



## PUBLIC WORKS COMMITTEE MINUTES

4:00 PM February 3, 2021  
Microsoft Teams Virtual Meeting  
City Hall 2<sup>nd</sup> Floor Large Conference Room

### 1. ROLL CALL

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

Staff Present: City Administrator Mike Martin; Public Works Director Steve Banham, Programs Manager Mark Sandal, Sr. Admin. Assistant Miriam Kentner

Public Present: Gary Vis, Tom Perkow, Laura McLaughlin, Derek Pell, Dave Olson, Ron Hansen

### 2. ACTION ITEMS

#### A. **Proposed Revision to Lynden Municipal Code - Water Project Design Standards**

Banham presented the proposed revisions to Chapter 13.08 of the Lynden Municipal Code as a result of adopting the 2021 Engineering and Development Design Standards on December 21, 2020.

At the City Council meeting on February 1, staff set a Public Hearing of February 16 to review comments on the Code changes.

#### **Action**

***The Public Works Committee concurred and recommended approval of the proposed revisions to Lynden Municipal Code Chapter 13.08 by City Council at the February 16 regular meeting.***

#### B. **Recommendation to City Council to Award Bid for Public Works Shop - Stormwater Decant Facility**

Bids for the Stormwater Decant Facility were opened on January 28, 2021. There was a total of ten bidders. Colacurcio Brothers Construction Company, Inc is the lowest responsive and responsible bidder with a bid of \$1,188,649.94 including Washington State Sales Tax. The engineer's estimate was \$1,278,867.02 (including sales tax).

#### **Action**

***The Public Works Committee concurred to recommend that City Council award the bid for the Stormwater Decant Facility to Colacurcio Brothers***

#### C. **Water Service to Kon Tree Aire Apartments**

The State Department of Health has asked the City, in the interest of public health, to supply water to Kon Tree Aire Apartments on Birch Bay Lynden Road. Kon Tree Aire Apartments' water system is currently contaminated with nitrates and other agriculture byproducts and under a consent decree with the Department of Health. The Department

of Ecology has recommended the City apply for a temporary change of use for 20-acre feet of the 70-acre feet EDB water right based on OCPI (overriding considerations of public interest). The City would be reimbursed by Kon Tree Aire Apartments for all its costs. Representatives of the Department of Ecology has also met with tribal officials, explained Dave Olson, who represents Kon Tree.

**Action**

***The Public Works Committee concurred to recommend that staff proceed with an application to Ecology that would add the Kon Tree Aire Apartments as a temporary user of the EDB water right and as an outside City limits customer.***

**D. 17th Street Latecomer Deed Notices**

Staff is seeking a recommendation from the Committee to forward the Notices of Assessment for city sidewalk improvements and for water and sewer utility improvements to Council. The costs assessed would be due at the time of development.

**Action**

***The Public Works Committee concurred to recommend forwarding the 17<sup>th</sup> Street Latecomer Deed Notices to City Council for approval.***

**3. INFORMATION ITEMS**

**A. 7<sup>th</sup> Street Parking Lot issues**

**1) Fire Exit Door – Mural Building**

Ron Hanson, owner of the Mural Building at 610 Front Street is asking for approval to install a five-foot exit door in the wall displaying the Mural on 7<sup>th</sup> Street. This exit door is required because Mr. Hanson is planning to remodel the first floor of the building into a restaurant. Mr. Hanson stated that his architect has identified that a second egress is required to meet building code, for the type of commercial remodel he is planning. He is proposing a door would need to open on to a five-foot-wide landing to satisfy current fire access and egress codes. The Committee supported trying to find a viable solution that would allow the remodeling to meet code requirements. Staff suggested that the original agreement for use of the parking lot and the no-build easement would need to be reviewed to determine how best to address this required access. The Committee also expressed concern that the access door be coordinated carefully with the mural so that it blends into the mural. Mr. Hanson indicated that he is working closely with the mural painters.

**2) Temporary Seasonal Outdoor Seating in Parking Lot**

Hanson also asked for temporary use on an “on trial basis” to set up tables for dining (about 3 parking spaces) in the parking lot at 7<sup>th</sup> Street on weekends (Friday night thru Sunday night) in July and August 2022. Bode expressed concern that the use of the public parking lot could set a precedent. Vis stated he would like to make sure it does not impact the Northwest Raspberry Festival that usually occurs in mid-July. It was mentioned that this would require a Special Event Permit.

Hanson also mentioned he will be joining a future Community Development Committee meeting to discuss the plans and seek their input as well.

**3) Power supply panel access**

Staff indicated that the power supply panel to the 7<sup>th</sup> Street parking lot (for lighting and event use) is located next to the Mural building at the northernmost parking space. The panel installation meets code requirements, but there is the possibility

that a car's bumper could hit the panel. Sandal suggested a bollard could be installed in front of the Power Supply Pole for safety reasons. The Committee discussed whether a bollard or wheel stop would be best and ended up settling on the bollard.

**B. 2020 Public Works Accomplishments**

Banham briefly presented the 2020 Public Works Accomplishments, noting that 2020 was a very productive year, despite COVID-19 limitations.

**C. DOE Grants**

- 1) Banham presented the grant agreement for the Managed Aquifer Recovery Storage project (\$4.7M to be used through 2025) and is planning to bring the finalized agreement to the Mayor for signature. The Committee noted that this one of the largest if not the largest grant received by the City in its history.
- 2) Banham also noted that the City is on the draft list with the Department of Ecology to receive stormwater grant funding for two other City projects if approved by the state legislature during the 2021 session: Judson Street LID Phase 1 – 8<sup>th</sup> Street and alley between 7<sup>th</sup> and 9<sup>th</sup> (\$214,986 Loan / \$644,959 Grant - \$859,945 Total)
- 3) NWWA Fairgrounds Stormwater Low Impact Development (\$660,224 Grant)

**D. PROJECT – Industrial Condensate Pipeline, Including CIPP and Manholes**

Banham has stated that the permit is still on hold waiting for additional signatures.

**E. PROJECT – Jim Kaemingk Trail - Depot to 8th Street**

The Committee discussed the Jim Kaemingk Trail and staff is continuing to work on design, land acquisition and on preparing application materials for SEPA and shoreline permits for this trail extension.

**F. PROJECT – Guide Meridian Pump Station**

Banham stated that staff is meeting with property owners to discuss the easements required for this area. The 90% design submittal is expected soon. Staff is also coordinated with the Planning Department and the City Attorney on the developer agreement with the Stuitts that will be coming to City Council, which includes connection easements to connect to this new pump station.

**G. PROJECT – Foxtail Street Extension**

The plat has been approved, which dedicated the right-of-way to the City. Staff is working on a latecomer agreement for cost reimbursement for curb, gutter, sidewalk, sewer, and water, similar to the 17th Street latecomer agreement. Banham stated this project is scheduled to go out to bid on February 17, 2021 with bids due on March 4. The intent is to award the bid at the March 15, 2021 City Council meeting.

**NEW BUSINESS**

**1. Vector Waste Renewal Option with City of Bellingham**

Banham advised the Committee that a renewal memorandum to the Interlocal Agreement with the City of Bellingham for the use of their Vector Waste Facility will be brought to the next City Council meeting which extends this as an option for vector waste disposal through December 31, 2021.

**Action**

The Public Works Committee concurred to recommend to the City Council approval of the City of Bellingham Interlocal agreement (#2016-0221) extending the rates for use of their Vactor Waste Facility through December 31, 2021.

**2. Covid-19 Reporting information**

Vis brought up the Covid-19 reporting information and how the data is being shared. The committee encouraged the Mayor and the Chamber of Commerce to provide current wastewater testing results and to promote community safety.

The meeting was adjourned at 5:28 p.m.