



Mayor  
Scott Korthuis

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

City Council Agenda - Regular Meeting  
City Hall Annex, 205 4<sup>th</sup> Street  
October 07, 2019

## **Call to Order**

## **Pledge of Allegiance**

## **Roll Call**

## **Oath of Office**

## **Approval of Minutes**

- [1.](#) Draft Council Minutes- September 16, 2019

## **Items from the Audience**

### ***Scheduled***

- [2.](#) Department of Defense Employee Support Award

### ***Unscheduled (20 Minutes)***

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

## **Consent Agenda**

- [3.](#) Approval of Payroll and Claims
- [4.](#) Correction to Ordinance No. 1584 Vacation of Right of Way - Terrace Drive

## **Public Hearing**

## **Unfinished Business**

**New Business**

- [5.](#) Public Defender Contract for Services- Angela Anderson
- [6.](#) Request to Contract with Washington Cities Insurance Authority (WCIA)
- [7.](#) Award Construction Contract for Industrial Condensate Stormwater to Fishtrap
- [8.](#) Mayor’s Status of the 2019 Budget
  
- [9.](#) Award Construction Contract for Pepin Creek Intercept Ditch
- [10.](#) Resolution No. 1008 - Sales Tax Rebate for Affordable Housing

**Other Business**

- [11.](#) Draft Public Works Committee Meeting Minutes - September 11, 2019
- [12.](#) Draft Parks Meeting Minutes-September 16, 2019
- [13.](#) Draft CDC Minutes- September 18, 2019
- [14.](#) Calendar

**Executive Session**

**Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Draft Council Minutes- September 16, 2019	
<b>Section of Agenda:</b>	Approval of Minutes	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: N/A	<b>Legal Review:</b> <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
<b>Attachments:</b>	Draft Council Minutes- Regular Meeting	
<b>Summary Statement:</b>	Draft Council Minutes- September 16, 2019	
<b>Recommended Action:</b>	For Council review.	



September 16, 2019

## 1. CALL TO ORDER

Mayor Korthuis called to order the September 16, 2019 regular session of the Lynden City Council at 7:00 p.m. at the Lynden City Hall Annex.

### ROLL CALL

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

Members absent: None.

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin, and City Attorney Bob Carmichael.

**OATH OF OFFICE** - None

### APPROVAL OF MINUTES

***Councilor Strengholt moved and Councilor Wohlrab seconded to approve the regular council minutes of September 3, 2019, the special council meeting held September 4 during the Public Works Committee meeting and the special council meeting held September 5 during the Public Safety Committee meeting. Motion approved on a 7-0 vote.***

### ITEMS FROM THE AUDIENCE

**Scheduled:** None

**Nonscheduled:**

Cynthia S. Ripke-Kutsagoitz, 7062 Guide Meridian #30, Lynden

Cynthia Ripke-Kutsagoitz addressed council members and stated her disappointment that there isn't a city sponsored 9/11-tribute event. She also stated that the Lynden Tribune did not publish an article in remembrance of the many first responders that lost their lives on 9/11.

***Councilor Nick Laninga shared his own personal memories of the 9/11 event with council.***

# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

### 2. CONSENT AGENDA

#### Approval of Payroll Disbursed – September 1-15, 2019

Paychex EFT .....	\$260,420.45
City of Lynden EFT .....	\$58,915.28
Warrant Liability .....	\$57,151.95
<b>Subtotal</b>	<b>\$376,487.77</b>
Paychex EFT Liability	\$5,964.94
<b>Total EFT &amp; Other Liabilities</b>	<b>\$382,452.71</b>

#### Approval of Claims – September 17, 2019

Manual Warrants No.	<u>73709</u>	through	-		\$535,000.00
EFT Payment Pre-Pays					\$832.65
				Sub Total Pre-Pays	\$535,832.65
Voucher Warrants No.	<u>73710</u>	through	<u>73864</u>		\$1,029,110.95
EFT Payments					\$37,362.04
				Sub Total	\$1,066,472.99
				Total Accts. Payable	<b>\$1,602,305.64</b>

#### Addendum to YMCA Lease

The YMCA lease dated Feb. 18, 1997 auto renews annually unless a 120-day notice to terminate is submitted by either party. This addendum speaks to the \$50,000 pro-rated share for the pool repair that the YMCA would be responsible for, should the lease be terminated.

#### Resolution No. 1006 – Request to Cancel Warrants

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

Warrant No. 73295 has not and will not be presented for payment and should be canceled.  
Warrant No. 73665 has not and will not be presented for payment and should be canceled.

**Councilor De Valois moved and Councilor Wohlrab seconded to approve the Consent Agenda. Motion approved on a 7-0 vote.**



### 3. PUBLIC HEARING - None

### 4. UNFINISHED BUSINESS- None

### 5. NEW BUSINESS

#### Request to Reject Bid for 3MG Reservoir Roof Recoating Project

Staff solicited bids from the three companies on the City's small works roster in August to recoat the roof on the 3-million-gallon (MG) steel water reservoir located at the fairgrounds. In order to be considered a small works project, the job must cost \$350,000 or less. The City received only one bid, from Partner Industrial in the amount of \$348,425.00, including tax.

Northwest Corrosion Engineering (NCE) who assisted the City in preparing the specifications had provided cost estimates of between \$225,000 - \$250,000 and containment between \$75,000 and \$100,000.

Upon reviewing the bid from Partner Industrial, NCE recommended rejecting the single bid received and waiting until this winter to once again solicit small works roster bids for the work to be completed in the spring of 2020.

The engineer has confirmed that there would be no adverse consequences to delaying the work for another 6-8 months. This is also expected to present a more favorable bidding environment and recoating would be less subject to weather issues for a contractor. If approved, the City would roll over the 2019 funding from the Water Fund (401) for this project into the 2020 budget.

***Councilor Bode moved and Councilor De Valois seconded that City Council approve the rejection of Partner Industrial's Bid in the amount of \$348,425.00, including taxes, and direct staff to rebid the project for re-coating in 2020. Motion approved on 7-0 vote***

### 6. OTHER BUSINESS

#### Council Committee Updates

Councilor Kuiken reported that city staff was presented with results of the Washington State Auditors independent accountability audit (January 1, 2017 through December 31, 2018). The city performed well throughout the audit and did not receive an audit finding. The team of auditors was very impressed with the finance department staff's helpful attitude and responsiveness. Auditors believe that because of this responsiveness, the audit took much less time than anticipated, meaning that the cost of the audit was significantly decreased.



Councilor Kuiken reporting for the Finance Committee, involving the discussion of:

- The Pepin Creek project and the current options
- Approving claims and payroll
- Reviewing overtime costs for police and fire departments which were mostly attributed to the NW Washington Fair
- Police and Fire departments are both operating under projected budget for the year
- Finance Director Burrows disputed an IRS charge and prevailed (approx. \$48,000)
- Director Burrows is researching the possibility changing the city's insurance company

***Finance Director Burrows acknowledged his staff's work and excellent outcome with the Audit. He also asked that whenever the Mayor or council members visit the finance department that they take a moment to acknowledge the staff's achievements.***

Councilor De Valois reporting for the Parks Committee, involving the discussion of:

- YMCA lease amendment
- Motion lights at Million Smiles Park
- Ordinance establishing the parks; hours of operation
- Splash Fest
- Lynden Watch/private citizen offers reward for information about vandalism
- Park department talking measures suggested by Auditor's Office
- Bicycle "Pump" Park
- Rotary project at Bender Fields

Councilor Bode reporting for the Public Works Committee, involving the discussion of:

- Pepin intercept ditch
- Pepin Creek project options, alternatives, plans, costs

Councilor Lenssen reporting for the Public Safety Committee, involving the discussion of:

- Police and Fire departments are issuing monthly reports
- Expect a new ambulance in October or November
- Possibility of leasing police vehicles

Councilor Wohlrab reporting for Lynden Watch:

- Program continues to grow in membership numbers and is working well

## 7. EXECUTIVE SESSION

Council recessed into executive session at 7:34 p.m. to discuss a potential acquisition of real estate. It was anticipated that the executive session would last approximately 10 minutes and that a decision would be made.



The Council meeting reconvened at 7:44 p.m.

***Councilor Wohlrab moved and Councilor De Valois seconded to approve resolution No.1007 authorizing the Mayor to execute all documents necessary to accomplish the Glenning Street Playground Property purchase on behalf of the City of Lynden. Motion approved on 7-0 vote.***

## 8. ADJOURNMENT

The September 16, 2019 regular session of the Lynden City Council adjourned at 7:45 p.m.

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

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

DRAFT



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Department of Defense Employee Support Award	
<b>Section of Agenda:</b>	Items from the Audience-Scheduled	
<b>Department:</b>	Police	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
<b>Summary Statement:</b>		
<p>John Patterson with the Department of Defense Employee Support of the Military Guard and Reserve will be presenting two awards for the outstanding support of Officer Matt Thompson's military service. The Council will also be asked to sign a 'Letter of Support' for the Military Guard and Reserve.</p>		
<b>Recommended Action:</b>		

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Approval of Payroll and Claims	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Finance	
<b>Council Committee Review:</b>	<b>Legal Review:</b>	
<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____	<input type="checkbox"/> Yes - Reviewed <input checked="" type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
<b>Attachments:</b>		
None		
<b>Summary Statement:</b>		
<p>RCW 42.24.180 sets forth the conditions for issuance of warrants or checks before Council approval. The auditing officer and the City officers designated to sign the warrants shall have an official duty for the faithful discharge of his or her duties.</p> <p>The City Council has adopted contracting, hiring, purchasing, and disbursing policies that implement effective internal controls; and shall provide for its review of the documentation supporting claims paid for its approval of all warrants issued in payment of claims and/or payroll at regularly scheduled public meetings within one month of issuance.</p> <p>The City Council shall require that if, upon review, it disapproves some claims and/or payroll, the auditing officer and the officer designated to sign the warrants or checks shall jointly cause the disapproved claims to be recognized as receivables and to pursue collection diligently until the amounts disapproved are collected or until the City Council is satisfied and approves the claims and/or payroll.</p> <p>The Finance Committee and/or full City Council may stipulate that certain kinds or amounts of claims and/or payroll should not be paid before the City Council has reviewed the supporting documents.</p>		
<b>Recommended Action:</b>		
Approve the payment of City Payroll and Claims.		

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Correction to Ordinance No. 1584 Vacation of Right of Way - Terrace Drive	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Public Works	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Corrected Ordinance No. 1584 to Vacate a portion of Terrace Drive, Exhibit A of Ordinance depicting area to be vacated		
<b>Summary Statement:</b>		
<p>On July 15, 2019 the City Council approved Ordinance 1584 vacating the southern section of Terrace Drive.</p> <p>However, documents submitted to Council and the Ordinance incorrectly identified the appraised value of the right-of-way to be vacated as \$1500.00. The actual appraised value is \$1500.00 per each of the adjoining properties (Lots 15 and 16 of the Plat of Mountain View) for a total of \$3000.00.</p> <p>The attached Ordinance has been corrected to reflect the total appraised value.</p>		
<b>Recommended Action:</b>		
Motion to approve the revision to Ordinance No. 1584 which approved the Vacation of Right of Way between lots addressed as 135 and 136 Terrace Drive, accepting the corrected appraised value of \$3000.00, and authorizing the Mayor to sign the corrected document.		

**ORDINANCE NO. 1584**

**AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON**

WHEREAS, the City of Lynden heretofore declared its intention to vacate a portion of public right-of-way, south of Terrace Drive (“the vacation”); and fixed the date of the July 15, 2019 as the date for a public hearing on the vacation; and

WHEREAS, as required by LMC 17.21.030, notices were duly mailed on June 19, 2019, posted in three public places and on the street where the vacate is proposed; and

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

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

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

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

WHEREAS, the City Council has determined that this vacation of public-right-of-way complies with the requirements of RCW 35.79.035(1)(c);

WHEREAS, the City Council accepts the appraised value of ~~\$1500.00~~ **\$3000.00** as determined by certified appraiser Peter Suni as of May 24, 2019.

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

Section 1: That the following described portion of said right-of-way is hereby vacated:

A PORTION OF RIGHT-OF-WAY WITHIN THE PLAT OF MOUNTAIN VIEW TERRACE, AN ADDITION TO THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN WHATCOM COUNTY, WASHINGTON, AFN 940903, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 18 OF SAID PLAT; THENCE SOUTHERLY A DISTANCE OF 88 FEET ALONG THE EAST LINE OF SAID LOT 18 TO A POINT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 17 OF SAID PLAT; THENCE SOUTHERLY ALONG A NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 63.57 FEET, SAID CURVE ALSO BEING THE EAST LINE OF SAID LOT 17, TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE CONTINUING ALONG THE SAME SAID CURVE TO THE RIGHT AN ARC LENGTH OF 32.81 FEET ALONG THE NORTHEAST LINE OF LOT 16 OF SAID PLAT, TO THE NORTHEAST CORNER OF SAID LOT 16, SAID NORTHEAST CORNER ALSO BEING THE **TRUE POINT OF BEGINNING**. CONTINUING FROM THE **TRUE POINT OF BEGINNING**, ALONG SAME SAID RIGHT CURVE PROJECTED EASTERLY FROM SAID NORTHEAST LINE OF LOT 16 TO THE NORTHWEST CORNER OF LOT 15 OF SAID PLAT; THENCE SOUTHERLY A DISTANCE OF 113.09 FEET ALONG WEST LINE OF SAID LOT 15 TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE WESTERLY A DISTANCE OF 24 FEET TO THE SOUTHEAST CORNER OF SAID LOT 16; THENCE NORTHERLY A DISTANCE OF 113.09 FEET ALONG THE WEST LINE OF SAID LOT 16 TO THE **TRUE POINT OF BEGINNING**.

**COMMONLY DESCRIBED AS:** The 24-foot wide easement that runs between 135 and 136 Terrace Drive, Lynden

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

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

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

State of Washington  
County of Whatcom

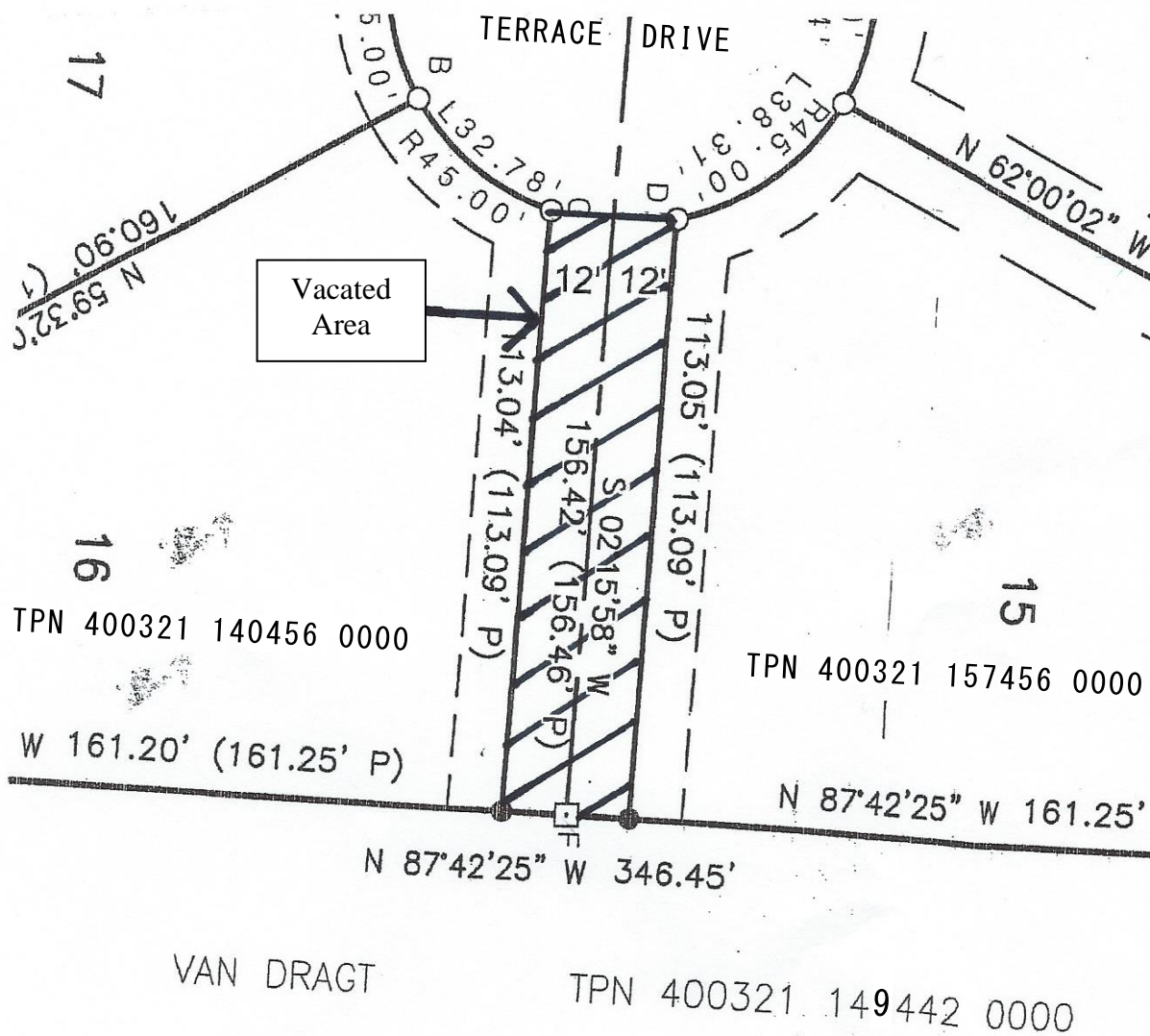
Signed by Mayor Scott Korthuis and attested by Pam Brown before me on this  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

\_\_\_\_\_

Exhibit A

Approximate Depiction of Vacated Area



# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Public Defender Contract for Services	
<b>Section of Agenda:</b>	New Business	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<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: _____
		<b>Legal Review:</b> <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
<b>Attachments:</b>		
Public Defender Contract for Services		
<b>Summary Statement:</b>		
<p>The City of Lynden recently terminated the contract of our previous public defender and has been relying on an interim Public Defender until a permanent replacement could be found. Three firms responded to a request for proposals, and a panel including lawyers from our City Attorney’s office selected Angela Anderson, the former Chief Public Defender for Whatcom County. The attached contract formalizes the terms of our relationship with Ms. Anderson and contemplates her beginning work for the City of Lynden later this month.</p> <p>The cost and scope of services is generally the same as it was for our previous Public Defender, with the exception that the City must pay an estimated \$25,000 for Ms. Anderson to take over some 80 cases remaining from her predecessor.</p>		
<b>Recommended Action:</b>		
Approve the Contract for Public Defender Services.		



**City of Lynden  
Public Defender Contract for Services  
Indigent Criminal Defense**

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019 between the City of Lynden, a municipal corporation, hereinafter referred to as the "City", and Angela Anderson, Anderson Legal, PLLC, hereinafter referred to as the "Contractor", for the purpose of providing attorney services as outlined herein, commencing the 14th day of October, 2019 and terminating October 13, 2021.

The parties agree as follows:

**Section I – Services**

Contractor agrees to provide all professional services necessary for indigent defendants charged with misdemeanors and gross misdemeanors in the City of Lynden, Washington. Services include:

- 1) Attending regular and special sessions of the Lynden Municipal Court for all assigned defendants, pursuant to the Lynden Municipal Court calendar;
- 2) Timely contacting defendants if the defendant is incarcerated;
- 3) Appearing in Whatcom County Jail for hearings in the jail when necessary and as determined by the Lynden Municipal Court;
- 4) Having available an all-hours pager or phone number to respond to calls;
- 5) Meeting with clients as appropriate;
- 6) Representing indigent defendants in appeals to the Whatcom County Superior Court except when representing the same defendant during the trial; and
- 7) Performing services consistent with the standard of practice within the Lynden community.

The Contractor agrees to provide professional legal services for all Lynden Municipal Court cases that have been determined to be within the scope of indigent defense. Cases shall be assigned to the Contractor at the discretion of the Lynden Municipal Court Judge. The maximum number of cases which the Contractor will be assigned shall be consistent with the Standards for Indigent Defense adopted by the Washington Supreme Court, and as hereafter amended, and which allows the Contractor the ability to give each client the time and effort necessary to ensure effective representation.

**Section II – Consideration**

In consideration for the services described above, the City agrees to pay the Contractor for such services as follows:

- 1) The sum of two hundred and seventy-five dollars (\$275) per assigned case including probation revocation cases and probation review cases. Contractor will be paid at the same rate for pending cases temporarily handled by Westergreen Law at the time this Agreement is effective which are transferred to Contractor.

If a warrant is issued for a no show, on a defendant who is on the public defender's case load, and that warrant is not served within 45 days of the issuance of the warrant, nor the defendant found or available to be contacted within said 45 days, the public defender may enter a Motion to Withdraw from the case. Should the defendant later return to Lynden Municipal Court and require a public defender, the Contractor may charge the City as he/she would for a new case.

- 2) The sum of fifty dollars (\$50) per hour up to a maximum of six hundred dollars (\$600) for all appeals taken to Superior Court.
- 3) The sum of three hundred dollars (\$300) for cases that terminate in a bench trial before the Municipal Court Judge.
- 4) The sum of three hundred dollars (\$300) per half day spent in jury trial.
- 5) Reimbursement for the costs of investigation services as appropriate; provided that such services must be supported by documentation satisfactory to the City of Lynden.
- 6) Reimbursement for costs of the following nature, supported by documentation satisfactory to the City of Lynden.
  - a) The actual reasonable cost of an expert witness or interpreter ordered by the Lynden Municipal Court in connection with services performed under the terms of this Agreement.
  - b) The actual reasonable expense of service of subpoenas, if any required in connection with the services performed under the terms of this Agreement.
- 8) The Contractor's compensation shall be paid monthly on account for cases assigned during that month, with payment due within 30 days of the invoice date. This shall also apply to the cases described in subsection 1 above transferred to Contractor. The City of Lynden Finance Department must receive invoices from Contractor by the 5<sup>th</sup> of each month (or the following Monday if the 5<sup>th</sup> falls on a weekend day) for processing during the current

month. The Finance Department is required to seek City Council approval of invoices during the second Council meeting of the month (third Monday) before payment can be rendered.

**Section III – Review & Supervision**

The City reserves the right to assure that indigent clients referred to the Contractor hereunder receive proper representation and further reserves the right to review and investigate the quality of such representation and require the Contractor to assist in any such review or investigation. Nothing in this section shall be construed or applied in any manner that may violate the confidentiality of any privileged information.

**Section IV – Maintenance of Office**

The Contractor shall be responsible for (1) access to an office that accommodates confidential meetings with clients (2) a postal address and (3) adequate telephone services to ensure prompt responses to client contacts to provide adequate legal representation as required by this Agreement.

**Section V – Licensing**

The Contractor agrees to remain licensed to practice law in the State of Washington during the term of any criminal defense contract with the City, and will further, at all times pertinent thereto, abide by the code of professional responsibility.

**Section VI—Standards for Indigent Defense Services**

The Contractor agrees to perform services consistent with the requirements contained in the Standards for Indigent Defense Services adopted by the Washington Supreme Court and as hereafter amended.

**Section VII – Malpractice Insurance**

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

### **Section VIII – Assignment or Subcontracting**

The Contractor shall not assign or subcontract any portion of the services provided under the terms of this Agreement without obtaining prior written approval from the City; except that, from time to time the Contractor may subcontract with another qualified attorney from the approved list of attorneys attached as Exhibit A to assist with the services provided under the terms of this Agreement. Any request for an addition to the approved list of qualified attorneys shall be submitted to the City Administrator for approval prior to said attorney providing services under this Agreement, which approval may be withheld in the City's sole discretion. If after three (3) business days, no decision is made by the City Administrator on a requested addition to the approved list set forth in Exhibit A, the addition shall be deemed accepted by the City. A qualified attorney shall mean an attorney licensed to practice law in the state of Washington who is able to certify that he or she complies with the applicable Standards for Indigent Defense Services as adopted by the Washington Supreme Court and as hereafter amended. All terms and conditions of this Agreement shall apply to any approved subcontract related to this Agreement. Contractor shall remain fully responsible for compliance with the terms and conditions of this Agreement on any case assigned to Contractor, including cases in which services are subcontracted by Contractor to another attorney as provided herein.

The City shall not assign any defense of indigent defendants to any Contractor or Attorney at Law other than to the Contractor herein; except that, the City shall assign an indigent defendant with whom the Contractor has a conflict of interest, to an Attorney-at-Law of the City's choice. Except as otherwise provided, assignment of indigent defendant cases to an Attorney-at-Law other than the Contractor shall constitute a material breach of this agreement by the City, and the City shall be liable to the Contractor for the fee that the Contractor would have received from the City had the case been properly assigned to the Contractor.

### **Section IX – Non-Discrimination**

During the term of this Agreement, the Contractor agrees that no person shall, on the grounds of race, creed, color, national origin, sex, marital status, age, religion, or on the presence of any sensory, mental or physical disability, be excluded from full employment rights with the Contractor or from representation by the Contractor. The Contractor shall not discriminate against any employee or applicant for employment for the above reasons, provided the prohibition against discrimination in employment because of disability shall not apply if the particular disability prevents performance of the particular work involved.

### **Section X – Relationship of Parties**

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

In the performance of the services herein contemplated, the Contractor shall be deemed to be an independent Contractor with the authority to control and direct the performance of the details of the work; subject however, to direction by the Lynden Municipal Court and the City's right of inspection and review.

### **Section XI – Communication Between Parties**

Communication between the Contractor and the City shall be addressed to the regular place of business of each party.

In the case of the Contractor, all communications to the Contractor, and referrals of cases, shall be sent to:

Anderson Legal, PLLC  
Angela Anderson  
2636 Hampton Place  
Bellingham, WA 98225

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

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

### **Section XII – Termination of Parties**

In the event that the City in its sole discretion determines that the work of the Contractor or another qualified attorney hired by the Contractor, is unsatisfactory, the City shall notify the Contractor by serving at least thirty (30) days prior, written notice to the Contractor stating reasons why this Agreement is being terminated.

Either the City or the Contractor may terminate this Agreement without cause. To terminate this Agreement without cause, the party terminating shall notify the other party at least sixty (60) days in advance of the proposed date of termination and, during that sixty-day period, this Agreement shall remain in force unless terminated earlier by mutual agreement of the parties.

In the event that the date of termination of this Agreement passes without the execution of a similar contract by the parties that renews the Agreement herein and if, in that event, the parties continue to perform according to this contract's terms, then the terms of this Agreement shall control the duties and obligations of the parties until they execute a new written agreement.

Following termination of this Agreement, Contractor shall cooperate with the City to assist with transfer of all assigned pending cases to the attorney selected by the City to provide indigent defense services. Pending cases shall mean cases assigned to Contractor in accordance with this Agreement which have not been resolved.

**Section XIII-Remedies for Breach and attorney's fees and costs**

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

**Section XIV-Nonwaiver of Breach**

Failure of either party to require performance of any provision of this Agreement shall not limit such party's right to enforce such provision, nor shall a waiver of any breach of any provision of this Agreement constitute a waiver of any succeeding breach of such provision or a waiver of such provision itself.

**Section XV – 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 agreed that this Agreement shall be governed by the laws of the State of Washington and that any action in law or equity concerning this Agreement shall be instituted and maintained only in the Whatcom County Superior Court, Bellingham, Washington.

**Section XVI-Integration**

This writing supersedes all prior agreements between the parties (whether written or oral) and constitutes the full and only agreement between the parties, there being no promises, agreements or understandings, written or oral, except as herein set forth, or as hereinafter may be amended in writing. This Agreement may only be amended or modified by written agreement of the parties.

**Section XVII-Severability**

If any portion of this Agreement is deemed void, illegal or unenforceable, the balance of this Agreement shall not be affected thereby.

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



Angela Anderson, Anderson Legal PLLC  
Attorney-at-Law

\_\_\_\_\_  
Scott Korthuis  
Mayor, City of Lynden

STATE OF WASHINGTON )  
 ) §  
COUNTY OF WHATCOM )

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of WA.

My commission expires \_\_\_\_\_.

STATE OF WASHINGTON )  
 ) §  
COUNTY OF WHATCOM )

I certify that I know or have satisfactory evidence that Angela Anderson signed this instrument and acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it for Anderson Legal, PLLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 9-16-19

Deborah C Kisling  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of WA.

My commission expires 7-9-20

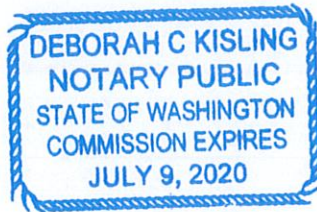


EXHIBIT A

Bratlien, Mark, WSBA #33819  
Lackie, Patrick, WSBA # 31484



# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Request to Contract with Washington Cities Insurance Authority	
<b>Section of Agenda:</b>	New Business	
<b>Department:</b>	Finance	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
None		
<b>Summary Statement:</b>		
<p>The Finance department, which has the responsibility to oversee the City’s Risk Management Program has assessed the City’s Insurance needs and costs and determined that for the required level of coverage the City’s insurance premiums are excessive and not sustainable.</p> <p>For the past year the Finance Director has been negotiating the City’s insurance premiums with the current insurer, Cities Insurance Association of Washington (CIAW) with no success in obtaining better premiums.</p> <p>After researching other municipal insurers, the Finance Director has secured a competitive proposal from Washington Cities Insurance Authority (WCIA). WCIA insures numerous Cities across Washington State such Bothell, Mukilteo, Mt. Vernon, Burlington and Everson to name a few. Their reputation with the other Cities is excellent, they have a robust training program, free pre-claim legal counsel, and are able to provide the City of Lynden with equal or superior coverage amounts across all lines of insurance required by the City at very competitive premiums.</p> <p>To compare premiums, the City’s current insurer’s (CIAW) estimated 2020 premiums for the City of Lynden is \$733,802. WCIA proposed to insure the City of Lynden in 2020 for \$412,233, a difference and annual cost savings of \$321,569 to the City.</p> <p>The WCIA proposal was reviewed and approved for further Council review and action by the City Administrator and the Mayor. It was then reviewed on September 16<sup>th</sup> by the Finance Committee and approved for review and approval by the full Council.</p>		
<b>Recommended Action:</b>		
The City Council give approval to authorize the Mayor to contract with Washington Cities Insurance Authority (WCIA) as the City’s new insurer.		

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Award Construction Contract for Industrial Condensate Stormwater to Fishtrap	
<b>Section of Agenda:</b>	New Business	
<b>Department:</b>	Public Works	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
1) Reichhardt & Ebe Recommendation Letter 2) Bid Tabulation		
<b>Summary Statement:</b>		
<p>This phase of the Industrial Condensate Project – Stormwater Line on Depot Road to Fishtrap Creek, will construct approximately 600 feet of new stormwater improvements along Depot Road, north of the BNSF railroad tracks. Additionally, curb, gutter and sidewalks; removal of existing railroad tracks and installation of steel casing through an existing underground utility corridor will occur. This is to remove the stormwater from the industrial condensate line (to the south) and combine it with other stormwater in the same drainage basin that discharges into Fishtrap Creek. The project is expected to take 45 working days to complete once the contractor receives the notice to proceed; not counting any weather delays.</p> <p>Reichhardt &amp; Ebe Engineering determined that Faber Construction Corp. submitted the lowest responsive and responsible bid in the amount of \$431,986.03, including tax. The Engineers Estimate was \$502,562.50.</p> <p>At their September 11<sup>th</sup> meeting, the Public Works Committee concurred to recommend approval to the full City Council if the bids were responsive, reasonable and in range of the engineer’s estimate.</p>		
<b>Recommended Action:</b>		
That City Council Awards the Contract to Faber Construction Corp. for the Industrial Condensate Stormwater to Fishtrap Project in the amount of \$431,896.03, including tax, and authorizes the Mayor to sign the contract.		



September 27, 2019

City of Lynden  
300 4th Street  
Lynden, WA 98264

Attn: Mark Sandal  
Program Manager

Re: City of Lynden  
Industrial Condensate Pipeline - Stormwater to Fishtrap  
Agency Contract No. 2015-09

#### Recommendation to Award

Dear Mark Sandal,

We have reviewed all construction bid proposals for the above referenced project. Faber Construction Corporation provided the lowest responsive bid at \$431,986.03

We recommend that you award the contract to Faber Construction Corporation subject to the following:

1. Required project funds are available.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ian Hinton', with a long horizontal line extending to the right.

Ian Hinton, P.E.  
Reichhardt & Ebe Engineering, Inc.



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Mayor's Status of the 2019 Budget	
<b>Section of Agenda:</b>	New Business	
<b>Department:</b>	Finance	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>	Mayor's 2019 Budget Status Update	
<b>Summary Statement:</b>	Per statute RCW 35.33.135, in preparation for the 2020 Preliminary Budget Review on October 21, 2019 the Mayor provides the City Council with an updated status regarding the current 2019 Budget.	
<b>Recommended Action:</b>	None – Information only for the Council's review.	

# CITY OF LYNDEN



ADMINISTRATION DEPARTMENT  
Scott Korthuis, Mayor  
(360) 354 - 1170

## Memorandum

To: City Council Members  
From: Mayor Scott Korthuis  
Date: October 7, 2019  
Re: 2019 Budget Update

---

### Status Report on the 2019 Budget

**Revenues** in all major funds are projected at year end to be at the budgeted amounts. The status of the major revenue sources are as follows:

- Property Tax – the current revenue is 5% below the forecasted budget due to tax exemptions and a time lag for late collections. As the second half of the year collections come in Property Taxes are expected to finish at year end on budget.
- Sales Tax - is robust with the current revenue 7% over the budgeted amount and is estimated to finish the year 5% over budget.
- Utility Tax – the current revenue is 1% under the budgeted amount and is estimated to finish the year on budget.

The Water fund did not enact a 2019 rate increase, though the Sewer fund revenues reflect the adoption of the 2% rate increase in 2019. Both funds are robust with strong cash positions.

**Expenditures** are projected at year end to be at or below the budgeted amounts. The current expense funds are as follows:

- General Government – year to date, the current expenditures are under-running the budget by 5%, this is due to a lag in capital purchases and partial payments not yet made for the new financial software. Estimates have these expenditures catching up towards year end with the General Government finishing on budget.



## ADMINISTRATION DEPARTMENT

Scott Korthuis, Mayor  
(360) 354 - 1170

### Expenditures (continued)

- Police Department -the current expenditures are 3% under the forecasted budget due to under-runs in Administration and Capital expenditures. Expenditures are projected to catch up by year end and the department is estimated to finish on budget to as much as 2% over budget.
- Fire Department -the current expenditures are 16% under the budgeted amount due to under-runs in Fire operations and Capital expenditures. The department is estimated to finish the year on budget.
- Streets Department -the current expenditures are 12% under the budget. Capital projects throughout the Summer and early Fall will have the Streets department finishing the year closer to, but still under budget.
- Parks Department -the current expenditures are 1% under the budgeted amount. With Seasonal employment nearing an end Parks is estimated to stay steady and finish 2% under budget.
- Community Services Department - the current expenditures are 10% under the forecasted budget. As invoicing catches up through the remainder of the year it is estimated that community services will finish right on budget at year end.

Your monthly financial statements will provide you with more detailed information.

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Award Construction Contract for Pepin Creek Intercept Ditch	
<b>Section of Agenda:</b>	New Business	
<b>Department:</b>	Public Works	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
1) Reichhardt & Ebe Recommendation Letter 2) Bid Tabulation 3) Oceanside Bid Withdrawal of Proposal dated 9-17-19		
<b>Summary Statement:</b>		
<p>The Pepin Creek Intercept Ditch project will construct approximately 2,600 linear feet of channel. Five bids were received on September 5. Reichhardt &amp; Ebe Engineering reviewed the bids and Oceanside Construction, Inc. submitted the lowest bid. However, upon review it was much lower than the other bids and the engineer's estimate of \$219,000. The City formally requested Oceanside to review the details of their bid. After review and conversation with the City, Oceanside requested to withdraw their bid, as allowed per APWA / WSDOT Standard Specification 1-03.1. Staff is recommending acceptance of Oceanside's bid withdrawal request.</p> <p>Reichhardt &amp; Ebe Engineering has determined that Premium Services, Inc. is now the lowest responsive and responsible bid in the amount of \$179,965.00, not including tax. Premium Services had a math error in their bid (highlighted on the bid tab) which lowered their bid slightly, but they have agreed, in writing, to complete the project for the corrected cost based on their bid unit price.</p> <p>This project will use the remaining balance of the Federal Highway Emergency (FHWA-ER) Funds received after the last flooding event in 2008. Federal Highways, through WSDOT, has reviewed and approved awarding the contract to Premium Services.</p> <p>At their September 4 meeting, the Public Works Committee concurred to recommend approval to award to the full City Council if the bids were responsive, reasonable and in range of the engineer's estimate.</p>		
<b>Recommended Action:</b>		
That City Council accept the withdrawal of Oceanside Construction's bid and award the contract for the Pepin Intercept Ditch Project to Premium Services, Inc. in the amount of \$179,965.00, not including tax, and authorize the Mayor to sign the contract.		





September 27, 2019

City of Lynden  
300 4th Street  
Lynden, WA 98264

Attn: Mark Sandal  
Program Manager

Re: City of Lynden  
Pepin Creek - Intercept Ditch  
Federal Aid No. ER-0902(415)  
WSDOT Contract No. TA 4134  
Agency Contract No. 2010-05

**Recommendation to Award**

Dear Mark Sandal,

We have reviewed all construction bid proposals for the above referenced project. Premium Services, Inc. provided the lowest responsive bid at \$179,965.00 . Note that the low bid was adjusted due to addition errors. The bid was read as a total of \$182,515.00

Premium Services, Inc. total bid amount without tax is \$179,965.00 and they have certified \$25,500.00 toward the required DBE project goal of 11%. Using the total bid amount without tax and the certified DBE utilization, DBE subcontractors will be providing 14.1695% thereby meeting the intended DBE goal. The Certified Tabulation of Bids Received and the Bidder's Checklist are attached for your information and review.

We recommend that you award the contract to Premium Services, Inc. subject to the following:

1. Approval to award is obtained from the Washington State Department of Transportation.
2. Required project funds are available.

Sincerely,

Ian Hinton, P.E.  
Reichhardt & Ebe Engineering, Inc.

# OCEANSIDE CONSTRUCTION INC.



RECEIVED

SEP 26 2019

1511 MT BAKER HWY, BELLINGHAM WA. 98226

PHONE 360-933-1728 • FAX 360-933-4152

DBE D1M0024852

Public Works Dept.

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

September 17, 2019

Re: Pepin Creek-Intercept Ditch / Withdrawal of Proposal

Dear Sir,

As per our previous email, Oceanside is requesting to withdraw our proposal submitted for the Pepin Creek-Intercept Ditch as allowed per APWA / WSDOT Standard Specification 1-03.1

Sincerely,

Joe Baldwin, President  
Oceanside Construction, Inc.

State of Washington

County of Whatcom

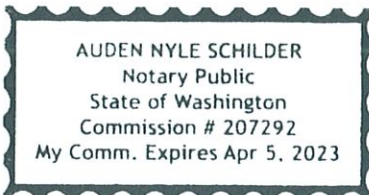
Signed or attested before me on 9/17/19 by Joseph Baldwin

(Signature of notary public)

Oceanside Construction  
(Title of office)

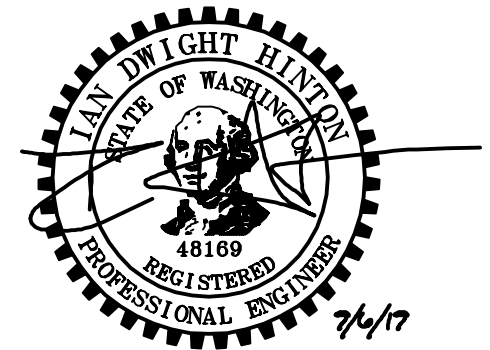
My commission expires:

4/5/2023  
(date)



Called By:		Bidder's Name		Engineer's Estimate		1		2		3		4		5		Average	Standard Deviation
For:		Address				Oceanside Construction, Inc.		Premium Services, Inc.		Williamson Construction, LLC		Stremler Gravel, Inc		Tiger Construction, LTD		(Excluding Engineer's Estimate)	(Excluding Engineer's Estimate)
By:																	
Date:																	
Item No.	Item Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount		
	CERTIFIED BID TABULATION																
	Ian Hinton, P.E.																
	September 5, 2019																
1	Mobilization	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 27,000.00	\$ 27,000.00	\$ 15,000.00	\$ 15,000.00	\$ 54,294.00	\$ 54,294.00	\$ 20,000.00	\$ 20,000.00	\$ 1,442.37	\$ 1,442.37	\$ 23,547.27	\$ 17,501.70
2	SPCC Plan	1	LS	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 4,700.00	\$ 4,700.00	\$ 3,500.00	\$ 3,500.00	\$ 500.00	\$ 500.00	\$ 559.01	\$ 559.01	\$ 1,951.80	\$ 1,794.71
3	Project Temporary Traffic Control	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 500.00	\$ 500.00	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 1,500.00	\$ 1,500.00	\$ 678.54	\$ 678.54	\$ 2,035.71	\$ 1,642.55
4	Clearing and Grubbing	1	LS	\$ 45,000.00	\$ 45,000.00	\$ 22,000.00	\$ 22,000.00	\$ 30,000.00	\$ 30,000.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 21,983.24	\$ 21,983.24	\$ 17,796.65	\$ 9,040.57
5	Removal of Structures and Obstructions	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00	\$ 6,500.00	\$ 6,500.00	\$ 5,000.00	\$ 5,000.00	\$ 55.90	\$ 55.90	\$ 3,311.18	\$ 2,255.37
6	Ditch Excavation Incl. Haul	2,550	CY	\$ 15.00	\$ 38,250.00	\$ 5.00	\$ 12,750.00	\$ 17.50	\$ 44,625.00	\$ 7.20	\$ 18,360.00	\$ 16.50	\$ 42,075.00	\$ 2.04	\$ 5,202.00	\$ 9.65	\$ 6.23
7	Embankment Compaction	2,550	CY	\$ 5.00	\$ 12,750.00	\$ 10.00	\$ 25,500.00	\$ 8.80	\$ 22,440.00	\$ 10.40	\$ 26,520.00	\$ 10.00	\$ 25,500.00	\$ 4.17	\$ 10,633.50	\$ 8.67	\$ 2.32
8	Water	50	M GAL.	\$ 40.00	\$ 2,000.00	\$ 75.00	\$ 3,750.00	\$ 70.00	\$ 3,500.00	\$ 75.00	\$ 3,750.00	\$ 10.00	\$ 500.00	\$ 99.53	\$ 4,976.50	\$ 65.91	\$ 29.79
9	Dewatering	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 1,000.00	\$ 1,000.00	\$ 7,200.00	\$ 7,200.00	\$ 10,000.00	\$ 10,000.00	\$ 6,000.00	\$ 6,000.00	\$ 137,359.95	\$ 137,359.95	\$ 32,311.99	\$ 52,604.70
10	Erosion Control and Water Pollution Prevention	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 1,000.00	\$ 1,000.00	\$ 9,000.00	\$ 9,000.00	\$ 7,500.00	\$ 7,500.00	\$ 5,000.00	\$ 5,000.00	\$ 245.96	\$ 245.96	\$ 4,549.19	\$ 3,459.33
11	Seeding and Mulching	2.00	AC	\$ 7,500.00	\$ 15,000.00	\$ 8,000.00	\$ 16,000.00	\$ 6,000.00	\$ 12,000.00	\$ 7,500.00	\$ 15,000.00	\$ 13,000.00	\$ 26,000.00	\$ 8,705.56	\$ 17,411.12	\$ 8,641.11	\$ 2,353.41
12	Topsoil Type B	1.70	AC	\$ 15,000.00	\$ 25,500.00	\$ 10,000.00	\$ 17,000.00	\$ 10,000.00	\$ 17,000.00	\$ 9,500.00	\$ 16,150.00	\$ 25,000.00	\$ 42,500.00	\$ 46,088.25	\$ 78,350.03	\$ 20,117.65	\$ 14,253.26
13	Landscape Restoration	1	EST	\$ 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	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ -
14	Repair Existing Public and Private Facilities	1	EST	\$ 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	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ -
<b>TOTAL</b>					<b>\$ 219,000.00</b>	<b>\$ 140,000.00</b>	<b>\$ 179,965.00</b>	<b>\$ 186,574.00</b>	<b>\$ 189,575.00</b>	<b>\$ 288,898.12</b>							

Denotes Mathematical Error



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Reso 1008 - Sales Tax Rebate for Affordable Housing	
<b>Section of Agenda:</b>	New Business	
<b>Department:</b>	Planning	
<b>Council Committee Review:</b>	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Resolution 1008, Fact Sheet regarding House Bill 1406		
<b>Summary Statement:</b>		
<p>Whatcom County Executive office has asked that the City of Lynden approve a resolution of intent pursuant to the State’s House Bill 1406. House Bill 1406 gives Lynden the opportunity to claim a certain percentage of the city’s gross sales tax to be applied toward affordable housing programs. This total is estimated to be \$23,000 annually if the City collected on its own. However, the Bill allows for twice that amount (\$46,000) to be refunded if the City signed its rebate over to Whatcom County. Having the County collect on the City’s behalf increases the funding but also cuts down on administrative costs associated with establishing a City-sponsored affordable housing program.</p> <p>It should be noted that the program is not an additional tax but simply a refund of some of the City’s sales tax that would otherwise go to the State.</p> <p>Whatcom County Housing Advisory Committee would be recommendations on expenditures toward existing or new affordable housing programs within the County. County Council would make the final decision for distribution. The expenditures will also be reviewed in an annual report to the Advisory Committee from the County Health Department.</p> <p>The County anticipates that legislation will be passed by the end of October. County will begin to collect by 2020 for distribution. This item was reviewed at the September CDC meeting which resulted a recommendation for approval.</p>		
<b>Recommended Action:</b>		
Motion to approve Resolution 1008 pursuant to Substitute House Bill 1406 authorizing Whatcom County to collect the City of Lynden’s portion of sales tax rebate intended for affordable housing programs and authorizing the Mayor’s signature on the document.		

**RESOLUTION NO. 1008****CITY OF LYNDEN RESOLUTION OF INTENT PURSUANT TO  
SUBSTITUTE HOUSE BILL 1406**

**WHEREAS**, in the 2019 Regular Session, the Washington State Legislature approved, and the Governor signed, Substitute House Bill 1406 (Chapter 338, Laws of 2019) (“SHB 1406”); and

**WHEREAS**, SHB 1406 authorizes the governing body of a city or county to impose a local sales and use tax for the acquisition, construction or rehabilitation of affordable housing or for facilities providing supportive housing, and for the operations and maintenance costs of affordable or supportive housing; and

**WHEREAS**, the tax will be credited against state sales taxes collected within the City of Lynden and, therefore, will not result in higher sales and use taxes within the City yet will represent an additional source of funding to address housing needs in Whatcom County; and

**WHEREAS**, the City of Lynden does not have a qualifying tax that would allow collection of said sales tax credit; and

**WHEREAS**, Lynden is therefore a non-participating city that does not impose a sales and use tax in accordance with SHB 1406; and

**WHEREAS**, Whatcom County is a participating county that has a qualifying local tax; and

**WHEREAS**, in order for a county to impose the tax, the legislative body must adopt a resolution of intent to authorize the maximum capacity of the tax within six months of the effective date of SHB 1406, or January 28, 2020; and

**WHEREAS**, in order for Whatcom County to impose the tax, the cities within the county must declare their intent not to collect the tax on behalf of their municipality; and

**WHEREAS**, the City of Lynden agrees to have Whatcom County collect the tax on behalf of its municipality;

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

1. That the City declares it will not adopt legislation at this time to authorize the maximum capacity of the sales and use tax authorized by SHB 1406; and
2. That the City authorizes Whatcom County to collect maximum capacity of the sales and use tax for them as authorized by SHB 1406; and
3. That this resolution shall take effect immediately upon its passage and adoption.

**PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, \_\_\_\_\_ IN FAVOR  
\_\_\_\_\_ AGAINST AND SIGNED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019**

---

MAYOR, Scott Korthuis

ATTEST:

---

CITY CLERK, Pamela Brown,

APPROVED AS TO FORM:

---

CITY ATTORNEY, Robert Carmichael



Substitute House Bill 1406  
Important Facts/Timelines

1. Effective date of the law is July 28, 2019
2. Local legislative authority must pass a Resolution of Intent BEFORE January 28, 2020, to take advantage of the tax rebate (0.0146% of the local sales and use tax)
3. If all seven cities decide to have the county take the tax distribution for all jurisdictions, then each of the seven cities will pass a resolution stating their intent NOT to take the tax and support the county to do so
4. Pass a county Ordinance BEFORE July 28, 2020 that
  - a. Takes the tax distribution
  - b. States the framework for how the monies will be used
5. County must inform the Department of Revenue no less than 30 days in advance of taking the tax rebate distribution
6. County will take the tax distribution in the amount that the state Department of Revenue calculates
  - a. Cannot take more in tax distribution in a given fiscal year than the Department of Revenue calculates
  - b. Can again take the tax distribution calculated at the beginning of the next fiscal year
7. County must report annually to the Department of Commerce on the collection and use of the revenue
  - a. The Department of Commerce must adopt rules prescribing content of such reports by December 1, 2019



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	September 11, 2019 Public Works Committee Meeting Minutes - Draft	
<b>Section of Agenda:</b>	Other Business	
<b>Department:</b>	Public Works	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
<b>Legal Review:</b>	<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>	Public Works Committee Meeting Minutes September 11, 2019 - Draft	
<b>Summary Statement:</b>	For review	
<b>Recommended Action:</b>	City Council Review	



# CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT  
360-354-3446



## PUBLIC WORKS COMMITTEE MEETING MINUTES

4:15 PM September 11, 2019

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

### 1. ROLL CALL

Members Present: Mayor Scott Korthuis; Councilors Gary Bode, Ron De Valois and Brent Lenssen

Members Absent: Jerry Kuiken, with notice

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

Public Present: Gary Vis, Nathan Zylstra, Pat Flannagan, Kathy Stanford

### 2. ACTION ITEMS

#### A. **Industrial Condensate Stormwater to Fishtrap – Bids Due September 26<sup>th</sup>; Request to forward Recommendation to Award Directly to City Council (October 7) if Bids are Responsive/Reasonable and in Range of Engineer’s Estimate**

Lenssen asked when construction will begin on this project. Sandal stated hopefully in November. De Valois asked whether there is a fish window to work around. Banham stated there isn't: this is only a storm drainage portion to connect the City's stormwater system to Fishtrap Creek. Sandal stated there is a stormwater permit for this project.

#### **Action**

***The Public Works Committee concurred and recommended that the Recommendation to Award the Industrial Condensate Stormwater to Fishtrap Project be forwarded to the October 7<sup>th</sup> City Council meeting for approval.***

### B. INFORMATION ITEMS

#### A. **Pepin Design Alternatives**

Mike Martin introduced the subject by stating three main points: 1) the City is not planning to construct the entire project and act as a bank; but plans to phase the project so that development pays their fair share and the City can “pay as we go” 2) a “No Build Option” will also be considered 3) staff is proposing that the three Pepin design alternatives presented in the excerpt from the R&E report, along with the “Do Nothing or No Build” option, be reviewed under the SEPA process. This process will allow the City to get comments from regulatory agencies and other interested and affected parties. This will also help identify any potentially fatal flaws with any of the options. Martin then introduced Nathan Zylstra from Reichardt and Ebe Engineering. Zylstra introduced Pat Flannagan of Indicator Engineering. Nathan, with the help of Pat explained the three

options and the phasing associated with each. The committee discussed the options including what the No Build Option should look like. Staff indicated that the No Build Option for SEPA would assume not building any of the infrastructure, but still allowing development of the UGA. The Committee discussed what would be necessary to relocate the UGA to another area and what that might require.

Korthuis supported using the SEPA process, noting that any future decisions will be based on the determination. Martin noted that staff is not asking for any decisions to be made today.

Bode asked about the stormwater requirements within this subarea. Staff replied that the development would be subject to the Department of Ecology stormwater regulations adopted by the City and that all three options presented would have a positive effect on the high groundwater; which should facilitate development. Nathan pointed out that the benefit depends on timing related to phasing of the project.

Councilman Lenson and Bode expressed support for using the SEPA Process.

The meeting was adjourned at 5:45 p.m.

DRAFT

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 16, 2019	
<b>Name of Agenda Item:</b>		
<b>Section of Agenda:</b>	Other Business	
<b>Department:</b>	Parks	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
	ES-Draft Parks Committee Minutes September 16. 2019	
<b>Summary Statement:</b>		
	See Next page	
<b>Recommended Action:</b>		
	For Council Review	



## PARKS COMMITTEE MINUTES

4: 00 PM. Sept. 16, 2019

### 1. Roll Call

**Members Present:** Ron De Valois, Mark Wohlrab, Nick Laninga

**Staff Present:** Mayor Korthuis, Mike Martin, Vern Meenderinck, Nancy Norris

**Others Present:** Nicki Turner City Council Candidate

### 2. Action Items:

#### A. **Approval of minutes from August 20, 2019**

DeValois motioned to approve the minutes, Laninga seconded the motion. **Action**  
***The Minutes from August 20, 2019 were approved.***

#### B. **YMCA lease addendum**

The YMCA lease dated Feb. 18, 1997 is automatically renewed each year unless a 120-day notice is given to terminate the lease. The YMCA agreed to pay \$50,000 as its share in the cost of resurfacing the pool, which has now been completed. In consideration of the mutual promises the parties have agreed to amend the lease to reimburse the YMCA a pro-rated amount of their share of the construction costs if the lease is terminated early.

##### **Action**

***Parks Committee reviewed the YMCA lease addendum, recommending Full City Council approval.***

#### C. **Million Smiles security options.**

a. **Ordinance for park hours (this is a must)- LP Officer Matt Torok**

b. **Lighting costs- \$1,523-Robert Patrick City Electrician**

c. **Motion camera's- \$6,530-Robert Patrick**

d. **Trail camera's -\$1,200-1,500-Mark Wohlrab**

Officer Torok also recommended the need to find out requirements for public disclosure requirements.

The Committee discussed and reviewed the security options listed.

##### **Action**

***Councilor Wohlrab Motioned: The Parks Dept. identify park areas needing security lighting and to purchase LED motion lights as a deterrent to criminal activity before it happens. Laninga seconded the motion. The motion was approved (3-0).***

***Councilor Laninga Motioned: The City Attorney write a Park Hours Ordinance. Wohlrab seconded the motion. The motion was approved (3-0)***



### 3. Information items:

#### A. **Splash Fest- a huge success. Thank Mark W and the Fire Dept.**

This event was well attended, and those who participated mentioned how they would love to see this take place again. Councilor Wohlrab would like propose to offer this event happen on a weekly basis during the summer months.

#### Action

***Wohlrab will prepare a proposal, for offering a weekly Splash event for the 2020 summer months.***

#### B. **Lynden Watch re: million smiles/reward amount raised to \$1,000 by Local citizens.** For Information only

This was discussed along with security option under Action Item C.

#### C. **Management letter regarding Parks Department from state auditor's report included** Parks is implementing new procedures to reconcile the Auditors findings.

#### D. **Pump track ideas- Kevin Rus will be attending our next meeting in Oct.to present ideas on what it the pump track might look like.**

Vern has met with Kevin and the Pump Track Community that Kevin is associated with. This group is excited to build a pump track in coordination with the rotary project. The Pump Track Community will be funding this project, as long as they stay 150ft. from the creek, no other project site study's and permits will be needed since they have been done for this area already for the Rotary project.

#### E. **Rotary project- boulder concrete bases installed.**

The boulders are to arrive and be installed next week. LTI is transporting the boulders from Colorado, they will be installed by Bode's Precast. Honcoop Gravel, Dekoster Excavating, and Stremler Gravel will be working together on excavating the sports courts. The project is developing quickly. Lighting and sports equipment have arrived.

### 4. Items added:

#### A. **Community Art Wall**

Councilor Wohlrab has done some research on the success of Community Art Walls in other towns and how its help eliminates graffiti problems in communities. Councilor Wohlrab asked the Parks Committee if he could write up a proposal to have an Art Wall at City Park.

#### Action

***Parks Committee agreed for Councilor Wohlrab to write up a proposal for a Community Art Wall.***

#### B. **Berthusen Animal Control Enforcement**

Councilor DeValois asked for an update of Animal Control Enforcement at Berthusen. Nancy reported Lynden's Animal Control Officer Johal has been visiting Berthusen Park on a regular basis and has spoken with a number of park visitors who have their dogs on or off leash. Officer Johal's presence is appreciated.

**Meeting Adjourned 4:44pm**

**Next meeting: October 21, 2019**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	CDC Minutes of 9-18-19	
<b>Section of Agenda:</b>	Other	
<b>Department:</b>	Planning Department	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Draft Community Development Committee Meeting Minutes of September 18, 2019		
<b>Summary Statement:</b>		
Draft CDC Minutes of 9-18-19 attached for review.		
Note: Attached minutes have not yet been approved by the CDC.		
<b>Recommended Action:</b>		
Council Review		



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

## COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

4:00 PM September 18, 2019  
2<sup>nd</sup> Floor Conference Room, City Hall

### 1. ROLL CALL

**Council Members:** Mayor Korthuis, Brent Lenssen, Jerry Kuiken, Mark Wohrab  
(Kyle Strengholt absent)

**Staff:** Heidi Gudde, Steve Banham, Mike Martin

**Chamber:** Gary Vis

**County Executive's Office:** Tyler Schroeder

**Community Members:** Dick Vanden Berg, Mr. Vander Haak, Cal Bratt, Kathy Stanford, Darren Johnson

### 2. DISCUSSION ITEMS

#### A. Interlocal Agreement – Housing Assistance Sales Tax Rebate

Tyler Schroeder, Whatcom County introduced himself and gave an overview of the House Bill Sales Tax Rebate and the uses for which the sales tax rebate could be used. Whatcom County, because of population, is also able to use the housing support for rental assistance. He spoke briefly about the differences in types of housing – supportive housing, rental assistance, aiding in the cost of development to keep housing costs lower.

House Bill 1406 gives Lynden the opportunity to claim a certain percentage off of the sum of gross sales tax. This total is estimated to be \$23,000 if the City collected on its own. \$46,000 could be collected if the City signed its rebate over to the County. Having the County collect on the City's behalf increases the funding but also cuts down on administrative costs. Lynden is not set up to administer affordable housing funds.

Mayor Korthuis clarified that the rebate would not cost the City additional dollars – that it is not an additional tax but simply a refund of some of the sales tax that would otherwise go to the State.

The City of Bellingham has already signed off on their rebate and will allow the County to collect. The associated resolution has already been passed by the City of Bellingham. City of Ferndale seems to be of the same mind.

Whatcom County Housing Advisory Committee make recommendations on those dollars collected. County Council would make the final decision for distribution. This would be the vehicle for getting some dollars to come back to the Lynden Community as members of the Lynden community are

represented on the Housing Advisory Committee. The Housing dollars will also be reviewed in an annual report to the Advisory Committee from the County Health Department. This represents a single document that tracks the dollars. The report is a commitment that the County is making in association with this program.

The County anticipates that legislation will be passed by the end of October. County will begin to collect by 2020 for distribution.

Kuiken noted that he sat on the Housing Committee for 6 years and felt that it was a good committee and had good representation from throughout the County. Committee noted that the rebate available to the City would quickly be used up by administrative costs of implementing and running a City housing program. Agreed the rebate would be more effective when combined with other County dollars.

Conclusion: CDC recommended that the resolution go to full Council in October. Gudde noted that the resolution was set to move forward.

## **B. Pepin Creek Design Alternatives**

Mike Martin introduced the issue. Noting that the City does not assume that the City will cover the cost of the realignment work. A financial team is reviewing what tools we can use to have development. Also emphasized that the project could only be taken on in phases. He described this as “pay as you go”.

Martin reminded the group that the first area to be developed would be that within the moratorium area which is comprised of 85 acres. The City anticipates that this would be built out at the typical rate of 100 – 120 units per year.

Vis asked about bonding capacity – another reason why the City would not undertake the project all at one time. Martin noted that the City has a relatively large bonding capacity but that would not be the reason why we would not approach the project all as one phase.

The engineering team has been wrestling with the best, most cost effective means of creek realignment but with no clear ‘best option’.

Steve Banham gave an overview of each of the engineering scenarios for the Creek realignment. Two by-pass options, one no by-pass option that includes creek ‘armoring’ in the downstream reach, and one option that is called “do nothing”. Do nothing, in this case, means undertaking no creek realignment but allowing development per the sub-area plan.



Although the scenario plans have reached a relatively detailed level the ability to permit the projects remains a somewhat unknown factor.

As a result, staff is proposing to the Council Committees that SEPA review is recommended to determine how agencies might respond. The agencies would then be formally responding to these scenarios.

Gudde noted that review agencies have seen the non-project SEPA review of the sub-area plan which assumes that a creek realignment will be completed. The creek realignment (project) SEPA will be a follow up to that non-project SEPA.

Transportation network was discussed following a question from Dick VandenBerg about alternate designs. Banham and Gudde gave an overview of a proposed arterial improvement plan that creates one diagonal arterial road rather than both Double Ditch and Benson being improved. Traditionally the sub-area plan has also assumed that Cedar and Homestead Blvd would be east / west connectors. The expense of regional roadways systems is significant. Staff has looked at reducing regional roadways and the required bridges within the sub-area plan as a means of reducing costs. The Whatcom Council of Governments ran traffic studies on the new models and found that proposed reduction was feasible.

In relation to the SEPA process, Lenssen noted that it will be critical to see the comments of agencies regarding this project.

In relation to the no-growth discussion, Banham noted that growth assumptions are important when it comes to revenue of the City.

### **C. Budget 2020 - Proposed Planning Department Fee Addendum**

CDC has seen this fee schedule before. It was reintroduced at this meeting with staff-proposed nominal increase to the current fees.

Gudde noted that some fees, as currently written, required that FRC (Final Review Costs) must be collected, but to date, these have not been collected. FRC's would include tracking staff time and charging the applicant for those hours. Gudde noted that if final review costs, including all of staff's time, were charged, the result would be much higher fees. It may, however, encourage applicants to submit more complete applications – to decrease the amount of staff time it takes to get them ready for approval.

Staff would prefer flat fees be charged. However, some applications allow the City to specifically collect legal review fees. Gudde noted that legal costs of the City as a whole are reaching nearly \$300k annually. Invoices from our legal counsel are already detailed per topic and having applicants bear this

cost seems reasonable. The down side is that legal costs would be unknown at the time of application.

CDC requested that staff revise code, if needed, to remove the requirement to collect FRC's. But, concluded that external costs, such as legal review or a consultant review, should be passed along to applicants. Internal costs -staff time- would not be passed along to applicants. Mayor Korthuis noted that if legal counsel was brought in-house then the Council would need to determine if this became an 'internal cost' or still one that would be passed along to applicants.

**D. Next Meeting Date** was October 23, 2019. Lenssen requested that this meeting be switched to a Tuesday, October 15

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 7, 2019	
<b>Name of Agenda Item:</b>	Calendar	
<b>Section of Agenda:</b>	Other Business	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: N/A
<b>Legal Review:</b>	<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>	Outlook Calendar	
<b>Summary Statement:</b>	See next page.	
<b>Recommended Action:</b>	None	

**October 7, 2019**

52

Monday

7:00 PM - 9:00 PM

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

**October 8, 2019**

Tuesday

8:30 AM - 9:30 AM

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

**October 9, 2019**

Wednesday

9:00 AM - 10:00 AM

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

4:15 PM - 6:00 PM

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

7:00 PM - 9:00 PM

**Rec. District Meeting -- Annex South East Conference Room**

**October 10, 2019**

Thursday

2:00 PM - 3:00 PM

**All Staff-Police -- Annex Council Chamber  
Police Department Hosting**

7:30 PM - 9:30 PM

**Planning Commission Meeting -- Annex Council Chamber**

**October 11, 2019**

Friday

10:00 AM - 11:00 AM

**Check-In Steve/Mike -- Mike's Office**

11:00 AM - 12:00 PM

**Check-In Heidi/Mike -- Mike's Office**

**October 14, 2019**

Monday

53

9:00 AM - 10:00 AM

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

**October 15, 2019**

Tuesday

9:00 AM - 11:00 AM

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

9:30 AM - 10:30 AM

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

4:00 PM - 6:00 PM

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

4:30 PM - 5:30 PM

Copy: Civil Service Commission meeting -- City Hall 1st Floor Large Conference Room  
We have rescheduled the October Civil Service Meeting for 10/15/19 at 4:30pm.

**October 16, 2019**

Wednesday

9:00 AM - 5:00 PM

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

2:00 PM - 3:30 PM

Wellness Committee Meetings -- City Hall 1st Floor Large Conference Room  
Please forward as needed.  
Thanks.

Pam

5:00 PM - 6:30 PM

Board of Adjustment Meeting -- Annex South East Conference Room

7:00 PM - 8:30 PM

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

**October 18, 2019**

Friday

8:30 AM - 9:30 AM

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

**October 18, 2019 Continued**

54

Friday

**October 19, 2019**

Saturday

8:00 AM - 12:30 PM

**League of Women Voters Candidate Forum (Lynden) -- Annex Council Chamber**  
Hello Heather:

As we discussed today, (6/14/2019) please pick up the Annex key sometime on Friday (10/18) afternoon.

Someone will walk over to the Annex with you and show you where to turn on the sound system. When the meeting is finished and the Annex is locked up you can drop the key in the drop box located on the side of the building closest to Main Street or you can return it first thing Monday morning.

City Hall opens at 8:00 a.m. and closes at 5:00 p.m.

Please don't hesitate to reach out to me for any other assistance.

Thank you.

Pam

Pamela (Pam) D. Brown, MMC, CPRO | City Clerk

City of Lynden

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

Direct: (360) 255-7085 | Email: [brownpa@lyndenwa.org](mailto:brownpa@lyndenwa.org)

*Our Vision: Cultivating Exceptional Service for Our Extraordinary Community*

*We Value: Communication – Teamwork – Community – Excellence – Integrity*

**October 19, 2019 Continued**

Saturday

**October 21, 2019**

Monday

**3:00 PM - 4:00 PM**

**Finance Committee Meeting -- City Hall 1st Floor Large Conference Room**  
Visit [WWW.LYNDENWA.ORG](http://WWW.LYNDENWA.ORG) to view the agenda

**4:00 PM - 5:00 PM**

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

**7:00 PM - 9:00 PM**

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