



## **PUBLIC WORKS COMMITTEE MINUTES**

4:00 PM April 5, 2023

City Hall 2<sup>nd</sup> Floor Large Conference Room

### **CALL TO ORDER**

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

Members Absent: Jerry Kuiken, with notice

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

Public Present: Gary Vis, Bill Stoelt, Tom Martin, Eric Kilcup, Thomas Schatte, Shane Bajema, Mary Lou Childs, John Mercer, Dakota Stranik, Lesa Kroontje

### **ACTION ITEMS**

#### **1. Approve Minutes from March 8, 2023**

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

##### **Action**

***The minutes from March 8, 2023, were approved.***

#### **2. Duffner Mobile Home Park - Front Street Improvements**

Banham summarized the amendment to the existing Duffner Mobile Home Park agreement for right of way and conditional use permit requirements.

Kroontje, representing Duffner Mobile Home Park, said that the agreement addresses the two concerns that they were most interested in: adding additional units and clarifying street improvement requirements. She was concerned about the agreement being confusing regarding the conditional use permit requirements. She suggested that the current amendment makes it difficult to enforce the road condition requirements at a later date, but they would accept the amendment changes.

##### **Action**

***The Public Works Committee concurred to recommend forwarding the Duffner Mobile Home Park - Front Street Improvements Amendment to City Council for approval.***

#### **3. Schedule Public Works Committee Meeting for May 24**

Banham explained that he would like to schedule a second Public Works Committee meeting for May 24. The Committee discussed making this a Special City Council Meeting to have the opportunity to introduce the full City Council to the Design-Build

contract and economics for the Wastewater Treatment Plant Maintenance Building project. The meeting will be used to discuss the number of storage bays and their potential use.

**Action**

***The Public Works Committee concurred and recommended that staff schedule a Special City Council Meeting for May 24 to review the Design-Build contract and schedule for the Wastewater Treatment Plant Maintenance Building before bringing it to City Council for approval on June 5<sup>th</sup>.***

**4. Six Year Transportation Improvement Plan (STIP 2024-2029) to May 15 City Council Meeting to Set a June 5 Public Hearing Date**

Banham briefly discussed an overview of the Six Year Transportation Improvement Plan (STIP 2024-2029). Banham noted that it did include Judson Street, Garden Drive pedestrian, and the FASST Planning Grant.

**Action**

***The Public Works Committee concurred to recommend forwarding the Six Year Transportation Improvement Plan (STIP 2024-2029) to the May 15 City Council Meeting to set a June 5 Public Hearing Date.***

**5. Extend Interlocal Agreement with Whatcom County Rural Library District for Additional Ten-Year Term**

Williams said the City attorney drafted an extension to the Interlocal Agreement with the Whatcom County Rural Library District. Williams further explained that the only changes were to the insurance provisions to increase them to meet the requirements of the City's insurer.

**Action**

***The Public Works Committee concurred to recommend forwarding the Interlocal Agreement with the Whatcom County Rural Library District to City Council for approval.***

**6. Request to Bring Jim Kaemingk Sr. Trail - Depot to 8th Bids Directly to April 17 City Council Meeting**

Sandal said that there has been good interest in this project and bidding opens on April 6 at 1:00 p.m. This will also be presented to the Parks Committee for review on April 17<sup>th</sup>. [Note: Bids were opened and the bid tabulation was forwarded to Public Works Committee on April 11.]

**Action**

***The Public Works Committee concurred to recommend forwarding the Jim Kaemingk Sr. Trail - Depot to 8th bid directly to the April 17 City Council Meeting for approval upon review by the Public Works Committee.***

**7. Berthusen Water Association Wholesale Water Supply Agreement**

Banham gave a small introduction to the changes and discussion that had been made with the City attorney regarding the Berthusen Water Association Wholesale Water Supply Agreement. He noted that the attorney added the following provisions to the agreement: fire flow, groundwater right transfer, and curtailment under water right adjudication or other flow restrictions.

Kroontje said that although she appreciates the effort by Public Works staff to move this agreement forward, the Berthusen Water Association is not comfortable with the all the markups and changes.

She stated there needs to be clarification on three issues:

1. The way in which water rights works and the annexed rights gets turned over to the City (due to agricultural users),
2. Monthly maximum water use (annual versus monthly) due to significant fluctuations during the year due to agricultural use.
3. The term of the agreement being 25 years versus 60 years.

She requested a few more weeks to edit the agreement with the Berthusen Water association with the hopes of having this addressed before the end of June. Kroontje said a redline copy will be provided to Banham and the City attorney's office.

**Action**

***The Public Works Committee concurred to delay forwarding this agreement to City Council until these issues can be resolved.***

**8. Lynden Farmers Market Request to Use 4th Street Parking Lot Use During Raspberry Festival**

Banham introduced Dakota Stranik, representing the Lynden Farmer's Market. Banham explained that on the Lynden Farmers Market's special event application, there was a request to use the 4<sup>th</sup> Street parking lot in addition to Centennial Park or relocate to the Library parking lot during the Raspberry Festival. Banham said that the Raspberry Festival already has authorization to use Centennial Park and the 4<sup>th</sup> Street parking lot. The Library has control of their parking lot, so the Farmers Market would have to get an agreement from them to use their parking lot during the Raspberry Festival.

Stranik explained that the market is expanding and that's why she was hoping they could use the 4<sup>th</sup> Street parking lot in addition to Centennial Park. They are talking with the Library about their parking lot.

Stranik asked if the City offers a recurring permit instead of having to re-apply every year. Williams stated that annual renewals are required. Bode explained the need to be consistent when giving special events to private businesses.

**Action**

***The Public Works Committee advised the Farmers Market that they would not be able to use Centennial Park or the 4<sup>th</sup> Street parking lot during the Raspberry Festival during the City Council's commitment to the Festival. They recommended checking with other sources for event space during the Raspberry Festival. The use of the 4<sup>th</sup> Street parking lot would be on a case-by-case basis on a separate application.***

**9. Downtown Restroom Security**

Bode explained that one of his customers came to him to let him know that he had experienced some unsavory business propositions in the men's restroom during the day recently. Bode proposed that a security camera be installed outside the restroom area. Korthuis asked who would maintain the security camera records.

Williams explained that the camera records are accessible by law enforcement. Currently there is plain clothes policeman monitoring the restroom area. Williams is working with the police chief on this matter. Camera access can be made public or kept for law enforcement purposes.

**Action**

***The Public Works Committee concurred to have staff work with the Police Department to obtain an estimate of the cost of security camera(s) to be located by the downtown restrooms.***

**INFORMATION ITEMS**

**10. Airport Related Development on Benson Road**

Bode introduced Mary Lou Childs and Shane Bajema. Bajema presented a layout for 14 hangar homes on the five-acre property just north of the Runway Safety Area on the west side of Benson Road. To do this, he would need to create a taxiway across Benson Road. A gating system would need to be installed for the airplanes to cross Benson Road, similar to a pedestrian or railroad crossing. Martin added that crossings like this are at Merrill Field in Alaska and in Vancouver, B.C.

Bajema pointed out the opportunity for business growth related to his development.

Bajema wants to utilize the runway safety area for stormwater, recognizing that standing water will not be acceptable because it attracts waterfowl. This would need to be addressed in a development agreement along with the crossing.

Korthuis asked if houses could be built on the south side of the runway safety area. Bajema explained that houses would need to be built outside the runway safety zone.

The Committee expressed interest in the proposal and looks forward to reviewing the development agreement.

**11. Downtown Stormwater NPDES Phase 2 Annual Report Submitted Online submission completed March 29, 2023**

**12. Projects Update**

The Committee reviewed the current projects. Banham said a ribbon cutting is being planned for Friday, April 14 for the Main Street Bridge completed project.

**NEW BUSINESS:**

**13. Rustlers' Front Street Grill Proposed Outdoor Dining Area – 405 Front Street**

Schatte is requesting to use one parking space next to the gravel area on their property for outdoor dining. They would like to add outdoor dining on the east side in the 4<sup>th</sup> Street right-of-way along with an upgrade to the building's façade. Vis said that there is an increased demand for outdoor dining.

Bode asked how an agreement would be written, and staff said use of the parking space could be similar to what was done on the 7<sup>th</sup> Street parking lot for the Newsroom Pub.

The Committee expressed support, but also requested more detail from Rustlers’.

**14. Cedar Drive Neighborhood Meeting Update**

Committee members asked how the Cedar Drive neighborhood meeting went. Staff described the meeting and creation of a list of questions and answers provided to the neighborhood. The Committee requested a copy.

Staff also mentioned that materials for that meeting are available on the City’s website.

**ADJOURNMENT:** The meeting was adjourned at 6:03 pm.

**NEXT MEETING:** May 3, 2023

DRAFT