



PUBLIC WORKS COMMITTEE MINUTES

4:00 PM May 3, 2023

City Hall 2nd Floor Large Conference Room

CALL TO ORDER

Members Present: Councilors Gary Bode and Ron De Valois

Members Absent: Mayor Scott Korthuis, Jerry Kuiken with notice

Staff Present: Public Works Director Steve Banham; Programs Manager Mark Sandal; and Sr. Admin. Assistant Jessica King

Public Present: Gary Vis, Carlos Becerra, Lesa Kroontje, Chad Gooding, Joel VanderHoek, Doug Jay, John Mercer, Gary TeVelde

ACTION ITEMS

1. Approve Minutes from April 5, 2023

DeValois motioned to approve the minutes and Bode seconded the motion.

Action

The minutes from April 5, 2023, were approved.

2. Landfill Lease Amendment - Carlos Becerra

Banham presented a copy of the original agreement between the City of Lynden and Carlos Becerra and explained that the highlighted portions were the sections that Becerra was requesting to have revised. Becerra currently pays \$12,000 per year with a ten-year lease signed in 2018.

Becerra mentioned that the name of the LLC has changed to Bay-Lyn Storage LLC. Banham said the changes need to be reviewed by the City attorney regarding the name change requirements.

Becerra is interested in mini storage primarily, with the possibility of including a solar farm with roof-mounted solar panels that feed electricity back into the grid. These types of projects require a 30-to-50-year commitment.

Becerra said he was advised to request a 30-year minimum lease due to the large financial investment he intends to make on the property. These investments will also benefit the City in the long term. The Committee discussed lease term alternatives including a 20-year lease with the option of two 10-year extensions.

Bode expressed concern about the lease rate and taking into account future inflation for a long-term lease. Becerra said that he's comfortable including provisions for inflation.

Banham said that the plan for that property needs to take into consideration differential settlement as the property was formerly a landfill, and suggested to Becerra to have the Committee review his business proposals before they give final approval of the lease updates. Becerra said that preparing plans will cost him \$10,000 to \$15,000, so Banham suggested that he provide the Committee with a business plan before proceeding.

Bode asked if this would be a staffed property and Becerra said that it would be, but there would also be camera surveillance.

Action

The Public Works Committee recommended that the proposed lease changes be forwarded to the City Attorney for review. The Committee also requested that Becerra provide them with more details regarding his business plan.

3. Berthusen Water Association Wholesale Water Supply Agreement

Banham distributed the most recent draft of the Berthusen Water Association Wholesale Water Supply Agreement. The two attorneys were able to reconcile the class designation and other updates regarding future water right adjudication. Banham recommends that the Committee accept the changes and forward the agreement to City Council for approval. The Water Association and their attorney were agreeable to the most recent changes made by the City's attorney.

Action

The Public Works Committee concurred to forward the Berthusen Water Association Wholesale Water Supply Agreement to City Council for approval.

4. Request to Transfer Stormwater Credits from VanZanten Property to Premier Packing

Banham presented Resolution 23-1067 which details the proposed process to transfer stormwater credits in the West Lynden Stormwater Drainage Facility. Premier Packing presented a site map showing the parcel that would like to transfer stormwater credit from (VanZanten) and the property that Premier Packing is looking at developing on Curt Maberry Road. The transfer is being evaluated by the city's engineer. The Resolution provides the process, if both parties are agreeable, by which a transfer can be completed. Premier Packing is interested in using the pond because of high groundwater on their site. On-site detention would use too much land.

Bode asked what is being requested of the Committee at this time. Banham said that staff need the Committee's consent with the stormwater transfer concepts presented in the Resolution that would allow for this transfer and any other future transfers. These transfers are meant to facilitate development that is ready to proceed.

DeValois asked if the overall capacity of the pond is being changed. Banham said it is not, just who is using it.

Jay and Gooding both said this will be a helpful addition for the development and growth of their business on a national scale, which will also be a benefit to the City.

Kroontje asked if future transfers will be approved by the Public Works Director rather than the Council. Banham said that is the process that is detailed in the Resolution.

Action

The Public Works Committee concurred to forward Resolution 23-1067 Establishing the Policy for Transfer of Unused Stormwater Credits in the City's West Lynden Stormwater Drainage Facility to City Council for approval.

5. Stormwater Vault Maintenance

Banham said Lion's Gate Planned Residential Development (PRD) was approved by the Planning Commission. Subsequent to that approval, the engineer is proposing the installation of an underground stormwater vault instead of fat pipes. Banham noted that the fat pipe design is difficult because of other utilities, particularly sewer, in the PRD. Lion's Gate PRD has asked staff how they would like to see the long-term maintenance of the vault performed (Homeowner's Association (HOA) or City staff). Banham explained that the City does not have the staff to clean and maintain a stormwater vault of this size and would have to contract for those services. Staff consulted other cities in Whatcom County to see how they were handling these requests. Most are placing the responsibility for long-term maintenance on the HOA. Because this vault would also handle public streets' runoff, this responsibility must be clearly identified through a separate agreement. Both the long-term maintenance and the requirement to include public streets need to be recorded with the plat to alleviate any questions about future liability and responsibility.

Bode asked if this vault would be below the groundwater level. Sandal said that it would, and the design process is taking this into consideration. There will be a private neighborhood park area above the stormwater vault, also expected to be maintained by the HOA.

The concern is how to ensure that there would be continued maintenance. Bode commented that taxpayers City-wide should not be paying for stormwater maintenance of this scale in a specific development. The Committee agreed the homeowner's association should be responsible.

DeValois asked if this project includes private streets. Banham said this project involves both public and private streets.

Action

The Public Works Committee recommended staff work with the City attorney to draft the agreements needed for private stormwater maintenance on this plat.

INFORMATION ITEMS

6. Downtown Restroom Security Follow-Up

Security cameras are being researched by the Police and Parks Departments.

7. Lead and Copper Service Line Inventory Required by Dept. of Health by October 2024

Staff is developing an action plan to comply with the Department of Health's (DOH) new guidelines that municipalities develop an initial inventory of service lines that meet the Lead and Copper Rule Revision (LCRR) requirements. This information is due to DOH by October 16, 2024.

8. Water Quality Results Fishtrap and Double Ditch from Whatcom County Health

Banham presented the water quality results for Fishtrap and Double Ditch Creeks.

9. Title VI Annual Report Completed

Banham explained the details of the Title VI requirements, noting that staff submitted the 2022-2023 report on May 1st.

10. 2022 Consumer Confidence Report

Banham presented the correct Water Quality Report for 2022, noting that the QR codes direct people to the report in Punjabi and Spanish on the City's website.

11. South 6th Street Sewer Line Cured In Place Pipe (CIPP) Before and After

Banham presented the before and after photos of the South 6th Street Sewer Line CIPP, noting that the pipes have helped to ensure better flow. The Committee was pleased with the work that had been done.

12. Downtown Parking Options

Banham presented the concept of a "single loaded" parking design (one-way, single row of stalls on left and right) for Judson Alley. The design would be similar to the one at Bender Fields. This design would add approximately 45-50 parking spaces downtown.

Sandal asked if business employees would use it. Vis said business employees would.

13. Projects Update

The Committee reviewed the list of current projects. Banham noted that the City received a grant for Bradley Road. Vis asked about funding for the Community Center renovations. Banham explained that this new funding from the State adds \$309,000, so total funding for renovations is approximately \$900,000.

NEW BUSINESS:

14. Westview Plat Hockey and Basketball Sports Court – North of Isom Elementary School

Banham stated that there was a request to maintain the sports court. He said the City Public Works Staff clean it but don't re-stripe it. Staff will talk to the Parks Department about re-striping this parklet.

15. WSDOT Guide Meridian Culvert Replacement Schedule

Banham said this WSDOT project is scheduled for the end of summer 2023 with both a north and a southbound detour route. The project will probably require four days of full road closure. Bode suggested that staff talk to Whatcom County for a temporary three-way stop at the intersection of Birch Bay Lynden Road and Berthusen Road.

ADJOURNMENT: The meeting was adjourned at 5:50 pm.

NEXT MEETINGS:

Special Council Meeting May 24, 2023 (WWTP Maintenance Building Discussion)

Regular Meeting June 7, 2023