CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT
360-354-3446

SPECIAL CITY COUNCIL MEETING MINUTES
(Public Works Committee with Quorum)

4:15 PM June 5, 2019

City Hall 2nd Floor Large Conference Room

1. ROLL CALL

Members Present:	Mayor Scott Korthuis; Councilors Gary Bode, Ron De Valois, Jerry Kuiken and Brent Lenssen (who joined the meeting at about 5pm)
Staff Present:	City Administrator Mike Martin; Public Works Director Steve Banham; Programs Manager Mark Sandal; and Admin. Assistant Lori Jilk
Public Present:	For Item 3B: Ron Hansen and Tim Kuiper; Gary Vis

2. ACTION ITEMS

A. Approve Public Works Committee Minutes from April 3, 2019
DeValois motioned to approve the Public Works Committee minutes, and Kuiken seconded the motion.

Action
The minutes from April 3, 2019 were approved.

B. Proposed Variance to City Design and Development Standards for Water Hookup 1501 E Badger- Layne and Lori LLC (Brennick- Thirsty Badger Tap Room at Northwood Market)
Banham explained to the Committee that currently Layne Brennick has a $12,000 bond in place to construct approximately 150-feet of 8-inch watermain on Northwood Road in Lynden for future service to the Northwood Market. Brennick has asked how he can have the bond released without performing the waterline extension at this time.

Banham explained that one way to release the bond is to initiate a variance to City Design and Development Standards for Water Hookup, conditioned on Brennick signing an agreement to construct and pay hookup fees once the waterline is extended, sign a promissory note and a deed of trust recorded against the property.

Action
The Public Works Committee concurred and recommended approval to the full City Council of a Variance to City Design and Development Standards for a future Waterline Extension and Hookup at 1501 E Badger Road, along with a Promissory Note and Deed of Trust.

C. **Recommendation to City Council (July 1st) to Award Contract for Old Water Treatment Plant Demolition**
Banham stated that the Invitation for Bid for this project is currently being advertised. The pre-bid meeting, held on May 23, 2019 occurred with good contractor attendance. An Addendum was issued May 28, 2019 which addressed grinding of the recycled crushed concrete and time allowed for the option of a delayed start of work until September. This was requested by some contractors due to current projects that have in-water work requirements. The new date for bid opening is June 13, 2019 at 1:00 p.m.

To avoid project delay, staff is requesting authorization to forward the bid tabulation and recommendation to award directly to the full City Council for approval on July 1st.

Action
The Public Works Committee concurred and recommended that staff forward the recommendation to award contract for the Old Water Treatment Plant Demolition directly to City Council on July 1st, 2019 for contract award.

D. **Resolution to Set Public Hearing for 17th Extension Project Right of Way Vacate**
Banham presented a Resolution to set a date to hold a Public Hearing in July for a potential street vacation of the current Right of Way for the 17th Street extension. Banham explained that property owner Marina Timmermans and the City agreed to exchange the vacated right of way for a similar easement of equal value that would be located just west of the easement being vacated.

Action
The Public Works Committee concurred and recommended that staff forward the Resolution to Set a Public Hearing date in July for the 17th Street Extension Project Right of Way Vacate to the full City Council for approval.

E. **Recommend Approval of Right of Way Grant & Real Property Exchange Agreement between Marina Timmermans and City**
Banham presented this agreement to the Committee along with the proposed Right of Way vacation. The Real Property Exchange Agreement is between Marina Timmermans and the City and establishes a new right of way that is 8-feet west of the right of way to be vacated. The shift allows for better development of the Timmermans parcel; which abuts the right of way.

Action
The Public Works Committee concurred and recommended that staff forward the Approval of the Right of Way Grant & Real Property Exchange Agreement between Marina Timmermans and the City to the full City Council for approval.

3. INFORMATION ITEMS

A. **Northwest Washington Fair Impact Fees for New Building Permit**
Banham stated that the Transportation Impact Fees associated with the new building permit for the Northwest Washington Fair office building are approximately $14,000.00 and are due at the time of temporary occupancy. At this time this represents just the fees associated with a larger footprint on the new exhibit building. There are plans for some tenant improvements later (after the fair) to create office spaces which would require additional impact fees (net any other buildings being demolished).

B. Request from Ron Hanson & Tim Kuiper for Easement for Proposed New Mural Building Project - Letter of Support from Downtown Lynden Business Association

Developers Ron Hanson and Tim Kuiper spoke to the Committee about their proposed construction adding two floors (6 residential units) to the current "Mural Building" located at 610 Front Street.

Hanson and Kuiper have support from the Downtown Lynden Business Association and have already met with the Community Development Committee. Banham pointed out that they have come today to see if there's support for a 10 foot - No Build Easement along the west side of the property to protect the 135-foot mural on the side of the building and to allow for a more attractive design for the western side of their building. Hanson and Kuiper showed their architectural concepts for construction. The City would need to agree not to build on the eastern 10-feet of what is currently the 7th Street Public Parking Lot. The Committee discussed the fact that this property was purchased by the downtown business community and donated to the City to be used for parking. The City is planning to improve the lot with the 7th Street Reconstruction Project this year and there are no plans to build structures on the lot. Bode pointed out that a parking structure would be prohibitively expensive.

The Committee expressed support for the easement to protect the mural and allow for new construction above to be architecturally appealing.

The Committee also discussed parking requirements. The current zoning requires 1 parking space for each of the six units, but there is only room for three spaces at the back of the building. They agreed to continue discussions about parking.

Hanson and Kuiper are working with Planning to create a parking proposal that could be a pilot program for the downtown area. This would be a more formal process similar to what was done with the Inn at Lynden. This would be forwarded to Council in the future.

C. Discuss Building Permit Enforcement Tools and Penalties: i.e. Working Without a Permit and Issuing Occupancies (Temporary and Final)

Banham stated that the Planning and Public Works Departments are working together to review the City's enforcement tools for expired Temporary / Conditional Certificates of Occupancy. The review includes other code violations as well, such as clearing land or construction without obtaining a permit, exceeding limits of critical areas mitigation study or inconsistent work with an approved floodplain management plan. Although rare, Banham stated these types of violations have occurred within the last 24 months.

Banham stated that currently the City has a municipal code which allows for enforcement of these types of violations; but does not have a set process stating how to go about the enforcement. Staff is working with the City Attorney to organize a process addressing what violations would be cited, corrected and penalized. A more structured time frame and a stop-work process will be included in the update(s)

D. Projects:

1. Pepin ER Emergency Response Plan (ERP) and Public Meeting

Banham presented the Pepin (Double Ditch) Basin Flooding Emergency Response Plan (ERP). The purpose is for the City to establish and use procedures during flooding events within the Pepin Creek Basin (Double Ditch and Benson Road areas north of Main Street).

Banham stated that FHWA-ER funding (awarded in 2009) has been used to acquire property within the basin, which allows for construction of the new emergency intercept ditch system (between Double Ditch and Benson roads). This channel is designed to intercept the drainage from Double Ditch and flows toward Benson during flood events. This new system directs overflow to Main Street to prevent Benson Road and private property from flooding.

The plan has been sent to WSDOT for comments. Also, the City is required to hold a public open house regarding the Pepin ERP and it is being scheduled for later in June.

2. Lummi Nation Memorandum of Understanding for WWTP Outfall Mitigation

Banham presented a Memorandum of Understanding Between the Lummi Nation and the City that defines shoreline mitigation for the Sewer Outfall project. The mitigation is for the required placement of riprap along the shoreline and around the discharge piping, protecting the pipe from possible damage.

As a condition of the Army Corps of Engineers Nationwide permit for construction of the outfall, and because there was not a good place on City property to mitigate, the City agreed to contribute to another project performing shoreline enhancement on the Nooksack River, called the Porter Creek Restoration Project (a joint project between the Nooksack Salmon Enhancement Association and the Lummi Nation). The Porter Creek Project, upstream from the new WWTP outfall construction, involves removing a berm, which realigns the Nooksack shoreline and strengthens efforts to restore the habitat of salmon species.

Banham explained that the City will contribute funds (as mitigation) in the amount of $6,300.00 to the Porter Creek Project as part of the expense for the new outfall.

3. Wastewater Treatment Plant Outfall

Banham stated that a preconstruction meeting with Strider and BHC was held last week to discuss details of the project. Strider plans on working five 10-hour days per week. The in-water work must be completed before the end of the "Fish Window" which ends on September 30th.

4. Old Elevated Water Tank (Old Middle School Property) Soil Remediation- Small Works Roster Project

This project will remove and dispose of the old water tank foundations, contaminated soil and abandoned water lines at the old Middle School property. There will be restoration of chain link gates and fences, parking lots, topsoil replacement and lawn seeding.

Sandal stated that seven contractors were selected from the City's Small Works Roster and sent an invitation to bid which is due June 18th. A pre-bid conference will be held on June 6th and the project is estimated to be complete by the end of 2019.

5. **South Guide Meridian Pump Station Project**
   Banham stated that a License to Enter Property agreement has been signed with Fishtrap Creek LLC (James Clay) for exploratory work, including land survey, cultural resource investigation, geotechnical investigation, appraisal and environmental site assessment. All this to determine the feasibility of building a City pump station at the site, as that property and the surrounding properties do not have access to gravity sanitary sewer.

E. Electric Vehicle Charging Station- 7th Street

The Committee discussed allowing an electrical vehicle charging station and potential locations for the station(s). Bode stated that future discussions are needed regarding who would provide the power, and who would maintain and be responsible for the station(s) as he doesn't believe the City should pay for the upfront or ongoing cost of the station.

The Committee agreed that the parking lot at 7th and Front Streets would be an ideal location for a charging station. However, at this time the use of City funds for a station should not occur.

F. Discuss Ordinance RE: Streamlining City Council items

Banham presented a draft Ordinance for the Committee to consider which would pre-authorize approval of expenditures for goods and services in the City's final adopted annual budget, rather than having to seek City Council approval separately if the amounts did not exceed what is budgeted. The Council would still be able to review these expenses on a quarterly basis. The Committee discussed which items they would still like to have brought back to City Council and the pros and cons of that approach. No final decision was made at the meeting.

The June 5, 2019 Special Council Meeting was adjourned at 5:50 p.m.

Lori Jilk, Administrative Assistant

Scott Korthuis, Mayor