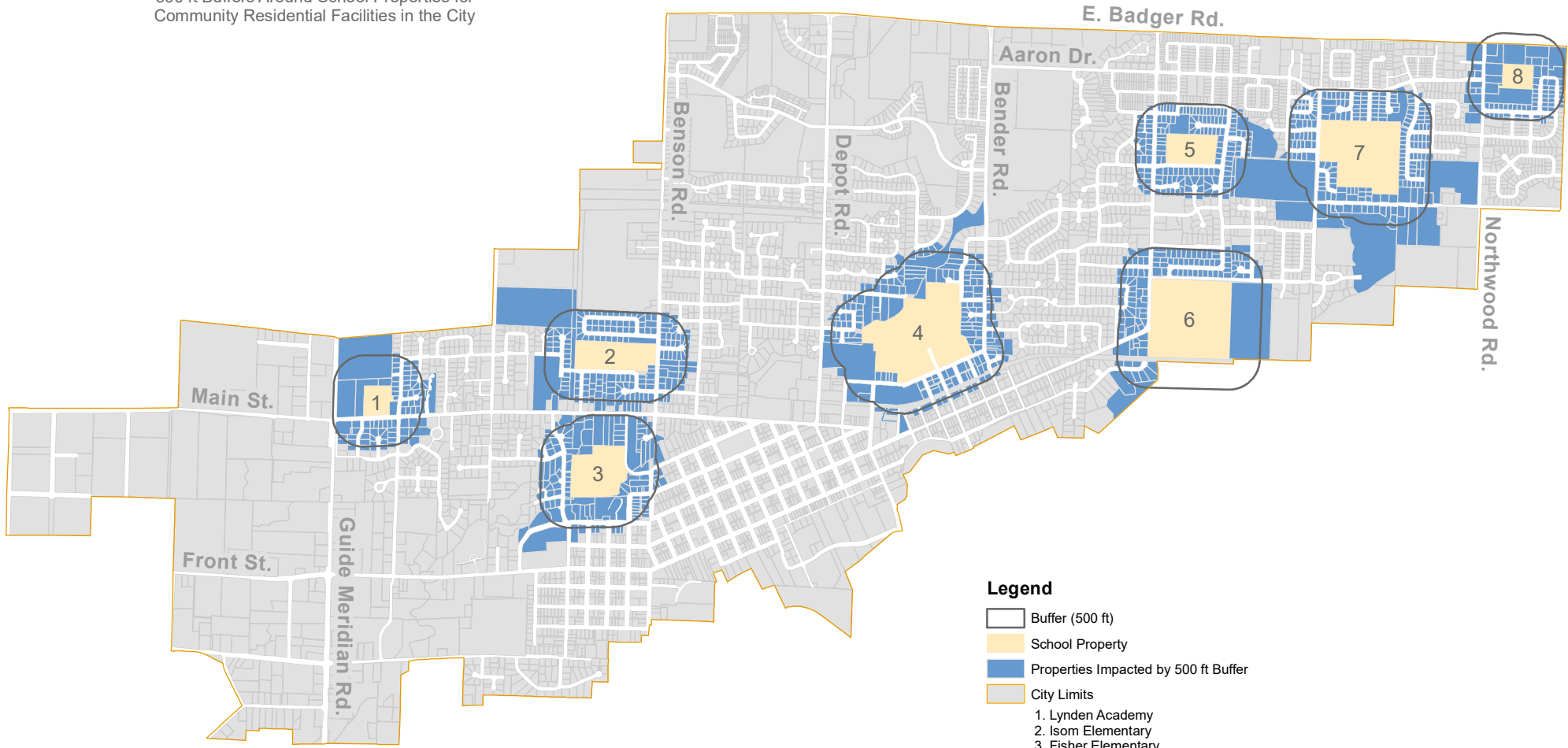
Pamela Brown, City Clerk

APPROVED AS TO FORM:





ROBERT CARMICHAEL, City Attorney

Ordinance 1650

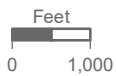
500 ft Buffers Around School Properties for
Community Residential Facilities in the City



Legend

-  Buffer (500 ft)
-  School Property
-  Properties Impacted by 500 ft Buffer
-  City Limits

- 1. Lynden Academy
- 2. Isom Elementary
- 3. Fisher Elementary
- 4. Lynden Christian
- 5. Bernice Vossbeck Elementary
- 6. Lynden High
- 7. Lynden Middle
- 8. Cornerstone Christian



CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	October 17, 2022	
Name of Agenda Item:	Agreement for Probation Services	
Section of Agenda:	New Business	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
The Agreement for Probation Services		
Summary Statement:		
<p>The City of Lynden is authorized by Washington State law to provide probation services to the citizens of the City. The City has found it in the best interests of it's citizens if such services were provided to those persons that have been cited into Municipal Court.</p> <p>The City does not possess the staff with expertise or the facilities to provide such services. The County does however possess the staff, expertise and facilities to provide the described services.</p> <p>The attached mutual agreement is for the County to provide pretrial and post-conviction probation services for the City.</p>		
Recommended Action:		
After review, for the Council to approve the Agreement for Probation Services and authorize the Mayor's.		

AGREEMENT FOR PROBATION SERVICES

THIS AGREEMENT made this _____ day of _____, 2022, between Whatcom County, a municipal corporation, (hereinafter referred to as the "County"), and the City of Lynden (hereinafter referred to as the "City"), pursuant to R.C.W. Chapter 39.34, the Interlocal Cooperation Act, the County agrees to provide probation services through the Whatcom County Probation Department, to the City as provided herein.

WITNESSETH:

WHEREAS, the City by virtue of the authority vested in it pursuant to the Constitution and the laws of the State of Washington is authorized to provide probation services to the citizens of the City, as are described herein; and

WHEREAS, the legislative authority of the City has found that the best interests of its citizens would be served if such services were provided; and

WHEREAS, the Municipal Court is in need of probation services for persons who have been cited into the Municipal Court of the City and/or who have been found guilty of violating ordinances of the City; and

WHEREAS, the existing staff of the City possesses neither the expertise nor the facilities to provide such services; and

WHEREAS, the County does possess the staff, expertise and facilities to provide such services, as set forth herein;

NOW, THEREFORE, it is mutually agreed and understood between the parties as follows:

Section I SERVICES

1. Description – Active Probation Services

- a. The County hereby agrees to provide the following pretrial and post-conviction probation services for the City to individual clients who have been referred by the municipal court. Services will begin after all relevant court documents detailing the individual's court-ordered requirements (i.e., judgment and sentence, deferred prosecution or other official court form) are received by Whatcom County District Court Probation from the City. After receipt of the relevant court documents, the probation department shall:
 - i. Refer and monitor compliance with the assessment and treatment of substance use disorders, domestic violence, mental health, sexual deviancy or other treatment as ordered by the court.
 - ii. Monitor completion of community service.
 - iii. Monitor payment of restitution.
 - iv. Complete reviews to determine the indigent status of a court referred client.
 - v. Perform bail studies.
 - vi. Conduct breath, urine, and oral substance testing.
 - vii. Monitor the performance of other requirements as indicated in writing by the court.

2. Description – Inactive Probation Services

- a. Report future good behavior by performing Judicial Information Systems Defendant Case History and Department of Licensing record checks only.

Section II PAYMENT SCHEDULE

1. For All Years – Active Probation Services

As consideration for the probation services provided each year, the City agrees to reimburse the County at a monthly rate per open active case. The monthly rate will be determined according to the following formula:

- a. the department's authorized expenditure budget for that year, less 2% for a projected lapse in expenditures
- b. less the projected amount to be billed for inactive cases
- c. less any amounts projected to be received from other funds (e.g. Behavioral Health Programs Fund, Trial Court Improvement Fund)
- d. less amounts specifically budgeted for a Court specific program (e.g. electronic monitoring devices),
- e. divided by the number of projected non-behavioral health unit active case months.

Projected case months will be equal to the active and inactive case months from the 12 month period ending September 30th of the prior year. The County will bill the City monthly for active and inactive cases. The City will pay the monthly bills within thirty (30) days of being billed. On or before February 15th following each billing year, the County will calculate the actual monthly per case cost of probation services for each billing year by dividing the amount of actual expenditures for the period January 1 through December 31 of the billing year, less actual amounts specified in the above formula, divided by the by the actual number of active non-behavioral health unit case months for the same time period. If the actual cost of providing the probations services was less than the amount billed during the billing year, the County will credit the difference to the City by March 31st of the following year. If the actual cost of providing the probation service was more than the amount billed during the billing year, the City will reimburse the difference to the County by March 31st of the following year.

- 2. For All Years – Inactive Probation Services
As consideration for the probation services provided during each billing year, the City agrees to reimburse the County a monthly rate of \$10.00 per open inactive case.

Section III
GENERAL PROVISIONS

- 1. PROBATION SERVICES: The District Court shall have the sole and complete responsibility for the supervision of any probation officer assigned to perform services for the City under this Agreement.
- 2. EXTENT OF AGREEMENT: This Agreement contains all of the terms and conditions agreed upon by the parties. The parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this agreement.
- 3. NON-DISCRIMINATION IN EMPLOYMENT AND CLIENT SERVICES: The County’s policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, sexual orientation (including gender identity), age, marital status, disability, or veteran status. Both parties shall comply with all laws prohibiting discrimination against any employee or applicant for employment on the grounds of race, color, creed, religion, national origin, sex, sexual orientation (including gender identity), age, marital status, disability, political affiliation, or veteran status, except where such constitutes a bona fide occupational qualification. Furthermore, both parties shall take affirmative action to insure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, age, marital status, sexual orientation (including gender identity), disability, or veteran status, except where such constitutes a bona fide occupational qualification. Such action shall include, but not be limited to: advertising, hiring, promotions, layoffs or terminations, rate of pay or other forms of compensation benefits, selection for training including apprenticeship, and participation in recreational and educational activities.

Furthermore, both parties shall not discriminate on the grounds of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation (including gender identity), disability, or veteran status; or deny an individual or business any service or benefits under this Agreement unless otherwise allowed by applicable law; or subject an individual or business to segregation or separate treatment in any manner related to his/her/its receipt any service or services or other benefits provided under this Agreement unless otherwise allowed by applicable law; or deny an individual or business an opportunity to participate in any program provided by this Agreement unless otherwise allowed by applicable law.

- 4. REPORTS: The County shall submit monthly billing reports to the City detailing clients served.
- 5. SAFEGUARDING CLIENT INFORMATION: The use or disclosure by any party of confidential information concerning a recipient or client for any purpose with respect to services provided under this agreement is prohibited except on written consent of the recipient or client, or as otherwise provided by law. This paragraph is not intended to supersede the requirements of RCW 42.56
- 6. ASSIGNMENT AND/OR SUBCONTRACTING: Neither party shall assign or delegate duties of any portion of the services provided under the terms of this Agreement without obtaining prior written approval from the other party; all terms and conditions of this agreement shall apply to any approved subcontract or assignment related to this agreement.
- 7. RELATIONSHIPS OF THE PARTIES: The parties agree that the County shall be an independent contractor operating pursuant to the terms and conditions of this agreement. No agent, employee, servant or representative of the City shall be deemed to be an employee, agent, servant or representative of the County for any purpose and employees of the City shall not be entitled to any benefits that the County provides for County employees. The

County will be solely and entirely responsible for its acts and for the acts of its agents, employees, and servants during the term of this agreement. The City will be solely and entirely responsible for its acts and for the acts of its agents, employees and servants during the term of this agreement.

- 8. **COMMUNICATIONS:** Communications between the County and the City shall be addressed to the regular place of business of each party. In the case of the County, the address shall be Bruce Van Glubt, District Court and Probation Administrator, Whatcom County Courthouse, 311 Grand Avenue, Suite 401, Bellingham, WA 98225. In the case of the City, communications shall be sent to: John Williams, City Administrator, 300 4th Street, Lynden, WA 98264.
- 9. **INDEMNIFICATION:** The County agrees to protect, defend, appear, save harmless and indemnify the City from and against all claims, suits and actions arising from the intentional or negligent acts or omissions of the County, its agents or employees in the performance of the agreement. The City agrees to protect, defend, appear, save harmless and indemnify the County from and against all claims, suits and actions arising from the intentional or negligent acts or omissions of the City, its agents or employees in the performance of this Agreement.
- 10. **MODIFICATION:** No changes or modifications of this Agreement shall be valid or binding upon either party to this agreement unless such changes or modification be in writing and executed by both parties Whatcom County reserves the right to renegotiate the monthly rate per open case cost if revenues generated by this Agreement do not cover costs generated by this Agreement.
- 11. **TERMINATION:** If either party fails to comply fully with the terms and conditions of this Agreement, the other party may pursue such remedies as are legally available including, but not limited to, the suspension or termination of this agreement, in the manner specified herein.
 - a. Suspension or termination for cause. If either party is unable to substantiate full compliance with the provisions of this Agreement, the other party may suspend or terminate this Agreement pending corrective acts or investigation, which suspension or termination shall be effective upon seven (7) days written notification to the other party or its authorized representative.
 - b. For any other reason this Agreement may be terminated in whole or in part by either the County or the City upon sixty (60) days advance written notice given the other party.
 - c. In the event of termination under this paragraph, the City shall be liable only for payments in accordance with the terms of this Agreement for the services rendered prior to the effective date of the termination.
- 12. **VENUE STIPULATION:** This Agreement has been and shall be construed as having been made and delivered within the State of Washington and it is mutually understood and agreed by the parties hereto that this Agreement shall be governed by the laws of the State of Washington, both as to interpretation and performance. Any action in law, suit in equity, or judicial processing, for the enforcement of this Agreement, or any of the provisions contained therein, shall be instituted and maintained only in the Whatcom County Superior Court, Bellingham, Washington.
- 13. **TERM OF AGREEMENT:** This Agreement shall be effective on the **1st day of January, 2023**, and shall terminate on the **31st day of December, 2025**.

DATED this _____ day of _____, 2022

For the City of Lynden:

Scott Korthuis
Mayor

Date

Presiding Judge Terry Lewis

Date

Attest:

Finance Director

Date

Approved as to Form:

Office of the City Attorney

Date

For Whatcom County:

Angela Anderson
Acting Presiding District Court Judge

Date

Bruce Van Glubt, Administrator
District Court and Probation Services

Date

Approved as to Form:

Karen Frakes
Chief Civil Deputy Prosecutor

Date

Satpal Sidhu, County Executive

STATE OF WASHINGTON)

COUNTY OF WHATCOM)

On this ____ day of _____, 2022, before me personally appeared Satpal Sidhu, to me known to be the Executive of Whatcom County and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington,
residing at Bellingham.
My Commission expires:

CITY OF LYNDEN

EXECUTIVE SUMMARY - FINANCE



Meeting Date:	October 17, 2022	
Name of Agenda Item:	Introduction of the 2023 Preliminary Budget and the Mayor’s Budget Message	
Section of Agenda:	New Business	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
None – The 2023 Preliminary Budget will be distributed at the Council meeting.		
Summary Statement:		
<p>The Mayor will read his 2023 Budget message to the Council and present the Council with a copy of this message and the 2023 Preliminary Budget.</p> <p>All supporting documentation will be provided at the time of the meeting.</p>		
Recommended Action:		
None – Information only for the Council’s review and consideration.		

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	October 17, 2022	
Name of Agenda Item:	Public Works Committee Meeting Minutes October 5, 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:		
October 5, 2022 Draft Public Works Committee Meeting Minutes		
Summary Statement:		
Draft minutes for the October 5, 2022 Public Works Committee meetings.		
Recommended Action:		
For Review		



PUBLIC WORKS COMMITTEE MINUTES

4:00 PM October 5, 2022
City Hall 2nd Floor Large Conference Room

CALL TO ORDER

Members Present: Mayor Scott Korthuis, Councilors Gary Bode, and Jerry Kuiken

Members Absent: Ron De Valois with notice

Staff Present: City Administrator John Williams, Programs Manager Mark Sandal;
and Sr. Admin. Assistant Jessica King

Public Present: Gary Vis

ACTION ITEMS

1. Approve Minutes from September 7, 2022

Bode motioned to approve the minutes and Kuiken seconded the motion.

Action

The minutes from September 7, 2022, were approved.

2. Whatcom County Interlocal Agreement for Source Control Business Inspections

Bode discussed the proposed Interlocal Agreement for Source Control Business Inspections, expressing concern regarding an outside agency performing inspections that Lynden could be performing. He stated that this would be giving up autonomy and authority of staff to inspect and enforce.

Sandal said the inspections are required by the City's Stormwater NPDES Permit. The Interlocal is one means to address some of the inspections. The purpose of the inspections would be to provide guidance to local businesses.

The City currently has several inspections that it already does, such as private stormwater inspections, and FOG (fats, oils, and grease) inspections. The Committee asked whether the City has staff who can perform these additional source control inspections as well. Sandal responded, not currently.

Bode recommended tabling the Interlocal Agreement. Kuiken concurred.

Action

The Public Works Committee concurred to table further discussion of the Interlocal Agreement pending the receipt of more information.

3. 2023 Design Standards

Sandal noted that updates to the Design Standards are being presented to City Council on October 17 to set a Public Hearing date of November 7, 2022. The changes will be effective January 1, 2023.

Sandal highlighted some of the changes being presented for 2023:

- How the City will number projects so that they correlate with the Planning Department.
- Tracer wires will be located to run from the main to the meter.
- Crushed limestone and split rail fences for trails will be included in the design standard changes.
- Erosion control grass will be required for planting strips instead of gravel.
- Updates to the stormwater manual.

Action

The Public Works Committee concurred to recommend forwarding the 2023 Design and Development Standards to City Council to set a Public Hearing date of November 7, 2022.

INFORMATION ITEMS

4. Septic to Sewer Postcard Review

Sandal explained that the postcard in the packet was distributed by mail the week of September 26th to residents with septic tanks. The postcard contained information about an open house to train citizens to do their own septic inspections as opposed to hiring someone to do the inspection.

5. Downtown 15-Minute Parking

Sandal presented a map depicting current and proposed 15-minute parking restrictions downtown. Vis expressed concern that the existing green painted curb indicating 15-minute parking might not match up to the proposed relocations.

The Committee requested the previous signs at the post office be replaced with a minimum of two 15-minute signs on 6th Street and four on Front Street.

The Committee agreed that posted signs are better than painted stalls. They discussed other locations for the 15-minute parking signs such as near certain restaurants with a higher volume of take-out traffic.

6. 2023 Project Placemat

The 2023 Public Works project funding spreadsheet was distributed at the meeting. Sandal discussed the layout of the spreadsheet including the breakdown of the project categories including closeout of projects, and a new list of the WSDOT projects adjacent to City limits.

7. Whatcom County EDI Funding Agreements Approved by County Council at their September 27th meeting:

1. Lynden Community Center Facility Structural & Mechanical Repairs \$300,000
2. Jim Kaemingk, Sr. Trail Connector: Depot Road to 8th Street \$500,000
3. Grover Street Pavement Preservation \$500,000

4. South Park Water, Street and Sidewalk Improvements \$387,500 Grant / \$562,500 Loan

Bode asked why the City was able to get funding for South Park Street before Cedar Drive, noting that Cedar Drive needs to be repaired. Williams explained that the ARPA funding sources from the County for this project changed and funding was able to be switched to EDI loan funding instead. South Park originally qualified for ARPA grant funding which included sewer and water improvements. With these changes to the funding (additional funds obligated via EDI loan) the City was able to move the grant money to other projects and the TBD money back into the budget for other projects.

8. Projects Update

Pepin Creek Main Street Bridge

Sandal said currently the project is scheduled to have the concrete road poured on October 21st.

West Front Street Improvements

Sandal discussed the details of the grading for the project that will be starting this week.

West Front Street Culvert Replacement

Not demolishing in 2022 but will monitor closely during storm events and close road as necessary.

West Main Street

The CERB application was submitted. A tentative groundbreaking for Alliance Freeze Dry is scheduled for October 21st. Sandal said the CERB Board was happy with the project and the City is looking for one City and one Business representative to attend an upcoming CERB Board meeting and presentation for the roundabout and the street approaches.

A unique requirement of the CERB agreement is that the Alliance Freeze Dry has requested naming rights for the roundabout.

Industrial Condensate Outfall

Sandal said project cleanup is going on now and a dye test will be scheduled. A ribbon cutting date is to be determined.

Bender Road Waterline

Sandal said the City is still working with the contractor to get started on this project and work is expected to start on October 10, 2022.

South 6th Street CIPP

This project will start mid-November.

8th Street Stormwater LID

A public Open House was held September 29th with about 20 neighborhood residents in attendance. Positive feedback was received.

Guide Meridian Pump Station

Colacurcio started the week of September 26th.

Greenfield Pond Maintenance

Sandal said that after Stremier hydroseeds the area, this project will be complete.

Kamm Road Development Work

Sandal said that waterline was replaced by DeKoster and in conjunction the street was repaved.

Mouw Ditch Bertrand Water Improvement District Meeting

This meeting was held September 15th with property owners in attendance (future CERB funding). Sandal said this project benefits the commercial industrial businesses and berry farms in the area and the City is considering applying for a \$50,000 planning loan later this year.

NEW BUSINESS:

9. Bump on Badger Road at Double Ditch Road from Whatcom County Culvert Installation

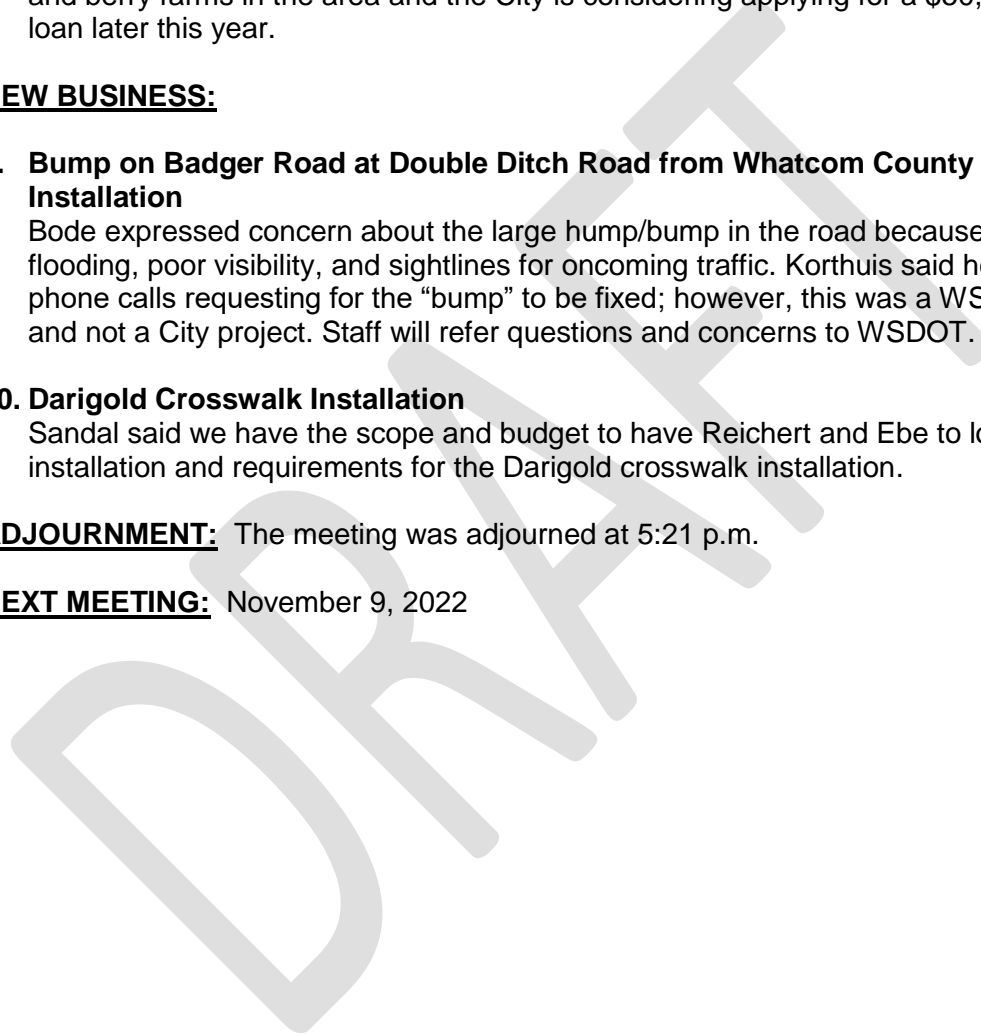
Bode expressed concern about the large hump/bump in the road because of potential flooding, poor visibility, and sightlines for oncoming traffic. Korthuis said he has received phone calls requesting for the “bump” to be fixed; however, this was a WSDOT project, and not a City project. Staff will refer questions and concerns to WSDOT.

10. Darigold Crosswalk Installation

Sandal said we have the scope and budget to have Reichert and Ebe to look at the installation and requirements for the Darigold crosswalk installation.

ADJOURNMENT: The meeting was adjourned at 5:21 p.m.

NEXT MEETING: November 9, 2022



CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	October 17, 2022	
Name of Agenda Item:	Calendar	
Section of Agenda:	Other Business	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Summary Statement:		
Recommended Action:		

October 3, 2022

Monday

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber

October 4, 2022

Tuesday

5:00 PM - 6:30 PM

Design Review Board -- City Hall 2nd Floor Large Conference Room

October 5, 2022

Wednesday

All Day

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 -- City Hall 2nd Floor Large Conference Room

October 6, 2022

Thursday

2:00 PM - 4:00 PM

Technical Review Committee Meeting -- TBD

October 9, 2022

Sunday

All Day

10-9 thru 10-22 Pay Period

October 12, 2022

Wednesday

7:00 PM - 9:00 PM

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

October 14, 2022

Friday

All Day

PAYDAY
PAYDAY

October 14, 2022 Continued
Friday

October 17, 2022
Monday

4:00 PM - 5:00 PM **Parks Committee Meeting -- City Hall 1st Floor Large Conference Room**

7:00 PM - 9:00 PM **Copy: Council Meeting -- Annex Council Chamber**

October 18, 2022
Tuesday

All Day **Civil Service at 4 pm**

9:00 AM - 11:00 AM **Copy: Small Cities Meeting -- City Hall 1st Floor Large Conference Room**

10:00 AM - 11:00 AM **Copy: Airport Board Meeting -- City Hall 2nd Floor Large Conference Room**
Welcome Board Members & Guests,

The Airport board meeting will be in person at City Hall, 2nd Floor Conference room. The meeting takes place the third Tuesday of each month at 10:00 A.M.

October 19, 2022
Wednesday

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

October 20, 2022
Thursday

2:00 PM - 4:00 PM **Technical Review Committee -- tbd**

October 23, 2022
Sunday

All Day 10-23 thru 11-5 Pay Period

October 27, 2022
Thursday

12:00 PM - 2:30 PM Wellness/LEAF Employee Chili Cookoff -- Lynden PD

October 28, 2022
Friday

All Day PAYDAY
PAYDAY

November 1, 2022
Tuesday

5:00 PM - 6:30 PM Design Review Board -- TBD

November 2, 2022
Wednesday

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

November 3, 2022
Thursday

2:00 PM - 4:00 PM Technical Review Committee Meeting -- TBD

November 6, 2022
Sunday

All Day 11-6 thru 11-19 Pay Period

November 7, 2022
Monday

7:00 PM - 9:00 PM Copy: Council Meeting -- Annex Council Chamber

November 7, 2022 Continued
Monday

November 9, 2022
Wednesday

8:00 AM - 5:00 PM **Possible Jury Trial -- 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 -- City Hall 2nd Floor Large Conference Room**

7:00 PM - 9:00 PM **Parks & Rec District Meeting -- Annex South East Conference Room**

November 11, 2022
Friday

All Day **PAYDAY
PAYDAY**

All Day **Veteran's Day -- United States**