

RESOLUTION NO. 1001

A RESOLUTION APPROVING CITY OF LYNDEN USE OF STATE REVOLVING FUND (SRF)
LOAN NUMBER WQC-2018-LYNDPW-00044 FOR ENGINEERING
DESIGN AND ACQUISITION FOR PEPIN CREEK/DOUBLE DITCH CREEK REALIGNMENT –
SHORELINE STABILIZATION

WHEREAS, the Department of Ecology, a Washington state Agency, has established a State Revolving Fund (SRF) for providing financial assistance for municipal work; and

WHEREAS, the City of Lynden applied for SRF Loan and Centennial Grant funding to finance engineering design of the Pepin Creek Double Ditch Realignment – Shoreline Stabilization; and

WHEREAS, the City has received a twenty-year loan offer of \$2,402,593 at a 1.5% interest rate from the SRF along with \$500,000 in Centennial Grant funds and desires to participate in these funding programs; and

WHEREAS, the Washington State Department of Ecology (WSDOE) requires the governing body to approve the scope of work and the use of SRF Loan Funds for that work;

WHEREAS, real property purchased using WSDOE Water Quality Combined Funding is subject to limitations on future uses consistent with the conservation purposes of that funding and the eligibility criteria of the Funding Guidelines State Fiscal Year 2018. Intended uses may include restoration, invasive species control, bank stabilization, infrastructure removal, public access management, and education activities.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Lynden, Whatcom County, Washington that:

Section 1: The City of Lynden City Council does hereby authorize and approve the use of a Department of Ecology (DOE) SRF Loan to finance the acquisition of two properties along Double Ditch (Pepin) Creek and complete engineering design of the system needed to reduce flow into the Creek south of Main Street to protect it from erosion and further authorizes the Mayor to enter into a loan agreement with DOE for this work and take other such action as necessary and relevant to the SRF Loan Program.

Section 2: The City agrees that the use of SRF funds for property acquisition places restrictions on future uses of the property consistent with the conservation purposes for which the property was acquired and the eligibility criteria of the Funding Guidelines State Fiscal Year 2018. These restrictions will be more specifically identified in a Deed of Right granted to the State of Washington through the Department of Ecology which must be recorded on those properties acquired with these funds. Intended uses may include restoration, invasive species control, bank stabilization, infrastructure removal, public access management, and education activities.

Section 3: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this code and each section, regardless of whether any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if for any reason this Resolution is declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 4: This Resolution shall be in full force and effect on _____, 2019.

**PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF ____ IN FAVOR AND
____ IN OPPOSITION, AND SIGNED BY THE MAYOR THIS ____ DAY OF _____,
2019.**

Mayor Scott Korthuis

ATTEST:

City Clerk Pam Brown

APPROVED AS TO FORM:

City Attorney Bob Carmichael