

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT

Main Number: (360) 354-3446



Public Works Committee Meeting Agenda

City Hall - 300 Fourth Street

4:00 PM July 07, 2021

Call to Order

Action Items

- 1. Approve Minutes from June 09, 2021**
- 2. Community Center Parking Lot Access Easement Agreement (Wes Herman - Upper End LLC)**
- 3. Kode Kamp and Kamm PRD**

Information Items

4. Project Funding Results

State Transportation Block Grant: The Transportation Technical Advisory Group Committee recommended a grant of \$800,000 to the City for Benson Road improvements from Sunrise Drive to Badger Road. The WCOG Executive Board meets on July 14 to formally approve the funding.

Ecology Stormwater Grants: The Northwest Washington Fairgrounds (\$660,224 grant) and 8th Street (\$644,959 grant / \$214,986 loan at 1.2%) projects have been selected for funding.

5. Kon Tree Aire Apartments Water Supply Update

Draft Report of Examination for Lynden's application (S1-29376) to supply water to Kontree Apartments with EDB water right has been posted to the Ecology website.

6. Water Usage During Heat Wave

See attached chart for water usage year-to-date.

7. Wastewater In-Line Testing for COVID Ending

Contract ends July 31, 2021. No further extensions are planned.

8. Website Updates

Stormwater Management

Transportation Benefit District-funded projects

Cross Connection Control

Various Other Improvements

9. PROJECTS

Managed Aquifer Recharge

Industrial Condensate Outfall

Fire Station Renovation: Paving to occur Thursday, July 8th.

West Front Street

10. Street-Bonded Project Work Session

The Mayor is proposing to discuss with the Public Works Committee at their August meeting. This will potentially be a Special City Council meeting.

Adjournment

Next Meeting: August 4, 2021

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT

Main Number: (360) 354-3446



Public Works Committee Meeting Minutes

Microsoft Teams Virtual Meeting

City Hall - 300 4th Street

4:00 PM June 09, 2021

Call to Order

Roll Call

Members Present: Mayor Scott Korthuis, City Administrator Mike Martin, Councilors Gary Bode, Ron De Valois and Jerry Kuiken

Staff Present: Public Works Director Steve Banham, Planning Director Heidi Gudde, Programs Manager Mark Sandal, Sr. Admin. Assistant Miriam Kentner

Public Present: Gary Vis, Henry Bierlink (representing the Bertrand and North Lynden WIDs and Ag Water Board)

Action Items

1. **Approve Minutes from May 5, 2021**

Kuiken motioned to approve the minutes and De Valois seconded the motion.

Action:

The minutes from May 5, 2021, were approved.

2. **Interlocal Agreement with Bertrand and North Lynden Water Improvement Districts (WID)**

Banham introduced an Interlocal Agreement which addresses cost sharing between the City and the Bertrand and North Lynden Water Improvement Districts (WIDs) to investigate drainage issues in the City's northwestern industrial and commercial land (Berthusen Road and Main Street vicinity) and in the Bertrand drainage (west of Berthusen Road). Gudde explained that the City has recently started discussions with the WIDs and surrounding agricultural businesses on drainage and possible collaboration to address drainage.

Banham informed the Committee that staff recently applied for a Port Small Cities Grant to help with funding preliminary stormwater investigations in the West Lynden area. Bierlink, representing the WIDs and farmers in the area, expressed concerns about drainage in the area and the impact on the agricultural industry. He stated a collaborative process is needed to look at the drainage. Bierlink discussed the Willamette Partnership out of Oregon that can act as a facilitator for joint solutions and that has funding needing to be spent in Washington.

The Committee discussed the Port Grant that would include survey work and necessary preliminary drainage investigation.

Action:

The Public Works Committee concurred and recommended that staff continue to collaborate with the Bertrand and North Lynden Water Improvement Districts and local farmers on the details of an Interlocal Agreement (ILA) with Bertrand and North Lynden Water Improvement Districts. The final draft of the ILA will be taken to City Council for approval unless substantial changes are made to the draft presented at this meeting, in which case the ILA will be returned to the Public Works Committee for review and approval.

3. **Traffic Impact Fees (TIF) for Pepin Creek Overlay area**

Banham presented an updated project list from the Transportation Plan for City-wide transportation improvements. The Pepin Creek Project is included in this list. This updated list will be used to calculate the Traffic Impact Fees (TIF) needed to complete the improvements within the Pepin Subarea. He also included three TIF options to fund necessary Pepin Creek transportation needs. Gudde explained the three TIF options which include 1) a single Citywide TIF assessment, 2) a combination of City-wide and Pepin specific TIF, and 3) Another combination with a Pepin Creek Overlay TIF (90%) and City-wide TIF that includes 10% contribution. The Committee concurred on Option 3 at this time. They also discussed having the new City-wide TIF rates take effect January 1, 2022 and including provisions for annual COLA increases.

Gudde informed the Committee that other issues related to impact fees associated minimum density of development will be reviewed at the Planning Commission on Thursday, June 10th and by the Community Development Committee meeting on Wednesday, June 16th.

Action:

The Public Works Committee concurred on Option 3 as being most consistent with previous agreement to have most of the Pepin transportation infrastructure costs be paid for by the development to occur in that subarea.

4. **Vinup Road Street Striping Reconfiguration**

Banham presented an exhibit showing the areas on Vinup Road where staff thought the center turn lane striping could be removed. Bode explained the need expressed by residents for street parking on Vinup Road. The Committee reviewed the proposed changes and felt the low traffic volumes warranted the reduction in left turn protection for the benefit of additional street parking. This restriping would also likely increase traffic calming. Left-hand turn lanes would be retained at Bridgeview and Aaron Drives. The center-turn strip would also be preserved from Aaron Drive north to Badger Road as there are no street facing residences in that section to benefit from the minimal increase parking that could be provided.

Action:

The Public Works Committee concurred and directed staff to proceed with the center turn lane revisions with this summer's restriping as shown on the exhibit.

5. **Crosswalks on Depot Road at Apple Valley Apartments and Vinup Road at Edgewater Lane**

Banham explained that staff has installed ADA ramps at Apple Valley Apartments on Depot Road and on Vinup Road at Edgewater Lane. The Committee discussed whether crosswalks should be installed as previously requested. Although the Public Safety Committee expressed concern about crosswalks, Banham stated that these long and busy north-south streets have few crossings. Citizens have requested pedestrian crossings that allow both vehicles and pedestrian to see where slower pedestrians will be crossing. The Committee discussed the need for a similar crossing on Main Street at 17th Street which was mentioned at Public Safety. This would also help highlight the

existence of the new street extension and the sidewalks that connect to the new trails near Fairway Center.

Action:

The Public Works Committee concurred and directed staff to 1) install of crosswalk markings on Depot Road at the Apple Valley Apartments and on Vinup Road at Edgewater Lane, and 2) investigate installing ramps and crosswalk markings on Main Street at 17th Street.

6. Request for Crosswalk – Across Bradley Road at Bradley Meadows Lane

Staff received a request for a crosswalk on Bradley Road at Bradley Meadows Lane, citing increased pedestrian traffic to and from the high school due to the increased residential housing in the area. The Committee reviewed the proposed crosswalk exhibit. Banham stated that a pedestrian improvement grant is planned for submittal to the Transportation Improvement Board later this summer. These funds would be used to install a sidewalk on the north side of Bradley Road. He stated at this time it would be best to delay the installation of a crosswalk until the projects receiving TIB grant awards are announced.

Action:

The Public Works Committee concurred to recommend that staff proceed with the application for a Transportation Improvement Board grant for pedestrian improvements on Bradley Road and to delay the installation of a crosswalk at Bradley Meadows Lane until there is more certainty on possible grant funding of those improvements.

7. Sidewalk Use Code Amendment

Staff presented proposed revisions to the City's Sidewalk Obstruction Ordinance. The revisions were in response to the request for additional outside seating by Overflow Taps at the Public Works Committee meeting on May 5th. Additional revisions were discussed, including suggestions from Gary Vis that were based on his understanding of past downtown concerns.

Action:

The Public Works Committee concurred to recommend that staff finalize the Sidewalk Obstructions Code Amendment and bring a final draft to the next Public Works Committee meeting for review.

8. Request for Speed Bump on Aaron Drive near Oak Street – Mark West – 2203 Oak Street

Mark West, resident of 2203 Oak Street, emailed staff requesting that a speed bump be installed on Aaron Drive near Oak Street, citing concerns about speeding in this area. The Committee briefly discussed the policy of not putting speedbumps on public streets.

Action:

The Public Works Committee concurred that speed bumps should not be installed and recommended that this also be forwarded to the Police Department for possible increased patrols and speed trailer deployment.

Information Items:

9. Grant Application Update

- 1) West Front Street was approved by the EDI Board. Staff will present to Whatcom County Council on June 15th.
- 2) Benson Road (Sunrise Drive to Badger Road) application for an STBG grant was presented to

TTAG requesting \$800,000. Scoring occurs in mid-June and the application will then be forwarded to the Transportation Policy Board on July 14th. This project is scheduled to be coordinated with the planned WSDOT construction of a compact roundabout in 2023.

10. Forge Fitness Lease Amendment for old YMCA

Korthuis reviewed the proposed Forge Fitness Lease Amendment which increases the reimbursement for renovation to a maximum of \$250,000 per year upon approval by City Council. Particular attention was given to the other provisions within the contract that provide for City Staff and Council oversight and approval of renovations. The older condition of this facility and the cost-effective improvements already accomplished through this private partnership were discussed. Mention was also made of the recent escalation of building material costs.

11. PROJECT - Stormwater Decant Facility

The pre-engineered building is scheduled to be delivered on August 20th. Staff is reviewing a change order for work to construct a waterline creating a loop along the western side of the City shop property from Badger Road south to the new line constructed by the new development on their southern property line.

12. PROJECT - Guide Meridian Pump Station #17

The Committee discussed the status of the Guide Meridian Pump Station project. Banham explained the new commercial property landowner has questions on the placement of the pump station and integration with their property plans. This project is now on hold pending development plans for commercial/mixed-use property coordination with the Pump Station site and likely will be constructed in 2022.

13. PROJECT - Jim Kaemingk Sr. Trail Gap - Depot Road to Main Street

Sandal stated that the SEPA has been submitted. Once the SEPA is complete, the shoreline permit will be submitted. The design is 60% complete.

Adjournment: The meeting was adjourned at 5:40 p.m.

Next Meeting: July 7, 2021

After recording return document to:

City of Lynden
Planning Department
300 4TH Street
Lynden WA 98264

DOCUMENT TITLE:
LICENSE AGREEMENT FOR PARKING

REFERENCE NUMBER OF RELATED DOCUMENT:
N/A

GRANTORS:
CITY OF LYNDEN, a municipal corporation

GRANTEES:
UPPER END, LLC

ABBREVIATED LEGAL DESCRIPTION:
Insert legal description
ASSESSOR'S TAX PARCEL NUMBER(S):
Insert tax parcel number(s)

LICENSE AGREEMENT FOR SHARED PARKING

THIS LICENSE AGREEMENT FOR SHARED PARKING (“Agreement” or “License”) is made and entered into this ____ day of _____, 2021, by and between the City of Lynden, a municipal corporation organized under the laws of the state of Washington (“City” or “Lynden”) and Upper End, LLC, organized under the laws of the state of Washington (“Upper End”) (together, “Parties”).

WHEREAS, the Vision Statement for the City Comprehensive Plan promotes cooperation between business owners, citizens and city officials to encourage economic vitality in the City; and

WHEREAS, the City Downtown Development Plan calls for economic enhancement of the Historic Business District of Lynden by encouraging diversity and mixed uses, improving

economics for business owners, encouraging joint public/private partnerships, making the Historic Business District attractive to visitors, and increasing the community's tax base; and

WHEREAS, Upper End is in the process of redeveloping 110 5th Street in the downtown Historic Business District; and

WHEREAS, the existing building has five (5) angled parking spaces on the north side of the building which are partially on 110 5th Street and partially on the City Community Center Parking Lot which have historically been used for parking by the 110 5th Street business; and

WHEREAS, the City owns the parking lot which is used mostly reserved for Community Center patrons but has also historically allowed these spaces within the lot to be used by the occupant of 110 5th Street and accessed from the parking lot driveway access; and

WHEREAS the Parties desire to provide for mutual parking for the various uses of their respective properties identified herein; and

WHEREAS, the City owned property burdened by this Agreement consist of the five angled parking stalls depicted on Exhibit A, attached hereto (collectively, "City Parking Property"); and

WHEREAS, the Upper End property benefited by this Agreement is identified and legally described on Exhibit B, attached hereto ("Upper End"); and

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

NOW THEREFORE IN CONSIDERATION of the mutual benefits to them, the Parties come now and agree as follows:

1. Grant of License. The City grants Upper End a license for purposes of ingress, egress, and nonexclusive possession for automobile parking purposes in the five City designated parking spaces at the City Community Center Parking Lot ("License"). The rights set forth in this License for non-exclusive use of the City Community Center Parking Lot does not guarantee such parking will be available at any given time, particularly during special events, nor does it provide

Upper End the right to remove or cause the removal of vehicles parked at the City Community Center Parking Lot. The License shall be terminable or revocable only as set forth herein and shall be assignable by Upper End only as set forth herein.

2. Scope. The scope of the License is to allow Upper End patrons to park in these five designated parking spaces within the City Community Center Parking Lot.

3. This License shall be granted for two consecutive ten (10) year terms provided that termination shall occur only upon at least one (1) year prior written notice by the City. Following expiration of the second ten (10) year period, the License may be terminated at any time following provision of one hundred eighty (180) days prior written notice.

4. Indemnification. Upper End shall fully indemnify and hold the City harmless from any claims, losses, liabilities, damages, and expenses (including reasonable attorney's fees) arising out of ingress, egress, use or occupation of the City Community Center Parking Lot by an owner, employee, guest, invitee of a guest, agent, contractor, or subcontractor of the owner or operator of the Upper End Property or by any person doing business with the Upper End Property or other commercial or non-profit tenant located at the Upper End Property.

5. Insurance. Upper End shall maintain, at its own expense, for the benefit of itself and the City, insurance against liability for property damage or loss and against liability for personal injury or death, arising from acts or omissions of Upper End, its owners, agents, subcontractors, employees, guests, invitees of guests or person doing business with the Upper End Property or other commercial or non-profit tenant located at the Upper End Property. Prior to the commencement of this Agreement, Upper End shall deliver to the City certificates or binders evidencing the existence of the insurance required herein. Such policy or policies shall name the City as an additional insured and shall contain a provision whereby the City must receive at least thirty (30) days' prior written notice of any cancellation or reduction in Upper End insurance coverage. In addition, should Upper End be notified or have reason to expect a termination or cancellation action by its insurance company, Upper End will provide the City with at least thirty (30) days advance written notice. Any reduction or cancellation in the coverage or limits shown here, or any failure to provide proof of the required insurance or to timely provide the notice required herein shall constitute a material breach of this Agreement and cause for termination.

Upper End shall possess the following insurance with coverage amounts not less than as specified below:

<u>Type</u>	<u>Amount</u>
Worker's Compensation	Statutory
Professional Liability	\$ One Million (errors and omissions) (On a claims-made, annual aggregate basis)
General and Excess Liability	\$ One Million per occurrence/ \$ Two Million aggregate

6. Non-Waiver of Breach. Failure of either Party at any time to require performance of any provision of this Agreement shall not limit such Party's right to enforce such provision, nor shall any 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.

7. Governing Law and Venue. Any dispute arising out of this Agreement shall be governed by the laws of the State of Washington. Venue shall be in Whatcom County Superior Court.

8. Attorney's Fee and Costs. In the event of any cause of action or litigation arising out of an alleged breach of this Agreement, the prevailing Party shall be entitled to recover its reasonable attorney's fees and costs from the other Party.

9. Modification in Writing. This Agreement may not be modified or amended except by the written agreement of the Parties.

IN WITNESS WHEREOF the parties hereto have executed this Agreement at Lynden, Washington, Whatcom County.

CITY OF LYNDEN:

UPPER END

By _____
Its _____

By _____
Its _____

EXHIBIT A
CITY PARKING PROPERTY

401 Grover Street: Parcel Numbers 400320 262330 and 400320 254328

The northwesterly 94 feet of lots 1 and 2; the easterly 29 feet of the southerly 56 feet of the northerly half of Lot 2; and the northerly half of lots 3, 4 and 5 all of Block 11 of the Supplemental and corrected Plat of Lynden, as per the map thereof recorded in Book 3 of Plats, Page 48, in the Auditor's office of Whatcom County, Washington. Being within Section 20, Township 40 North, Range 3 East of W.M.

EXHIBIT B
UPPER END PROPERTY

The south half of Lots 1 and 2 in Block 11 of the Supplemental and corrected Plat of Lynden, as per the map thereof recorded in Book 3 of Plats, Page 48, in the Auditor's office of Whatcom County, Washington. Being within Section 20, Township 40 North, Range 3 East of W.M.

Applicant	Application Number	Project Title	Score	Rank	Project Category	CWSRF Standard Loan	CWSRF FP Loan	Loan Term	Loan Interest Rate	SFAP Grant	Centennial Grant	Section 319 Grant	Total Funding
Water and Land Resources Division	KCWLRD-00069	Protection and Restoration			Source Activity								
Kitsap County - Public Works	WQC-2022-KiCoPW-00008	Sewer Utility Facility Plans	848.5	34	Wastewater Facility	\$2,753,682	\$0	20	1.2%	\$0	\$0	\$0	\$2,753,682
Kitsap County - Public Works	WQC-2022-KiCoPW-00077	Kingston Regional Stormwater Treatment Facility	849.5	33	Stormwater Facility	\$0	\$0	N/A	N/A	\$760,784	\$0	\$0	\$760,784
Kittitas city of	WQC-2022-CiKitt-00128	City of Kittitas Benton Street Lift Station Improvements	853.0	30	Wastewater Facility	\$624,000	\$31,000	20	1.2%	\$0	\$0	\$0	\$655,000
Kittitas County - Valley Event Center	WQC-2022-KiCVEC-00089	Kittitas Valley Event Center Sweeping Program	630.0	117	Stormwater Activity	\$0	\$0	N/A	N/A	\$168,279	\$0	\$0	\$168,279
Lands Council the	WQC-2022-LandCo-00049	WRIA 55/57 Restoration through BDAs/PALS, Buffers, and Outreach/Education	798.0	60	Nonpoint Source Activity	\$0	\$0	N/A	N/A	\$0	\$0	\$249,225	\$249,225
Lands Council the	WQC-2022-LandCo-00050	Hangman Creek Watershed Riparian and Wetland Restoration	785.0	66	Nonpoint Source Activity	\$0	\$0	N/A	N/A	\$0	\$0	\$220,950	\$220,950
Liberty Lake city of	WQC-2022-LibLak-00132	City of Liberty Lake Stormwater Master Plan.	719.5	99	Stormwater Facility	\$0	\$0	N/A	N/A	\$167,568	\$0	\$0	\$167,568
Lincoln County Conservation District	WQC-2022-LiCoCD-00042	Lincoln, Palouse, and Adams CD BMP partnership and Regenerative Ag Project	784.5	67	Nonpoint Source Activity	\$0	\$0	N/A	N/A	\$0	\$498,366	\$0	\$498,366
LOTT Clean Water Alliance	WQC-2022-LOTCWA-00018	Biological Process Improvements Construction	917.5	5	Wastewater Facility	\$11,500,000	\$0	20	1.2%	\$0	\$0	\$0	\$11,500,000
Lummi Indian Business Council	WQC-2022-LuInBC-00079	Lower Fobes Phase 2 Restoration Project, South Fork Nooksack River	906.5	8	Nonpoint Source Activity	\$0	\$0	N/A	N/A	\$0	\$490,208	\$0	\$490,208
Lynden city of - Public Works Department	WQC-2022-LyndPW-00002	Judson Street Downtown LID Demonstration Project - Phase 1	708.5	103	Stormwater Facility	\$214,986	\$0	20	1.2%	\$644,959	\$0	\$0	\$859,945
Lynden city of - Public Works Department	WQC-2022-LyndPW-00001	Northwest Washington Fairgrounds - Stormwater Improvement Project	726.0	96	Stormwater Facility	\$0	\$0	N/A	N/A	\$660,224	\$0	\$0	\$660,224
Marysville city of - Public	WQC-2022-MaryPW-	Phase II Downtown Stormwater Treatment	806.5	51	Stormwater Facility	\$0	\$0	N/A	N/A	\$2,637,395	\$0	\$0	\$2,637,395

[Water Resources Home](#) > [Water Right Information](#) > [Water Right and Water Right Change Reports of Examination](#) > Northwest Region Draft Reports of Examination - View and Comment

Northwest Region Draft Reports of Examination - View and Comment

Draft Reports

The following Reports of Examination have been recently drafted and released for comments by Ecology. You can view the draft Report and decide if you would like to comment.

The comment deadline identifies the last day comments will be accepted for the related draft report of examination.

You can comment using the on-line comment form, or in writing. If you are sending in a written comment, please include the Draft Report of Examination Number and your contact information. The written comment must be received at the Regional Office by the comment deadline.

- [Regional office addresses for written comments](#)

If you wish to comment on more than one decision, please do so separately for each decision.

Northwest Region		
Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom counties		
Provide comments using the online form – you will need to know the Draft Report of Examination Number you are commenting on.		
Northwest Regional Office 15700 Dayton Ave. N Shoreline, WA 99205 425-495-3917 Attn: Ria Berns		
Comment Deadline	View Draft Report of Examination	County
July 23,2021	S1-29376 Draft Report of Exam for City of Lynden , Draft Report of Examination released for comment June 23,2021	Whatcom
July 29,2021	G1-28878 Draft Report of Exam for US Golden Eagle , Draft Report of Examination released for comment June 14,2021	Skagit

2021 Daily Water Use & Storage (in Millions of Gallons)

**Daily water use data taken 07:30 - 07:30; Reservoir storage data taken at 07:30; Reservoir storage reaches higher levels before 07:30 during peak summer irrigation months*

